

**MONDAY – 7:00 P.M.**

**JANUARY 5, 2004**

**CITY COUNCIL**

The City Council of the City of Elizabeth City held its monthly meeting on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor John H. Bell, Jr. presiding. Councilors present were: C. C. Austin, J. M. Baker, L. A. Hummer, R. E. King, W. A. Lehmann, E. K. Rivers, D. K. Stallings, Sr. and J. B. Walton. Others attending were: City Manager R. C. Olson, City Clerk D. S. Pierce, City Attorney W. H. Morgan, Finance Director S. E. Blanchard, Public Works Director C. Grant, III, Human Resource Director K. W. Felton, Police Chief W. J. Anderson, Fire Chief G. R. Baccus, Inspections Director S. E. Ward, Parks and Recreation Director J. D. Overman, Interim Planning Director S. L. Cox and Electric Superintendent K. F. Clow.

Mayor J. H. Bell, Jr. opened the meeting by welcoming those attending. He called upon Pastor Phil Dowdy, New Life Family Center to give the invocation after which Councilman R. E. King led the Pledge of Allegiance to the Flag of the United States of America.

Mayor Bell called for approval of the prepared agenda. Councilman W. A. Lehmann asked to add a status update on the pumps at the pumping stations and he expressed his concern and desire to move the Closed Session to before the discussion of the Joint City and County Meeting's agenda as the Closed Session might alter the discussion. Councilman E. K. Rivers asked to add discussion of a request to name the new middle school in honor of the late W. C. Witherspoon and Councilman D. K. Stallings, Sr. asked to add discussion of Roanoke Avenue to the Joint City and County Meeting's agenda and discussion of personnel to the Closed Session. Councilman R. E. King asked to add an update on the Haycock-Spellman House. Hearing no other additions or deletions, a motion was made by Councilman W. A. Lehmann, seconded by Councilman D. K. Stallings, Sr. to approve the prepared agenda to include the above listed items.

Mayor Bell stated that he would like to start using the voting machine. The machine has been repaired and is ready for use. He asked City Clerk D. S. Pierce to explain how the voting machine works as he will start utilizing this machine during the meetings. Ms. Pierce went through the process of how to cast a vote. Mayor Bell called for the vote on the above item. Those voting in favor of the motion were: Lehmann, Stallings, Austin, Baker, Hummer, King, Rivers and Walton. Against: None. Motion carried.

Mayor Bell asked the City Clerk the number of persons signed up to speak under public participation. City Clerk D. S. Pierce replied that we have four individuals to sign up. Mayor Bell allocated three minutes of time for each speaker and asked Ms. Pierce to call the first speaker to the podium. Ms. Pierce called Talmadge Basnight to the podium. Mr. Basnight advised that his wife Gloria who also signed up to speak wished to give her three minutes to his time. Mr. Basnight spoke regarding a tree that was damaged during Hurricane Isabel and was left in a leaning position. He has tried to make contact with the

owner of the property the tree is located on with no success therefore he was asking if there was something that the City could do to perhaps help with the removal of this tree as he feels it is a potential danger.

Mr. Robert Vaughan was the next speaker. Mr. Vaughan spoke regarding a request from Elizabeth City State University and the residents of the Brookridge Subdivision to reduce the speed limit on Weeksville Road between Peartree Road and Edgewood Drive from fifty (50) miles per hour to forty-five miles per hour. The two exits from Brookridge are very dangerous when trying to enter Weeksville Road. One resident has been killed and there have been several other accidents and near misses. He also invited members of Council to attend the January 17<sup>th</sup> Homecoming Game of Elizabeth City State University. The University is offering reduced admission tickets and is hoping to fill the stadium to full capacity on this date.

Mr. Harold Barnes was the next speaker and stated that he had two items that he would like to discuss. One was that he would encourage Council to stay focus on the infrastructure of the City and the other item was he asked that Council continue to build good community relations. He expressed his desire that since we have a white Mayor that the Mayor Pro Tem position be filled with an African-American. He feels this will continue to build relations within the community.

City Clerk D. S. Pierce advised that the above speaker was the last person to have signed up.

Mayor Bell called for nominations for the position of Mayor Pro Tem. Councilman J. B. Walton nominated E. Kirk Rivers. Councilwoman J. M. Baker nominated William A. Lehmann. Councilman D. K. Stallings moved that the nominations be closed. Mayor Bell advised that he would again use the ballot method to vote but emphasized that the ballots would be available for viewing following the meeting. Those voting for Councilman Rivers were: Walton, Stallings, Hummer and Rivers. Those voting for Councilman Lehmann were: Baker, Austin, King and Lehmann. Mayor Bell declining to break the tie advised that this item would be placed on the February meeting's agenda for further consideration.

Mayor Bell read a Certificate of Appreciation for B. Warren who recently resigned from the Central Communications Advisory Board due to health reasons. Mr. Warren has been a dedicated hard working member of this Board for the past thirteen years and will be surely missed. Mayor Bell asked the City Clerk to forward the Certificate of Appreciation to Mr. Warren.

Mayor Bell presented a Memorial Resolution on behalf of the League of Municipalities to Ms. Geraldine Stallings, lifetime companion of the late Garnie Banks. Mr. Banks served as Councilman of the Third Ward in the 1980's.

Mayor Bell presented the 2004-2005 Calendar for City Council meetings. Councilman W. A. Lehmann spoke regarding changing the day of the meetings and suggested that this item be placed on the agenda for the Joint City/County meeting. A motion was made by Councilwoman J. M. Baker, seconded by Councilman W. A. Lehmann to table action on the 2004-2005 Calendar until after the Joint City and County meeting. Those voting in favor of the motion were: Baker, Lehmann, Austin, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried.

Mayor Bell stated that he has along with Doris Creps, Public Affairs Coordinator, ARSC-USCG been looking into the requirements of having the City of Elizabeth City designated as a "Coast Guard City." The process is a fairly complicated one, but he believes our City can be the recipient of this high honor. He has scheduled a meeting with various organizations for January 13, 2004 at 10:00 a.m. in order to receive their input on this designation. The meeting will be held in the Council Chambers and members of Council are invited to attend. He will be reporting back to Council on this item in the future. A motion was made by Councilwoman J. M. Baker, seconded by Councilman D. K. Stallings, Sr. to continue the quest of the City of Elizabeth City being designated as a Coast Guard City. Those voting in favor of the motion were: Baker, Stallings, Austin, Hummer, King, Lehmann, Rivers and Walton. Against: None. Motion carried.

Mayor Bell stated that at this time he would like to present the restructuring of the City Council meeting format that will be used this year. Many years ago, the format of having standing committees comprised of council members established to hear matters and make recommendations to the entire City Council. Most recently the committees have consisted of: Planning and Development Committee, Finance Committee, Utilities Committee, Public Works Committee, Public Safety Committee and Human Resources Committee. Although the committee system has been effective in the past, he feels changes are needed to make this Council more responsive to today's needs. At the North Carolina League of Municipalities Annual meeting and other meetings that he has had the opportunity to discuss with other mayors and city councilors the structure of their meetings. Based on this information, he is proposing that we abolish the committee system and establish two regular meetings a month. At both meetings, the City Council will be able to take official action. Instead of having the committee chair introduce an item, it would be done by the City Manager or a staff member. This would allow all members of the City Council to have the same information on which to base their vote. Public Hearings could be held at both meetings. Prior to the second meeting of the month, a workshop would be held where items would be discussed and reviewed. Direction would then be given to staff to bring back a final product at the first meeting of the month for Council action. He will shortly be appointing members of the City Council to a number of outside committees such as the Airport Authority, AEDC and Coast Guard Advisory Committee. The workshop meeting would also be used for members of the different outside committees to apprise Council on the issues before their respective committee. This type of report has been limited in the past. We will continue to have special meetings for the budget review and joint City/County meetings. He is excited about our goal setting session and believes this new structure will allow us to implement our goals faster. This is how he would like to operate for the next two years.

Councilman W. A. Lehmann stated that he received this proposal about forty-five minutes ago. He is not saying that the way that we have done business in the past is the right way of doing business but what he would think is the appropriate course of action would be to get the input of the governing body of this city which is this council as to how they feel about how we should proceed with making changes to committee structures and how those committees provide input and feedback between staff, electric officials and our constituents. We have two brand new members to our council and he believes the NCLM sponsors a workshop which those two new members are going. That is one of the items that should be discussed and we should get input from fellow council members and then come together with a consensus on how we should proceed. He applauds the Mayor's initiative in doing this but he really feels it is the local governing body that should be making a decision on this.

Mayor Bell replied that he appreciated Councilman Lehmann's concern on this matter but he wants to streamline our system and he wants us to be more effective and efficient and we have the city manager form of government. Every council person will have the opportunity to participate. Last year we had a very limited number of committee meetings.

Councilman Lehmann stated that he feels very strongly about this and he would like to hear how other members of Council feel about this.

Councilwoman L. A. Hummer stated that from what she learned at the school for newly elected officials, it is the Mayor's call as to how the meetings are handled.

Councilwoman J. M. Baker stated that she didn't know which way is the right way and she doesn't disagree with the Mayor and that the prior way of doing things was pretty ineffectively and cumbersome. We had meetings that we did little or nothing at only to bring items back to council. She feels courtesy wise she would have liked to have been asked for her input.

Councilman E. K. Rivers expressed his feelings that he too feels that the Mayor has total control over the meetings. He has to take the good with the bad and that is the choice that the mayor has to make as how the direction of the meeting goes regardless if he approves of it or not. He will support whatever changes that the Mayor sees fit to do.

Councilman Lehmann said that maybe it is just a communications thing and if our charter expressly gives the power to the Mayor to conduct the meetings and set the committee structure and the appointments then as far as the communication is concerned the appointments are approved by the Council once the Mayor presents them. He doesn't know if we are appointing one or twenty or what the choices were and he would like to know that in the future.

Councilman D. K. Stallings, Sr. said that he would also like to see the various committee applications before the meeting.

Discussion ensued about the televising of the work session. Several members would like to see the televising of the work session while several others would not as they feel the meeting would be far more productive if the cameras were not on.

Mayor Bell stated that he has appointed the following Council Members to various Committees/Board.

**Albemarle Economic Development Commission**

Councilwoman J. M. Baker  
Councilman R. E. King  
Councilman W. A. Lehmann

**Central Communications Advisory Board**

Councilman D. K. Stallings, Sr.

**Fireman's Relief Fund Board**

Councilman J. B. Walton

**Joint Land Use Committee**

Councilman E. K. Rivers

**Joint Development Committee**

Councilman W. A. Lehmann  
Councilwoman C. C. Austin

**NC Eastern Municipal Power Agency**

Councilwoman C. C. Austin

**Solid Waste Commission**

Councilwoman L. A. Hummer

Mayor Bell also presented for consideration and confirmation the following names for various committees/boards:

**Board of Zoning Adjustments**

Ramona Gilbert

**Central Communications Advisory Board**

William A. Manning

**Elizabeth City/Pasquotank County Airport Authority**

Dr. Carolyn Mahoney

**Fireman's Relief Fund Board**

Charles R. Koch

### **Personnel Appeals Committee**

George Jackson (Reappointment)

Brenda Overton (Reappointment)

Harold Barnes (Reappointment)

Following the above presentation, Councilman W. A. Lehmann made a motion, seconded by Councilwoman L. A. Hummer to confirm the above list of appointments/reappointments. Those voting in favor of the motion were: Lehmann, Hummer, Austin, Baker, King, Rivers, Stallings and Walton. Against: None. Motion carried.

Mayor Bell presented the tentative agenda for the upcoming meeting of the Pasquotank County Commissioners and the City Council. The meeting is scheduled for January 12, 2004 at 6:00 p.m. at the Pasquotank County Agricultural Extension Building located on McPherson Street, Elizabeth City. Some of the proposed items for discussion are: funding for the Albemarle Economic Development Commission and the Elizabeth City/Pasquotank County Airport Authority, the city's participation in the Opticom System, the creation of a joint committee to promote the US Coast Guard in Elizabeth City, establishment of structure for meetings between city/county staff and items for the next quarterly meeting. Mayor Bell advised that this is just a tentative agenda and some items may be added or deleted.

Mayor Bell advised that City Clerk Dianne S. Pierce has recently received the designation of Master Municipal Clerk. This is the highest recognition given by the International Institute of Municipal Clerks, Inc. and signifies completion of the third level of the IIMC Municipal Clerk Academy. Mayor Bell congratulated Ms. Pierce and presented her the Master Municipal Clerk diploma.

Mayor Bell called for action regarding the December 1, 2003 (A&B) minutes. A motion was made by Councilwoman J. M. Baker, seconded by Councilman W. A. Lehmann to approve the minutes of December 1, 2003 (A&B) to include the stated correction. Those voting in favor of the motion were: Baker, Lehmann, Austin, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried unanimously.

Mayor Bell called for action regarding the December 8, 2003 minutes. A motion was made by Councilwoman J. M. Baker, seconded by Councilman W. A. Lehmann to approve the minutes of December 8, 2003 as written. Those voting in favor of the motion were: Baker, Lehmann, Austin, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried unanimously.

Mayor Bell called upon City Manager R. C. Olson for his monthly report and recommendations. Mr. Olson advised that several weeks ago, Senator Marc Basnight had the opportunity to visit Elizabeth City. While here he was shown the City's Streetscape project. At his urging, he suggested that we submit a resolution to the State of North Carolina requesting additional funds to complete Phase I of the Streetscape Project. The

project was originally designed to go from Water Street to Martin Luther King Drive but was downscaled to just two blocks because the bid came in higher than anticipated. All engineering work has been completed from McMorrine Street to Martin Luther King Drive. City Staff has met with representatives from RPC Contracting and is still negotiating a price for the third block. The cost will not exceed \$240,000. In staff's opinion, the value of the work is approximately \$225,000. An addendum or new contract, when finalized, will be brought back to the City Council for approval. The City will not be able to do the third block unless additional funds are provided by the State. In addition, by completing Phase I, the City would be in a position to petition, through TEA-21 Grant application, to continue this project on the Water Street corridor.

Councilman W. A. Lehmann moved that we approve the resolution as presented.  
Councilwoman J. M. Baker seconded the motion.

Councilwoman L. A. Hummer asked that in addition to the \$150,000 that we would expect from the State, does the City have to come up with additional money?

Mr. Olson replied that the City has a contingency fund with approximately \$78,000 in it so basically it could pay for the cost of doing the third block. The approximate total price is \$226,000 to do that third block. We are still in the process of negotiating the price.

Councilwoman Hummer said that she was referring to the earlier memos that pointed out that \$35,000 would have to be taken from the Electric Fund.

Mr. Olson explained that figure was based on an earlier estimated cost for the project of \$295,000 and we are down to \$226,000 now. There will be no additional electric funds used based on the scenario right now. We are well within our budget right now.

Councilwoman Hummer stated that there is the possibility that we will have to go back to the electric fund if the project goes over.

Mr. Olson replied that yes there is that possibility as any project of this nature there are change orders and contingencies but right now we do have enough money in staff's opinion to cover the \$226,000. If it is much more than \$226,000 additional money will have to come from unidentifiable sources.

Councilman E. K. Rivers expressed his concerns that we have just gotten over parts of downtown flooding and he felt that with the pumps situation we should put the third block of Streetscape on hold and look at correcting the problems that resulted in the recent flooding of some areas of downtown.

City Manager R. C. Olson noted that this resolution is just requesting state funding assistance with the third block of Streetscape. There is not a guarantee that we would even get the funding, but after Senator Basnight's visit he urged us to submit a resolution to the State requesting additional funds to complete Phase I of the Streetscape Project.

Mayor Bell called for a vote on the motion. Those voting in favor of the motion to approve the following resolution were: Lehmann, Baker, Austin, King and Stallings. Against: Hummer, Rivers and Walton. Motion carried.

**RESOLUTION #04011  
REQUESTING STATE FUNDING ASSISTANCE  
WITH STREETScape PROJECT**

**WHEREAS**, the City of Elizabeth City was awarded monies through a Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) grant to design and construct Phase I of a Downtown Streetscape Improvement Project; and

**WHEREAS**, sufficient funds were not available to complete the entire project as planned and the project had to be scaled down to two blocks and three intersections; and

**WHEREAS**, the completion of the third block, as originally planned, would significantly impact and enhance the project by providing continuity of design for the City's historic downtown; and

**WHEREAS**, a cost to accomplish this need is estimated to be \$240,000 by the City's engineers.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council of the City of Elizabeth City do hereby request funding assistance in the amount of \$150,000 from the State of North Carolina to assist in the completion of this project.

**ADOPTED**, this the 5<sup>th</sup> day of January 2004.

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John H. Bell, Jr.  
Mayor

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Dianne S. Pierce, MMC  
City Clerk

Councilwoman Hummer asked for a complete total that has been spent on Streetscape to date as a lot of people don't know that amount.

City Manager R. C. Olson advised that the City has held seven amnesties over the past nine years in order to give the citizens the opportunity to dispose of articles not normally collected by our Public Works Department. The last Appliance and Tire Amnesty Week



was in June of 2003, 132 various sized tires and 93 various appliances were collected. It is being proposed that the week of January 12-16, 2004 be declared Appliance & Tire Amnesty Week. A motion was made by Councilman D. K. Stallings, Sr., seconded by Councilman W. A. Lehmann to approve the week of January 12-16, 2004 as Appliance and Tire Amnesty Week in Elizabeth City. Those voting in favor of the motion were: Stallings, Lehmann, Austin, Baker, Hummer, King, Rivers and Walton. Against: None. Motion carried unanimously.

City Manager Olson stated that the next item that he has is the update on the replacement of pumps at the Church Street Pumping Station. The two storm water pumps housed at the Church Street pump station have a design capacity of 12,000 GPM for a total pumping capacity of 24,000 GPM. In addition, the City has installed an auxiliary pump that has a design pumping capacity of 10,000 GPM. We have had the chance to replace one of the 12,000 GPM pumps that was damaged. The second pump that is down, he authorized the purchase of a new pump this afternoon to replace it. The cost of that particular pump is \$21,500 and that money will come from the operating budget of the Public Works Department. The first pump was paid for out of the reimbursement from FEMA. When the new pumps are installed the total pumping capacity will then be 31,600 GPM, with an additional 10,000 GPM in reserve from the auxiliary pump.

City Councilman E. K. Rivers stated that he received a letter from Mr. Donald McCabe Requesting that City Council pass a resolution of support for naming the new middle school after the late W. C. Witherspoon. Mr. Witherspoon was a beacon of truth and hope for all members of our community and naming a school for him would be a fitting tribute to a man who gave so much. He united our community in a fashion that will have a lasting impact. He served our county as a Commissioner from 1987 to his death. He was chairman of the Commission for two years and vice-chairman for two years. He was part of countless initiatives that made Pasquotank County and Elizabeth City a better place to live. Following discussion, a motion was made by Councilman E. K. Rivers, seconded by Councilman W. A. Lehmann to adopt a resolution of support for naming the new middle school after the late W. C. Witherspoon and forward it to the Pasquotank County Commissioners for their consideration. Those voting in favor of the motion were: Rivers, Lehmann, Austin, Baker, Hummer, King, Stallings and Walton. Against: None. Motion carried unanimously.

Mayor Bell stated that he would go around the table and ask each council member for comments. Councilwoman L. A. Hummer stated that the ideas on the electric rates that she presented the night that she was sworn in, she would like to have them put before Council for discussion.

Councilman E. K. Rivers asked that we consider the request from Coach Bobby Vaughan about the speed limit on Halstead Boulevard. He also thanked those that nominated and voted for him for the Mayor Pro Tem position.

Councilwoman C. C. Austin stated that she would like to thank City Manager Olson for his weekly FYI and she finds it to be very informative.

Councilman R. E. King asked that an update be given on the moving of the Haycock-Spellman house on Brooks Avenue.

Councilman D. K. Stallings, Sr. asked that the Roanoke Avenue be put on the City/County Joint meeting's agenda. He also would like to see a discussion of the electric rates, deposit and cut-off fee procedures.

Councilwoman J. M. Baker asked that we address Mr. Talmage Basnight's concerns regarding leaning trees within the city. She also expressed her concern on the clean-up of the city since the hurricane.

Councilman J. B. Walton stated that he felt tonight's meeting was very positive. He asked that Council think about the comments that Mr. Harold Barnes made tonight.

Councilman W. A. Lehmann stated that he agreed with Councilman Walton as he thinks we are off to a great start. He thinks the reason that we are off to a good start is because of the leadership of Mayor Bell, Rich Olson, the Staff and everybody at this table.

A motion made by Councilman D. K. Stallings, Sr., seconded by Councilman W. A. Lehmann to retire into Closed Session for consultation with the City Attorney in order to preserve the attorney-client privilege as per NCGS 143-318.11(a)(3) and discussion of a personnel matter as per NCGS 143-318.11(a)(6). Those voting in favor of the motion were: Stallings, Lehmann, Austin, Baker, Hummer, King, Rivers and Walton. Against: None. Motion carried.

A motion was made by Councilwoman C. C. Austin, seconded by Councilman D.K. Stallings, Sr. to return to regular session of Council. Those voting in favor of the motion were: Austin, Stallings, Baker, Hummer, King, Lehmann, Rivers and Walton. Against: None. Motion carried.

Mayor J. H. Bell, Jr. declared the meeting back into full session of Council.

A motion was made by Councilman W. A. Lehmann, seconded by Councilman D. K. Stallings, Sr. to bring forth a budget amendment to cover the first item discussed in Closed Session tonight. Those voting in favor of the motion were: Lehmann, Stallings, Austin, Baker, Hummer, King, Rivers and Walton. Against: None. Motion carried.

There being no further business to come before the Council at this time, a motion was made by Councilman D. K. Stallings, Sr., seconded by Councilman E. K. Rivers to adjourn. Those voting in favor of the motion were: Stallings, Rivers, Austin, Baker, Hummer, King, Lehmann and Walton. Against: None. Motion carried.

Mayor J. H. Bell, Jr. adjourned the meeting at 10:15 p.m.

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Dianne S. Pierce, MMC  
City Clerk

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John H. Bell, Jr.  
Mayor