

The City Council of the City of Elizabeth City held its first meeting of the month on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor J. W. Peel presiding. Council members attending were: J. M. Baker, M. E. Brooks, R. T. Donnelly, L. M. Hill-Lawrence, L. A. Hummer, K. K. Spence, J. A. Stimatz and J. B. Walton. City Staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, ECDI Director R. Cross, Human Resource Director K. W. Felton, Planning Director J. C. Brooks, Assistant Fire Chief M. Cartwright, Inspection Director S. E. Ward, Electric Director K. F. Clow, Finance Director S. E. Blanchard, Parks and Recreation Director B. V. White, Police Chief E. M. Buffaloe and Public Utilities Director P. A. Fredette.

Mayor Peel established a quorum was present and called the meeting to order at 7:00 P.M. He called for a moment of silent reflection after which he led the Pledge of Allegiance to the Flag of the United States of America.

1} AGENDA ADJUSTMENTS AND APPROVAL:

Mayor Peel called for the pleasure of Council regarding the prepared agenda.

Councilwoman Hummer asked to ***add a Closed Session for consultation with the City Attorney as per NCGS 143-318.11(a) (3); and remove Item 5(c) – Update from Arts of the Albemarle.***

Councilman Walton asked to add ***reconsideration of demolition of 1614 Peartree Road.***

Councilwoman Baker asked to ***add to the Closed Session discussion of personnel as per NCGS 143-318.11 (a) (6).***

Councilman Brooks asked to ***add Mack Sawyer Building and ECSU Voting.***

A motion was made by Councilwoman L. A. Hummer, seconded by Councilman M. E. Brooks to approve the prepared agenda to include the above noted items. Those voting in favor of the motion were: Hummer, Brooks, Baker, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

2} PROCLAMATIONS:

a} Lyme Disease Awareness Month – May 2013:

Mayor Peel read a proclamation entitled Lyme Disease Awareness Month proclaiming May 2013 as Lyme Disease Awareness Month.

b} NC Domestic Violence Proclamation 100 Day – June 15, 2013:

Mayor Peel read a proclamation proclaiming June 15, 2013 as NC Domestic Violence 100 Day.

3} PUBLIC COMMENTS:

Ms. Margaret Benavides, 801 Paxton Street, Elizabeth City addressed her concerns regarding “No Parking” signs in front of her home on Paxton Street. She asked if it was possible to have those signs removed.

Ms. Susan Neal Matousek, 403 Princess Ann Circle, Elizabeth City addressed her concerns regarding domestic violence and violence against the elderly.

Andrew Bowe, Jr., 11235 Carrington, Portsmouth, Virginia addressed his concerns regarding the demolition of 818 Robinson Street. He would like the opportunity to improve the structure before demolition but he has been unable to get a permit to make any improvements. Staff was directed to look into the proposed demolition of this dwelling and report back to the City Council.

4} APPROVAL OF MINUTES:

a} City Council Work Session – April 22, 2013:

Mayor Peel called for the pleasure of Council regarding the Work Session minutes of the meeting held on April 22, 2013.

A motion was made by Councilwoman L. A. Hummer, seconded Councilwoman L. M. Hill-Lawrence to approve the minutes of the Work Session held on April 22, 2013. Those voting in favor of the motion were: Hummer, Hill-Lawrence Baker, Brooks, Donnelly, Spence, Stimatz and Walton. Against: None. Motion carried.

b} City Council Regular Meeting – April 22, 2013:

Mayor Peel called for the pleasure of Council regarding the Regular City Council meeting minutes of April 22, 2013.

A motion was made by Councilman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the Regular

City Council meeting held on April 22, 2013 as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

5} CONSENT AGENDA:

Mayor Peel called upon City Manager R. C. Olson to read the items listed on the Consent Agenda.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman R. T. Donnelly to approve the following Consent Agenda as presented. Those voting in favor of the motion were: Baker, Donnelly, Brooks, Hill-Lawrence, Hummer, Spence, Stimatz and Walton. Against: None. Motion carried.

Consent Agenda

- a} Authorized live fire training burn at 320 Persse Street.
- b} Adopted the following Fair Housing Plan.

Elizabeth City Plan to Further Fair Housing

Grantee: City of Elizabeth City
Recipient's Address: P. O. Box 347, Elizabeth City, NC 27907
Contact Person: Morgan Jethro
Contact Phone #: 252-337-6672 Ext. 251
Contact email: mjethro@cityofec.com
TDD#: 1-800-735-2962

I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.

First Time _____ Past Activities: X

II. Identify and analyze obstacles to affirmatively furthering fair housing in recipient's community.

Lack of knowledge of fair housing laws and regulations:

The City works with local non-profits in offering workshops. The City also provides several public announcements/advertising 365 days a year related to fair housing laws on Public TV channel. Each advertisement runs three times a day.

Affordability Issues:

The City provides information about housing and homebuyer programs offered by Department of Agriculture. These programs help first-time homebuyers and low-income homeowners that face housing challenges. Unfortunately, North Carolina Housing Finance Agency does not offer any home program related assistance to the City residents. North Carolina Department of Commerce CDBG funds do not reach the City residents in the appropriate manner. The City lacks financial capability to offer any affordability program for homebuyers and low-income homeowners.

II. Will the above activities apply to the total municipality?

Yes X If no, provide an explanation.

III. Briefly describe the quarterly activities that the recipient will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule and estimated cost for implementation of these activities must be included. Activities must be scheduled for implementation at least on a quarterly basis.

IV. Describe recipient's method of receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under this CDBG grant. Include a description of how the recipient informs the public about the complaint procedures.

1} Any person or persons wishing to file a complaint of housing discrimination in the City of Elizabeth City may do so by informing the City Planning Department or City Manager of the facts and circumstances of the alleged discriminatory acts or practice in writing.

2} Upon receiving a housing discrimination complaint, the City Manager shall acknowledge the complaint within 10 days in writing and inform the Division of Community Assistance and the North Carolina Human Relations Commission about the complaint.

3} The City Manager shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the City.

4} The City shall publicize in the local/public TV channel with the TDD#, the Planning Department contact information in regards to housing discrimination complaints.

This Fair Housing Plan will expire May 13, 2016.

Approved by:

| | | |
|----------------|-----------|------|
| Joseph W. Peel | | |
| Mayor | Signature | Date |

c} Called for a public hearing to be held on Tuesday, May 28, 2013 beginning at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building to receive public comments regarding the closeout of Aviation Park CDBG Grant #07-E-1749.

d} Adopted the following Resolution supporting the preservation of Affordable Financing through Tax-Exempt Bonds to be forwarded to our Congressional delegation.

**RESOLUTION #2013-12
SUPPORTING THE PRESERVATION OF
AFFORDABLE FINANCING THROUGH
TAX-EXEMPT FINANCING**

WHEREAS, municipal bonds are the means by which state and local governments and school districts finance critical infrastructure, including roads, bridges, hospitals, schools and utility systems; and

WHEREAS, under current law, the owners of municipal bonds are not required to pay federal income tax on the interest income they receive from the bonds; and

WHEREAS, the federal tax exemption provides a significant difference between public sector and private sector debt financing; and

WHEREAS, municipalities benefit from this tax exemption through substantial savings on the interest cost of borrowed money; and

WHEREAS, the benefit of lower capital costs attributable to tax-exempt financing are passed on to citizens through reduced rates and greater local investments; and

WHEREAS, periodically Congress and the President have proposed legislation to tax or alter the federal tax exemption of interest on municipal bonds;

NOW, THEREFORE, BE IT RESOLVED, that the City of Elizabeth City, North Carolina opposes any and all efforts to eliminate or limit the federal tax exemption on interest earned from municipal bonds.

ADOPTED, this 13th day of May 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

e} Adopted the following budget amendment to record the repayment to Golden LEAF in the amount of \$556,000 and authorized city staff to proceed with closing out the grant.

**BUDGET AMENDMENT
NUMBER 2013-07
MAY 13, 2013**

BE IT ORDAINED, by the City Council of the City of Elizabeth City that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2013:

SECTION I. That the Fund Balance Appropriated (633990.0000) and the Golden LEAF Foundation Repayment (639008.4000) be increased by \$556,000.

(To record repayment of Golden LEAF grant funds from reserve funds.)

ADOPTED, this 13th day of May 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC

City Clerk

f} Authorize staff to begin closeout procedures and adopted the following budget amendment in the amount of \$130,000 for repayment to CDBG #07-E-1749 and authorize staff to seek repayment of \$130,000 from DRS.

**BUDGET AMENDMENT
NUMBER 2013-08
MAY 13, 2013**

BE IT ORDAINED, by the City Council of the City of Elizabeth City that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2013:

SECTION I. That the Fund Balance Appropriated (633990.0000) and the Department of Commerce Repayment (to be reimbursed by DRS) (639008.4000) be increased by \$130,000.

(To record repayment of CDBG #07-E-1479 grant funds from reserve funds.)

ADOPTED, this 13th day of 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

g} Authorized the renewal of the cemetery mowing contract for the 2013-2014 fiscal year with K-9 Lawn Care in the amount of \$41,999 for the maintenance of eight cemeteries located in Elizabeth City.

h} Awarded the following Chemical Bids for use at the Water Treatment Plant and Wastewater Treatment Plant for fiscal year 2013-2014.

Univar USA, Inc.:

| | |
|--------------------|----------------------------------|
| Ammonium Hydroxide | \$610.00/18 dry tons |
| Sulfur Dioxide | \$97.50/150 lb cylinder/144 qty. |

Jones Chemicals:

Liquid Chlorine \$650.00/57 tons

SNF Polydyne:

Liquid Polymer \$517.50/55 gal. drums/40 qty.

Lhoist North America:

Hydrate Lime \$182.14/930 tons

GEO Specialty:

Liquid Aluminum Sulfate \$379.00/200 tons

Starling Water Technologies, LLC:

Sodium Hexametaphosphate \$61.10/50 lb bags/90 qty.

Water Guard, Inc:

Hydrofluorosillicic Acid \$157.50/55 gal drums/40 qty.

Airgas Carbonics:

Liquid Carbon Dioxide \$265.65/30 tons

Total Bids for the Water Treatment Plant: \$276,185.00

Total Bids for Wastewater Treatment Plant: \$74,018.20

End of Consent Agenda

6} REGULAR AGENDA:

a} Location of Proposed Freenotes Harmony Music Park:

Mayor Peel called upon Rebecca Cross, Director of ECDI for comments.

Ms. Cross stated she wanted to thank Council for the support of the public music park. As you remember the project was initially proposed for Mariner's Wharf Park. The change of location to Waterfront Park will allow for a better connection between the Museum and this music park project. School field trips can include this new music component during their visit. There will be plenty of open space which will be safe for children to play the instruments. The proposed area has fewer events than Mariner's Wharf Park and will therefore not interfere with those events. Although far enough away from the boat docks not to disturb the boaters but still accessible to the boaters that travel with children and would enjoy this added activity for their family. We are hoping that this will be a more acceptable location.

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. M. Hill-Lawrence to support the location of the Freenotes Harmony Music Park project in Waterfront Park as shown on the map that was presented. Those voting in favor of the motion were: Stimatz, Hill-Lawrence, Baker, Brooks, Donnelly, Hummer, Spence and Walton. Against: None. Motion carried.

b} Board Appointments:

1} Tourism Development Authority:

Mayor Peel stated the first appointment is to recommend to the Pasquotank County Commissioners to reappoint Councilwoman Jean Baker for an additional 2-year term ending June 30, 2015 to the Tourism Development Authority.

Councilman Walton stated he had some statements to make on that appointment. In a couple of meetings ago at the end where we make comments Councilwoman Baker made a statement congratulating Mr. Pete Gilbert for what supposedly happened in the legal system. When Mr. Pete Gilbert came up for a nomination for another appointment he voted against him even being a part of that board because he felt he was a person that separated the community rather than uniting the community. She made a statement that she congratulated him on his endeavor. To him he didn't think this Council would want that on their record and he didn't want it on his record that he was supporting him.

Mayor Peel stated he was going to tell Mr. Walton what the rules are. He is running the meeting and he is not in debate. He is not going to give it up. We need to be careful when we speak up here. We need to speak with respect.

Mr. Walton stated let him finish. Respect for citizens when she congratulates Pete Gilbert.

Mr. Peel stated it is her right to do.

Mr. Walton stated it is his right to tell her that he didn't appreciate it as a council member. Now who rights are you going to abide by Mr. Mayor. Another thing in our last meeting she proposed to put \$25,000 back in our budget for the Arts of the Albemarle. To him that is out of line and unethical because our city code states that we are not allowed to use our position to single out any person or organization individually to profit from tax payer's money. That \$25,000 would be coming from taxpayer's money. If she can't abide by those ethical rules she doesn't need to be on that board.

Ms. Hummer stated she wanted to ask a question about the terms. She doesn't know if the county commissioners has ever discussed this but she has always felt that the terms on this board as well as the EDC Board should run the same time as our Council terms because she just feels uncomfortable appointing anybody to a 2-year term when our terms are up this December. She thinks it should be from December to December every two years. She thinks that needs to be approached because it doesn't seem right.

Mayor Peel stated we can put that on the agenda for our next Joint City/County meeting.

Mr. Stimatz asked if he could respond to that. In many cases the Legislation determines the term of the appointment. We don't have discretion on the period. We appoint for the period if a person leaves or we choose to take them off we can do that. He knows the Airport Authority is particularly similar. It goes from June to June and that is the legislation and that is something that has been going on for a long time, but most of these boards have been in the legislation.

Mr. Brooks asked what does the legislation come from for those two year terms. Does anybody know?

Mr. Olson stated at the Airport Authority back in 1972 there was a special act of the legislation that created that Airport Authority. That was right in the legislation that was passed back in 1972. There has been discussion over the years about changing when those terms would be done because the Board realizes that there are some inconsistencies. The TDA was created back in 2004 and he cannot remember exactly what the enabling legislation for that is. He just knows that the County has complete control over who is appointed to the Board however the City has a right to put one of their members on that board and the County has to approve that individual.

Mr. Brooks said so his question is who came up with it on trying to address what Councilwoman Hummer just said. Who came up with the two years?

Mr. Olson replied that the Board of County Commissioners did. What time of the year he is not sure. He is just not sure and he would have to look at the enabling legislation and also the bylaws of the TDA. He will be happy to do that and report back to Council.

Ms. Hill-Lawrence stated while we are talking about boards appointments and she is glad that came up because she has been getting some calls from people who have signed up to serve on some boards and they never get appointed. They never get called in and they have a lot of expertise to offer. One of the things she knows a lot of the boards you serve maybe two or three times but

some of the boards there are no time limits and some people have been serving ten years and she doesn't think that is fair to the citizens. We need to set some guidelines there because there are citizens who do want to serve but if we are going to keep using the same people over and over again and those people never get the opportunity to serve. They say they are going to stop filling out the applications because it is useless to do so. If that is a council responsibility then we may need to look at that.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilman J. B. Walton to table this item and bring back answers to our questions at our May 28th City Council meeting for consideration at that time. Those voting in favor of the motion were: Hummer, Walton, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Stimatz. Against: None. Motion carried.

2} Airport Authority:

Mayor Peel asked for confirmation of the reappointment of Mr. Orestes Gooden for a two year term ending June 30, 2015 to the Elizabeth City/Pasquotank County Airport Authority.

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman L. A. Hummer to reappoint Mr. Orestes Gooden to an additional two-year term on the Elizabeth City/Pasquotank County Airport Authority ending June 30, 2015.

Roll Call Vote:

| | |
|-----------------------------|-------------------|
| <i>Donnelly</i> | <i>Yes</i> |
| <i>Spence</i> | <i>Yes</i> |
| <i>Baker</i> | <i>Yes</i> |
| <i>Hummer</i> | <i>Yes</i> |
| <i>Hill-Lawrence</i> | <i>Yes</i> |
| <i>Walton</i> | <i>Yes</i> |
| <i>Stimatz</i> | <i>Yes</i> |
| <i>Brooks</i> | <i>Yes</i> |

8 – Yes 0 – Nay Motion carried.

c} May 20, 2013 Budget Work Session:

Mayor Peel stated at our last meeting we scheduled a Budget Work Session on May 20, 2013 at 6:15 p.m. Due to prior commitments, we need to reconsider the moving the time of that meeting back to 5:30 p.m.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilman R. T. Donnelly to move the time for the May 20, 2013 Budget Work Session back to 5:30 p.m. Those voting in favor of the motion were: Hummer, Donnelly, Baker, Brooks, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

d} Voluntary Annexation "A" Miles and Barbara Brite:

Mayor Peel called upon Mr. Olson for comments.

Mr. Olson stated that the City has received two voluntary annexation petitions from Miles Brite and Barbara Brite. This is some property located on Halstead Boulevard. The first parcel you have in front of you is Parcel "A" containing 119.31 acres which is owned by Miles and Barbara Brite. What we are asking is for you to authorize the City Clerk to investigate the sufficiency of the petition for the voluntary annexation. The City Clerk will report back her findings to the City Council.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. T. Donnelly to adopt the following resolution directing the City Clerk to investigate the sufficiency of the Petition for Voluntary Annexation for Parcel "A", 119.31 +/- acres owned by Miles J. Brite/Barbara Brite located on Halstead Boulevard Extension. Those voting in favor of the motion were: Stimatz, Donnelly, Baker, Brooks, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

**RESOLUTION #2013-13
DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G. S. 160A-31
MILES J. BRITE/BARBARA BRITE
HALSTEAD BOULEVARD EXTENSION
"A" 119.31+/- ACRES**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on May 13, 2013 by the City Council; and

WHEREAS, G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City:

THAT the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED, this 13th day of May 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

e} Voluntary Annexation "B" Miles and Barbara Brite:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson advised this is a request for City Council to adopt a resolution directing the City Clerk to investigate the sufficiency of a petition for voluntary annexation of Parcel "B" containing 45.35+/- acres owned by Miles J. and Barbara Brite. This parcel is adjacent to Parcel "A" and there will be a companion rezoning petition some time in June.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. A. Hummer to adopt the following resolution directing the City Clerk to investigate the sufficiency of the Petition for Voluntary Annexation for Parcel "B", 45.35 acres owned by Miles J. and Barbara Brite located on Halstead Boulevard Extension. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

**RESOLUTION #2013-14
DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G. S. 160A-31
MILES J. BRITE/BARBARA BRITE
HALSTEAD BOULEVARD EXTENSION**

"B" 45.35+/- ACRES

WHEREAS, a petition requesting annexation of an area described in said petition has been received on May 13, 2013 by the City Council; and

WHEREAS, G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City:

THAT the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED, this 13th day of May 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

f} Preliminary Resolution for closing a portion of Herrington Road:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated this is a follow-up to a discussion we have had several times concerning whether or not the City Council should consider closing a portion of Herrington Road specifically the Herrington Road Bridge. As we were instructed city staff does have a meeting with the Qualify of Life Crime Watch on Monday, May 20th, however, under State Statute 160A-299, there is a very specific process the City has to consider before we even attempt to close any roads. That is we have to notify the adjacent property owners and make sure they have proper notice, we have to publish it four consecutive weeks in the local paper and we have to post the area being considered for closing. At the end of this

process we will have to hold the public hearing to determine whether or not the City Council should proceed with closing this road. The only thing we are trying to do now is to go to the public hearing process. We need to meet the requirements that are called for in 160A-299 of the State Statutes. No decision has been made to close the road and we will bring back to the members of Council the information that is discussed if you are not able to attend the meeting on May 20th at Saint James Church.

Mr. Walton said the City should have made a statement that a preliminary resolution calling for a public hearing on the possible closing of the street.

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. M. Hill-Lawrence to adopt the following resolution calling for a public hearing on the possible closing of a portion of Herrington Road from 1009 Herrington Road to the Intersection of Herrington Road and South Road Street on Monday, June 24, 2013 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building and further to direct the City Clerk to notify the abutting property owners. Those voting in favor of the motion were: Stimatz, Hill-Lawrence, Baker, Brooks, Donnelly, Hummer, Spence and Walton. Against: None. Motion carried.

**RESOLUTION #2013-15
TO CLOSE HERRINGTON ROAD
BETWEEN 1009 HERRINGTON ROAD AND
INTERSECTION OF
SOUTH ROAD STREET & HERRINGTON ROAD**

WHEREAS, NCGS 160A-299 authorizes the City Council to close public streets and alleys; and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of Herrington Road located between 1009 Herrington Road and Intersection of South Road Street and Herrington Road; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City that:

- 1} A public hearing will be held at 7:30 PM on the 24th day of June, 2013 in the City Council Chambers of the Municipal Administration Building to consider a resolution closing that portion of the Herrington Road that is located between 1009 Herrington Road and Intersection of South Road Street and Herrington Road.

- 2} The City Clerk is hereby directed to publish this Preliminary Resolution once a week for four successive weeks in the Daily Advance, or other newspaper of general circulation in the area.
- 3} The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Preliminary Resolution.
- 4} The City Clerk is further directed to cause adequate notices of this Preliminary Resolution and the scheduled public hearing to be posted as required by NCGS 160A-299.

ADOPTED, this the 13th day of May 2013.

Joseph W. Peel.
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

g} Reconsideration of 1614 Peartree Road demolition:

Mayor Peel called upon Mr. Olson for comments.

Mr. Olson stated Councilman Walton asked to put this item back on the Agenda for reconsideration or repeal under Rule 15 of the City Council Rules and Regulations. At your meeting that was held April 22, 2013, City Council did vote unanimously to go ahead and condemn the structure located at 1614 Peartree Road. What you have on the dais is a time line of all the meetings city staff had with the property owner at this location. City staff did meet once again last week with Councilman Walton and the property owner to have further discussions concerning the property. The City Council did vote unanimously to go ahead and condemn the structure. We do have bids to go ahead and condemn the structure. The notice has been filed with the Register of Deeds saying this structure has been condemned by the City Council. Based on several conversations that he has had with Councilman Walton we have not gone ahead and issued a notice to proceed with the contractor to tear this detached garage down in an attempt to see if Council wishes to consider rescinding or repealing the action that was taken at the April 22, 2013 meeting.

Councilman Walton stated during the City/County Joint Meeting he was in the process of placing this item on the agenda. It was explained to him that it could not be done at that meeting and after that meeting the Attorney and he worked it out and they were correct that he could not put it on that agenda. Then the next day he went over to talk with the City Manager and he told him what he

could do was to ask the Council to reconsider. He was thinking about doing that until he told him that he has some information for him. He has received that information. He looks at the information and it says unanimously and usually you would not underline something showing how it should be done. The word unanimously tells him that is his opinion of how it should go. That is not how he feels it should go because the person involved was a young lady who raised three young men and she doesn't know a whole lot about building things or renovating things. The building is not in that bad a shape and it is probably not passing code but it could pass code but you should not tell her that she would need an architect just to pass a storage bin. It put her in a panic mode and he doesn't know what we are doing here at the city because the young man came up earlier and said even though he was trying to do everything right they still told him he couldn't do it. Something is not right with that picture. He doesn't know where other people come from but he knows in Elizabeth City one thing his parents wanted their kids to do was own a home and keep the family home going. That is what we try to do in this area. He doesn't know what they do every where else but in this area we try to at least keep our homestead. Her mother went to work in New York for 30 plus years and came back down here and her Mother gave her the family homestead and gave the daughter the lot that she could build on later. They did have a storage building on the back of the lot. Whatever they wrote down here as notes are correct. All those dates happened. He just wanted to know how everyone else feels about it.

Mr. Brooks asked if that has gone through the condemnation process.

Mr. Olson stated yes and Council did authorize the condemnation of the structure at your April 22, 2013 meeting. We have already taken official action to condemn the structure. What is before you right now is whether or not under Motion 15 do you want to rescind or repeal the action you took at your April 22 meeting.

Mr. Brooks said it is a storage shed and they are talking about needing an engineer or architect for this.

Mr. Olson replied that it is a block structure with several structural cracks in it. His people do not have structural engineering degrees so we rely on someone to seal a drawing such as 818 Robinson Street that the structure is adequate and can be repaired. We are relying on that professional individual seal that it can be done before someone goes out there and spends a lot of money and then when they bring it to us we have to say it doesn't pass code. Then they would be out their money if we have to tear it down anyway.

Mr. Brooks stated he got a chance to look at the dwelling and he finds it amazing.

Mr. Spence said the young lady that you are talking about is she willing to fix it.

Mr. Walton said it is according to what we say. You can tell her how much it is going to cost. She has medical problems and she worked at the hospital until they laid off those 42 people therefore she has certain circumstances. If you tell her to have it done by next week she can't do that. The building does have a crack on it on one side but the roof is straight as an arrow. To him if the underground was having problems that roof would sink some kind of way but it is straight as an arrow. He knows the roof need shingles but he can put shingles and he doesn't need an architect to do it.

Mayor Pro Tem Hill-Lawrence stated one of the things that she mentioned before in terms of demolitions that come up that she doesn't think we really look into it that much, we just see the list and we say ok. She thinks we need to go around and start looking because that other man that is here is in her Ward and he never contacted her about what we could help him do so it wouldn't get to this point. In this case how much time does Kim need?

Mr. Walton stated they talked about it and they felt there wasn't any need to do a lot of investigating and getting prices unless Council would rescind their decision. They haven't done anything yet.

Mr. Donnelly asked if Ms. Story talked with her son. Does she know what he signed and agreed to?

Mr. Walton stated that she knows now but she didn't know before.

Mr. Donnelly said the only structure on this property is the storage building. If we rescind our decision does she have a time frame as to when and how she may be able to fix it?

Mr. Walton stated we can give her a time frame but she can't do it in a few weeks. She has an uncle that does these kinds of thing.

Mr. Donnelly said well a year would be a little too long. What is a reasonable time as you have seen the structure?

Mr. Walton asked if he could bring it back to the next meeting and he can bring the information back, but if you aren't going to say rescind it there is no point in going forward with it.

Councilwoman Baker stated she doesn't mind given anybody extra time especially if it is a house but this is not a dwelling but a storage building that she had an appointment in October to meet at the property for inspection and then she couldn't make that meeting due to her work scheduling. Then she has had

many notices after that and it doesn't say anywhere that she could see that they ever did meet at the site from the October meeting. She just thinks that she has had plenty of time and plenty of notices to object but didn't do anything until it was recorded condemned. She doesn't agree with this.

Ms. Hill-Lawrence said that Kim has been quite ill and has had some other stuff going on. It is a possibility that she might have just not thought about it and focused on her illness. She might have known about it but just focused somewhere else. She doesn't think she intentionally disband it. She also lost her job so there is a combination of things that happens that takes us off course at times.

A motion was made by Councilman K, K. Spence to withhold the action on the condemnation of 1614 Peartree Road in abeyance until we get further information at the first meeting in June. Councilman J. A. Stimatz seconded the motion. Those voting in favor of the motion were: Spence, Stimatz, Brooks, Donnelly, Hill-Lawrence, Hummer and Walton. Against: Baker. Motion carried.

h} Mack Sawyer Building:

Mayor Peel called upon Councilman Brooks for comments.

Mr. Brooks stated at the April 22, 2013 meeting he was not given the opportunity to discuss this and left it out there opened. It was out there and he really believes wholeheartedly the public didn't know exactly what was going on. He thinks it was left out there with a negative of what we were discussing wasn't what the statement read. He will not discuss the intent of Mr. Donnelly reading it but he will read verbatim what he said. He did quite a bit of research on this and he didn't see anything contrary to what he wanted to talk about. Mr. Donnelly said he wanted to set the record straight from what we were discussing during our work session today. The whole issue was about funding for the Mack Sawyer Building. He thinks everyone received a copy of the January 28th, 2013 Budget Amendment that stated to adopt a budget amendment to re-appropriate unused installment purchase received and authorized staff to purchase one additional police car and further to authorize staff to take bids on the renovations of the Mack Sawyer Building. It would have been very simple if you had let us talk although it was aggravating what Councilman Walton had stated. He was talking about the \$130,000. He said we didn't vote on that. He looked and he read, went through legal terms and everything trying to find out what if we voted to do \$130,000 for the Mack Sawyer Building. He found nothing that pointed in that direction but what we did do we did vote unanimously to put out a bid. We did that. The reason why he pointed to that is in talking about the money that has been transferred already, well what money has been transferred.

How did we come up with \$130,000 that has been transferred? To purchase the police car on installment payments he understands it wholeheartedly. As far as the Mack Sawyer Building we are not purchasing the building but we are talking about \$130,000 worth of renovations. He will tell you again, Council has not voted on it. He looked up these big words, re-appropriate, allocate and all this and he still couldn't come to where we voted to give \$130,000 to fix up the Mack Sawyer Building. He was going to read what Councilman Stimatz said one time we were talking about the same thing in sending out bids and he was correct in what he was saying. He ran out of time and just didn't pull it. He said Councilman Brooks it is only a bid. We sent the bids out but we didn't transfer any funds. He even went back to our Finance Meetings way back in January. He went through it all and he didn't see it. It was on the agenda and we were not allowed to talk about it and he thought what was out there was a negative. How much did we re-appropriate?

Mr. Olson stated we had a list of different projects including police cars and some other things basically the action taken by the city council as you re-appropriate it and you approved a budget amendment. The budget amendment itself is the act of the re-appropriation of the funds.

Mayor Peel said you are exactly right as we have not voted to spend the money. We haven't done that. That is another issue.

Mr. Brooks said he went back to the Finance Committee January 7, 2013 on the budget amendments. We had five things on the budget amendment. It said record CAMA Waterfront Grant, record purchase of surveillance equipment from forfeited funds, reimbursement for Officers who worked at the Democratic Convention and move Stormwater funds to specific projects. He zeroed on that last one and if we had to move it to specific projects he could have understood that. Like he said he kept right on digging because he wanted the city to be right. He wanted us to have done right in transferring the money and he just couldn't fine it. Maybe one day he will come up here and talk with the City Manager because maybe he doesn't understand how the money is being moved around. How will we know if the bids are too high or too low? We talked about \$130,000 and how will we know if that is too high or too low.

Mr. Olson stated basically the bids on that building are due this Friday. We will do an analysis of the bids and we will bring them back and see whether or not the Council is willing to award a contract to a third party to do the work. That is when we know exactly what the building is going to cost. Until such time we do not know what it is going to cost us.

i} ECSU Voting:

Mayor Peel called upon Councilman Brooks for comments:

Mr. Brooks stated at the last meeting he has to address it. He wouldn't have addressed it if we had gotten the chance to discuss it. On May 17, 1957, Dr. King delivered the key note address in front of the Lincoln Memorial during the prayer pilgrimage for freedom. The third anniversary of the Supreme Court famous school desegregation decision. He said three years ago the Supreme Court of this nation rendered in simple eloquent and unequivocal language a decision that would long be stenciled on the mental sheets of succeeding generations. It came as a revelation of the good ole American doctrine of freedom and the equality for all people. Unfortunately, this noble and sublime decision has not gone without opposition. This opposition is often raised to the anomalous precaution. Many states have risen up in open deviance. The legislation halls of the south rings loud and with such words as interposition and nullification. All types of conniving methods are still being used to prevent Negroes from becoming registered voters. The denial of this sacred right is a tragic betrayal of the honest mandate of our democratic tradition and it is democracy turned upside down. He goes on to say give us the ballot and we will no longer have to worry the federal government about our basic rights. Give us the ballot and we will filled the halls with men of good will to send to the sacred halls of congress, men who will not sign a southern manifestos because of the manifestos of justice. Give us the ballot and we will place judges on the benches of the south who will do justly and love mercy and will place at the head of the southern states governors who have felt not only the tang of the human but the glow of the Divine. April 22, 2013, Councilwoman Baker said in her comments that she would like to thank Pete Gilbert for his diligence in getting the voter fraud exposed and he got great marks in the comments in the Daily Advance. She thought in particular that said no one wants to prevent voting but it is important that voting is done correctly. She thinks he spent a lot of time and a lot effort and a lot of diligence getting that proved. She appreciates as well as many other elected officials. Well, he is not one of those elected officials. The Southern Coalition for Social Justice highly disagrees with her also. If you read the article that came out in the Daily Advance recently that said, "Voter removal may spur lawsuit." It says the Southern Coalition for Social Justice believes the Pasquotank County Board of Elections actions' violated both federal and state laws on voter challenges because voters were removed from the rolls for illegal reasons. When Mike Cox, the County Attorney was interviewed he said he felt absolutely confident that the Board followed state statutes then when he was asked if the Board followed federal law he said that is the question. The Coalitions also strongly criticized Pete Gilbert, the one that you praised Councilwoman Baker. The Coalition criticized Gilbert accusing him of attempting the illegal practice of racially targeting voters. According to the letters of practicing include sending non forwarded letters to the voting addresses of individuals in predominately minority areas and then using return letters to generate a list of voters to be challenged. The problem that he has with that is Elizabeth City State University is not the only one that has students that vote

that are from different areas. His thing is why they were specifically targeted. Then he continued to do his homework and it says that the Brennon Center for Justice as a student you have a constitutional right to register and vote in a place you truly consider to be your home whether your parents house, your apartment or even your dorm. The issue at hand is not whether students at Elizabeth City State University can vote but whether they are using Elizabeth City State University's dormitories as a resident. All law especially federal law points that they can. These students should not be targeted. Again, during King's address, he resolved this issue a half century and six years ago when he said, all types of conniving methods are still being used today to prevent Negroes from becoming registered voters. We cannot go back and fight that battle that was won fifty-six years ago. These students came from a generation who were denied service at restaurants so they staged sit-ins at lunch counters and marched until the Supreme Court of the United States rendered its famous school desegregation decisions on May 17, 1964 and continued to march until President Johnson signed the 1965 Voting Rights Act. We cannot go back through the dark tunnel of past inequality. Again, he thinks that we as a City can and we must do better. Every year during election time they target the students at Elizabeth City State University. We do not want to discourage our children and those young adults to vote. It seems like to him if we were concerned about fraud he ran for Council three times and he didn't hear anyone talking about voter fraud and they were convicted and he won't go into that. But, when you talk about targeting our students we should all have a problem with students going to vote as it is. We don't want to discourage them. Again, he will leave it at that. Don't target these kids at Elizabeth City State University without targeting other institutions that have kids living in the dorms also.

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Councilman Donnelly stated he had a question for the manager regarding the Paxton Street "No Parking Signs". Are they needed there?

Mr. Olson replied that staff was directed by City Council to install those about six years ago because of illegal activities going on at that location.

Mr. Donnelly asked if that could be reevaluated.

Mr. Olson stated the Council has a right to install those or take them down just depending what your pleasure is.

Mr. Donnelly stated he would like to ask staff to reevaluate the situation and come back to us regarding the position. He further stated that he had the opportunity to attend the work group graduation at River City CDC. That was last Thursday. There were about 32 kids graduated or received certificates. Quite a large crowd attended the ceremony and he was truly impressed by

everything that took place there. He thinks Lenora Jarvis Mackey and her staff is doing a great job in this community.

Councilman Spence stated he had no further comments.

Councilwoman Baker stated she wanted to congratulate the YouthBuild grads too. She wanted to make that meeting but she had too many commitments already. She congratulates them on their achievements. She wants to remind everyone that there is a ribbon cutting at 10:00 tomorrow at the new barracks at the Coast Guard Base. Also, she wanted to say that under the First Amendment we are allowed free speech or guaranteed free speech. She has an opinion and hers is being used against her by this Council. The Coalition has an opinion and they are willing to go to court to prove their opinion. Pete Gilbert has an opinion and his has been proven. Many students at ECSU and other schools are properly registered and properly vote the right way. Those students were not. Their votes were not even challenged or at risk so this is all about doing things the right way.

Councilwoman Hummer stated since we are talking about students she thinks we have a lot of students in our community and we are certainly proud of everyone of them that graduated from every institution this last week and weekend. She would like to mention one by name. He was a member of Project Voice the former Teen Center. He started going there when he was 13 years old and on Saturday he graduated from Elizabeth City State University. His name is Cordera Riddick and he lives on Harding Street. She is very proud of him and he is just a special person to her.

Mayor Pro Tem Hill-Lawrence stated she wanted to piggyback on Anita's comments as ECSU did have a wonderful graduation on Saturday. It was very well attended and we had nice weather. We thank everybody for everything that they did to make the graduation a reality.

Councilman Walton stated it was quite an amazing graduation. They have these graduations all over the country. It looks beautiful when you see the young people when their parents and the audience are clapping for them. You would be surprised at the circumstances that a lot of them go through because all of us have different circumstances. It seems like when you put certain people through circumstances that are already going through circumstances for no reason it makes it hard. If somebody doesn't fight for those children nobody will. There were 6,000 at UNC that graduated. We have 100 at North Carolina A&T. But you know the Republicans are going to try to cut on that. Any time you push a republican agenda it is their agenda. If you congratulate a republican agenda then you are just going to join that vote along. You can't say something else because then you are committing identity fraud. If you push republican agendas

you just as well say I am a republican. It is your right to be that but if somebody speaks on that they will press forward.

Councilman Stimatz stated his comment is this. He listens to the radio a lot during the day and he wouldn't know by the radio that we are having a Potato Festival. He hopes someone is going to talk about it tonight because there hasn't been a lot of advertising or maybe he is not listening to the right radio station. He listens to every beach radio station there is and there is not a word about it and we have a lot of competition with the Potato Festival. He just wanted to make that comment to Mr. Donnelly since he is on the ECDI that it is something to look at in the future.

Councilman Brooks stated the attorney probably knows this as well as anybody. Illegal actions which violate a person's constitutional right denies that person equal protection under the law. A person can have all the opinions that they want and everyone has a right to that, but when it violates a persons constitutional right that doesn't give them equal protection under the law it becomes a legal matter. Mr. Donnelly Tony got at him for being so harsh with you as you weren't on Council to know what it took to do what needed to be done down there. It was a fight and a half. It took nine months in order to get that area cleaned up. The young lady that came up here her facts were all incorrect. If you remove those parking signs what she doesn't understand that the activity hasn't stopped. The Council voted to do that grant because they say the number of arrests that were on Roanoke Avenue, so the crime hasn't stopped according to the statistics that we were given. He finds it amazing that this same young lady when it was so bad that she couldn't even get to her house she knocked on his door. He did get a call and he didn't cut the call off but his minutes went out. That is his cell phone and the minutes went off and he didn't bother to call her back when he added additional minutes to his phone. It would be a travesty to turn back what it took to get that area looking halfway decent.

Mayor Peel stated he would like to put a plug in for the Potato Festival which will be this Saturday. There are a lot of activities planned and a lot of people have been working very hard and we have a lot of community involvement so it should be a good time had by all. He also attended the YouthBuild Program last week and Ms. Mackey and her staff are to be commended. It was really an impressive group of young people and the speaker did a good job. Tomorrow evening there are 186 students, GED and High School completers graduating out at COA. He thinks some of the same kids that were there last Thursday will be involved in that program too.

8} CLOSED SESSION:

Mayor Peel called for a motion to retire into Closed Session for consultation with the City Attorney as per NCGS 143-318.11 (a) (3); and discussion of Personnel as per NC 143-318.11(a) (6).

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to retire into Closed Session for consultation with the City Attorney as per NCGS 143-318.11(a) (3); and discussion of Personnel as per NCGS 143-318.11 (a) (6). Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

Mayor Peel declared the meeting into Closed Session.

9} RETURN TO REGUALR SESSION:

A motion was made by Councilman J. A. Stimatz, seconded by Councilman K. K. Spence to return to regular session. Those voting in favor of the motion were: Stimatz, Spence, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer and Walton. Against: None. Motion carried.

Mayor Peel declared the meeting back into full session.

10} ADJOURNMENT:

There being no further business to come before the City Council at this time, Mayor Peel adjourned the meeting at 9:19 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Joseph W. Peel
Mayor