

The City Council of the City of Elizabeth City met in regular session on Monday, October 31, 2016 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Joe Peel
Councilwoman Jean Baker (*arrived at 7:02 p.m.*)
Councilman Ray Donnelly
Mayor Pro Tem Anita Hummer
Councilman Tony Stimatz
Councilman Michael Brooks
Councilman Rickey King
Councilman Darius Horton
Councilman Johnnie Walton

MEMBERS ABSENT:

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

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

1. Agenda Adjustments and Approval:

Mayor Peel requested Council's pleasure regarding approval of the prepared agenda.

Motion was made by Councilman Rickey King, seconded by Mayor Pro Tem Anita Hummer, to approve the agenda with any necessary moves. Those voting in favor of the motion were: Donnelly, Hummer, Stimatz, Brooks, King, Horton, and Walton. Against: None. The motion carried. (*Baker had not yet arrived.*)

Clerk notation: No adjustments to the agenda were requested.

2. Statement of Disclosure:

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

3. Proclamation:

a. Veterans Day 2016

Mayor Peel read and presented to Staff Sergeant Dan Serik, *ret.*, a proclamation calling upon the citizenry of Elizabeth City to participate in services and observe the eleventh hour of the eleventh day of the eleventh month with expressions of gratitude to all veterans known to them; to extend this gratitude to the families of deceased veterans; and to solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom.

On behalf of all veterans, Staff Sergeant Serik thanked Mayor Peel and the Council for this recognition and invited everyone to attend the upcoming Veterans Day Observance at Waterfront Park.

4. Comments from the Public:

Scott Danneker, 102 Captains Court, Elizabeth City, NC expressed his opposition to the Council possibly considering a modification to the City's noise ordinance to exempt churches as had been requested over several months by The Masters Touch Church.

5. Approval of Minutes:

Mayor Peel requested Council's pleasure regarding approval of the prepared minutes.

- a. City Council Regular Session of September 12, 2016

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King to approve the City Council Regular Session minutes of September 12, 2016. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

- b. City Council Regular Session of October 10, 2016

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King to approve the City Council Regular Session minutes of October 10, 2016. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

6. Consent Agenda:

(Clerk Notation: Items "a" thru "c" were recommended for approval by the Finance Committee during their meeting of October 27, 2016.)

Mayor Peel 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:

- a. Consideration – Rejection of US Fish and Wildlife NC Boating Infrastructure Grant in the amount of \$32,000;
- b. Consideration – Authorization to Apply for State Farm Community "Good Neighbor" Safety Grant in the amount of \$25,000;
- c. Consideration – Authorization to Apply for Firehouse Subs Public Safety Foundation Grant in the amount of \$18,494.44.

End of Consent Agenda.

Motion was made by Councilman King, seconded by Councilman Donnelly to approve the Consent Agenda. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

Councilman Stimatz requested that the letter to US Fish and Wildlife include an explanation of the circumstances in having to reject the grant for Coast Guard Park in order to preserve the City's relationship with them. He stated that he was very concerned about Consent Agenda item "C". He noted that the staff write-up indicated that the Police Department's MDT's are outdated and not compatible. He said Council had made it clear that the minimum patrol and response equipment in the Fire and Police Departments would be maintained through the City's budget. He stated that to rely on grants for basic needs is poor management. He requested that staff provide by

the Council's next meeting a list of the City's minimum equipment needs for both the Police and Fire Departments, the status of that equipment, and a status report on the City's surveillance cameras.

Mayor Peel moved the agenda forward to the Regular Agenda at 7:15 p.m. to await the 7:30 p.m. scheduled Public Hearing time.

7. Public Hearing:

a. Award of Fiscal Year 2016-2017 Community Support Grants

Mayor Peel declared the meeting into Public Hearing at 7:30 p.m. and inquired of the City Clerk if persons were present who wished to be heard. Upon her reply that no one wished to speak, Mayor Peel declared the Public Hearing closed.

Mayor Peel inquired of the Council if there was a motion.

Motion was made by Councilman Darius Horton, seconded by Councilman Rickey King to award the fiscal year 2016-2017 Community Support Grants as presented.

City Manager Olson requested that the motion also include authorization for City staff to submit an application to the Tourism Development Authority in the amount of \$2,500 for River City CDC's Juneteenth Celebration.

Councilors Horton and King agreed to the motion amendment as stated by Mr. Olson.

Those voting in favor of the motion were: Baker, Donnelly, Hummer, Brooks, King, Horton and Walton. Against: Stimatz. Motion carried.

Fiscal Year 2016-2017 Community Support Grants

Organization	Funding Request	Council Authorization
Arts of the Albemarle	2,000.00	1,000.00
Boys & Girls Club of EC	5,000.00	4,000.00
Food Bank of the Albemarle	30,000.00	10,000.00
Healthy Carolinians of the Albem.	500.00	500.00
Kids First, Inc.	10,000.00	8,000.00
NC Blazers (*)	3,000.00	2,000.00
Pasquotank Library	2,000.00	2,000.00
Port Discover	7,500.00	7,500.00
River City CDC Juneteenth	5,000.00	**
River City CDC Walker House	7,500.00	5,000.00
Northeast Coalition End Home.	3,000.00	3,000.00
Visions of Hope	5,000.00	5,000.00
YMCA	2,500.00	2,000.00
12 Organizations/	\$83,000.00	\$50,000.00
13 Program Requests		
* Award \$100.00 per player.		
** Send Application to Tourism Development Authority for \$2,500		

8. Regular Agenda:

a. Discussion – Drainage on Rosebud Avenue.

Mayor Peel recognized Mr. Olson for his comments on this matter. Mr. Olson stated that during the last meeting of the Council, a number of citizens from the Rosewood neighborhood came to discuss drainage issues on Rosebud and Rosedale Avenues. He stated that staff had provided a memorandum to the Council concerning that matter and noted that the improvement project had been designed for about two years. He reported that the City was having difficulty obtaining an easement from one of the property owners in order to do the project. Mr. Olson stated that the Storm Water Advisory Committee had allocated \$50,000 for the project.

Mr. Olson recognized Public Utilities Director Paul Fredette, who provided the technical details of the project. Mr. Fredette explained a recent street paving project the City had completed in the neighborhood that eliminated the previous valley gutter system. He explained that the valley gutter construction created a dip at the interface between the edge of the road and driveways, which was further aggravated when the roads were resurfaced to the point where many residents along the street placed some form of a perforated steel plate in the bottom of the gutter simply to prevent the rear bumper of the car from bottoming out when crossing the valley gutters.

Mr. Fredette reported that City staff decided to remove the valley gutters as part of the reconstruction project and thus create a lawn/pavement interface in front of all the properties in that area. He reported that it is staff's opinion that the lawn/pavement interface created a much more drivable entrance to the driveways and a better aesthetic appearance for the edge of the streets in that area.

Mr. Fredette advised that there remains a significant street drainage problem along the edges of Rosebud Avenue due to drainage coming down from the adjacent medical park. He stated that during a rain event, water floods off the medical park at the end of Rosebud looking for relief as it flows northeasterly along the edges of Rosebud. Mr. Fredette said that water standing along the edges of Rosebud is significant at times.

Mr. Fredette stated that in 2014, when the specifics of the problem were realized, staff had a sketch plan prepared by Pat McDowell for a solution. He noted that the plan called for a drainage improvement with four catch basins on Rosebud Avenue coming down to the corner of Rosedale and crossing the street and following a property line out to a swamp that is a tributary to the Pasquotank River. He said the project was approved and the budget was approved, but the City had been unable to reach agreement with the property owner for an easement. He noted that several family members are involved in the decision. He suggested that the negotiation may need to be "moved up a notch" to involve the City Manager and possibly the City Council in order to move the project forward.

Councilman Stimatz commented that the City has the money, has the solution, but does not have the easement. Mr. Fredette stated "that is correct."

Mayor Pro Tem Hummer asked if the hole in the yard of the citizen from whom the City is seeking the easement could be fixed before anything else is done. Mr. Olson stated that he had spoken to one of the family members and they would like to see the hole repaired. He said the City would fix the hole, but he wanted the Council to realize that that work would be torn up as soon as the easement is secured and the improvement project begins.

Mr. Olson stated that he hoped the matter would be shortly resolved and noted that there would be continued discussion regarding this matter during the Closed Session.

9. Comments and Inquiries on Non-Agenda Items:

Councilman Donnelly stated that he had no further comments.

Councilman Walton asked City Manager Olson for an update on the Dog Corner Park Basketball Courts. Mr. Olson stated that the soil conditions would not support the weight of a full length concrete court. He noted that geo-testing had been performed and found that the soils closer to Southern Avenue were also poor. He said that the best way to salvage the facility was to keep the north end of the court as a half court. Councilman Walton requested that staff provide more options than just to make the facility a half court. Councilman Walton inquired about the Old Oak Cemetery project to purchase additional property. Mr. Olson stated that he was in negotiation with the property owner and would bring the package to the Council for consideration once the details were complete. Councilman Walton complimented the events surrounding the ECSU Homecoming Celebration. He noted he had heard complaints by the alumni regarding "price gouging" by the local hotels. He requested that a discussion be held to look into that issue. Councilman Walton expressed his concern regarding big trucks using Herrington Road. Mr. Olson advised that Herrington Road is an NCDOT-designated alternate route for trucks.

Councilwoman Baker stated that she did not know of a committee that sets rates for hotels. She pointed out that the Tourism Development Authority had provided \$18,000 to ECSU to support Homecoming. She noted that the TDA would not be able to do that without good rates and good lodging available to alumni and everyone else. She noted that she thought it was money well spent by TDA.

Councilman King had no further comments.

Mayor Pro Tem Hummer had no further comments.

Councilman Horton stated that he had not received information regarding the Police Department assisting people who lock their keys in their car as requested. He stated that he would like to have a discussion regarding some type of liability waiver. Mr. Olson stated that the Police Department had addressed that matter through its Standard Operating Procedures. He said that he would be happy to share that information with the Councilman. He reported that the City's insurance company had grave concerns regarding providing that type of assistance.

Councilman Stimatz asked Councilman Walton, in his capacity as a member of the Parks and Recreation Advisory Board, to talk to the Board regarding options for the Dog Corner Basketball Court. He stated that he had attended an auction and came across a blueprint for the original Elizabeth City Normal School Building that he managed to purchase. He said that he would be giving that plan to Chancellor Conway. Councilman Stimatz inquired if the City had a parking map and noted that people are beginning to park on both sides of Persse Street. He said that there was not enough room to park on both sides of that street. He requested that staff look into where parking is allowed on Persse and consider possible no parking signs as a remedy.

Councilman Brooks stated that he thought NCDOT did a good job with the paving work on South Road Street. He said that it almost looked like a new neighborhood. He thanked City staff for installing the four way stop signs on McMorrine Street and commented that once residents were accustomed to the change, it would be beneficial. He noted that there was a big tree on Brooks Avenue that was hiding the speed limit sign that had just been installed. He requested that some of the branches be removed. He stated that the ECSU Homecoming parade was very good and he encouraged all citizens of Elizabeth City to participate in that celebration just as they do for the Christmas Parade, the Potato Festival and Juneteenth. He noted that he did not know that the TDA provided \$18,000 to ECSU for homecoming; and he encouraged the hotels to charge fair rates for the alumni. Councilman Brooks advised that he had received complaints regarding the sound on Channel 11 and requested that staff look into the matter.

Mayor Peel stated that the Council had had previous discussions regarding putting a sidewalk on Herrington Road. He noted that the huge tree that had been an issue was taken down by Hurricane Matthew. Mr. Olson stated that a sidewalk could not be installed because NCDOT would not approve a sidewalk at grade. He said that NCDOT

was not willing to install curb and gutter. He noted that the project would not be Powell Bill eligible for the City.

10. Closed Session as allowed by NCGS 143-318.11(a)(3) for consultation with the City Attorney.

Motion was made by Mayor Pro Tem Hummer, seconded by Councilman King to go into Closed Session as allowed by NCGS 143-318.11(a)(3) for consultation with the City Attorney. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

Mayor Peel declared a five minute recess at 7:43 p.m. after which the Council retired into Closed Session.

(Clerk notation: Mayor Pro Tem Hummer left the meeting at 8:05 p.m. without a vote of the Council to excuse. The vote to come out of closed session is recorded as an aye vote for Mayor Pro Tem Hummer.)

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

The Council returned to regular session at 8:27 p.m.

10. Adjournment:

There being no further business to be discussed, Mayor Peel adjourned the meeting at 8:28 p.m.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk