

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

Mayor Pro Tem Hill-Lawrence established a quorum and opened the meeting at 7:00 p.m. She called for a moment of silent reflection after which she led the Pledge of Allegiance to the Flag of the United States of America.

1} AGENDA ADJUSTMENTS AND APPROVAL:

Mayor Pro Tem Hill-Lawrence called for action regarding the prepared agenda.

Councilwoman L. A. Hummer asked to ***remove Item 9-a – Comments by Mayor Peel; and add discussion of AoA.***

Councilwoman J. M. Baker asked to ***remove 1015 W. Church Street from Item 8-9 – Condemnation of structures on the Consent Agenda.***

Councilman Brooks stated he would ask that following the public hearing on the budget that Council not make a motion to approve it as he would like some additional information before adopting the final budget.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilman J. A. Stimatz to approve the prepared agenda to include the above noted items. Those voting in favor of the motion were: Hummer, Stimatz, Baker, Donnelly, Hill-Lawrence and Spence. Against: Brooks and Walton. Motion carried.

2} PUBLIC COMMENTS:

Ms. Jacqueline S. Latson, 1305 South Williams Circle, Elizabeth City spoke to City Council regarding her opinion of how the members of City Council were conducting city business.

Mr. Pete Gilbert, 1623 Penny Drive, Elizabeth City spoke regarding his opinion on election laws and how certain members of council were conducting themselves.

3} APPROVAL OF MINUTES:

a} April 15, 2013 – Budget Work Session:

Mayor Pro Tem Hill-Lawrence called for action regarding the April 15, 2013 Budget Work Session minutes.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilman J. A. Stimatz to approve the minutes of the April 15, 2013 Budget Work Session meeting. Those voting in favor of the motion were: Hummer, Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

b} May 13, 2013 – Regular Meeting

Mayor Pro Tem Hill-Lawrence called for action regarding the May 13, 2013 Regular Meeting minutes.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilman J. A. Stimatz to approve the minutes of the May 13, 2013 Regular Meeting. Those voting in favor of the motion were: Hummer, Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

c} May 28, 2013 – Regular Meeting

Mayor Pro Tem Hill-Lawrence called for action regarding the May 28, 2013 Regular Meeting minutes.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilman J. A. Stimatz to approve the minutes of the May 28, 2013 Regular Meeting. Those voting in favor of the motion were: Hummer, Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

4} CONSENT AGENDA:

Mayor Pro Tem Hill-Lawrence called upon City Manager R. C. Olson to read the items listed on the Consent Agenda.

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

Consent Agenda:

a} Adopted the following resolution committing 5% Local Matching Funds and authorized the execution of grant documents for Water's Edge Grill Rural Center Building Reuse and Restoration Grant:

**RESOLUTION #2013-17
COMMITMENT FOR A 5% LOCAL MATCH
AND AUTHORIZATION TO EXECUTE GRANT DOCUMENTS
BUILDING REUSE & RESTORATION FUND VACANT PROGRAM
FOR THE WATER'S EDGE GRILL PROJECT**

WHEREAS, on January 14, 2013, the City Council authorized submission of a Rural Center Building Reuse and Restoration Grant application on behalf of Water's Edge Grill; and

WHEREAS, the Rural Center has awarded a grant for this project in the amount of \$30,000; and

WHEREAS, a requirement of the grant award is the commitment of a 5% local match by the City of Elizabeth City;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City that the City of Elizabeth City hereby commits to the 5% Local Cash Match Commitment and authorizes execution of the grant documents by Mayor Joseph W. Peel, Jr. for the Building Reuse & Restoration Fund Vacant Program Grant for the Water's Edge Grill Project.

ADOPTED, this 10th day of June 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Authorized the Elizabeth City Police Department to submit an application to the Department of Justice (JAG Office) for its FY13 local solicitation grant in the amount of \$10,351; and that the grant funds be used to purchase SWAT equipment for its 12-member tactical team.

c} Accepted the Certificate of Sufficiency for Parcel A of the Brite Property located on Halstead Boulevard Extended; and further adopted the following resolution calling for a public hearing to be held on Monday, June 24, 2013 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for consideration of the proposed voluntary annexation.

**RESOLUTION #2013-18
FIXING PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED
"A" MILES J. BRITE/BARBARA BRITE
119.31+/- ACRES LOCATED OF HALSTEAD BOULEVARD EXTENSION**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

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

SECTION 1. That a public hearing on the question of annexation of the area described herein will be held at the Municipal Administration Building in the City Council Chambers at 7:30 PM on the 24th day of June 2013.

SECTION 2. The area proposed for annexation is described as follows:

BEGINNING at an existing iron pipe situated on the north right of way on Sun Gro Drive (SR1305) said pipe being located N 54° 34' 59" W 268.98 ft. from a P.K. nail in the centerline of the Norfolk and Southern Railroad and Sun Gro Drive; Thence from point of beginning N 59° 00' 45" W 655.13 ft. to an existing iron rod at the end of Sun Gro Drive and the beginning of Miles J. Brite home place lot; thence along the home place lot S 35° 02' 59" W 38.88 ft. thence S 34° 36' 35" W 270.64 ft. to the center of a large ditch also being the SAT-DEV, LLC property; thence along said property N 57° 07' 57" W 2286.97 ft. thence N 37° 53' 59" E 654.86 ft. to the southern right of way of NC Highway 344 – Halstead Blvd Extension N 73° 11' 00" E 1807.11 ft. to the center of a large ditch also being the Rallis property S 53° 17' 05" E 393.19 ft. thence S 65° 21' 45" E 148.34 ft. thence S 71° 55' 05" E 453.49 ft. thence S 74° 47' 05" E 314.22 ft. to the Allsbrook property thence along Allsbrook property S 15° 57' 17" E 1605.55 ft. to the Endres property thence along the Endres property N 58° 49' 21" W 784.37 ft. thence S 31° 18' 03" W 823.96 ft. to the Existing Iron pipe on the North right of way Sun Gro Drive being to the point and place of beginning containing 119.31 acres. Reference a plat prepared by Edward T. Hyman Jr. entitled Boundary Survey for Miles J. & Barbara Brite dated March 4th 2013.

SECTION 3. Notice of said public hearing shall be published in the Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of said public hearing.

ADOPTED, this 10th day of June 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

d} Accepted the Certificate of Sufficiency for Parcel B of the Brite Property located on Halstead Boulevard Extended; and further adopted the following resolution calling for a public hearing to be held on Monday, June 24, 2013 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for consideration of the proposed voluntary annexation.

RESOLUTION #2013-19

**FIXING PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED
"B" MILES J. BRITE/BARBARA BRITE
45.35+/- ACRES LOCATED OFF HALSTEAD BOULEVARD EXTENSION**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

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

SECTION 1. That a public hearing on the question of annexation of the area described herein will be held at the Municipal Administration Building in the City Council Chambers at 7:30 PM on the 24th day of June 2013.

SECTION 2. The area proposed for annexation is described as follows:

Beginning at an existing iron rod on the North right of way on NC Highway 344 said point of beginning being a common corner of the Miles Brite property and Atlas NC 1 SPE, LLC thence from point of beginning along the northern bank of the ditch N 37°53'53" E 2263.28 ft. to the center line of the ditch thence along the center line of said ditch N 85°11'45" E 501.19 ft. to the Elizabeth City Water Works Property thence along the Elizabeth City Water Works Property N 85°11'45" E 383.06 ft. to the Shirley S. Meads property thence S 5°09'35" E 939.56 ft. thence S 72°33'36" W 275.92 ft. thence N 35°51'55" W 57.36 ft. to the center of a ditch thence along said ditch S 54°57'34" W 778.43 ft. thence S 53°17'07" E 14.21 ft. to the North side of NC Highway 344 thence along the north right of way of NC HWY 344 S 73°12'07" W 1496.96 ft. to the point and place of beginning containing 45.35 acres. Reference a plat prepared by Edward T. Hyman Jr. entitled Boundary Survey for Miles J. & Barbara Brite dated March 4th 2013.

SECTION 3. Notice of said public hearing shall be published in the Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of said public hearing.

ADOPTED, this 10th day of June 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

e} Adopted the following ordinances approving the condemnation and demolition of 804 Bunnells Avenue, 113 West Burgess Street, 815 North Road Street, 1015 West Church Street, 1400 Peartree Road and 607 Walson Street:

**ORDINANCE #2013-15
COMDEMNATION AND DEMOLISHTION
804 BUNNELLS AVENUE**

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON, THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED, OR THAT THE STRUCTURE BE DEMOLISHED.

WHEREAS, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all of the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

WHEREAS, said structure should be repaired to meet the requirements of the Code or demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure has been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **March 7, 2013** the owner has failed to comply with said order;

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

Section 1. The Building Inspector is hereby directed to post on the building at **804 Bunnells Avenue** a sign containing the legend:

“This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful.”

Section 2. The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **March 7, 2013** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

Section 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4. This Ordinance shall become effective upon its adoption.

ADOPTED, this 10th day of June 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

**ORDINANCE #2013-16
COMDEMATION AND DEMOLISHTION
113 WEST BURGESS STREET**

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON, THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED, OR THAT THE STRUCTURE BE DEMOLISHED.

WHEREAS, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes,

and that all of the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

WHEREAS, said structure should be repaired to meet the requirements of the Code or demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure has been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **February 12, 2013** the owner has failed to comply with said order;

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

Section 1. The Building Inspector is hereby directed to post on the building at **113 West Burgess Street** a sign containing the legend:

“This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful.”

Section 2. The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **February 12, 2013** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

Section 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4. This Ordinance shall become effective upon its adoption.

ADOPTED, this 10th day of June 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC

City Clerk

**ORDINANCE #2013-17
COMDEMNATION AND DEMOLISHTION
815 NORTH ROAD STREET**

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON, THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED, OR THAT THE STRUCTURE BE DEMOLISHED.

WHEREAS, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all of the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

WHEREAS, said structure should be repaired to meet the requirements of the Code or demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure has been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **March 7, 2013** the owner has failed to comply with said order;

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

Section 1. The Building Inspector is hereby directed to post on the building at **815 North Road Street** a sign containing the legend:

"This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful."

Section 2. The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **March 7, 2013** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

Section 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be

unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4. This Ordinance shall become effective upon its adoption.

ADOPTED, this 10th day of June 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

**ORDINANCE #2013-18
COMDEMNATION AND DEMOLISHTION
1400 PEARTREEE ROAD**

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON, THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED, OR THAT THE STRUCTURE BE DEMOLISHED.

WHEREAS, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all of the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

WHEREAS, said structure should be repaired to meet the requirements of the Code or demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure has been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **March 15, 2013**, and the owner has failed to comply with said order;

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

Section 1. The Building Inspector is hereby directed to post on the building at **1400 Peartree Road** a sign containing the legend:

“This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful.”

Section 2. The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **March 15, 2013** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

Section 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4. This Ordinance shall become effective upon its adoption.

ADOPTED, this 10th day of June 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

**ORDINANCE #2013-19
COMDEMATION AND DEMOLISHTION
607 WALSON STREET**

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON, THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED, OR THAT THE STRUCTURE BE DEMOLISHED.

WHEREAS, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes,

and that all of the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

WHEREAS, said structure should be repaired to meet the requirements of the Code or demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure has been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **December 18, 2012**, and the owner has failed to comply with said order;

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

Section 1. The Building Inspector is hereby directed to post on the building at **607 Walson Street** a sign containing the legend:

“This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful.”

Section 2. The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated **December 18, 2012** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

Section 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4. This Ordinance shall become effective upon its adoption.

ADOPTED, this 10th day of June 2013.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

End of Consent Agenda

5} PUBLIC HEARINGS:

a} RZ-02-13 to rezone 300 Forest Park Road:

Mayor Pro Tem Hill-Lawrence called upon Planning Director Brooks for comments.

Ms. Brooks stated this is a rezoning request RZ-02-13 by Forest Park Church to rezone 16.5 acres at 300 Forest Park Road from R-15 to Office and Institution O&I. The purpose of this rezoning is to reduce the rear setback requirements for the proposed addition to the church. They propose to enlarge their sanctuary to the back. Churches are permitted in the R-15 Zoning District; however, the minimum of a 50' rear setback is required. The applicant indicated they desire to keep the structure compact and not go linear on the site. Staff discussed going to the Board of Adjustments with the church but the applicant was of the opinion that they could not meet the criteria if they complied strictly with the provisions of the ordinance and could not make use of the property. The O&I Zoning District is primarily intended to provide with the development of offices and community institutions that have similar characteristics but it is more restrictive than commercial zoning district. The maximum density setbacks and onsite parking requirements are set by City Council. This rezoning request will be an extension of the existing O&T Zoning found at Westlawn Cemetery to the east. Like the R-15 Zoning churches are permitted by right in the O&I. The church is asking that the rear setback be reduced to 10 feet and be established next to the cemetery. Staff evaluated the proposed rezoning and found it to be consistent with the Joint Pasquotank County/Elizabeth City Land Use Plan and an extension of the adjacent O&I Zoning. The Planning Commission considered this application at their regular meeting in May and they recommended approval of the rezoning with input from NCDOT. After evaluating the consistency with the Joint Land Use Plan staff recommends Council to approve the rezoning from R-15 to O&I with the 10' rear setbacks.

Mayor Pro Tem Hill-Lawrence declared the meeting into Public Hearing.

Mr. Eddie Hyman, Post Office Box 339, Camden, North Carolina stated he was present tonight representing the church as he is a member of the Forest Park Church. He is very excited about the church and the way they are going. He is present tonight to ask that City Council consider favorably the rezoning request.

Since no one else was present to speak for or against the proposed rezoning, Mayor Pro Tem Hill-Lawrence declared the public hearing closed.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman M. E. Brooks to approve the rezoning request RA-02-13 by Forest Park Church to rezone 16.5 acres from R-15 to O&I with a 10 foot rear setback requirement. Those voting in favor of the motion were: Stimatz, Brooks, Baker, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

b} TA-01-13 a request to amend the UDO to add language to define and regulate banquet-reception hall establishments as a primary use on properties having a commercial zoning classification:

Mayor Pro Tem Hill-Lawrence called upon Planning Director Brooks for comments.

Ms. Brooks stated the text amendment before you tonight is to amend Article IX, Article XI of the United Development Ordinance to establish language to regulate banquet and reception hall establishments as a primary use on properties having commercial zoning classification. Planning staff has received several requests to operate and rent multifaceted banquet/reception hall venue establishments. The proposed operations were to include banquet and reception hall, food service, alcohol and liquor service, live and recorded entertainment, dance and recreational space. The structures range from 10,000 to 25,000 square feet with an expectation of an average of 500 people. The UDO does not explicitly define the proposed use as a primary use. The proposed text amendment would allow these types of facilities in the Central Business, General Business, Highway Business and Causeway Mixed Use districts. This proposed text amendment has been reviewed by the Planning Commission and they are recommending approval.

Mayor Pro Tem Hill-Lawrence declared the meeting into Public Hearing. Since there was one present who wished to speak for or against the proposed Text Amendment, Mayor Pro Tem Hill-Lawrence declared the public hearing closed.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. A. Hummer to approve the following TA-01-13 to amend the UDO to add language to define and regulate banquet/reception hall establishments as a primary use on properties having a commercial zoning classification. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

Amend Article II Interpretations and Definitions §2-4 to create §§2-4.59.1 and the following definition:

Banquet/Reception Hall Establishment, Commercial. As establishment (indoors and/or outdoors) for lease by individuals or groups to accommodate private functions including, but not limited to, Banquets, weddings, anniversaries and other similar celebrations where entertainment, either passive or active, is provided for the pleasure of the guests, an independent use, not to operate in conjunction with any other land use. Such entertainment includes but is not limited to: vocal and instrumental music, dancing, karaoke, comedy, and acting, whereby events are not advertised for attendance and/or participation by the general public. Such a use may or may not include: 1} kitchen facilities for the preparation or catering of food; 2} the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not opened to the general public; and 3} outdoor gardens or reception facilities. Specifically, this land use is not a restaurant, bar, nightclub, tavern, billiard parlor, arcade, private club, recording studio, cinema, auditorium or facility to be leased, let or used by any third party to stage an event for profit.

Amend Table 9-3-1, Table of Permitted Uses of the Permitted Uses Section, Article IX Zoning, §9-3.1(A) as follows:

| Use Type | Ref. Zoning Districts | | | | |
|--|------------------------------|-----------|-----------|-----------|------------|
| | SIC | CB | GB | HB | CMU |
| BUSINESS, PROFESSIONAL AND PERSONAL SERVICES Banquet/Reception Hall Establishment, Commercial | 6512 | D | D | D | D |

c} RZ-01-13 to rezone the Brite Property located on Halstead Boulevard Extended:

Mayor Pro Tem Hill-Lawrence called upon Planning Director Brooks for comments.

Ms. Brooks stated this is a rezoning request by Miles and Barbara Brite to rezoning a 164+/- acre tract located on the north and south side of Halstead Boulevard Extension from Residential R-15 which is the County A-1 to General Business (GB), Highway Business (HB) and Residential R-8. The Brite request that 66 acres on the south side of Halstead Boulevard corridor be zoned as

General Business, 45 acres on the north side be rezoned Highway Business and the remaining 50 acres be rezoned to Residential-8. The applicants stated that at the Planning Commission meeting that the commercial parcel portion of the site would be developed as restaurants, shops, small shopping centers, business and services for daily conveniences while the residential portion will provide housing which will support the commercial development along the Halstead Corridor. It was noted that there was no mention of intermingling the commercial and residential uses. Staff met with the applicant and suggested that they consider Conditional Zoning. Since this is a speculative rezoning conditional zoning was not an option without a firm development plan. The Halstead Boulevard Corridor overlay was created to control development in order to make an efficient and attractive gateway into Elizabeth City. The vision was to create a mix of uses and not a major thoroughfare developed with strip shopping centers along its entire length of the corridor. This rezoning does not promote the vision and is not consistent with the joint Land Use Plan. This application adds additional commercial zoning between the commercial nodes of the Highway 17 By-Pass intersection to the west and City Center West to the east. There are currently 490 acres of commercially zoned property on Halstead Boulevard Extension with approximately 40 acres that have been developed. This rezoning would bring the commercially zoned project to 601 acres thereby giving a 93.4% vacancy rate along the corridor. By not having any development plans this would create an over abundance of commercially zoned property. The Planning Department does not support the rezoning request at this time and recommends denial. At the Planning Commission meeting they considered this at their April 13th meeting. After much discussion the Planning Commission did not agree with staff and recommended approval of this rezoning request. Staff is requesting since we have a little glitch with the annexation and the rezoning application that Council not take any action on this rezoning request until the City has annexed the property.

Mayor Pro Tem Hill-Lawrence declared the meeting into Public Hearing. She called for anyone wishing to speak for or against the proposed rezoning.

Mr. Eddie Hyman, Post Office Box 339, Camden, North Carolina spoke in favor of the proposed rezoning and encourage Council to approve the rezoning request.

Mr. Sam Davis, 508 Continental Drive, Elizabeth City spoke in favor of the proposed rezoning and encouraged Council to approve the rezoning request.

Since there was no one else who wished to speak for or against the proposed rezoning, Mayor Pro Tem Hill-Lawrence declared the Public Hearing Closed.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. T. Donnelly to table action on this item until after

the annexation of this project is complete. Those voting in favor of the motion were: Stimatz, Donnelly, Baker, Brooks, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

d} FY2013-2014 Operating Budget:

Mayor Pro Tem Hill-Lawrence called upon City Manager Olson for comments.

Mr. Olson said as City Manager he presented a copy of his proposed budget on April 15th. Since that period of time, the City Council has held four work sessions and the Finance Committee has held two separate work sessions. Based on that he has given each of you a copy of his Budget Ordinance for Fiscal Year 2013-2014. He asked to give some very quick numbers. In the General Fund we are proposing a \$20,291,972, the Electric Fund is \$39,945,909, Water and Sewer Fund is \$9,370,137 and the Stormwater Utility Fund is \$1,021,506. The total amount of the budget is \$71,029,524 less the Interfund transfers of \$1,950,000 and the total budget is \$69,079,524. Revenues do balance with expenditures as required by State Law. The budget ordinance also reflects a number of other items in it. The tax levy will stay at \$.495 per \$100 valuation. The valuation of the City is \$1,392,601,665 and the MST will continue to be \$.06 per \$100 valuation. It does reflect a COLA of 1.5% to be given to all city employees. The Christmas and longevity programs we presently have in place will remain. We do migrate away from the NC League of Municipalities Insurance Program as we are going with Blue Cross/Blue Shield of North Carolina. The sanitation fees increase from \$17 to \$20 per month. There is a water and sewer surcharge of \$.43/\$1,000 gallons of water usage.

Councilman Donnelly asked how does this budget relate or compare to the budget of this current year.

Mr. Olson replied that it is a little lower than this year's budget. We are about \$2 million less in next year's budget.

Councilman Walton stated he asked the attorney earlier if it was proper to discuss an item before we pass the public hearing on the budget. He gave a somewhat answer. Last year we put an item in the budget not knowing to the Council and Mr. Olson took the credit for it saying that he and Wayne Harris gave AoA \$25,000. We had not put that to a consensus and now we are bringing the same type of situation here but we are doing it in a different way. It is the same ole song. He remembers in February he had a question in the Finance Committee on how they did things. He read, "February 11, 2013. A motion was made by Councilman J. B. Walton, seconded by Councilman M. E. Brooks to amend the Budget Work Session Calendar to say all city counselors were to

attend each meeting. Councilman Spence said the Finance Committee when they meet they make a decision on bringing something to Council. He thinks Councilman Walton's question is although there is no voting going on at the Finance Committee meetings why can't they be at a time where everybody can attend to get a full presentation. Chairperson Hummer asked Mr. Olson that in the last meeting you stated that when you send the Finance Committee agenda to the Finance Committee members you also send it to full council so there is that period of time, a couple of days before the actual Finance Committee meets that all of the Council has all of this information in their hands to study and when a recommendations come to full Council as the Mayor pointed out you can bring up anything you want too. That is why sometimes she will say there is no recommendation because she feels like it needs some lengthy discussions." He guesses that is why some want discussion after the public hearing. That is not the way things should be done. We should have already discussed this item. It was not put on the agenda for the Finance Committee, Ms. Hummer. It was not put on the agenda. That was on the third that the agenda was sent out. On the fifth the Finance Committee met. In the Finance Committee meeting brought up the queue. He went through the same members that he went through earlier. He said a couple of things. One was, "Is there anything that has been left out of the budget that a member would like to bring up now." "Also, what is the Finance Committee's pleasure? Are we ready to adopt this after the public hearing or do you want to adopt it at the last meeting of the month?" Those are the two issues that need to be address. Councilman Donnelly stated that he had one item and that is the anchor down in our downtown area, the Arts of the Albemarle. He leans toward trying to make them a line item in our budget. He doesn't think we have anything allocated to them right now except within the Community Support Grants as a possibility. Mr. Olson replied that you have \$50,000 in Community Support Grants in the budget which has not been designated. We have spent \$2500 of that \$ 50,000 for the AAU Basketball teams. Mr. Donnelly said he does lean toward making AoA a line item so we don't have to go through discussions about supporting AoA year end and year out. It is the hub of downtown and it works hard on putting on various events. It is a beautiful facility and he would hate to see it go under. Most cities support their Arts centers and he doesn't see why Elizabeth City should be any different. Go - Mayor Pro Tem Hill-Lawrence stated she was going to bring this up as well. She was listening to the presentation at our other council meeting and they really do an excellent job and it benefits all races, creeds and colors. We have a mixture of children there that is benefiting from it. She agrees with Ray as she thinks it should become a regular line time in our budget so it becomes standard procedures that we don't have to go through. Councilwoman Hummer asked if there was some way that we could specify like in the past we have specified that a certain amount goes for scholarships and things for children rather than specifically for salaries. That is a good gesture there Ms. Hummer. Is there any way we can specify that when we allocate an amount to an organization. Mr.

Olson stated it would be considered a donation from this body to AoA about any reasonable restriction on how that funding is spent can be done. We did those two years ago if he remembers right in that they had to use a percentage for scholarships. They spent \$15,000 of it and they were able to provide us documentation on scholarships related activities. That is a very reasonable request that the governing body can place on AoA. Mayor Peel stated you may not want to tie up all of it that way. Maybe do half of it but not all of it because he knows they don't turn kids down. Mr. Donnelly stated he thinks the limitation could be it doesn't go for salaries but it goes for programs. Good gesture also. Mr. Olson stated it could go for operation expenses which includes utilities. Those type of things that will keep the center open. Mayor Pro Tem Hill-Lawrence said she agrees with that somewhat but the problem would be that salaries is a part of the operation and she doesn't know where they get their funding from but surely to be able to do what they do there must be some appropriations for salaries. She is not opposed to some of it going to salaries as well. Ms. Hummer states she thinks this could be part of the conversation when we send it to full Council. Good thought again Ms. Hummer as you tried. A motion was made by Councilman R. T. Donnelly, seconded by Mayor Pro Tem L. M. Hill-Lawrence to recommend to City Council that we make AoA a line item within our Budget and then we can discuss the amount of money that we want to give them. Those voting in favor of the motion were: Donnelly, Hill-Lawrence, Hummer and Peel. Against: None. Motion carried." Now that was on the 5th Finance Committee meeting. Now we get a memo on the 6th saying different things. It doesn't add up to the same thing. The memo on the 6th was consideration to hold a public hearing and that is what we just heard. But, at the end it says, recommend. During the Finance Committee meeting and he didn't hear anyone saying anything about \$25,000, but in this memo it says during the Finance Committee meeting held on June 5th, 2013 a discussion was held regarding placing a line item in the budget much like we do for Hopeline for Arts of the Albemarle in the amount of \$25,000. A member of the Finance Committee will be making such a motion after the Public Hearing. He guessed they know who they are already. Furthermore, the Finance Committee recommends adoption of the Fiscal Year 2013-2014 Budget Ordinance with the inclusion of a line item for AoA. Please explain that to him.

Councilwoman Hummer stated she agrees with Mr. Walton as we didn't mention the \$25,000. She didn't think it was appropriate to designate that amount that they got last year. It got blown out of proportion, so she felt that it should be Council's decision after deciding if it was to be a line item.

Mayor Pro Tem Hill-Lawrence stated she thinks the \$25,000 where we got that from was because of the appropriation last year. She is sure that is where we kind of assumed that perhaps it would be the same. You are right we didn't say any amount. She thinks that is where the \$25,000 came from.

Councilman Brooks stated you can say what you want to about Councilman Brooks but he is fair across the board. He set here and listened and he is always for the children and he doesn't care what economic status they have. He is always for the children but we have got to do fair across the board. Mr. Donnelly is always talking about they need to do a presentation and put in an application when you want money from the City. That is what the initial thought was. Even when the basketball teams came up here and were asking for funds he asked if they had submitted an application. Now what we are doing is we are trying to do a line item for AoA for \$25,000. He believes our children deserve all that we can do for them. But then, you have got the Boys and Girls Club; let's do a line item for them. We have AAU, let's do a line item for them. In other words we shouldn't pick and choose based on what if you are going to be fair across the board we need to be fair across the board. We said the AoA was in financial struggle and that is why we gave them the \$25,000 last year. Now we are trying to make it a line item to give them \$25,000 every year. He has no problem in giving them \$25,000 every year but what about the rest of our children. We can't be unmindful of that. It doesn't matter to him whether you like what he is saying because it is the truth. Let's give \$25,000 to the Boys Club every year. Do a line item for them. Let's do the same thing for them as they have got our children. AAU Basketball Team we had to fight to get them \$1200. Those are our children also. He is asking that we be fair across the board. We need the Arts of the Albemarle but we need our kids. Don't make them think because they came from this kind of community that you are not worthy of money. We can't afford to talk out of both sides of our mouth.

Councilman Stimatz said he is lost. Have we opened or closed the public hearing yet. He guesses his question is we put an item on the agenda for later and he couldn't understand why we put it on because he would hope it would be discussed now and that is this \$25,000. He has some questions about that himself because it is not in the budget presented. The question is how are you going to fund it. That is not indicated. Is it all going to come from the City's budget or are we going to use TDA money; those are questions that he has before he votes on it. He understands the need for \$25,000 and because it is a small investment in our downtown and a big investment in our children and he would also offer by the way that the Parks and Recreation budget for the City of Elizabeth City is \$2.7 million. We put a lot of money out for a lot of things. We have a line item for \$45,000 in the police budget for PAL alone. We decided we are going to spend a significant amount of money on upgrading a field for our children. This happens to be the Arts and it is not basketball or football or baseball or any of those other games, but it is important and more importantly it is important to the downtown. If our downtown goes away then just standby we will look like the old part of Rocky Mount. That is why he has concerns about extending any commercial property development on Halstead Boulevard. The core of the City should be the downtown area. It is the jewel and we need to

retain it. With that being said, he has questions and he would like to go ahead and discuss them now. If you are recommending the \$25,000 his question is how are you planning to fund it. That is his question. Did the Finance Committee discuss sources of funding or Mr. Olson do you have some item of how we are going to do that? Can we use TDA monies?

Mr. Olson replied that we have used TDA monies in the past for AoA but unfortunately there is no money right now in the TDA account as we have already expended it because of the \$75,000 for the Middle School project. We will get allocations throughout next fiscal year from TDA monies. We usually get roughly \$50,000 but we have made a commitment for one more year to give Port Discover \$15,000 to pay for their building. Then we have the fireworks which is another \$5,000 so those are out of that \$50,000 you have earmarked.

Mr. Stimatz stated that is \$20,000 out of \$50,000 and he is not saying that we take the whole thing out of TDA. He is just curious as to what was the discussion on the sources of funding. AoA is clearing a heads in beds proposition. There is no way around that. Of all the things that we have downtown more than anything else it is a heads in beds. People come here to see the shows and stay overnight and participate in the things that they have.

Councilman Walton said that Tony gave Mr. Olson another way out. The point is on the 5th you discussed it and he just read the whole minutes to you and they said nothing about \$25,000. Ms. Hummer also said they didn't discuss the \$25,000. Now all of a sudden it shows up as \$25,000. The same way it was done last year. It is nothing different about it. Last year they went through the north door and this year they are going through the south door.

Councilwoman Baker said she just wanted to agree that it is the center part of the City. It is the hub of the City. It is the hub of activities and it doesn't impact just children although it does impact kids of all ages, it is not just children. It is people of all walks of life, people that come to events, comes to shows, comes to First Friday and it is not just downtown but it is the whole city and the County. It is the central hub for all activity and she is in favor of making it a line item for as much as we can. Even if we have to give 15-20% and make sure that part of the line item goes toward scholarships. She doesn't know how many scholarships are used every year but there are donations that are used for scholarships and if we put a percentage for scholarships there are a lot of worthy kids, high school and college kids as well as the young kids.

Councilman Donnelly said he strongly favors a line item for Arts of the Albemarle. The amount of money should be open for discussion. The economic impact that the Arts have in the downtown area is quite significant. He thinks all of the

Council has received a copy of that a couple of meetings ago. Let him read just a little part of that. "The importance of a prosperous downtown to Elizabeth City's financial health, the Municipal Service District which pays an extra \$.06 cents per \$100. The Municipal Service District property owners pay \$252,000 of property taxes in fiscal year 2011-2012 not including the Municipal Service District tax of \$32,499. That amount represents 3.3 times the taxes paid by Wal-Mart. 2.4 times the taxes paid by the entire Wal-Mart commercial complex. 1.4 times the taxes paid by the Wal-Mart commercial complex plus the Tanglewood Apartments. The Municipal Service District of which AoA is a member is taxed for we need to recognize what is going on in the downtown area. Just as Wal-Mart is the anchor of the Wal-Mart/Tanglewood commercial residential complex the Arts of the Albemarle is the anchor of downtown. Businesses have opened or about to open or reopen with expanded thanks in part to the anchor effect of Arts of the Albemarle. We have got the Water's Edge Restaurant coming along. Island Breeze is working building downtown. Sidney's Café and Bistro is doing a great job there on Main Street. Serenity Studio, Floor to Ceiling Design, Two and a Half Women and the Pasquotank Trading Company all working out of the Southern Hotel on the first floor. All downtown businesses have benefitted from First Friday Art Walk. There is a lot of money being generated by the downtown and we need to support the downtown through the Arts of the Albemarle. It is the anchor and he strongly supports making the Arts of the Albemarle a line item in our budget.

Councilman Brooks stated the point is not whether or not to consider making it a line item. It might be restaurants opening up downtown. If they don't stay open 24-hours they cannot and will not compete with Hardees, McDonalds and Burger King. Young kids have a tendency to cater to those types of places. If those places close at 5:00 p.m. during the school hours these kids are not going to leave their institution of learning and go downtown to grab a burger. The point that he is trying to make is those numbers are great. Arts of the Albemarle and if you want to do a line item then fine but let's not neglect the kids. He can take the Boys and Girls Club or ECSU and have some more impressive numbers as to why we should support them. The kids are not going to come downtown. They are going to go the fast food restaurant. He talked about getting more information from the City Manager before we vote on the budget. The reason why there is concern is as you all know when at the last meeting where we talked about giving the city manager a raise, there was six to two that they should give him the \$15,000 increase in his salary. What we ran into is that the 1.5% COLA that we gave the employees the City Manager also gets that. So it is \$15,000 plus the 1.5% COLA. Mayor Peel said he looked at Rocky Mount for the City Manager's position and he was making \$160,000. That is fine, but let's do the other directors and see how their pay is compared to a town that size too. Not a town our size but a town that is twice or two times as large as we are. All he is asking is that we be fair across the board. The problem he has is until he

gets the information if we vote and approve the budget it kicks in. The City Manager gets the \$15,000 plus the 1.5% COLA. By Councilman Walton and himself walking out of the meeting in protest it was considered a yes vote but you must understand that means we can bring the item back up. He is asking that the citizens get involved. Those that come to him complaining saying "let him go", don't tell him as he only has one vote. The reason why he wants more information before we vote on the budget is he wants to give the citizens an opportunity to react to what they are saying to him.

Councilman Spence stated he personally would like to hold up on this budget because we are still not clear on the \$25,000 or how we are going to do it, why we are going to do it, when we are going to do it and where the money is going to come from. He thinks for us to vote on it now would be premature. There is nothing clear about it. When there is an uncertainty there is no stability.

Councilman Walton stated he does have a spirit of compromise at times but to him if it was not talked about in the Finance Committee meeting and we come here after a public hearing and try to put it into the budget a lot of the times it is unpopular to tell the truth. He is going to tell the truth if he can't do anything else. We don't need to put it in that budget now and pass the budget because small things become big things after a while. We didn't even know if we could pay for the employees' insurance but guess what; done deal. We didn't know how we could do a whole lot of things this year but we are finding that money from somewhere; done deals. All of a sudden the last night we come in here and try to push some thing through again. That is not the way we should do things. We should do things the way we said we are going to do it if we are going to be a unified council. We can't let one person just keep on tipping the boat over to see if we could swim. We need to make people do what they say they are going to do.

Councilwoman Hummer said Councilwoman Walton she can fully understand why you feel the way that you do that it was being shoved through or done under the table. She was very reluctant to put a dollar amount to it to bring to Council and for this very reason. It should have been in the budget as presented tonight and she personally apologizes that she didn't see to it that was done but she wasn't the only one on that committee. She does think that we should specifically allocate and say so in any allocation that it should be a certain amount for children. She is glad to see that we are giving more to children programs because in years past organizations that were trying to make it and give children something to do and a place to go were more or less told by City Council to go back a cake. She is glad that the tide has turned on that. She doesn't feel comfortable with it being brought to you tonight either and that is why she was reluctant and she didn't put her name on a vote to put a dollar amount on it without this discussion first.

Mayor Pro Tem Hill-Lawrence declared the meeting into Public Hearing to received comments regarding the FY2013-2014 Operating Budget. Since there was no one who wished to speak for or against the proposed operating budget, Mayor Pro Tem Hill-Lawrence declared the public hearing closed.

Councilman Walton said still the \$25,000 is something that is still it must be solid to other people but it doesn't have to be a number. It really doesn't have to be a line item. If you do compromise you can have another number. You can have \$12,500 as it doesn't have to be \$25,000. When we start giving people that did the wrong thing what they want anyway we haven't made anybody change. It will continue to be. What will happen the next time somebody makes a mistake and say this project is going to cost a million dollars and then you look and it doesn't cost but \$500,000. We have got a problem. We keep allowing things to happen and then we don't discipline anybody. If you tolerate something it is not going to change and we keep tolerating.

Mr. Olson stated that staff does need some direction on how much you want to allocate to AoA and then we can come back with a plan on how we will fund that amount. We can put \$25,000 in because that is the amount that was allocated last year.

Mr. Stimatz stated his thought is put \$25,000 and we can cut it back if we have too. It you can show us how to do \$25,000 then making \$10,000 is easy. \$25,000 in his mind is the upper limit.

Mr. Olson said what he is saying is in his original budget he had a fund balance appropriated of \$136,659. This budget ordinance reflects \$65,295 so you can add the fund balance appropriated.

Mr. Stimatz said his thought process is the \$25,000 is the upper limit and it may be lower but if you can say ok it is \$25,000 you will do X and if it is \$20,000 he will do Y, if it is \$15,000 he will do Z, if it is \$10,000 he will do A then you have provided four options. How would we pay for each of those and then we can decide how much we want to give and which option to use.

Councilwoman Baker stated she was looking back at our minutes and the minutes of the 13th meeting it was made reference to the \$25,000 she asked in the April 22nd meeting to be back in the budget so it was out there. She proposed to put \$25,000 back in the budget for AoA.

Councilman Spence stated he was in favor of helping AoA, but he recalls last year that we did say we were giving them \$25,000 because something about their budget and they were in some kind of trouble with finances and somebody

had mismanaged money and we were doing that to help them. Well, he is in favor of helping them but we can't just give them \$25,000 because they were in trouble and this year we give them \$25,000 for whatever. He agrees with Councilman Stimatz for the manager to come back with the different options and then we can make our choice. He doesn't want us to get our hearts set on the \$25,000.

A motion was made by Councilman J. A. Stimatz to table action on the budget until we can see how we are going to pay this \$25,000 line item and then make a decision on whether we are going to pay for it and how we are going to pay for it at our next meeting. Councilwoman L. A. Hummer seconded the motion. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

6} REGULAR AGENDA:

Mayor Pro Tem Hill-Lawrence called upon City Manager Olson for comments.

Mr. Olson stated on December 17th, 2012, the City Council bought the former Mack Sawyer Building. The primary purpose was for us to install bathrooms and showers in that particular facility. The City Council approved a budget amendment on January 28th for \$135,752 utilizing the escrow account funds. On May 17th bids were opened which we only received one bid for that particular project at \$207,280. We met with the only bidder that we had, A. R. Chesson, and went through some value engineering and cut roughly \$40,000 from the bid. We got the price down to \$166,980 and we are proposing to use the amount of money in the escrow account of \$135,752 and Parks and Rec impact fees of \$39,239.25. We also received a \$1,000 donation from the Committee of 100 and the total amount of revenue available for this project is \$175,991.25. That is the amount of our expenditures so far to date. What staff is requesting is that you go ahead and award the bid to A. R. Chesson in the amount of \$166,980 and that we do an additional budget amendment for \$40,239.25.

A motion was made by Councilwoman J. M. Baker to adopt the budget amendment in the amount \$40,239.25 for the construction of the ECDI Building restrooms; and furthermore award the contract to A. R. Chesson in the amount of \$166,980 for the renovations of the ECDI Building. Councilwoman L. A. Hummer seconded the motion.

Councilman Donnelly stated he wanted to go on record that he strongly supports this recommendation and he thinks we ought to go forward with it.

Councilman Walton stated he is sure that we would because that is how the train goes. We started this process off saying that if we didn't get the grant we would not do the project. Then we compromised and said let's go with \$135,000. It doesn't stop and it keeps growing and growing. The more it grows the more that wants to jump on the bandwagon for some reason. To him, if we can put that pavilion up there and the whole thing with bathrooms included for \$175,000 so why can't we put in a bathroom and shower for the same amount. Something just doesn't sound right with that. We are using our own electricians, our water and sewer and we are doing a lot of the things on our own. What are they doing that is going to be so difficult that they need \$166,000. That is a lot of money. We are putting a whole pavilion up for \$175,000. What is there left to do for \$166,000. After you get the \$166,000 then you will give Hyman & Robey \$9,000 for the design. That is a lot of money when at the start we said if we didn't get the grant we would not do the project, but that is what we do when it is going downtown. He hasn't got anything against downtown or AoA but he does try to look at things logically.

Mr. Brooks stated this is a fight that he doesn't want to fight anymore. His concern is that the biggest difference between the \$130,000 and the \$166,000. He was fighting against the \$130,000 and he thought it was a good argument but the numbers are not there. If this Council wants to focus on downtown and no one from the public ever says anything contrary as far as he is concern what you are saying is it is ok. That is how he is beginning to look at things. What happen between the \$130,000 and the \$166,000?

Mr. Olson stated that basically we had to redo the entire electrical system. The existing electrical system was substandard. That was \$15,000 - \$20,000. The water and sewer has to be completely redone and also there is work on the outside that needs to be done then you have the actual restrooms that you are adding to that facility.

Councilman Walton asked if we could open the bids back up and see if we could get a lower bid.

Councilwoman Hummer stated just because people don't come up here and speak to us when they don't agree with everything doesn't mean that they are not concerned. People have been really concerned about that particular project and the fact that there are costs overruns and the same way with the Middle School. Everything is costing a whole lot more but yet we are still going to go forward with all of it. Even though she recommended from the Finance Committee for Council consideration she does have some concerns because there are too many things that are going out of control.

Mr. Brooks stated we are spending money all over the place. That is without question. His concern is whether this is the best price that we can get. He would like to see other bids.

Mayor Pro Tem Hill-Lawrence called for a roll call vote on the original motion:

Roll Call Vote

| | |
|-----------------------------|-------------------|
| <i>Donnelly</i> | <i>Yes</i> |
| <i>Spence</i> | <i>No</i> |
| <i>Baker</i> | <i>Yes</i> |
| <i>Hummer</i> | <i>No</i> |
| <i>Hill-Lawrence</i> | <i>Yes</i> |
| <i>Walton</i> | <i>No</i> |
| <i>Stimatz</i> | <i>Yes</i> |
| <i>Brooks</i> | <i>No</i> |

4 – Yes vote – 4 – No Votes – Motion failed.

Item will be placed on the next agenda for action at that time.

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Councilman Brooks stated we had an animated speaker this evening. He would like to address some of his statements. He normally wouldn't take the time to do that but his name was called several times. He wants to make sure this is understood. The situation that he was confronted with was not against an institution. No one was taken off the roster. They were still eligible to vote in the election process. We must understand when you are talking about people living in Elizabeth City temporary it doesn't matter if you live here temporary or not. Wherever you consider the place where you lay your head is where you live. It doesn't matter if it is temporary or not. All that is asked for is fair across the board. There are other institutions of learning that also have dormitories and no one has taken the time to attack them or see if they were they were in line with the voting instructions of the Board of Elections. That is the problem that he has. If someone would take the time to look at what occurred. He is not a lawyer and the ones that this young man has is not against him or Mr. Walton as it is against the law. He can come before Council and call his name all he wants as that is his prerogative because in essence he has mentioned his name in that sense too. That part didn't bother him. What did bother him was again he would like to see fair across the board. If you are going to attack the residency of where people say they lay their heads don't just target one institution. Target all institutions in our community. Again, one of his issues

were they tried to compare his situation. No one was taken off the roster or told that they could not vote because of residency claim. He could have corrected him right then because our rules say if you are giving false information or information that is not accurate they can be addressed then. That is what he was trying to tell you Madam Mayor Pro Tem. It so happened it was so animated there was no need to do that. He thought he would take the time to address it at this point. Of course, school is out and he hopes the children have a very safe summer and the City does all it can to enhance their safety.

Councilman Stimatz said he would like to pick up on something that Michael and it has to do within the law. Only a person in the Ward can challenge someone voting in that Ward. Someone in the Fourth can't challenge someone in the Third Ward. Similarly if you want to challenge the other two institutions the only one that has residencies which is MACU. It would take someone from the Second Ward to challenge that. That is just a minor point. The other thing is we have a lot of things coming up. We have the 4th of July coming up and Bobbi I owe you a check for fireworks. He hopes that people will come out and celebrate 4th of July. America is a great country because we allow free speech and debate and discussion and dissent and that is what makes it great.

Councilman Brooks stated he knows he has already spoken but he wants to address something that Tony said. In part he is right but you can protest and that has to be in the same ward, but a challenge can be from anybody within the City. That is the difference.

Councilman Walton stated H. L. Trigg had an eighth grade graduation and it was a nice thing. It doesn't matter how bad a child's behavior is but when they receive something for the work that they have done all year it gives them a smiling face inside somewhere. He knows we had a lot of graduates in the area. The more we can make kids feel good about themselves the better off we are going to be in our community. Two ladies did a fine job, Ms. Lena Council and Ms. Margaret Twiford. He just wanted to commend them. The other thing that the young man that come up and was very animated he really doesn't pay him a lot of mind because in 2008 when the election was going on his wife was running for the Fourth Ward. The first time he ever met the man was when he went over to the Kermit White Center to poll the situation because he was running too. He was out there cracking jokes and he tried to move from one side to the other to get away from him but he was following him everywhere he went. When the kids came out to vote he would say, "Don't forget to vote for Ms. Ramona and Uncle Johnnie." Uncle Johnnie and his wife but now he doesn't want them to vote all of a sudden. Four years later he doesn't want them to vote but when his wife was running he wanted their votes. That tells him a lot of what he is about. He is not even going to mention it anymore. It wasn't about him doing that on the Council as the thing that he is so hurt about was a

council member coming to this Council and making a statement that should not have been made. He will say that until he is not on Council anymore. It is still in the courts as it hasn't even been completed yet. He could be more wrong than the kids. He is offended by the comments from a council member.

Councilwoman Hummer stated she would like to commend the Mayor Pro Tem for carrying the meeting tonight. Certainly our well wishes are with Mayor Peel. She would like to mention one thing that she thinks we failed to look at in our budget and that is our homeless population. You see more and more homeless people now and she thinks we have been awful generous but she thinks we missed the boat and not adding additional funding for the homeless. If you have notice a lot of them now have a pet with them probably for protection and that animal is also suffering. We do have a large homeless population and the churches are trying hard to feed them but she thinks this board could do a better job.

Councilwoman Baker stated she just wanted to say she enjoyed representing the City at the Juneteenth Beauty Pageant this Saturday. The Mayor called on his way to the hospital and said he couldn't make it and Ms. Lawrence was at a funeral so she was glad to sit in and bring welcome from the City. There were a lot of really cute girls and she thinks it was a nice event. She would also like to thank the Daily Advance for exposing or giving press about the abuse that she took at the last council meeting because she has never had so much support shown to her from the public, from all the wards, men and women, city and county. She has been a victim before but she has never had the support of the community people that have called her, come up to her, written her notes and she just wanted to say thank you to the Daily Advance for exposing that. She would also like to congratulate the women of excellence. There were five of them and if she could remember them all she would name them but she can't.

Councilman Spence stated he had no further comments.

Councilman Donnelly stated he just wanted to wish the Mayor well and hopefully he gets home soon. Although you did a fine job chairing the meeting he does like Mayor Joseph Peel sitting there.

Mayor Pro Tem Hill-Lawrence stated she is quite proud of the City Council tonight. We can really do this. We can disagree and we can do a whole lot of things but what we must be is together on whatever we do. She is proud of you. Let's not forget the Juneteenth celebration this weekend.

8} ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor Pro Tem Hill-Lawrence adjourned the meeting at 9:18 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Lena M. Hill-Lawrence
Mayor Pro Tem