

**City Council Regular Session  
May 11, 2015**

The City Council of the City of Elizabeth City met in regular session on Monday, May 11, 2015 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Pro Tem Anita Hummer  
Councilwoman Jean Baker  
Councilman Ray Donnelly  
Councilman Tony Stimatz  
Councilman Michael Brooks  
Councilman Kem Spence  
Councilman Darius Horton

MEMBER ABSENT: Mayor Joe Peel  
*(Clerk notation: One 4<sup>th</sup> Ward Seat Currently Vacant)*

OTHERS PRESENT: City Manager Rich Olson  
City Attorney Bill Morgan  
Finance Director Sarah Blanchard  
Planning Director June Brooks  
Chief Eddie Buffaloe  
Electric Department Superintendent Karl Clow  
Assistant to the City Manager Angela Cole  
Public Utilities Director Paul Fredette  
Fire Chief Larry Mackey  
IT Director Matthew Simpson  
Inspections Director Stanley Ward  
City Clerk Vivian White

The City Council regular session was called to order by Mayor Pro Tem Anita Hummer at 7:00 p.m. Mayor Pro Tem Hummer welcomed everyone to the meeting and recognized Rick Lowery to give the invocation, after which she led the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

Mayor Pro Tem Hummer called for any adjustments to and approval of the agenda.

Councilman Michael Brooks requested to add “elections” and “chain of command” to the agenda.

Councilman Darius Horton requested to add “community relations” to the agenda.

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker, to approve the agenda with any necessary**

**adjustments. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried.**

**2. Statement of Disclosure:**

The City Clerk read the Statement of Disclosure. No conflict of interest disclosures regarding items listed on the agenda were made.

**3. Proclamation:**

a. Proclamation for 2015 National Public Works Week

Mayor Pro Tem Hummer read and presented a proclamation declaring the week of May 17-23, 2015 as “National Public Works Week” in the City of Elizabeth City. The proclamation called upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contribution that public works officials make every day to our health, safety, comfort, and quality of life. The proclamation was accepted on behalf of the Public Works Department by Ricky Wells. Mr. Wells thanked the City Council for the recognition and expressed the pride of the department’s employees in providing the services they do for the citizens of Elizabeth City.

**4. Comments from the Public:**

Susan Neal Matousek, 2337 Plantation, Virginia Beach, Virginia stated that she cares deeply about the Americans with Disabilities Act. She said that she is not violent or disruptive. She stated that the letter she received from the City Manager that day that banned her from City facilities was offensive and fraudulent because she had not been disruptive while in City facilities. She said that police officers had not been responsive to the complaints she had made about domestic violence and harassment reports. She stated that she would not tolerate further discriminatory behavior by City staff.

Larry Gibson, 101 Betty Drive, Elizabeth City, NC expressed that he had a problem because the City had closed his American Legion Post for 10 ½ months. He stated that Mayor Peel had written an affidavit against the American Legion and he wanted an explanation for the allegations made by the Mayor in his statement. He said that he had not heard anything from the Mayor’s Office regarding the good things the American Legion has done for the City, only the bad things. He reported that the American Legion had given over \$80,000 during the past five years for charitable causes. He said that everything the American Legion makes, it “gives back.” He stated that he thought the American Legion was trying to do all it could do to help the community. He pointed out that a statement in the Mayor’s affidavit was that “the only thing on the mind of the owner of the American Legion is making money.” He stated that was not a fair statement because there was no “owner;” but there were 180-some members who are all owners. He stated that this situation had torn him up inside for a year to know that this was going on. He said that during the court hearing on the case, he felt the Mayor should have testified regarding his affidavit. He said that all the charges made in the Mayor’s sworn affidavit never happened. He asked how the City Council members

could allow the Mayor to do something like this and suggested that the City Attorney should have been consulted. He requested that the City Council “get together with the Mayor” and get back with him and provide some answers.

Deborah Lynn, 513 Magnolia Street, Elizabeth City, NC stated that she was seeking support from the Council to correct a “weatherization mistake.” She reported that her home was a historic, 1945-era cottage that was built strong and sturdy. She stated that during the weatherization work performed on her home by the City, her attic floor was removed, which necessitated her now having to wear a hat in the house. She stated that her request was to have her attic flooring replaced. She advised that she had written to the City’s Energy Officer without response; and after waiting an additional two months, she wrote to the City Manager, who responded promptly but with an unsatisfactory answer. She stated that the City Manager had offered to remove all the weatherization work performed if she was not happy, which would tear her home up once again. She stated that she felt the work was very shoddy. She said that she would appreciate the Council’s support in recovering the damages made.

## **5. Approval of Minutes:**

Mayor Pro Tem Hummer called for the Council’s pleasure regarding approval of the minutes.

a. City Council Work Session of April 27, 2015:

**Motion was made by Councilman Darius Horton, seconded by Councilwoman Jean Baker, to approve the Council Work Session minutes of April 27, 2015. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.**

b. City Council Regular Session of April 27, 2015:

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Darius Horton, to approve the Regular Session minutes of April 27, 2015. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried unanimously.**

## **6. Consent Agenda:**

Mayor Pro Tem Hummer recognized City Manager Olson to read the items on the Consent Agenda for the record. Mr. Olson recommended approval of all items, as follows:

### **Beginning of Consent Agenda:**

a. Item recommended for approval by the Finance Committee:

1. Consideration – Authorization for City Manager to enter into a Construction Inspection and Administration Services Contract with Hyman & Robey in the amount of \$49,000 for the Greenway Trail Project.
- b. Consideration – Adoption of the following Resolution approving the Elizabeth City 2012 Local Water Supply Plan.

**RESOLUTION #2015 – 05-01  
APPROVING LOCAL WATER SUPPLY PLAN**

**WHEREAS**, North Carolina General Statute 143-355 (I) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

**WHEREAS**, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Elizabeth City, has been developed and submitted to the Elizabeth City City Council for approval; and

**WHEREAS**, the Elizabeth City City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (I) and that it will provide appropriate guidance for the future management of water supplies for the City of Elizabeth City as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan, as required by statute.

**NOW, THEREFORE, BE IT RESOLVED**, that the Local Water Supply Plan entitled “Elizabeth City Water System 2012 LWSP”, is hereby approved by the City Council of the City of Elizabeth City and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Elizabeth City intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

**ADOPTED**, this the 11<sup>th</sup> day of May 2015.

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Joseph W. Peel  
Mayor

**ATTEST:**

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Vivian D. White, CMC/NCCMC  
City Clerk

**End of Consent Agenda.**

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Ray Donnelly, to approve the Consent Agenda as presented. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried.**

**7. Regular Agenda:**

a. Consideration – Cancellation of Two Budget Work Sessions:

Mayor Pro Tem Hummer recognized Mr. Olson to provide the background for this request. Mr. Olson explained that the City Council had approved a Budget Work Session calendar on February 23, 2015. He stated that to date, the initial presentation had been provided to the Council and the Finance Committee had received presentations on both the General Fund and the Enterprise Funds. He said that due to actions and/or inactions of the General Assembly, the City's budget process was at a standstill until better direction is provided regarding certain fiscal actions at the state level. He stated that the Finance Committee had discussed this issue and made a recommendation to cancel the May 18 and May 21 budget work sessions to wait for additional guidance from the legislature. He said that the Finance Committee had also recommended that an updated budget discussion be held for the full Council during the regularly scheduled May 26, 2015 Council Work Session.

Councilman Donnelly commented that the Council would be expected to call for a public hearing on the budget during that meeting. Mr. Olson responded in the affirmative.

**Motion was made by Councilwoman Jean Baker, seconded by Councilman Ray Donnelly that the Council cancel the budget work sessions scheduled for Monday, May 18, 2015 and Thursday, May 21, 2015 at 5:30 p.m. and direct the City Clerk to advertise same on the City's website, bulletin board and by notice to the Sunshine List. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried.**

b. Consideration – Recommendation to Pasquotank County Board of Commissioners Reappointment of Councilwoman Jean Baker to the Tourism Development Authority:

Mayor Pro Tem Hummer asked if there were questions by the Council concerning this matter. Hearing none, the following motion was entered.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Michael Brooks to recommend to the Pasquotank County Board of**

**Commissioners that Councilwoman Jean Baker be reappointed as the City Council representative on the Tourism Development Authority for a two-year term expiring on June 30, 2017. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried.**

- c. Consideration – Call for a Public Hearing to gather public input on the Adoption of an Ordinance Approving Asset Purchase Agreement:

Mayor Pro Tem Hummer recognized Mr. Olson to provide the background for this consideration. Mr. Olson stated that City staff's request is for the Council to call for a Public Hearing during which the Council will gather input on the number of different agreements requiring approval for the asset sale to Duke Energy Progress to move forward. He stated that those agreements include the Asset Purchase Agreement, Full Requirements Power Purchase Agreement, Debt Service Support Contract, Full Requirements Power Sales Agreement and the Power Sales Agreement Termination Agreement. He reminded the Council that on May 14, 2015, representatives from ElectriCities and Cauley & Pridgen would be present for a Special City Council Meeting to do a formal presentation on this matter to the City Council and the public. He stated that the City Council had already participated in an in-depth overview of the documents during a previous Special Meeting closed session held in March with the City's outside legal counsel. He stated that the upcoming Special Meeting is being held to educate the general public.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly to call for a Public Hearing to be held on Tuesday, May 26, 2015 at 7:30 p.m. in City Council Chambers for the purpose of receiving public input on the adoption of the (attached) ordinance regarding the asset purchase agreement. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried.**

Councilman Stimatz requested a point of clarification and stated that when the Council refers to "asset purchase agreement" the inference is for all documents related to the sale.

- d. Consideration – Adoption of Resolution in Support of Governor McCrory's Connect NC Bond Initiative:

Mayor Pro Tem Hummer recognized Mr. Olson to provide information regarding this matter. Mr. Olson stated that Governor McCrory has instituted a bond initiative for consideration by the Legislature and the citizens of North Carolina entitled the "Connect NC Bond Initiative." Mr. Olson reported that the initiative is two-pronged: one for road improvements and one for infrastructure improvements. He stated that the Council had received a copy of a letter of support for the initiative written to Governor McCrory by Mayor Peel. Mr. Olson advised that Elizabeth City State University would receive \$4 million for repairs and renovations on campus and \$10 million would go to the Coast

Guard to help build a paint and strip hangar at the Aviation Park from the bond proceeds. He referred the Councilors to the information provided in their agenda packet that included all beneficiaries for this proposed bond referendum.

Councilman Donnelly inquired if this proposal is the same as the Governor's 25-year transportation plan. Mr. Olson responded that this initiative is a separate item. He stated that the bond proposal is a way to cover some of those items in the transportation plan for which budget shortfalls exist.

**Motion was made by Councilman Tony Stimatz, seconded by Councilwoman Jean Baker to adopt the following resolution in support of the Connect NC Bond Proposal and direct staff to provide a copy to our Legislative Delegation and Governor McCrory as soon as possible. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks, Spence and Horton. Against: None. The motion carried.**

**Resolution # 2015 – 05-02  
in Support of Governor Pat McCrory's  
Connect NC Bond Proposals**

**WHEREAS**, Governor Pat McCrory has proposed a \$2.85 billion bond initiative intended to connect North Carolina cities and towns in the 21<sup>st</sup> century by building roads, upgrading technology, constructing and improving educational facilities, enhancing medical services, supporting our military installations, improving parks and recreational facilities, and building and improving port and rail infrastructure; and

**WHEREAS**, these strategic investments, as proposed, are designed to benefit every community across this great State and will create jobs and improve the quality of life and environment for every North Carolinian; and

**WHEREAS**, because of North Carolina's fiscal strength and strong balance sheet, no tax increase will be required to fund these bonds and in addition, the State's Triple A bond rating will be preserved; and

**WHEREAS**, by not addressing our serious infrastructure deficiencies now, our State will lose its ability to compete in the future, interest rates will go up, costs to taxpayers will increase, congestion will worsen and jobs will not expand at the rate needed to sustain a healthy and vibrant North Carolina; and

**WHEREAS**, the citizens of North Carolina must be allowed to make the important decision of investing in the opportunities provided to our future generations through the Connect NC bond initiative.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and City Council of the City of Elizabeth City support Governor McCrory's Connect NC bond initiative and encourage the General Assembly to allow North Carolina's citizens to vote on this critical bond proposal to ensure North Carolina's future on the global stage.

**ADOPTED**, this the 11<sup>th</sup> day of May 2015.

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Joseph W. Peel  
Mayor

*Attest:*

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Vivian D. White, CMC/NCCMC  
City Clerk

e. Elections (*added to agenda by Councilman Michael Brooks*):

Mayor Pro Tem Hummer recognized Councilman Brooks for his comments. Councilman Brooks stated that he continues to bring up elections because it is an important concern for him. He reported that Peartree Road is scheduled to be closed May 11-14. He stated that if Peartree Road is closed during that time, it will have an impact on the Special Election being held on May 12. He pointed out that this road closure would require the residents of Oak Grove, Spaulding Park and Meadowlands to go all the way to Perkins Lane and travel back around to get to the polling places. He stated that he did not understand why the road closure could not be delayed until after the election. He said he didn't know "how many hands" were in that situation that are not on the "up and up." He said he personally ran into a similar situation on an election day when a police check was conducted in front of one of the low-income housing neighborhoods, which was a big voting bloc for him. He said he had a "beef" with that too. He stated that the same thing is now happening on Peartree Road and it is a travesty for the residents in that area.

Mr. Olson advised that the Peartree Road project is a North Carolina Department of Transportation project and had been bid a number of months ago. He stated that NCDOT provides a long lead time for contractors to complete projects and the contractor determines when the project will be completed. He stated that the City had received notice of the road closure the previous week, but it was NCDOT's prerogative when the work is conducted.

Councilman Brooks asked if the City could advise NCDOT of the Special Election and request the work to begin after that time. He stated that when you look at the voting bloc in the Fourth Ward, you are putting a lot of people in harm's way as far as getting to the polls. He pointed out that in off years, people do not vote anyway and this would give them more of an excuse not to go to the polls.

Councilman Spence suggested that the City could contact NCDOT and ask for consideration for the election. Mr. Olson stated that he would contact NCDOT to determine if the project could be delayed.



f. Chain of Command *(added to agenda by Councilman Michael Brooks):*

Mayor Pro Tem Hummer recognized Councilman Brooks for his comments. Councilman Brooks stated that he placed this item on the agenda because he is one of the members of Council that “will go fight for anybody in any ward.” He stated that there is a process or chain of command, that the City Charter states should be followed. He said if a citizen has a problem with an employee, department head or the City Manager, the first thing to do is write a formal complaint to the City. He stated that all City employees work under the jurisdiction of the City Manager. He advised if a citizen has a complaint against the City Manager, they should call their Council representative or any Council person in any Ward. He recommended that if complaints concerned discrimination, sexual orientation or race, the NAACP could be contacted or any other organization that handles such matters. He said that he reported on this matter because it appeared to him that people call him first and he wanted people to know that they should call him last.

g. Community Relations *(added to agenda by Councilman Darius Horton):*

Mayor Pro Tem Hummer recognized Councilman Horton for his comments. Councilman Horton stated that he had an occasion to speak with members of the American Legion and that they had shared with him some of the struggles and “hassles” they had to go through in recent weeks and months from being shut down. He said that to add insult to injury, he was given a copy of an affidavit that Mayor Peel had completed; and he concurred with those who came to speak before the Council that the affidavit brought questions to light that needed to be answered. He read aloud the affidavit that had been completed by Mayor Peel for the Alcoholic Beverage Control Commission. Councilman Horton stated that some of the statements in the affidavit appeared to be an attack on the African American community and he said that he had a problem with it. He said that he wanted to make a motion that the Mayor write a letter of apology to the American Legion and a letter to explain why he wrote the affidavit. Councilman Brooks stated that he would second the motion.

City Attorney Morgan advised that the motion would not be a proper motion. Councilman Horton asked the City Attorney to explain why the motion would not be a proper motion. Mr. Morgan stated that he did not think the action was something the Mayor had done in his representative capacity. He stated that he had not seen the affidavit, but did not hear from its reading reference to Mayor Peel’s position as Mayor. Councilman Horton stated that the document did identify Mayor Peel in his capacity as Mayor.

Councilman Horton stated that he did not think Mayor Peel should be “attacking this organization.” City Attorney Morgan stated that there are considerations that the Council can deliberate about and things that can be done, but making a motion to direct a particular member of Council or the Mayor to send a letter of apology would not be a proper motion.

Councilman Horton stated that he would like to leave his motion on the floor even if it was ruled out of order. He said he wanted the record to state that he made a motion that the Mayor would give the American Legion a letter of apology and a letter stating the reason why he wrote the affidavit.

Mayor Pro Tem Hummer requested a ruling from City Attorney Morgan. Mr. Morgan stated that his opinion is that the motion is not a proper motion – not something the body can vote on to force a member of the elected body to do.

Councilman Spence stated that he was doubtful about that. He inquired what the Council could do legally, if the Council cannot vote to direct the Mayor to write a letter of apology. He stated “if you look at it, it’s wrong. Especially if they went to court - or whatever they did - and none of this came up factual. Then, we’re going into the point where you are destroying folks’ character or the business character.” He said he thought as attorney, Mr. Morgan needed to look into it, because the Council didn’t want to open themselves to a lawsuit because of something that was said that was not factual as well as statements that probably should not have been made with his authority and title.

Mr. Morgan stated that he would be happy to review the affidavit and try to respond to the Council as to what the options are that the body has.

Councilman Brooks thanked Mr. Larry Gibson, who remained in the audience, for his service to our Country as a Vietnam era veteran. He stated that he was really disturbed with the affidavit that was written by Mayor Peel. He pointed out that the American Legion was an organization and Mr. Gibson was not the “owner.” He said that the affidavit not only attacked the character of Mr. Gibson, it attacked the character of the organization. He stated that character assassination was not good and that is what was done. He stated that one of the bullets in the affidavit referred to “the people that frequent” the American Legion. He said that would generally be blacks. He stated that he did not like the term African American. He acknowledged that the City Attorney had advised that the Council could not direct the Mayor to correct his affidavit or make adjustments to it. He said he had “pulled up” the City’s Charter and he pointed out that under the Charter’s mayoral duties, it reads that the Mayor shall exercise the powers and duties conferred by general law or as directed by the Council. He said that since Mayor Peel signed the affidavit as mayor, he represented the City and he does as directed by the Council, according to the Charter. He stated that if the Council did not want to follow the Charter, he would not fight that battle by himself. He said since he had been on Council, it appeared the Charter only applies to those that “they” want it to apply to. He stated that under the Charter, with a majority vote, the Council could direct the Mayor because he signed the affidavit as Mayor.

Councilman Donnelly stated that it had been his intent when listening to Mr. Gibson’s comments earlier in the meeting to bring it up during his comments at the end of the session. He stated that the more he listened to the issue, he did not know what was

right or wrong because it was not clear to him. He said that the issue was not brought before Council and he thought that the Council should have been aware before the Mayor wrote the affidavit. He said what he would like to see is if there were police reports regarding this issue. He said if that was the case, then perhaps the mayor acted correctly. He stated that at the same time, the Council should have been made aware. He said he did not see it as “a black and white” issue, but an issue of what’s right and how it can be rectified. He said he thought the Council needed to know the facts. He stated that he would have liked to have been informed before the situation came before the Council.

Councilman Horton stated that he wanted to go on record as asking the City Clerk to provide a copy of the Mayor’s affidavit to all members of the Council. He acknowledged that the City Attorney would be researching his request. He said that as a Fourth Ward Councilman, he wanted to go on record as understanding what the American Legion is going through. He stated that the thought the American Legion had been attacked by being closed down for safety issues and for the decision to make parking available on only one side of the street. He said he would do all he could to fight for the American Legion regarding this issue.

Mayor Pro Tem Hummer stated that she heard everyone’s concerns and she felt that everything brought to the Council by citizens should be a matter of record. She said that there were others of the Council who felt the issue should have been known to them. She stated that the matter could not be settled during this meeting because Mayor Peel should be present when it’s discussed. She said that she thought the Council should follow the City Attorney’s advice and allow him to gather the information. She suggested that the Council could call for a Special Meeting with the Mayor if that was desired.

Councilman Spence stated that he would like to make a friendly amendment to Councilman Horton’s suggestion that all Councilmembers receive a copy of the affidavit and review it with the attorney. He said he did not want this situation to be a long drawn out issue, because it did not take a long time to review the facts. He said he would like to have the information by the Council’s next meeting. City Attorney Morgan suggested that the information be provided during the first meeting in June, based on his current workload with the power sale agreements that he will be heavily involved in.

Councilman Brooks asked the City Attorney to provide guidance on the Charter provision allowing Council to direct the Mayor to write a letter.

Councilman Donnelly stated that if all the facts were going to be gathered, he wanted to make certain that the Council had any police reports pertinent to the situation.

Councilman Stimatz asked for a point of order regarding the motion. He stated that the City Attorney had ruled that the motion was not proper and he asked if Mayor Pro Tem Hummer was ruling that it was proper. Mayor Pro Tem Hummer responded that she

was not. Councilman Stimatz pointed out that there was no need to amend anything; simply direction was being given to staff to bring the information back to the Council.

Councilman Brooks stated that he was not certain that the motion was not proper - based on the Charter. He stated that is why he wanted the City Attorney to research it to make sure. He stated that there was really nothing to figure out regarding the Charter provision "as directed by Council."

Councilman Stimatz asked for a ruling from the chair regarding whether the motion was in or out of order. Mayor Pro Tem Hummer responded that as chair, she would follow the advice of the City Attorney and rule the motion out of order. She said that Councilman Horton seemed to be satisfied with the proposal to have the facts put together for the Council's review.

Councilman Horton stated that although he thought the Council was going against the Charter, as long as the information is reported back he was satisfied. He stated that it was important to realize that a judge had already ruled in this matter. He pointed out that the judge allowed the American Legion to re-open. He said what he wanted was to deal with the intent of the Mayor's affidavit that has upset several of the community's veteran citizens. He said he was appalled that the affidavit was sent out by Mayor Peel.

Mayor Pro Tem Hummer stated that the Council can argue Charter and other matters, but the matter needs to be handled quickly. She said that in her opinion, the quickest way is to have the City Attorney and the City Manager to do what the Council has directed be done. She pointed out that the Council is in the dark on the matter because they had no knowledge of it prior to the meeting.

City Manager Olson stated that he thought it would be in order for the Council to instruct Mayor Peel to justify why he wrote the affidavit.

**Motion was made by Councilman Darius Horton, seconded by Councilwoman Jean Baker, that Mayor Joseph Peel would bring back to the full Council and the citizens a justification as it relates to why he wrote the said affidavit.**

**Councilman Kem Spence asked to make a friendly amendment to ask why the Council was not involved in his decision.**

**Councilman Horton accepted the amendment.**

**Those voting in favor were: Baker, Hummer, Stimatz, Brooks, Spence and Horton. Against: Donnelly. The motion carried.**

#### **8. Comments and Inquiries on Non-Agenda Items:**

Councilman Donnelly stated that the Potato Festival would be coming up over the weekend and that volunteers are still needed to help. He said that he hoped everyone

had noticed the new planters that had been installed downtown. He stated that he would like more information on Ms. Lynn's issue at 513 Magnolia Street.

Councilman Spence stated that he was disturbed by the American Legion issue because "it's like walking into a hornet's nest and getting stung without knowing it was there." He apologized to the American Legion regarding the matter and indicated the Council is moving forward. He requested a copy of the letter that had been written to Ms. Deborah Lynn. He said that he thought the City might need to revisit and not take the word of contractors with the weatherization program. He said to go in and not do work properly is like not doing it at all. He stated that he wanted to say to the public that the City does not have anything to do with the raises and salary issues that had been in the news for the Pasquotank County Department of Social Services. He encouraged citizens to make their concerns known to the County Commissioners on that issue. He encouraged everyone to vote in the Special Election.

Councilwoman Baker stated that she wanted to compliment the way the Boatworks property is looking. She said she hoped it would be contagious down the rest of the street. She reminded everyone to support the Potato Festival.

Councilman Horton stated that he too would like to receive a copy of the information regarding the Lynn situation. He reminded all citizens of the Fourth Ward to vote in the Special Election. He gave a special thanks and appreciation to the Police Department for sending sympathy cards to grieving families in the community. He noted that the North Carolina Baptist State Convention had been held in the City and ministers and members from all over the state had visited Elizabeth City. He stated that Mayor Pro Tem Hummer and Chief Eddie Buffaloe had participated on the program to bring greetings. He acknowledged that Elizabeth City State University held its 160<sup>th</sup> Commencement over the previous weekend. He reported that he had attended the graduation for the River City CDC YouthBuild students and was thankful to see so many students realizing their potential.

Councilman Stimatz stated that he had also attended the ECSU Commencement and was pleased to see so many wonderful kids recognized for their achievements as well as the educators for their efforts in bringing proficiency to the University. He stated that keynote speaker, Governor McCrory, was upbeat and positive about the University and left everyone with a good message about leaving the world better than you found it. He stated that he had also attend the YouthBuild graduation and was gratified to see so many students moving on in a positive direction. He noted that two YouthBuild students were members of the Community Relations Commission and were very involved and were a great addition to that group. He reported that HB530 is still alive and would do away with rental housing programs in all cities. He encouraged everyone to become engaged in the effort and reported that he would be traveling to Raleigh to speak with the bill's sponsor to relay how important the City's rental program had been in assuring good, livable housing stock for our citizens.

Councilman Brooks stated that the mindset of City employees and the mindset of the County employees are completely different. He pointed out that during previous issues regarding pay, no City employee had ever walked out. He said that anytime a citizen has a complaint at the magnitude as presented by Ms. Lynn, the Council needs to address it promptly and thoroughly. He said he thought the City needed to do all it can to make her residence whole. He asked for a copy of the documentation regarding how the City Manager had addressed her issue. He inquired of the City Manager when he intended to contact NCDOT regarding the closure of Peartree Road.

Mr. Olson responded that he had already sent a text message during the meeting to the District Engineer who indicated that NCDOT could not change its plans for the project. He explained that if NCDOT requests that the contractor delay beginning work, NCDOT would have to pay the contractor for the cost of the delay. He pointed out that if the weather causes the delay, no payment is required. Mr. Olson stated that it appeared the weather on Election Day would prevent work on Peartree Road from beginning.

Mayor Pro Tem Hummer encouraged everyone to support the Potato Festival. She asked everyone to thank the employees of the Public Works Department during their special week of remembrance. Mayor Pro Tem Hummer stated that she felt the City Council showed unity during the meeting to direct staff to help resolve the issue surrounding the American Legion. She stated that the City Council should not be caught off guard in situations such as this and expressed her concern regarding that.

#### **9. Adjournment:**

There being no further business to be discussed, Mayor Pro Tem Hummer adjourned the meeting at 8:23 p.m.

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Anita Hummer  
Mayor Pro Tem

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Vivian D. White, CMC/NCCMC  
City Clerk