

**City Council Regular Session  
July 13, 2015**

The City Council of the City of Elizabeth City met in regular session on Monday, July 13, 2015 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Pro Tem Anita Hummer  
Councilman Ray Donnelly  
Councilman Tony Stimatz  
Councilman Michael Brooks (*arrived at 7:10 p.m.*)  
Councilman Darius Horton  
Councilman Johnnie Walton

MEMBERS ABSENT: Mayor Joe Peel  
Councilwoman Jean Baker  
Councilman Kem Spence

OTHERS PRESENT: City Manager Rich Olson  
City Attorney Bill Morgan  
Finance Director Sarah Blanchard  
Planning Director June Brooks  
Chief Eddie Buffalo  
Electric Department Superintendent Karl Clow  
Human Resources Director Katherine Felton  
Assistant Public Utilities Director Larnetta Brothers  
Fire Chief Larry Mackey  
IT Director Matthew Simpson  
Inspections Director Stanley Ward  
Parks and Recreation Superintendent Michael Barclift  
City Clerk Vivian White

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

**1. Agenda Adjustments and Approval:**

Mayor Pro Tem Hummer requested Council's pleasure regarding approval of the prepared agenda.

Councilman Darius Horton requested to add a Closed Session as allowed by NCGS 143-318.11(a)5 to discuss acquisition of property and to approve Closed Session minutes pursuant to NCGS 143-318.10(e).

Councilman Johnnie Walton requested to add discussions of "assessment of City formed programs," "community relations," and "budget."

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to approve the agenda with necessary corrections. Those voting in favor were: Donnelly, Hummer, Stimatz, Horton, and Walton. Against: None. The motion carried. (*Brooks had not yet arrived.*)**

**2. Statement of Disclosure:**

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

**3. Presentations:**

- a. Honoring Linwood Williams on the Occasion of His Retirement as Superintendent of ECPPS

Mayor Pro Tem Hummer read and presented a proclamation to Mr. Linwood Williams in recognition of his many contributions to the Elizabeth City-Pasquotank Public Schools during his 33 years of service to the district. Mr. Williams thanked the City Council for the proclamation and for recognizing the occasion of his retirement from the public schools.

b. Designating July as Park and Recreation Month

Mayor Pro Tem Hummer read and presented a proclamation designating July as Park and Recreation Month in Elizabeth City. The proclamation encouraged all citizens to recognize and appreciate the contributions of our dedicated parks and recreation staff. Parks and Recreation Superintendent Michael Barclift accepted the proclamation on behalf of the department.

**4. Comments from the Public:**

Sabrenna Protain, 158 S. Mill Dam Road, Camden, NC stated that she serves as the shelter manager for the SPCA of Northeastern North Carolina. Ms. Protain distributed information to the Council, which provided research results on trap-neuter-return (TNR) programs in controlling feral cat populations. She reviewed the SPCA's proposal to administer a TNR program locally to identify and care for feral cat colonies located throughout the City in an effort to contain reproduction of the animals.

Peggy Christides, 121 Nixonton Loop, Elizabeth City, NC stated that she had been caring for feral cats in the City for the past 15 years. She said that feral cats are not unhealthy as the public has been led to believe. She expressed her support of the SPCA's TNR program and encouraged the Council's favorable consideration.

**5. Approval of Minutes:**

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

a. City Council Regular Session of June 22, 2015:

**Motion was made by Councilman Darius Horton, seconded by Councilman Tony Stimatz, to approve the City Council Regular Session minutes of June 22, 2015. Those voting in favor were: Donnelly, Hummer, Stimatz, Brooks, Horton and Walton. Against: None. The motion carried.**

**6. Consent Agenda:**

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

**Beginning of Consent Agenda:**

*(Clerk Notation: Items "a" through "e" recommended for approval by the Finance Committee during their meeting of July 8, 2015)*

- a. Consideration – Authorization to Submit a "Play Together Construction Grant for Accessible Playgrounds" application on behalf of Pasquotank County;
- b. Consideration – Adoption of the following Resolution declaring City-owned property located at 809 Shannon Street surplus and authorizing the upset bid process upon receipt of a minimum offer of \$2,500;

**Resolution # 2015 – 07-01  
Declaring Real Property Surplus  
and Authorizing Sale by Upset Bid Process**

**WHEREAS**, the City of Elizabeth City is the owner of real property identified on the Pasquotank County Registry as PIN: 892309055861 and Map 22-F-9 and having a physical address of 809 Shannon Street; and

**WHEREAS**, the City of Elizabeth City has no current or future need of said property for public use and is desirous of selling said parcel.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elizabeth City that the parcel of property identified on the Pasquotank County Registry as PIN: 892309055861 and Map 22-F-9, located at 809 Shannon Street is hereby declared surplus to the needs of the City of Elizabeth City; and

**FURTHER**, the City Clerk shall be authorized to begin the upset bid process as required by North Carolina General Statutes §160A-269 once an Offer of Purchase for this parcel in the minimum amount of \$2,500 has been made to the City.

**ADOPTED**, this the 13<sup>th</sup> day of July 2015.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk

- c. Consideration – Adoption of the following Budget Amendment required for accounting purposes to record DENR Grant received for recycling carts;

**BUDGET AMENDMENT**

**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 fiscal year ending June 30, 2016:

**SECTION I.** That the Stormwater Retained Earnings Appropriated (343990.0000) be increased by \$6,000 and NCDENR (Department of Environment and Natural Resources) Grant Revenue (343490.2000) be increased by \$30,000 and Cart Grant Expenses (405800.4851) be increased by \$36,000.

(To record DENR Grant in the amount of \$30,000 and the City's \$6,000 match for 500 recycling carts.)

**ADOPTED**, this 13<sup>th</sup> day of July 2015.

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Joseph W. Peel  
Mayor

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Vivian D. White, CMC/NCCMC  
City Clerk

- d. Consideration – Call for Public Hearing at 7:30 p.m. on August 10, 2015 in Council Chambers to gather citizen input regarding adoption of a proposed Business Registration Ordinance;
- e. Consideration – Authorization to continue Municipal Agreement with NCDOT for the 2016 inspection of two City bridges;
- f. Consideration – Call for Public Hearing to be held at 7:30 p.m. on August 10, 2015 in Council Chambers to gather citizen input on repealing Article

IV of Chapter 14 of the City's Code of Ordinances (License Taxes and Privilege Licenses) in its entirety;

- g. Consideration – Call for Public Hearing to be held at 7:30 p.m. on August 10, 2015 in Council Chambers to gather citizen input on repealing Article VII of Chapter 14 of the City's Code of Ordinances (Closing Out Sales) in its entirety;
- h. Consideration – Authorization for Live Fire Training at 1308 Southern Avenue.

### **End of Consent Agenda.**

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton, to adopt the Consent Agenda as read. Those voting in favor were: Donnelly, Hummer, Stimatz, Brooks, Horton and Walton. Against: None. The motion carried.**

*(Mayor Pro Tem Hummer declared a four minute recess until the scheduled 7:30 p.m. Public Hearing.)*

### **7. Public Hearing:**

- a. Consideration – Hold a Public Hearing to gather citizen input on the adoption of UDO Text Amendment TA-01-15 filed by the Elizabeth City Police Department to amend the UDO specific to Article XI, Section 11-4.56 Pawnshops.

Mayor Pro Tem Hummer recognized Planning Director June Brooks to review this item for the Council. Ms. Brooks stated that the text amendment before the Council is to amend Section 11-4.56 of the Unified Development Ordinance. She advised that pawnshops are permitted in the Central Business, General Business, Highway Business, Neighborhood Business and Light Industrial Districts with a Conditional Use Permit issued by the City Council.

Ms. Brooks said that in response to several break-ins and attempted break-ins, which resulted in the theft of 36 firearms, the Police Department requested this text amendment. She stated that in documentation provided by the Police Department, they have stated the opinion that adding additional security requirements such as cameras, surveillance systems and bars across windows and doors will deter criminal activity at these types of businesses.

Ms. Brooks stated that the Council had inquired during the June 22, 2015 if the proposed standards could be made retroactive. She said that staff had contacted David Owens of the School of Government and his response was that existing businesses could be required to come into compliance with new regulations, but a reasonable time period to reach compliance must be provided. She pointed out that North Carolina courts have ruled that reasonableness in the length of grace period provided was a key factor and suggested that a two year period for pawn shops to come into compliance would be considered reasonable.

Councilman Brooks inquired if the pawnshop owners had been informed of the proposed amendment, to which Ms. Brooks responded that she was not aware if the Police Department had consulted any of the pawnshop owners to date. She noted that Chauncey's Pawn Shop was already in compliance with the provisions of proposed amendment.

Councilman Stimatz asked about businesses other than pawn shops, such as gun shops, sporting goods stores, and other mercantile that sell guns and inquired how the City could only target pawn shops and not others that sell firearms.

City Attorney Morgan stated that he was aware of only one other store in the City limits that sells firearms, which is Wal-Mart; and pointed out that the store is open 24 hours.

He said that pawn shops are regulated already and are perceived as especially attractive sites for break-ins.

Councilman Stimatz inquired about auction houses and stated that he was aware of one that was not located within the City limits that sold firearms. Mr. Olson stated that he did not know of any auction houses in the City that sold guns. Councilman Stimatz said that his point was that the City needed to be able to defend its answer.

Councilman Stimatz stated that the proposed ordinance referred to “bars or roll down screens” and asked about a store owner preferring a metal door and not a roll down screen. He pointed out that the ordinance was “telling them how they have to secure their front.” Mr. Olson stated that in his opinion the stores somehow needed to be fortified. Councilman Stimatz stated that the ordinance did not allow for discretion and he thought it should. He suggested that staff should look at different options to secure the shops. Councilman Stimatz asked if there was criteria regarding how many bars were needed per foot. Mr. Olson responded that there were no design specifications in the proposed ordinance. Councilman Stimatz made the point that there wasn’t a need for design specifications, but he thought there should be performance specifications.

Councilman Stimatz asked if the alarm being required by the ordinance would have to “ring anywhere” or if it needed to be audible either inside or outside the building. Mr. Olson stated that the alarm should be connected to some sort of monitoring service. Councilman Stimatz responded that the ordinance should state that fact.

Councilman Stimatz inquired how long the tapes or video data should be retained by the stores and suggested that the guidelines should be stated in the ordinance. Chief Buffalo responded that he did not think that the City could require a time period for data retention, but he thought the City could suggest it. He pointed out that other businesses in the City did not keep any data from their surveillance systems. Councilman Stimatz stated that it didn’t make sense to have a camera if the data wasn’t retained.

Councilman Stimatz stated that the proposed ordinance reads that the security bars could not obstruct visibility during business hours. He asked “visibility from where and of what?” He stated that the ordinance needed to be clear on the intent of this provision.

Councilman Stimatz stated that he also wanted to follow up on Councilman Brooks’ question and suggested that he would like for all the pawnshop owners to have an opportunity to look at the proposed ordinance and provide input.

Mayor Pro Tem Hummer declared the meeting into public hearing and inquired of the City Clerk if persons were present who wished to speak on this item. Upon the Clerk’s response that no one wished to be heard, Mayor Pro Tem Hummer closed the public hearing.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Michael Brooks, that staff bring back amended text after the meeting with the pawn brokers at their earliest convenience. Those voting in favor were: Donnelly, Hummer, Stimatz, Brooks, Horton and Walton. Against: None. The motion carried.**

## **8. Regular Agenda:**

- a. Consideration – Appointments to Various Boards and Commissions:

Mayor Pro Tem Hummer requested the Council’s pleasure regarding the following recommended appointments:

- i. Reappointment of Mr. Gordon T. Adams, Sr. to serve a three-year term on the Elizabeth City Historic Preservation Commission to expire September 30, 2018.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton, to reappoint Gordon T. Adams to serve a three year term on the Historic Preservation Commission to expire September 30, 2018.**

**Mayor Pro Tem Hummer called for the vote by roll call, which is recorded as follows:**

**Brooks – yes  
Stimatz – yes  
Horton – yes  
Hummer – yes  
Walton – yes  
Donnelly - yes**

**The motion carried.**

- ii. Appointment of Mr. Christopher Pittarelli to serve a three-year term on the Urban Forestry Commission beginning immediately and expiring July 1, 2018.

**Motion was made by Councilman Michael Brooks, seconded by Councilman Tony Stimatz, to appoint Christopher Pittarelli to serve a three-year term on the Urban Forestry Commission expiring July 1, 2018.**

**Mayor Pro Tem Hummer called for the vote by roll call, which is recorded as follows:**

**Brooks – yes  
Stimatz – yes  
Horton – yes  
Hummer – yes  
Walton – yes  
Donnelly - yes**

**The motion carried.**

- iii. Appointment of Mr. William Hiemer to serve a two year term beginning August 1, 2015 representing the Second Ward on the Storm Water Advisory Board.

Councilman Walton inquired if Mr. Hiemer had been appointed to serve on the Board of Adjustment recently. He asked if the Council had ever discussed how many boards a person that is not on Council could serve on. The City Clerk responded that the Council's Rules of Procedure for Board Appointment allows anyone to serve in an appointed capacity on two different boards, which is consistent with state law.

Councilman Walton asked how the names for appointees are determined. He said prior to seeing it on an agenda, he didn't know there were vacancies. The City Clerk responded that the Council's Rules of Procedure for Board Appointments requires that the Mayor make board appointment recommendations to the Council. Councilman Walton stated that he had not been asked by the Mayor to provide recommendations for any appointments.

Councilman Stimatz stated that the Storm Water Advisory Board happens to be the Board he chairs and as the chairman, he makes sure that vacancies are taken care of. He pointed out that this vacancy is for a Second Ward representative and both he and

Mayor Pro Tem Hummer ask persons if they are interested in serving. He stated that persons ask him all the time how to be appointed; and he tells them to complete and submit an application to the City Clerk for review as vacancies occur. He stated that generally speaking, he keeps track of vacancies on his own.

Councilman Walton responded that Councilman Stimatz was the type of person to keep track of everything, but as a Council member he would like to know when vacancies come open in case he wanted to make a suggestion. He pointed out that Mr. Hiemer had recently been appointed to another board and made the observation that the City couldn't keep putting the same people on all the boards because "people that's on a board will vote for certain things at certain times." He said he thought it should be "distributed equally so all the Wards and all the people can be treated fairly."

Mr. Olson stated that the City struggles to find people to serve on boards and frequently has vacancies available. He said that the City advertises on its website, in his weekly FYI and in The Daily Advance and still finds it difficult to have citizens apply for boards.

Councilman Donnelly suggested to Councilman Walton that if he knew anyone that wanted to sit on any board to have them complete an application and submit it to the Clerk to be added to the pool of applicants. Councilman Walton made the point that he first needed to know when vacancies occur. He stated that this is something that the Council needed to talk more about because he thought the Council needed to re-evaluate what it was doing. He said "if we keep doing the same old things, we are never going to change from being that Tier I city – nothing is going to change in Elizabeth City because we are doing the same things and looking for a different result."

Councilman Horton stated that he concurred with Councilman Walton that positions should be advertised more as they become available, especially for the Council persons since they see people every day in their Wards that would like to serve. He asked that staff bring the matter back before the Council to discuss.

Councilman Stimatz stated that all the committees are listed on the City's website and that information includes the names of persons serving and the expiration of their terms. He suggested that staff provide the Council notice three months ahead of time when vacancies are going to occur.

Councilman Horton asked if multiple persons applied for a board vacancy, how the information would be presented to the Council. Mr. Olson stated that the Mayor would make recommendations to the Council for the boards to which Council appoints. He said that in some cases, the Mayor has sole discretion for making appointments.

Councilman Walton stated "that's why we need to rethink things because one person should not be allowed to dictate what the thoughts of the whole body is." He said "that is not fair to the people because I can appoint all my brothers and cousins and sisters and brothers – that's not fair to the City because sooner or later the vote's going to come my way."

**Motion was made by Councilman Darius Horton, seconded by Councilman Tony Stimatz, to appoint William Hiemer to serve a two-year term representing the Second Ward on the Storm Water Advisory Board.**

**Mayor Pro Tem Hummer called for the vote by roll call, which is recorded as follows:**

**Brooks – yes  
Stimatz – yes  
Horton – yes  
Hummer – yes  
Walton – yes  
Donnelly - yes**

**The motion carried.**

- b. Consideration – Call for a public hearing on August 10, 2015 at 7:30 p.m. in City Council Chambers to gather public comment concerning the adoption of the proposed City Ordinance revision to Chapter 6, Animals; Article I, In General.

Mayor Pro Tem Hummer recognized Chief Eddie Buffalo to provide a review of this request.

Chief Buffalo stated that some citizens have voiced continual concerns regarding the feral cat population in Elizabeth City. He said that individuals who feed and water these cats are adding to the problem; and as a result, health issues that can arise from this population of undomesticated felines have become a legitimate concern. He advised that City staff is currently working with Pasquotank County Animal Control to set traps, but very rarely capture any of the feral cats due to the feeding and watering by individuals within the community.

Chief Buffalo stated that staff recommends amending Chapter 6, Animals, Article I, In General to include provisions that make it unlawful to feed and water the feral cat population in Elizabeth City, and otherwise harbor these cats and cat colonies in existence. He stated that in the amended ordinance, staff is proposing that the penalty for violation of harboring and caring for the feral cats would be subject to a Class 3 Misdemeanor, as defined in General Statute 14-4, and is consistent with both the Youth Protection/Juvenile Curfew Ordinance and the Noise Ordinance that are both in place.

Chief Buffalo stated that after receiving complaints from some citizens in the early morning hours of June 25, 2015, an officer observed at least ten feeding areas with food and water set out for feral cats. He said that these feeding locations were at five different properties within the City; and the officer observed about twenty-one feral cats collectively. He stated that police officers are working with the Sheriff's Department to set traps during the nighttime hours of operation. He stated that feral cats that are captured during the night are being transferred to the Pasquotank County Sheriff's Office in the morning for transfer to the local Animal Shelter. He advised that the goal is to capture three feral cats each week, Monday through Friday. He advised that officers are taking photographs and documenting the locations each time a cat is trapped.

Chief Buffalo stated that it is staff's recommendation to call for a Public Hearing on August 10, 2015 to gather citizen input regarding adopting an amendment to the City's Animal ordinance to address this situation.

Councilman Stimatz asked if the term "feral cat" is defined in the City's ordinances and suggested that if it is not, a definition needs to be added. He stated that in looking at staff's proposal and the proposal provided by the SPCA, it appears the two are "95% there." Mr. Olson agreed and stated that staff's recommendation is consistent with the SPCA, but that he thought the SPCA would rather trap the animals themselves.

Councilman Stimatz suggested that staff needs to reconcile the differences between the two proposals, such as the recommendation by the SPCA for "ear tipping." He questioned why caregivers should have to register with the City if the SPCA is willing to do the registrations.

Councilman Stimatz stated that he had a problem with the proposed requirement to provide "documentation of support by surrounding neighbors," because he thought that was up to the property owner. He pointed out that it should be a requirement that a caregiver must have written permission from the property owner to enter the property to feed the cats. He questioned that if a caregiver has written permission from the property owner, what does it matter what the neighbors think? He stated that although he understood the concerns of the neighbors, he thought the City needed to be very careful with that proposed provision.

Mr. Olson stated that what is troubling to staff is that by nature, a feral animal moves from one location to another. He pointed out that the City Code limits the number of animals that may be kept to three. He asked the question that if an officer sees more than three animals on a property, should the officer write a citation to the property owner? Councilman Stimatz stated that he understood that conundrum and commented that was another issue to consider as well.

Mayor Pro Tem Hummer asked Council's pleasure regarding whether to have the revised amendment come back before calling for the Public Hearing.

Councilman Donnelly stated that he was fine calling for the Public Hearing and implementing revisions afterward.

**Motion was made by Councilman Ray Donnelly, seconded by Councilman Michael Brooks to call for a Public Hearing on August 10, 2015 at 7:30 p.m. in Council Chambers to receive public comment concerning the adoption of the proposed City ordinance revision to Chapter 6 Animals, Article I In General, with necessary corrections. Those voting in favor were: Donnelly, Hummer, Stimatz, Brooks, Horton and Walton. Against: None. The motion carried.**

c. Assessment of City Formed Programs (*added to agenda by Councilman Walton*)

Mayor Pro Tem Hummer recognized Councilman Walton for his comments. Councilman Walton stated that this issue ties in with everything discussed recently, such as feral cats. He said he had already talked about changing how people are appointed to committees. He said there are some programs that the City has that he feels the Council needs to see if they are doing what had been proposed. He stated that the City had the Downtown Improvement Grant program - and for the last three years had put \$80,000 into that program. He stated that the City had just finished a fiscal year and had money left over in that program. Mr. Olson stated that the funds had been encumbered but had not been expended at the end of the fiscal year. Councilman Walton stated "that is my point." He continued "why do we keep putting money somewhere as a placeholder and not using all of it?" He stated "that's not even using logic to me." He stated that the same thing happened with the Weatherization Program.

Councilman Walton made the point that the Council is going to put \$360,000 in the Weatherization Program but didn't use all the funds for the past fiscal year. He stated that EIC has a weatherization program; and their criteria are much different. He stated "our criteria is just that somebody sign up for it and we are eligible to have it done." He said "that's not a good criteria."

Councilman Walton stated that if the numbers the City is "putting out there" are correct, "the City has cleared about 180 customers." He asked how many citizens were on the electric system. Mr. Olson stated that there were over 10,000 customers, but about 8,000 of those were residential. Councilman Walton stated that the City has paid out over a half million dollars to serve 180 customers. He said "we are not doing it right for some reason ya'll - because we helped a few people, but it's on the backs of everybody." He said "we need to assess that program to see if we are doing it right." Councilman Walton stated "if you look at it through the lens of 'we do it because we can do it' we're doing it right." He said "if you're doing it because it's the right thing to do, you're doing it wrong."

Councilman Walton commented that he thought the Community Support Grants were a pretty good thing, because they were helping quite a few people, but he thought all programs being supported should be looked at - if not once a year, at least every other year before the next Council comes in. Councilman Walton stated "a half million dollars ya'll - and you are only supporting 180 people. We can do better than that."

d. Community Relations (*added to agenda by Councilman Walton*)

Mayor Pro Tem Hummer recognized Councilman Walton for his comments. Councilman Walton stated that the City had received the same letter as the County from the NAACP, but had not yet acted on anything. He said that he did not know what the outcome at Pasquotank County would be, but the newspaper had reported that the County was going to involve the Community Relations Committee to have a discussion. He said that he was not judging, but he knew some of the people on that committee and he would not want them to come up with a decision on something as important as human rights. He said that the situation could be termed anyway you want, but that it is more than about states' rights to own slaves. He said "everybody know that's wrong, but they want to fight over that." Councilman Walton commented that, although he had not talked to him about it, he thought Mr. Clay Perkins, President of MACU, could come up with something better than anyone else in the City. He stated that some people on the board could make a good judgement about the monument, but he wouldn't want to "put it in this Council's hands because it wouldn't come out looking right." He stated that the County Commission is the same way. He advised that he thought Mr. Perkins could do a great job because it was about ethics. He said "there was nothing right about slavery – trust me." He stated that when you are free, there are all kinds of options that give you opportunity, but when you're a slave, "all you got to say is yessir master." He commented that it would be amazing to see how it would come out - if it was put in the Community Relations Committee's hands.

Councilman Brooks stated that he was happy that "community relations" was put on the agenda. He said when the Community Relations Committee came to the Council asking for money, one of his greatest concerns was what they were going to do with it. He said he voted for it because they had said that they were "new and improved." He stated that he had his doubts about that. He said that with all the talk about the Confederate flag and moving the monument, the Community Relations Committee was "MIA." He stated that he agreed with Councilman Walton that they shouldn't make the decision, but they should at least be in the conversation. He said that this is not just a problem being addressed in Elizabeth City, but is being addressed nation-wide. Councilman Brooks stated that the worldview that blacks have about the Confederate flag is totally different from that of others. While talking about the history of the Civil War, Councilman Brooks noted that some have said the Confederate flag is about heritage, but to those whose ancestry includes hangings, whippings by slave owners, cross-burning and the horror of the civil rights movement, they have a different worldview. He pointed out that in 2015 as the Confederate flag flew, we have seen the murder of nine innocent blacks in church and the burning of six other churches. He stated that for those who say it's about heritage and not hate, they must understand that as a black, it is about roots. He said that there is a newsflash for those still fighting the Civil War – you lost; and he said "we are the United States of America." He said that the Confederate flag is as hurtful and harmful to him as hanging ropes down Main Street Extended. He stated that during the Civil War, blacks fought with the Confederacy; and if we are true to our heritage and history, instead of only having a European American on the top of the monument, you would have a black standing beside him. He pointed out that then it would not be divisive; but pointed out that with that missing piece of the puzzle, it was not about heritage, but was strictly about hate.

Councilman Stimatz thanked Councilman Brooks for his comments. He stated that Strom Thurmond's son came out in the newspaper and stated that he could no longer defend the Confederate flag because it no longer stood for anything honorable. He stated that Councilman Brooks was correct in that the Confederate flag had been usurped, hijacked and taken hostage by people who only want to use it to symbolize hate.

Councilman Horton stated that he wanted to concur with everyone's comments. He pointed out that we are dealing with so much in society that the last thing we need is a symbol of hate. He stated that the community needs to know that the Council feels as a body that anything that pushes us from being together in this season does not need to be promoted.

Councilman Stimatz stated that he wanted to clarify that the Community Relations Commission is a commission of the City and County; and if the Council wanted them to

look at an issue, the Commission needed to know that. He stated that once known, he was certain the Commission would be glad to take a look at any issue.

e. Budget (*added to agenda by Councilman Walton*)

Mayor Pro Tem Hummer recognized Councilman Walton for his comments. Councilman Walton stated that although the Council had adopted a budget, there were things that he was still not satisfied with. He stated that he was not satisfied with the action taken on the weatherization of 2000 Rivershore Road and requested that the City Manager provide an explanation. Mr. Olson stated that he had already provided the information regarding this matter to the Council in a memo; and he gave a brief explanation of the home as being a part of the designer home project sponsored by Arts of the Albemarle in 2012. He stated that City staff used the house to promote weatherization within the community. He stated that City staff was there working throughout the event to explain the weatherization program to the public and what benefit they could receive from the program. Councilman Walton stated that he brought it up because the Council “acts as though there was nothing to it.” He stated that to him “we are not being true to what we said when we put our hands on the Bible when we were sworn in.” Councilman Walton stated that the expenses for that house were over \$10,000 and should have been approved by the Council. Mr. Olson responded that he approved it as expenditure within the \$160,000 weatherization budget, for which he had authority. Councilman Walton stated “it’s just ironic that it went to AoA.” Mr. Olson stated that the City’s Energy Officer, Dennis Gordon, had approached him to see if the City could be involved in the project and he had approved it. Councilman Walton stated that he knows Mr. Gordon; and he thought that the idea had to come from somewhere else, in his opinion. Councilman Walton pointed out that he had already mentioned that EIC had a program with different criteria than the City’s; and since their program is on a regional basis, it must be a good one. He said with the City, you just have to fill out a piece of paper to become “one of the chosen ones.” He said that for him, that’s not right because it was Robin Hood in reverse. He said that if you don’t help those at the bottom, you never get a good middle class. Councilman Walton stated that “some people feel like it’s their heritage to be given more than those that don’t have.” He stated that you are taking away the human element then - and that’s not the way it’s supposed to be. He said “until we think differently than this, race will be a problem.”

Councilman Brooks stated that Elizabeth City is a poverty stricken area and when the Council approved the property tax increase and water rate increase, he had gotten a lot of feedback. He stated that the City has a lot of young people that work fast food jobs and only work about 20 hours per week. He pointed out that when the City raised taxes, these young people had to pay more on their vehicles and he had never stopped to think about that. He said he had a big issue with that and stated that the Council needed to be mindful that we live in a Tier I county and that the area is poverty stricken.

**9. Comments and Inquiries on Non-Agenda Items:**

Councilman Donnelly stated that he thought everything had been said and he had nothing further to add. He commented that everyone could go on and on about the flag issue; but he did think that the soldiers that fought should be honored.

Councilman Walton had no further comments.

Councilman Horton stated that he wanted to address why he did not vote for the current budget. He said one concern he had was adding funds to the weatherization program because not all funds had been used in the past fiscal year. He stated that as a person who grew up in poverty and still lived in poverty, he was not for a lot of tax increase. He said he was always mindful of those persons who are struggling just to make ends meet. He stated that he wanted to remind everyone to check on the elderly because it was beginning to be very hot and humid.

Councilman Stimatz stated that the tax increase was forced on the Council by the state, because the General Assembly did away with Privilege Licenses. He said that no one had a suggestion regarding how to save that 2.5¢. He commented that if someone had

suggestions regarding how to save that amount in the General Fund budget, he would love to hear them. He said that if someone wanted to put the Weatherization Program on the next agenda and make a motion to change the budgeted amount, that's the way to go about changing it rather than constantly bringing up the fact that you do not like it. He said that everything in the budget is subject to change, whether driven by outside conditions or if the Council changes its mind on something.

Councilman Brooks had no further comments.

Mayor Pro Tem Hummer stated that she concurred with Councilman Stimatz that the state created the issue for the tax increase. She stated that if a member of Council wanted to bring something in the budget back for consideration, anything in the budget could be changed after adoption except the tax increase. She stated that all Councilors are welcome to attend the Finance Committee meetings and participate in the discussion.

Mayor Pro Tem Hummer called for a motion to go into Closed Session.

**Motion was made by Councilman Darius Horton, seconded by Councilman Tony Stimatz, to go into closed session per NCGS 143-318.11(a)(5) Acquisition of Property and NCGS 143-318.10(e) Approval of Closed Session Minutes. Those voting in favor were: Donnelly, Hummer, Stimatz, Brooks, Horton and Walton. Against: None. The motion carried.**

Mayor Pro Tem Hummer declared a five minute recess after which the Council reconvened in Closed Session at 8:47 p.m.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Michael Brooks to come out of Closed Session. Those voting in favor were: Donnelly, Hummer, Stimatz, Brooks, Horton and Walton. Against: None. The motion carried.**

The Council returned to Regular Session at 9:00 p.m.

**Motion was made by Councilman Tony Stimatz, seconded by Councilman Darius Horton to approve as presented the Closed Session minutes for the meeting held on June 8, 2015. Those voting in favor were: Donnelly, Hummer, Stimatz, Brooks, Horton and Walton. Against: None. The motion carried.**

#### **10. Adjournment:**

There being no further business to be discussed, Mayor Pro tem Hummer adjourned the meeting at 9:05 p.m.

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Anita Hummer  
Mayor Pro Tem

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Vivian D. White, CMC/NCCMC  
City Clerk