

The City Council of the City of Elizabeth City held its second regular 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 and council members: J. M. Baker, M. E. Brooks, R. T. Donnelly, L. M. Hill-Lawrence, L. A. Hummer, J. A. Stimatz and J. B. Walton in attendance. Councilman K. K. Spence was absent. City staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, Police Chief E. M. Buffaloe, Fire Chief L. M. Mackey, Inspections Director S. E. Ward, Planning Director J. C. Brooks, Human Resource Director K. W. Felton, ECDI Director R. Cross, Public Utilities Director P. A. Fredette and Finance Director S. E. Blanchard.

Mayor J. W. Peel established a quorum was present and opened the meeting 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 action regarding the prepared agenda.

***A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the agenda as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Stimatz and Walton. Against: None. Motion carried.***

**2} PROCLAMATIONS:**

a} Independents Week – July 1-7, 2013:

Mayor J. W. Peel read a proclamation proclaiming the week of July 1 – 7, 2013 as Independents Week in the City of Elizabeth City.

b} Parks and Recreation Month – July 2013:

Mayor J. W. Peel read a proclamation proclaiming the month of July 2013 as Parks and Recreation Month in the City of Elizabeth City. He presented the proclamation to Ms. Bobbie V. White, Director of the Parks and Recreation Department who made brief remarks.

**3} PUBLIC COMMENTS:**

Ms. Jackie Latson, 1305 South Williams Circle, Elizabeth City who spoke to City Council regarding her opinion on race issues and actions of City Council.

Ms. Rhonda Twiddy, 310 Harrier Court, Elizabeth City spoke to Council regarding the Arts of the Albemarle appreciation for the allocation of funds to them.

Ms. Constance Basnight, 810 Roanoke Avenue, Elizabeth City spoke in regards to her last three months utility bill.

**4} APPROVAL OF MINUTES:**

a} Joint City/County Meeting – April 29, 2013

Mayor Peel called for action regarding the April 29, 2013 Joint City/County Meeting minutes.

***A motion was made by Councilwoman L. A. Hummer, seconded by Mayor Pro Tem L. M. Hill-Lawrence to approve the minutes of the April 29, 2013 Joint City/County Meeting. Those voting in favor of the motion were: Hummer, Hill-Lawrence, Baker, Brooks, Donnelly, Stimatz and Walton. Against: None. Motion carried.***

b} Regular Meeting – June 10, 2013:

Mayor Peel called for action regarding the minutes of the Regular Meeting held on June 10, 2013.

***A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of June 10, 2013 as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, 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.

Mr. Olson advised that we only had one item on the Consent Agenda. He proceeded to read the item.

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

**Consent Agenda**

a} Adopted the following Year End Budget Amendments:

**BUDGET AMENDMENTS  
NUMBER 2013-09  
JUNE 24, 2013**

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

**SECTION I.** That the General Fund Balance Appropriated (103990.0000) be increased by \$88,100; that the Police Salaries & Wages P/T and Temporary (105100.0300) be increased by \$46,500; that the auto supplies (105100.3100) be increased by \$35,000; and that the Construction of Firing Range (105100.7300) be increased by \$6,600.

(To record overages in Police Department.)

**SECTION II.** That the General Fund Miscellaneous Revenue (103350.0000) and Fire Department Maintenance to Vehicles (105300.1700) be increased by \$49,311.

(To record insurance proceeds for damage to ladder truck.)

**SECTION III.** That the General Fund Balance Appropriated (103990.0000) and Housing Demolitions (105400.4600) be increased by \$45,000.

(To record housing demolition costs. The costs will be billed to the property owners.)

**ADOPTED**, this 24<sup>th</sup> day of June 2013.

Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

**End of Consent Agenda**

**6} PUBLIC HEARINGS:**

a} Petition for Voluntary Annexation of 119.31 acres, Parcel "A" Halstead Boulevard Extension:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated this is a 119.31 acre tract located on Halstead Boulevard Extension and owned by Barbara and Miles Brite. The parcel is contiguous to the existing city limits. All procedures for voluntary annexation have been followed according to North Carolina General Statutes.

Mayor Peel declared the meeting in Public Hearing. He called for comments from the public.

Mr. Eddie Hyman, P. O. Box 339, Camden, North Carolina spoke in favor of the proposed annexation. He encouraged Council to approve the voluntary annexation request.

Mr. Sam Davis, III. 508 Continental Drive, Elizabeth City spoke in favor of the proposed annexation.

Since there was no one else who wished to speak for or against the proposed voluntary annexation, Mayor Peel declared the public hearing closed. He called for the pleasure of Council regarding this request.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. T. Donnelly to adopt the following ordinance incorporating the 119.31 acres owned by Barbara and Miles Brite and located on Halstead Boulevard Extension into the city limits of the City of Elizabeth City with an effective date of July 1, 2013. Those voting in favor of the motion were: Stimatz, Donnelly, Baker, Brooks, Hill-Lawrence, Hummer and Walton. Against: None. Motion carried.***

**ORDINANCE #2013-20**  
**TO EXTEND THE CORPORATE LIMITS OF**  
**THE CITY OF ELIZABETH CITY, NORTH CAROLINA**  
**"A" MILES J. BRITE/BARBARA BRITE**  
**119.31 +/- ACRES – HALSTEAD BOULEVARD EXTENDED**

**WHEREAS**, the City Council has been petitioned under G. S. 160A-31, as amended, to annex the area described herein; and

**WHEREAS**, the City Council has by resolution directed the City Clerk to cause to be investigate the sufficiency of said petition; and

**WHEREAS**, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:30 p.m. on the 24th day of June 2013 after due notice by publication on the Saturday, June 15, 2013, 2013 and Wednesday, June 19, 2013; and

**WHEREAS**, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended;

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

**SECTION 1.** By virtue of the authority granted by G. S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the City of Elizabeth City as of the July 1, 2013:

**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 4<sup>th</sup> 2013.

**SECTION 2.** Upon and after the 1<sup>st</sup> day of July 2013, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Elizabeth City and shall be entitled to the same privileges and benefits as other parts of the City of Elizabeth City. Said territory shall be subject to municipal taxes according to G. S. 160A-58.10.

**SECTION 3.** The Mayor of the City of Elizabeth City shall cause to be recorded in the office of the Register of Deeds of Pasquotank County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G. S. 163-288.1.

**ADOPTED** this the 24<sup>th</sup> day of June 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

b} Petition for Voluntary Annexation of 45.35 acres, Parcel "B" Halstead Boulevard Extension:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated this is a 45.35 acres parcel of property owned by Barbara and Miles Brite and located on Halstead Boulevard Extension. The property is contiguous to the existing city limits.

Mayor Peel declared the meeting into Public Hearing. He called upon the City Clerk for those who had signed up to speak for or against the propose annexation.

Mr. Eddie Hyman, P. O. Box 339, Camden North Carolina spoke in favor of the proposed annexation.

Mr. Sam Davis, III, 508 Continental Drive, Elizabeth City, North Carolina spoke in favor of the propose annexation.

Mayor Peel stated since there was no one else who wished to speak for or against the proposed annexation; he declared the public hearing closed.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilman M. E. Brooks to adopt the following Ordinance incorporating the 45.35 acres, Parcel "B", Halstead Boulevard Extension and owned by Miles and Barbara Brite into the Corporate Limits of the City of Elizabeth City, North Carolina with an effective date of July 1, 2013. Those voting in favor of the motion were: Stimatz, Brooks, Baker, Donnelly, Hill-Lawrence, Hummer and Walton. Against: None. Motion carried.***

**ORDINANCE #2013-21  
TO EXTEND THE CORPORATE LIMITS OF  
THE CITY OF ELIZABETH CITY, NORTH CAROLINA  
"B" MILES J. BRITE/BARBARA BRITE  
45.35+/- ACRES – HALSTEAD BOULEVARD EXTENDED**

**WHEREAS**, the City Council has been petitioned under G. S. 160A-31, as amended, to annex the area described herein; and

**WHEREAS**, the City Council has by resolution directed the City Clerk to cause to be investigate the sufficiency of said petition; and

**WHEREAS**, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:30 p.m. on the 24<sup>th</sup> day of June 2013 after due notice by publication on the Saturday, June 15, 2013 and Wednesday, June 19, 2013; and

**WHEREAS**, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended;

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

**SECTION 1.** By virtue of the authority granted by G. S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the City of Elizabeth City as of the July 1, 2013:

**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 4<sup>th</sup> 2013.

**SECTION 2.** Upon and after the 1<sup>st</sup> day of July 2013, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Elizabeth City and shall be entitled to the same privileges and benefits as other parts of the City of Elizabeth City. Said territory shall be subject to municipal taxes according to G. S. 160A-58.10.

**SECTION 3.** The Mayor of the City of Elizabeth City shall cause to be recorded in the office of the Register of Deeds of Pasquotank County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G. S. 163-288.1.

**ADOPTED,** this the 24<sup>th</sup> day of June 2013.

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Joseph W. Peel  
Mayor



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Dianne S. Pierce-Tamplen, MMC  
City Clerk

c} Petition to close that portion of Herrington Road located between 1009 Herrington Road and the Intersection of South Road Street and Herrington Road.

Mayor Peel declared the meeting into Public Hearing.

Mr. Tony Rice, 1704 Pine Street, Elizabeth City, NC said he wanted to address council about the consideration of the public hearing and if we could have another public hearing because he was informed by several citizens that they weren't properly informed about the meeting and the hearing. The signs are too small and some say they never saw it in the Daily Advance. He saw it and he was the only one that was given a certified letter. We have petitions as we speak going throughout the City so he was just asking Council if they would reconsider making a decision tonight to give us a chance for all the citizens to come in and address this issue.

Mayor Peel declared the public hearing closed. He called upon Mr. Olson for comments.

Mr. Olson stated that city staff is recommending tabling this particular item. It has nothing to do with notification as Mr. Rice alluded too as we followed State Statute concerning that. All three of the adjacent property owners were notified and the signs were posted. We had talked with Mr. Rice several weeks ago and we do not have the appraisals back yet for his two pieces of property and we would like to share those with Mr. Rice before the Council takes any action and maybe allow him the chance to address City Council at your next meeting.

***A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. M. Hill-Lawrence to table action on this item until our next meeting. Those voting in favor of the motion were: Stimatz, Hill-Lawrence, Baker, Brooks, Donnelly, Hummer and Walton. Against: None. Motion carried.***

**7} REGULAR AGENDA:**

a} Funding for Arts of the Albemarle:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson advised at the June 10<sup>th</sup> City Council meeting, there was a discussion about providing an earmark in the operating budget for funding of AoA. Council asked staff to bring back possible funding options and staff has provided three and they are: Tourism Development money, Community Support Grants and Fund Balance Appropriated. This item was brought to the Finance Committee and they are recommending \$15,000 be allocated as an earmark this year for AoA and the money is to come out of TDA funds. \$10,000 of the \$15,000 should be earmarked for scholarships, \$5,000 for operating expense and this will have no affect on the adoption of the budget which is also on this agenda.

***A motion was made by Councilman R. T. Donnelly, seconded by Councilman J. A. Stimatz to authorize city staff to prepare an application for funding from the Tourism Development Authority for the Arts of the Albemarle as recommended by the Finance Committee. Those voting in favor of the motion were: Donnelly, Stimatz, Baker, Brooks, Hill-Lawrence, Hummer and Walton. Against: None. Motion carried.***

b} Fiscal Year Budget 2013-2014:

Mayor Peel recognized Mr. Olson for comments.

Mr. Olson advised City Staff and City Council have been working on the budget for the last three months. The net outcome of what we have done so far is a net budget of \$69,079,524.00. The tax rate will remain the same at \$.49.5 per \$100 valuation. The MST amount stays the same at \$.06 per \$100. There is a 1.5% COLA for all city employees. There is also authorized a change in health insurance from the League of Municipalities to Blue Cross/Blue Shield. There is an increase from \$17 to \$20 for our solid waste fee.

***A motion was made by Councilman J. A. Stimatz to adopt the 2013-2014 Fiscal Budget Ordinance as presented. Councilwoman J. M. Baker seconded the motion. Those voting in favor of the motion were: Stimatz, Baker, Donnelly, Hill-Lawrence, Hummer and Walton. Against: Brooks. Motion carried.***

**ORDINANCE # 2013-22  
FY 2013-2014 BUDGET**

**BE IT ORDAINED**, by the City Council of the City of Elizabeth City, North Carolina:

**SECTION 1.** It is estimated that the following revenues will be available for the City of Elizabeth City for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

**General Fund**

<b>Current Year's Property Taxes</b>	<b>\$6,496,000</b>
<b>Delinquent Property Taxes</b>	<b>320,305</b>
<b>Franchise Taxes</b>	<b>1,311,000</b>
<b>Powell Bill Funds</b>	<b>496,000</b>
<b>Local Option Sales Tax</b>	<b>2,953,000</b>
<b>Investment Earnings</b>	<b>7,000</b>
<b>Licenses and Permits</b>	<b>610,000</b>
<b>Sales and Services</b>	<b>2,013,347</b>
<b>Payments in Lieu of Taxes and Services</b>	<b>1,950,000</b>
<b>Other Revenues</b>	<b>2,780,786</b>
<b>Fund Balance Appropriated</b>	<b>65,295</b>
<b>Fund Balance Appropriated – Powell Bill</b>	<b>1,289,239</b>
<b>TOTAL GENERAL FUND REVENUES</b>	<b>\$20,291,972</b>

**Electric Fund**

<b>Energy Sales</b>	<b>\$38,555,128</b>
<b>Other Revenues</b>	<b>1,390,781</b>
<b>TOTAL ELECTRIC FUND REVENUES</b>	<b>\$39,945,909</b>

**Water & Sewer Fund**

<b>Water Sales</b>	<b>\$4,545,000</b>
<b>Sewer Sales</b>	<b>2,632,354</b>
<b>Other Revenues</b>	<b>2,192,783</b>
<b>TOTAL WATER &amp; SEWER FUND REVENUES</b>	<b>\$9,370,137</b>

**Stormwater Utility Fund**

<b>Residential Revenue</b>	<b>\$ 200,000</b>
<b>Commercial Revenue</b>	<b>195,000</b>
<b>Other Revenues</b>	<b>1,026,506</b>
<b>TOTAL STORMWATER UTILITY FUND REVENUES</b>	<b>\$ 1,421,506</b>

**SUBTOTAL** **\$71,029,524**

**LESS INTERFUND PAYMENTS** **<1,950,000>**

**TOTAL** **\$69,079,524**

**SECTION 2.** The following amounts are hereby appropriated

for the operation of the City of Elizabeth City and its activities for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

**General Fund**

<b>Legislative</b>	<b>\$ 121,715</b>
<b>Administrative</b>	<b>374,113</b>
<b>Finance</b>	<b>372,230</b>
<b>Tax</b>	<b>100,000</b>
<b>Legal</b>	<b>55,800</b>
<b>Planning</b>	<b>387,995</b>
<b>Public Building</b>	<b>252,057</b>
<b>Police</b>	<b>5,894,526</b>
<b>Fire</b>	<b>3,449,792</b>
<b>Fire Inspections</b>	<b>294,962</b>
<b>Inspections</b>	<b>421,576</b>
<b>Public Works</b>	<b>4,947,404</b>
<b>Parks and Recreation</b>	<b>2,751,949</b>
<b>Non-Departmental</b>	<b>638,398</b>
<b>Human Resources/Safety Liability</b>	<b>229,455</b>
<b>TOTAL GENERAL FUND APPROPRIATIONS</b>	<b>\$20,291,972</b>

**Electric Fund**

<b>Information Technologies</b>	<b>\$ 298,977</b>
<b>Warehouse &amp; Purchasing</b>	<b>178,305</b>
<b>Non-Departmental</b>	<b>34,409,848</b>
<b>Customer Service Department</b>	<b>577,267</b>
<b>Electric Distribution</b>	<b>3,088,060</b>
<b>Energy Management</b>	<b>1,393,452</b>
<b>TOTAL ELECTRIC FUND APPROPRIATIONS</b>	<b>\$39,945,909</b>

**Water & Sewer Fund**

<b>Information Technologies</b>	<b>\$ 124,213</b>
<b>Non-Departmental</b>	<b>1,984,896</b>
<b>Customer Service Department</b>	<b>502,956</b>
<b>Water Supply &amp; Treatment</b>	<b>2,368,266</b>
<b>Wastewater Treatment</b>	<b>1,598,593</b>
<b>Water &amp; Sewer Maintenance</b>	<b>2,791,213</b>
<b>TOTAL WATER &amp; SEWER FUND APPROPRIATIONS</b>	<b>\$9,370,137</b>

**Stormwater Utility Fund**

<b>Stormwater Utility</b>	<b>\$ 1,421,506</b>
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<b>TOTAL STORMWATER UTILITY FUND</b>	<b>\$1,421,506</b>
<b>SUBTOTAL</b>	<b>\$71,029,524</b>
<b>LESS INTERFUND PAYMENTS</b>	<b>&lt;1,950,000&gt;</b>
<b>TOTAL</b>	<b>\$69,079,524</b>

**SECTION 3.** There is hereby levied a tax at the rate of \$.495 per \$100 valuation of property as listed for taxes as of January 1, 2013 for the purpose of raising the revenue listed as "Current Year's Property Taxes" as set forth in the foregoing estimates of revenue and a motor vehicle fee of \$5.00 per vehicle.

The tax rate is based on an estimated total valuation of property for the purpose of taxation of \$1,392,617,665 and an estimated rate of collection of 94 percent.

**SECTION 4.** There is hereby levied a tax at the rate of \$.06 per \$100 valuation of property listed for taxes as January 1, 2013 located within the Municipal Service Tax District.

**SECTION 5.** That an increase of 1.5 percent cost of living adjustment be established for City payroll.

**SECTION 6.** That a Christmas bonus of 1 percent be given.

**SECTION 7.** That a longevity bonus plan be continued.

**SECTION 8.** That the health insurance coverage be authorized with Blue Cross & Blue Shield of North Carolina.

**SECTION 9.** That sanitation fee be increased to \$20 monthly.

**SECTION 10.** That a surcharge of \$.43/1,000 gallons of water usage be continued.

**SECTION 11.** That the City of Elizabeth City fee schedule be adopted by reference.

**SECTION 12.** The Budget Officer shall be authorized to reallocate departmental appropriations among the various expenditures within each department.

**SECTION 13.** Outstanding purchase orders and projects as of June 30, 2013, are hereby re-appropriated to this budget.

**SECTION 14.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**ADOPTED,** this 24th day of June 2013.

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Joseph W. Peel  
Mayor

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Dianne Pierce-Tamplen, MMC  
City Clerk

c} Ordinance declaring 1015 West Church Street condemned and authorize demolition of same:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated this particular item was on the Consent Agenda for your June 10<sup>th</sup> meeting. At the request of Councilwoman Baker we did remove this item for further consideration. We were asked to bring this particular item back to this meeting. Staff recommends that we go ahead and execute condemnation of 1015 W. Church Street.

***A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. M. Hill-Lawrence to adopt the following ordinance authorizing condemnation of 1015 W. Church Street and authorize demolition of same.***

Mr. Walton stated when he went through his process to stop a condemnation he had to go through the process of trying to have it removed and then we had to go to another meeting to have it done. He thinks it is a conflict of interest that Ms. Baker took it off the Consent Agenda and didn't tell us why she took it off the Consent Agenda. If she had some other alternative we should have been informed that there were some other things involved.

Mayor Peel stated Mr. Walton you are making some insinuations about Ms. Baker. Don't make assumptions.

Mr. Walton stated he is not making assumptions as she did take it off the agenda. The Finance Committee had already approved it being done. How can a person who is in the real estate business take off something that has already been approved by the Finance Committee. It was headed to Council. There shouldn't have been another plan unless it was cleared by Council. That is not right.

Mr. Stimatz stated that this is counter to the argument that every time the Finance Committee comes everybody knee jerks and he doesn't like it and we shouldn't approve it. This was an item that was on the Consent Agenda for discussion. Ms. Baker said the owner wants to relook at the property and see what they can do with it. No differently than another property which Council had already voted to demolish was by Consent of Council brought back to them and allowed. He has heard that someone on this Council is related to the person that owns that property which is a closer relationship and which is a violation of the ethics. He doesn't know if that is true. He can throw that out there just like you just did or like people throw other innuendos out there. The whole point is it is back before us, there was no violation of any rules, there is all these innuendos and wanting to make a case out of nothing stuff going on all the time and he is tired of it. He is tired of it because it keeps coming from the same quarter constantly. His point is this, the Finance Committee only recommends to City Council as someone has so clearly pointed out to us many times that are not right but whatever they recommend becomes what we do. In fact it doesn't always come what we do. We, the Council decide in the end what we do. We as Council allowed Ms. Baker to take that off whatever her reasoning was. We don't have to make assumptions about her motives or any other priorities unless you have some absolute proof. If you don't have proof you can't say who went to what restaurant and who was there and what they talked about and he thinks you should keep your mouth shut.

Councilman Brooks stated first of all before the meeting you handed out procedures for Council. As he understands it the only thing that Councilman Walton was talking about was procedure. He was talking procedures. It is ok to rant and rave but he is not going to rant and rage now. We are talking procedures. The procedures that we went through as far as the condemnation. He guesses that is what Councilman Stimatz is talking about. We are talking about following the same procedures. We don't need someone to try to defend wrong. That is what he is telling you. We use the rules when we want to when it pertains to individuals. These rules are supposed to apply to that same Council. The rules of demolition and condemnation should apply the same across the board. We don't need anyone that is going to go against the rules and then someone defend them going against what our procedure is. That is all that is being said. That is not an argument. We don't have to attack when we have a procedure to go by and the procedure has been sidetracked. We don't

need to do that. As he recalls correctly when the condemnation process came up it was brought back to the full Council. That was procedure. The Council not an individual did that. When you listen to trying to defend wrong that is what aggravates him. When you try to defend wrong let's take the rules and procedures and throw them out of the book if we are going to make it apply only when we deem it necessary to our benefit.

Mayor Peel called for the vote on the motion. ***Roll call vote is as follows:***

<b><i>Brooks</i></b>	<b><i>Nay</i></b>
<b><i>Stimatz</i></b>	<b><i>Yea</i></b>
<b><i>Walton</i></b>	<b><i>Nay</i></b>
<b><i>Hill-Lawrence</i></b>	<b><i>Yes</i></b>
<b><i>Hummer</i></b>	<b><i>Yes</i></b>
<b><i>Baker</i></b>	<b><i>Yes</i></b>
<b><i>Donnelly</i></b>	<b><i>Yes</i></b>

***5- Yes – 2-Nay Motion carried.***

**ORDINANCE #2013-23  
COMDEMNATION AND DEMOLISHTION  
1015 WEST CHURCH 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 26, 2012** 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 **1015 West Church 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 26, 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 24<sup>th</sup> day of June 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

d} Demolition of 1614 Peartree Road:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated this structure is at 1614 Peartree Road and at City Council’s April 22, 2013 meeting the City Council did adopt an ordinance condemning this particular property. A member of the Council did ask at the next meeting to have additional time to talk with the property owner to see if he had come up with a plan to rehabilitate the structure. That is why it is being put back on the agenda.

Councilman Walton advised that the property owners have decided to go forward with the demolition.

***A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. M. Hill-Lawrence to direct staff to proceed with the order of demolition adopted on April 22, 2013. Those voting in favor of the motion were: Stimatz, Hill-Lawrence, Baker, Brooks, Donnelly, Hummer and Walton. Against: None. Motion carried.***

e} Budget Amendment and Award of Contract for Renovations to the ECDI Building, 106 South Water Street:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated this particular item was on the June 10<sup>th</sup>, 2013 agenda and as Council is well aware this deals with the conversion of the former Mack Sawyer Building now known as the ECDI Building into handicapped restrooms and shower facilities. The City did take this out to bid and we only received one bid and that was from A. R. Chesson in the amount of \$166,980.00. The Council had concerns because both the price and the lack of bidders. Council has received a letter from Sean Robey stating a number of things and informing the City Council on the process he used to try to attract additional bidders. Only one bid was submitted.

***A motion was made by Councilwoman J. M. Baker to adopt the following budget amendment in the amount of \$40,239.25 for the construction of the ECDI Building restrooms; and further, award a contract to A. R. Chesson for \$166,980.00 to renovate the ECDI Building. Councilman R. T. Donnelly seconded the motion.***

Councilman Walton said originally this project would have cost us \$135,000. The grant was for \$102,000 to purchase the property. That was the first thing. We said we would not do the project if it did not go through.

Mr. Olson stated we applied for a second grant to go ahead and install restrooms and showers facilities. That grant did not go through.

Mr. Walton asked how much it is going to cost the citizens to have the total package done.

Mr. Olson replied \$271,000 and that includes the purchase of the property and the renovations.

Mayor Peel called for a vote on the motion.

***Those voting in favor of the motion were: Baker, Brooks, Donnelly, Hill-Lawrence, Hummer and Stimatz. Against: Walton. Motion carried.***

**BUDGET AMENDMENT  
NUMBER 2013-10  
JUNE 24, 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 General Fund Recreation Developmental Fees (103500.6220) be increased by \$39,239.25; the Committee of 100 Donation (103490.6240) be increased by \$1,000.00; and the ECDI Building (106200.7300) be increased by \$40,239.25.

(To record additional funding needed for ECDI Building.)

**ADOPTED**, this 24<sup>th</sup> day of June 2013.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

f} RZ-01-13 Request to rezone property:

Mayor Peel called upon Planning Director J. C Brooks for comments.

Ms. Brooks stated as you may recall at your last city council meeting, you held the public hearing on the rezoning to divide this property into three different zoning classifications. The 66 acres would be designated as General Business, 45 acres would be Highway Business and 50 acres would be R-8. As you may recall the Halstead Corridor Overlay District was established by Council almost eight years ago as not to develop the whole corridor as a commercial strip but to develop it as a mix. Staff feels this rezoning does not promote that vision to create a mix of uses and not a highway developed with strip shopping centers along its entire length and recommended denial of this request. The Planning Commission did not agree with Staff's recommendation of denial. The applicant has stated they do not have a firm development for this site. We have approximately 460 of commercial zoning out on the corridor and only about 8% of it is developed. This would add an additional 111 acres to what we already have. It is at Council's pleasure as to what you choose to do tonight.

Councilman Stimatz asked when you talk about mixed use on the Halstead corridor what is the percentage standard between commercial and residential within the Mixed Use designation.

Ms. Brooks replied no as there is no percentage on that.

Mr. Stimatz asked what is the current amount of commercial acreage within the City.

Ms. Brooks stated she does not remember but it is 11 or 12%.

Mr. Stimatz stated in our Land Use Plan it says land needs projection by 2015 we project we will need 700 acres and the question is have we approved 700 acres for commercial use. He would hope that staff is looking at that number and using that as part of their argument as to why we should or should not approve something.

***A motion was made by Councilwoman J. M. Baker, seconded by Councilman R. T. Donnelly to approve the rezoning request RZ-01-13 to rezone 66 acres of the tract to General Business, 45 acres to Highway Business and 50 acres as R-8. Those voting in favor of the motion were: Baker, Donnelly, Brooks, Hill-Lawrence, Stimatz and Walton. Against: Hummer. Motion carried.***

**8} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

Councilman Donnelly stated he has no further comments.

Councilman Brooks stated he has no further comments.

Councilwoman Baker stated she has a couple of things. She has gotten some phone calls from people after our last meeting regarding a comment that was made and she wishes Mr. Spence was here because he made the comment about the money given AoA. He said we gave \$25,000 last year because they were in money trouble due to mismanaged funds. She just wanted to correct that and she wanted to see where he understood that or where he got that as it is not the case. She is on the board of AoA and there have never been any mismanaged funds and she just wanted to clear that up because it is in the minutes as part of comments. The other thing she has had calls on is when we have festivals downtown and this is from people in her Ward we close Riverside, Water, Southern, sometimes Shepherd and sometimes all the way down to Ehringhaus. Living in that area our residents understand closing for festivals but if they are not going to use both sides of the Charles Creek Bridge, then she thinks we ought to look more closely at how much of the road we close because it detours people around and if we don't use both sides of the bridge then we don't need to close Shepherd as well and all the way down Southern and people could still go across the bridge to get out of that neighborhood rather than going around by the Coast Guard Base or down by White, Brown all that area. She just hopes we will look at those street closures more closely as to what part of the area is being used.

Councilman Stimatz stated he went to Raleigh last Tuesday. NCLM was inviting people to come and speak to our people in the legislature specifically about the tax reform act and in particular the Senate's new version which at the time would basically taken all the tax cuts and not restored any of the revenues to the cities or counties. The effect on us would have been a 14% hike in our property taxes. That coupled with their other still pending action to slap a 6% surcharge on your electric rate because we are "not regulated" by the State would have been devastating. The Senate has since pulled their version back and is waiting their conference with the House. The House version is more acceptable because it tends to hold cities and counties harmless in terms of revenue sources. That is an issue that you should be keeping your eye on. It is very important. The other issue was the rental inspection program. As you know about nine or ten years ago we had a serious problem with rental properties. We had landlords who wouldn't even put good running water or decent toilets in their rentals. A local businessman came to us and said he was spending more time helping his employees to find decent housing then he was getting them to work. We created a Task Force and they put together a Rental Ordinance. Two years ago it was decided to change the program. They gutted the fees. We at the time had to make up that lost revenue in order to maintain the Inspection Program because we thought it was important. Now, what they are planning to do is do away with the whole program. They will not allow a state or county to go in and

have our own inspection program. There are only four allowable reasons for you to go in and inspect. One is the person is a repeat offender. They want to change the language from two violations to seven violations. They have to catch you as a landlord seven times violating some code. A complaint of substandard conditions or requests for inspections and it doesn't say by whom. If Code Enforcement has actual knowledge of the violation or the violation is visible from the outside. In effect if you can't see it then it isn't happening. That is terrible. That is how we got into the position that we were in several years ago. If you care anything about anyone in this town especially people who can only afford to rent places that are inexpensive you have got to feel for them. There were people in places he wouldn't put a dog. They had no voice or champion. We were that champion because we created the program and we could go in and inspect on a periodically basis. It is House Bill 773 and currently the Senate has it in committee. This is an issue that we should all be incense about on a number of levels.

Councilwoman Hummer stated with regards to Council's \$50,000 Community Grants as the Mayor stated a few weeks ago there are a lot of organizations out there that need help and that is very true. One of them is the SPCA. They are in desperate need to get into their building to be able to accommodate all the pets that have been abandoned. She asked the City Manager this afternoon if they could possibly qualify under the Building Reuse Grant Program and he is checking into that for her. She would encourage the SPCA to apply under our Community Grants for funds.

Councilman Walton stated he would like for the City Manager to contact the Attorney to see if 1015 West Church Street is a conflict of interest. In the newspaper they put that he should respect civility. They never said anything about respect. These last few weeks he has been trying to express that. He thinks it was all about respect of how a person was congratulated for picking on the kids from ECSU. He is going to get higher than that. He forgives you Ms. Baker for that. Tony you came close to being uncivil a few minutes ago. You came very close. Let him tell you when you get all the way there he will tell you. Being uncivil is something that just happened and it is nothing that you planned. He saw it happen at church on Friday night. The first thing is we didn't open with a prayer but a moment of silence. We didn't invite God into our presence. The newspaper wrote it up today like it went very smooth but it didn't. They had some uncivil response also. A person in the community asked an individual do you support the same ideas that your representatives support. It went uncivil. He didn't put it in there but it went uncivil. A lady started talking to the audience like she was an elementary teacher talking to second graders. The representative jumped on the lady at the same time. Then the person the lady was talking to told the lady she could get up and leave and as a matter of fact she could get up and leave the whole district. That is not respecting people. If

you want somebody to respect you then you have to respect them and then you can't talk about people if you are doing the same thing they are doing. He tries to be as civil as he can be. Three weeks ago, Mayor we had a great meeting going on. Mr. Brooks made his statement, Tony made his statements and he made his statements then passed it on to Ms. Hill-Lawrence. She made her statements and then it got uncivil again because one person was not respectful. To you all that was no big deal. But June 16<sup>th</sup> a man made some statements and he would not agree with that man's statements, but if he came to this organization and said he congratulated him for making those statements you all would not have appreciated it. That would have been the most disrespectful thing he could have done. It is in your shoes now as it is not in his. He wouldn't apologize for the man's statement but he doesn't go along with what he said. That is what respect is. If you want someone to respect you then you have got to respect them too. Like he said before he forgives you Ms. Baker.

Councilwoman Hill-Lawrence said she doesn't apologize for anything that she has said because she stands firm on what she has said. She will say it again. Johnnie she knows you were talking about her and yes we had a wonderful meeting with the representatives. She was so glad that he came because often times we read the paper and we don't really know what is going on in Raleigh. He told us up front what is going on in Raleigh. Yes, she appreciates it and anyone that didn't want to hear it should have left. We plan to have more and we hope that you come and listen. He invited us to call him and talk with him. It doesn't mean he will change his vote or do anything different. It just meant he wants to hear from his constituents.

Mayor Peel stated he had no further comments.

**9} CLOSED SESSION:**

Mayor Peel called for a motion to retire into Closed Session.

***A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to retire into Closed Session as per NCGS §143-318.11(a) (4) discussion of expansion of industries or other businesses in the area and §143-318.11 (a) (e) consideration of Closed Session Minutes. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Stimatz and Walton. Against: None. Motion carried.***

**10} RETURN TO REGULAR SESSION:**

There being no further business to come before the Closed Session, Mayor Peel entertained a motion to return to regular session.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilman M. E. Brooks to return to Regular Session. Those voting in favor of the motion were: Stimatz, Brooks, Baker, Donnelly, Hill-Lawrence, Hummer and Walton. Against: None. Motion carried.***

**11} ITEM FROM CLOSED SESSION:**

a} April 8, 2013:

Mayor Peel called for action regarding the Closed Session minutes of the April 8, 2013 Meeting.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. A. Hummer to approve the minutes of the April 8, 2013 Closed Session as presented. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Donnelly, Hill-Lawrence and Walton. Against: None. Motion carried.***

b} April 22, 2013:

Mayor Peel called for action regarding the Closed Session minutes of the April 22, 2013 Meeting.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. A. Hummer to approve the minutes of the April 22, 2013 Closed Session as presented. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Donnelly, Hill-Lawrence and Walton. Against: None. Motion carried.***

c} May 13, 2013:

Mayor Peel called for action regarding the Closed Session minutes of the May 13, 2013 Meeting.

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

**12} ADJOURNMENT:**



There being no further business to come before the Council at this time, Mayor Peel adjourned the meeting at 8:59 p.m.

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

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Joseph W. Peel  
Mayor