

The City Council of the City of Elizabeth City held its first meeting of the year on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor C. L. Foster presiding. Those attending were: J. M. Baker, M. E. Brooks, L. A. Hummer, B. S. Meggs, E. K. Rivers, D. K. Stallings, J. A. Stimatz and J. B. Walton. Staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy Clerk V. D. White, Inspections Director S. E. Ward, Planning Director J. C. Brooks, Interim Police Chief G. F. Koch, Parks and Recreation Director J. D. Overman, Finance Director S. E. Blanchard, Fire Chief W. C. Pritchard, Electric Superintendent K. F. Clow and Interim Public Utilities Director L. Brothers.

Mayor Foster opened the meeting by welcoming those attending. He gave the invocation after which Councilman M. E. Brooks led the Pledge of Allegiance to the Flag of the United States of America.

**1} APPROVAL OF THE AGENDA:**

Mayor Foster called for any additions and/or deletions to the prepared agenda.

Councilman D. K. Stallings asked to remove *Item 9-b-Update – Voting Ward Redistricting*.

Councilman J. B. Walton asked to add, *Discussion of the Boys and Girls Club*.

City Manager R. C. Olson asked to remove *Item 9-c – Award vacant taxicab franchise to Mr. Joseph Ray Hyder, Jr.* He asked to add, *Consideration – Surveillance Cameras*.

*A motion was made by Councilman E. K. Rivers, seconded by Councilwoman J. M. Baker to approve the prepared agenda with the above noted corrections. Those voting in favor of the motion were: Rivers, Baker, Brooks, Hummer, Meggs, Stallings, Stimatz and Walton. Against: None. Motion carried.*

**2} APPROVAL OF THE MINUTES:**

Mayor Foster called for approval of the December 11, 2006 minutes.

***A motion was made by Councilman E. K. Rivers, seconded by Councilwoman J. M. Baker to approve the minutes of December 11, 2006 as written. Those voting in favor of the motion were: Rivers, Baker, Brooks, Hummer, Meggs, Stallings, Stimatz and Walton. Against: None. Motion carried.***

**3} COMMENTS FROM THE PUBLIC:**

Mr. Charles Gregg spoke to Council regarding the parking and the proposed downtown garbage district. He was concerned about the lack of parking but felt that the garbage district was an excellent proposal.

**4} CONSENT AGENDA:**

Mayor Foster called upon City Manager R. C. Olson to read the proposed consent agenda.

***A motion was made by Councilman E. K. Rivers, seconded by Councilwoman B. S. Meggs to approve the following consent agenda. Those voting in favor of the motion were: Rivers, Meggs, Baker, Brooks, Hummer, Stallings, Stimatz and Walton. Against: None. Motion carried.***

Consent Agenda

a} Called for a public hearing to be held on Monday, January 22, 2007 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building.

- 1} Report – to the citizens the closing of Year Three of the Hugh Cale Grant;
- 2} Consideration – Addition of the new Wal-Mart Store as a specific tax location with a rate of \$8.00;
- 3} Consideration of an Urban Progress Zone Application to the NC Department of Commerce;
- 4} Consideration – RZ-11-06 to rezone 1.3 acres located on the east side of Jordan Plaza between Cardwell Street and W. Ehringhaus Street from R-8 to GB, General Business in order to correct an error in the zoning map; and

5} Consideration – Obtain the citizens comments for the year five of the Hugh Cale Grant.

b} Adopted the following Resolutions authorizing PARTF Grant Application for the River Road Soccer Complex, the South Park Sports Complex and the 2006 Comprehensive Parks and Recreation Master Plan:

**RESOLUTION # 07-01-1  
AUTHORIZING PARTF GRANT APPLICATION  
FOR THE RIVER ROAD SOCCER COMPLEX**

**WHEREAS**, the governing bodies of the City of Elizabeth City and the County of Pasquotank recognized the need to update the existing Parks and Recreation Master Plan in order to meet the needs of an expanding population; and

**WHEREAS**, in September 2006 the City of Elizabeth City agreed to enter into a joint contract with Pasquotank County to fund the completion of a ten-year City/County Comprehensive Parks and Recreation Master Plan; and

**WHEREAS**, Site Solutions, landscape architects, was selected to complete the plan; and, the plan has been accomplished and adopted by the City Council; and

**WHEREAS**, a recommendation made by Site Solutions in the Comprehensive Master Plan detailed the development of a soccer complex on property owned by Pasquotank County on River Road.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elizabeth City that the site plan for the River Road Soccer Complex is hereby approved and authorization is made for the City of Elizabeth City to enter into a joint 2007 PARTF grant application with Pasquotank County to fund this project.

**ADOPTED**, this the 8<sup>th</sup> day of January, 2007.

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION # 07-01-2  
AUTHORIZING PARTF GRANT APPLICATION  
FOR THE SOUTH PARK SPORTS COMPLEX**

**WHEREAS**, the governing bodies of the City of Elizabeth City and the County of Pasquotank recognized the need to update the existing Parks and Recreation Master Plan in order to meet the needs of an expanding population; and

**WHEREAS**, in September 2006 the City of Elizabeth City agreed to enter into a joint contract with Pasquotank County to fund the completion of a ten-year City/County Comprehensive Parks and Recreation Master Plan; and

**WHEREAS**, Site Solutions, landscape architects, was selected to complete the plan; and, the plan has been accomplished and adopted by the City Council; and

**WHEREAS**, a recommendation made by Site Solutions in the Comprehensive Master Plan detailed the development of a sports complex on property located on Halstead Boulevard in Elizabeth City, NC.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elizabeth City that the site plan for the South Park Sports Complex is hereby approved and authorization is made for the City of Elizabeth City to enter into a joint 2007 PARTF grant application with Pasquotank County to fund this project.

**ADOPTED**, this the 8<sup>th</sup> day of January, 2007.

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION # 07-01-3  
ADOPTING THE 2006 COMPREHENSIVE  
PARKS AND RECREATION MASTER PLAN**

**WHEREAS**, the governing bodies of the City of Elizabeth City and the County of Pasquotank recognized the need to update the existing Parks and Recreation Master Plan in order to meet the needs of an expanding population; and

**WHEREAS**, in September 2006 the City of Elizabeth City agreed to enter into a joint contract with Pasquotank County to fund the completion of a ten-year City/County Comprehensive Parks and Recreation Master Plan; and

**WHEREAS**, Site Solutions, landscape architects, was selected to complete the plan; and, the plan has been accomplished and reviewed by the City Council.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elizabeth City that the 2006 City/County Comprehensive Parks and Recreation Master Plan as prepared by Site Solutions is hereby adopted.

**ADOPTED**, this the 8<sup>th</sup> day of January, 2007.

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

- c} Authorized Magett Drilling to be the sole-source provider of drilling and rehab services for the well field expansion project.
- d} Approved live burn request at 917 Chestnut Street
- e} Approved one year extension lease agreement with Albemarle Hospital Foundation
- f} Adopted following resolution approving financing with RBC Centura for financing four police vehicle and one sanitation truck in a total amount including fees of \$305,050.24

**RESOLUTION #07-01-4  
AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT  
FINANCING CONTRACT IN THE AMOUNT OF \$284,067.00 WITH RBC  
CENTURA BANK TO FINANCE THE ACQUISITION OF CERTAIN  
EQUIPMENT FOR USE BY THE CITY OF ELIZABETH CITY, NORTH  
CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF**

## **RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**

**BE IT RESOLVED**, by the governing body for the City of Elizabeth City, North Carolina (the "Unit"):

Section 1. The governing body of the Unit does hereby find and determine:

- a} The City of Elizabeth City proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the "Equipment");
- b} After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;
- c} Pursuant to Section 160A-20, the Unit is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and
- d} RBC Centura Bank ("RBC Centura") has proposed that RBC Centura enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which RBC Centura will lend the Unit the amount of \$284,067.00 (the "Contract") and a related Escrow Agreement between the Unit and RBC Centura (the "Escrow Agreement").

Section 2. The governing body hereby authorizes and directs the Finance Director, to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Unit in such form and substance as the person executing and delivering such instruments on behalf of the Unit shall find acceptable. The Clerk is hereby authorized to affix the official seal of the City of Elizabeth City to the Contract and Escrow Agreement and attest the same.

Section 3. The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

Section 4. Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow

Agreement and the taxing power of the Unit is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for RBC Centura in such instance.

Section 5. The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the Unit's obligations under the Contract will not be included in the gross income of RBC Centura.

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except, for qualified 501(c) (3) bonds as defined in the Code) during calendar year 2007. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a "qualified tax-exempt obligations" for the purposes of the Code.

Section 7. This Resolution shall take effect immediately upon its passage.

**ADOPTED**, this the 8<sup>th</sup> day of January 2007.

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

End of Consent Agenda

**5} PUBLIC HEARINGS:**

a} Establishing a Downtown Garbage District and setting the rate schedule for the district.

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson advised that City Council previously gave staff direction to establish a Downtown Garbage District. The trash compactor will be located on South

Poindexter Street behind the Virginia Dare Apartments. A fee structure for all the residents and commercial properties within the district needs to be established. The following rate structure is recommended.

Residential	\$11.00 per month
Small Commercial	\$13.00 per month
Medium Commercial	\$80.00 per month
Heavy Commercial	\$280.00 per month

Mayor Foster declared the meeting into public hearing. He called upon Deputy Clerk White for anyone having signed up to speak for or against the proposed Downtown Garbage District.

Tim Williams, Bobby Plough, Matt Wood and George Jackson all spoke in favor of the proposed district. Since no one else wished to speak for or against the proposed amendment by adding Section 42-14, Downtown Garbage District, Mayor Foster declared the public hearing closed.

*A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to adopt the following ordinance amending Chapter 42 "Health and Sanitation" of the City's Code of Ordinance thereby approving the establishment of a Downtown Garbage District and fees for same. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Hummer, Meggs, Rivers, Stallings and Walton. Against: None. Motion carried.*

**ORDINANCE #07-01-1  
AMENDING CHAPTER 42 "HEALTH AND SANITATION  
OF THE CITY'S CODE OF ORDINANCE  
BY ADDING SECTION 42-14 "DOWNTOWN GARBAGE DISTRICT"**

**WHEREAS**, City Councilors and City Staff often receive complaints regarding overloaded trash containers and trash strewn about in the downtown area; and

**WHEREAS**, the City Council desires to create a Downtown Garbage District in order to alleviate this issue and the parking and sidewalk congestion issues created by the use of commercial dumpsters and 90-gallon garbage containers;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that the following addition to Chapter 42 of the City's Code is adopted creating a Downtown Garbage District and establishing the rate schedule for the district.

SECTION 42-14. Downtown Garbage District.



a} There shall be established a Downtown Garbage District, which may be amended from time to time, whereby residents and commercial property owners within the district shall use a trash compactor provided by the City for garbage collection.

b} The rate schedule for the affected consumers shall be based on the following four tiers: (1) Residential, \$11.00 per month; (2) Small Commercial, \$13.00 per month; (3) Medium Commercial, \$80.00 per month; and (4) Heavy Commercial, \$280.00 per month.

**ADOPTED**, this the 8<sup>th</sup> day of January 2007.

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

b} Adoption of a Water and Sewer Rate Increase.

Mayor Foster recognized City Manager R. C. Olson for comments.

Mr. Olson stated that staff has brought forward a request to increase the water and sewer rates by 7.5%. This request is being made due to the anticipated shortfall in water and sewer impact fees and the City's need to spend roughly \$2,000,000 in order to develop our well field to reach the required 3 mgd. For every one percent (1%) we raise our water and sewer rates, we generate \$60,000 of new revenue for the fund. Based on our CIP needs over the next two years, the City will need \$1,800,000 of additional revenue.

In looking at the existing debt in the Water and Sewer Fund, there will not be an opportunity to issue new debt until 2011 based on our existing rate structure. For this reason, staff would like to propose the 7.5% across the board increase in our water and sewer rates. The proposed increase will generate \$450,000 of new revenue per year and will allow the City to do an installment purchase of approximately \$2,250,000 over a five-year period, which will fund our capital needs until 2011 or until the City sees an increase in its impact fees.

The 7.5% increase would increase our basic water charge from \$17.51 to \$18.82 per month and our base sewer charge from \$10.84 to \$11.65 per month. An average utility customer utilizing 5,000 gallons of water per month would see a total increase of \$4.00 per month.

Mayor Foster declared the meeting in public hearing and called upon Ms. White to call anyone that wished to speak for or against this item to the podium.

Mr. Conrad Mollenkopf spoke in opposition to the proposed 7.5% increase.

Since no one else wished to speak for or against the proposed increase in water/sewer rates, Mayor Foster declared the public hearing closed.

Following consideration and discussion by each member of Council,

*A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to adopt the following ordinance increasing the City of Elizabeth City's Water and Sewer rate by 7.5% across the board. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Hummer and Meggs. Against: Rivers, Stallings and Walton. Motion carried.*

**ORDINANCE #07-01-2  
INCREASING THE CITY OF ELIZABETH CITY  
WATER AND SEWER RATE SCHEDULE BY 7.5%**

**WHEREAS**, the City of Elizabeth City has an immediate need to develop its well field in order to reach a mandated three million gallon per day capacity; and

**WHEREAS**, it is anticipated that the City's Water and Sewer Capital Fund will experience a \$1,789,572 shortfall during the 2006-2007 fiscal year due to a slow-down in the housing market;

**NOW, THEREFORE, BE IT ORDAINED**, that the City of Elizabeth City hereby adopts a 7.5% across the board increase in its current Water and Sewer Rate Schedule in order to fund its capital requirements. Said increase will become effective with the February 2007 utility billing.

**ADOPTED**, this the 8<sup>th</sup> day of January 2007.

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

**6} REGULAR AGENDA:**

a} Utility Deposits

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson advised what the staff follows concerning utility deposits is spelled out in our Customer Service Manual. The City requires a \$200 electric and \$10 water and sewer deposit. Approximately eighteen months ago, the City Council authorized staff, if needed, to allow a customer to pay this amount in two monthly installments. Approximately 25% of our customers are required to pay a cash deposit. Annually, the City writes off approximately \$240,000 in bad debt. One of the reasons the amount is so low is due to the use of deposits to credit delinquent accounts.

Councilman Stallings asked for consideration of those co-signers that have been on the list for twelve months to be able to have their names removed as the co-signer.

Following carefully consideration, it was the consensus to have this item brought back to the next meeting for further consideration.

b} Boys and Girls Club:

Mayor Foster called upon Councilman J. B. Walton for comments.

Mr. Walton asked that a representative from the Boys and Girls Club be at our next meeting in order that we may get an update on what is the status of the club.

c} Surveillance Cameras:

Mayor Foster recognized Interim Police Chief G. F. Koch for comments.

Mr. Koch advised that on November 15<sup>th</sup> the City solicited bids for security cameras. On December 7<sup>th</sup> 2006 we received three bids. After reviewing the bids, one was disqualified for not following the bid specifications. Of the remaining two, there was about \$23,000 difference in the two bids. As you are aware, there was about \$200,000 obligated for the purchase of these cameras. Both bids are over the allocated funds. He believes that in order to be under the

obligated amount that he can scale the price down by reducing the number of cameras. The backbone of the system is really where the cost is located. Staff would like Council's consideration of awarding the bid to ADT Security Systems and allowing him to see if he could scale the final cost down.

Mayor Pro Tem Hummer asked that if we scale this back, we have already promised the community watch groups in town more or less that we were going to go through the whole city and place the cameras in as many of the problem areas that we could. Are we going to compromise this if we scale it back or are we still going to be able to put the cameras in those locations that we originally planned on?

Mr. Koch said that he thinks that we could make it with the 15 cameras. We may not get one in the extra areas but we should the serious problem areas. These cameras can be moved from one place to another.

Mayor Pro Tem Hummer stated that she would like for Council to proceed with caution in cutting it back because we were told in the beginning that the money would have to come from our Electric Fund. This is a justifiable item in the electric fund. We have a lot of additional problems. We have a potential problem with gangs. This is an important tool and to scale it back or make do with a lesser price, she doesn't think that would be smart at this time. This is one thing that she does not think the community would object to coming from the Electric Fund. It is a vital tool and it is at a vital time.

Councilman Stimatz said that one thing that he would like to have researched is that all the cameras indicated are the high end cameras and he would like to know if we could buy less expensive cameras. The other thing that hasn't been discussed and we have to have this in place before we start using the cameras and that is the policy and procedures manual regarding the use of these cameras. In particular the City Attorney has to be involved. There are questions on who can view the cameras, who can access the information and how we are going to store the data, etc. which has been addressed by other communities and he feels that we are going to have to do some serious homework on. Sometime in February, he would like to see a draft of policies and procedures for handling these cameras.

Councilwoman Baker said that she doesn't know if she missed a meeting or what, but she didn't think that we had already approved to put these on line. She thought that we were still in the research mode. She knows that she didn't vote in favor of the cameras anyway because we had at that time, Chief Anderson's recommendation that we do not put cameras in operation. She is very concerned with spending this kind of money on something that we don't have policies in place for yet. She is afraid that this kind of technology would

end up as some of our other technology is, up on the shelf. She understands that we have computers that we don't use. We have printers that are not being used. We have all the technology that we need and expertise to fix it, program it, etc. She is just seeing too many things out there. There have been too many calls that say that this kind of money that wouldn't be used is not feasible. Again, it is some pot of money for something that would buy us a couple of officers on the street instead. She does not see any answers on who would run this, who would be in charge of it and who is going to be watching these cameras. She just has too many questions to deal with this tonight or in the near future or even ever. She is still not in favor of it.

Councilman Walton said that we have ward issues and what he considers a ward issue is that everybody does not have the same problems in each ward. He thinks that the first ward is asking for surveillance cameras, the second ward might be asking for something else. The fourth ward he knows has drainage problems. The third ward is the same way. He thinks that we need to try to put all our resources in all of the different wards so if this is what our council people come to present to us as a problem we need to try to support it as best we can. Even if we bring back information, can't there be two budget sessions to pay for this rather than the one that we have already dictated as paying for this.

Mr. Olson replied that the Council had earmarked \$200,000 for this particular project and that is what we are limited to right now unless the Council authorizes some type of additional monies to be taken from one of the funds that you have access to pay for it. He thinks that the issue that we have here is you just look at how the packages were put together by the vendor and the backbones are the most expensive part. The cameras are relatively inexpensive and by cutting ten cameras out we are not going to save that much money. We may save \$30,000 or \$40,000 but the communication part of it and the other part of the package which you need to have if you are going to get into this can be done. We can add cameras next budget year if that is what the council wants to do. The equipment that we are looking at can maintain 32 cameras before we have to expand the system.

Councilman Walton stated that with the unique problems that we are having in that ward, he thinks that we should go forward with it.

Mr. Olson said that the issue that staff has is that we need to know whether or not we have the green light to go forward with this. If that is the case, then we will start working on the policies and procedures and everything that will have to go along with it.

Mr. Walton said that we have said that or blessed it so much in this past budget session.

Mayor Pro Tem Hummer said that she does not see how we can put more police officers on the street when we have six vacancies that we have not been able to fill. We were at ten but now we are at six. When we met with the vendors we were shown that this is future technology within our departments and our utility department can also be connected to this system. We need to go first class to start with and have something that we really need and that won't be put on a shelf but utilized. Yes, Mr. Walton, we have planned it so that all of the wards will benefit from it. The people in the community watch groups are getting very concern that this might fall by the wayside.

***A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman J. A. Stimatz, to authorize the staff to enter into negotiations with ADT Securities.***

Councilman Stallings asked that other than the bid we are going to come back with what?

Mr. Olson said that you have authorized \$200,000 and if this package comes back at \$235,000 staff will have to come back and tell you where we believe the \$35,000 should come from and also we will bring back some draft policies and procedures. There are a lot of different cities that have these cameras and already have their operating procedures. There are a number of cities that have these cameras already in operation and we will be visiting them. That is what we would do. Once we get our hands on top of the issue that we are going to do this communication and this many cameras and it is going to cost us X dollars we will bring back that information and then tell you how we think you should pay for it at that particular time and Council will make the decision on whether or not you want to purchase the cameras or not.

Mr. Stallings said then what you are telling us is that you are not going to spend a dime until you come back to Council.

Mr. Olson said that is correct unless he can get the package down under \$200,000 as he doesn't have the authority and he doesn't think he can get it under \$200,000.

Mr. Rivers said that if you can get it under \$200,000 then you can sign the deal right then.

Mr. Olson replied that if he gets the direction from the Council.

Mr. Rivers asked Ms. Hummer that if he gets ADT down under \$200,000, does that give him the authority to sign the deal? What he is hearing is that if the bid comes down under the \$200,000 and because we have already earmarked the

\$200,000 then he can sign the deal. This is what he is hearing. We need to clear this up because he is still trying to figure out when he voted for \$200,000. That is what he wants to make sure about. He does not have a problem with the cameras right now because he supported that and that is why he asked that you bring the budgeting amount to us.

Mayor Pro Tem Hummer said that we did vote that \$200,000 and the manager has stated that he does have the authority and she thinks by entering into negotiations with a vendor is as the City Manager says if it is under \$200,000 then she would say that her motion gives him the authority to move forward. If not, then he will bring us a package back as to where the money will be taken from.

Mr. Brooks said that he understands that the \$200,000 and he doesn't remember voting for that amount, but Mayor Pro Tem Hummer says that we did, but his question is when do we put the policies and procedures in it? We don't want to throw out that kind of money if we don't have any policies and procedures as far as the operation of it. When does that kick in?

Mr. Olson said that it doesn't do city staff any good to do policies and procedures unless we know we are going to go forward with this particular item. Once the City Council makes a motion to spend more than the \$200,000 or we get the package which there is no way we can get it under the \$200,000 and it will have to come back before Council.

Councilman Walton stated that from the package that he received it says that there was one other company that came under that figure but that they did not abide by the specifications. Is that correct?

Chief Koch replied that there was \$100,000 difference, but they did not meet the specifications. They were not using comparable equipment.

Ms. Hummer was asked to repeat her motion. She stated that her motion was to authorize the staff to enter into negotiations with ADT Securities and if the negotiations came below \$200,000 that our City Manager be allowed to sign the deal.

Councilman Stimatz said that if that was her motion he would like to withdraw his second.

Councilman Rivers said that his last question is then it means that if the bid comes to \$199,000 the city will have the cameras. He wants to make sure.

Councilman Stallings said that he feels that the policies and procedures should be in place first.

Councilman Stimatz asked to make a substitute motion.

***A motion was made by Councilman J. A. Stimatz, that we authorize staff to enter into negotiations with ADT Security Systems. Councilwoman B. S. Meggs seconded the motion.***

Mayor Pro Tem Hummer stated that she would like to ask the City Manager if this isn't the same as what she stated in her motion.

Mr. Olson replied that the issue is does the City Manager have the authority to spend money that is in the budget? The past policy has been if an item has been budgeted within the budget and that particular item comes in under what has been budgeted, staff has the authority to go ahead and purchase those items.

Mayor Foster called for action on the motion.

***Those voting in favor of the motion were: Stimatz, Meggs, Brooks, Hummer, Rivers and Walton. Against: Baker and Stallings. Motion carried.***

## **7} COMMENT AND INQUIRIES ON NON AGENDA ITEMS:**

Mayor Foster advised that he would go around the table and ask for comments from our manager and each member of council.

City Manager Olson stated that he had no further comments to make.

Councilman Brooks stated that he was reading in the paper about the FEMA buyouts in Oxford Heights and it was talking about a letter of interest was in the amount of \$2 million plus with 21 houses that he thinks the buyout is about \$125,000 per home.

Mr. Olson said that we were sent a letter of interest which is the first step in dealing with the federal program that we have found that could possibly help some of the residents in Oxford Heights. Based on the criteria that was included in that program 21 of those homes had been qualified for possible assistance. We have sent out a questionnaire to see which one of those 21 property owners are interested. We are supposed to get that information back today. That will lead to the next part of the application process where we have to put the hard numbers together. The price that you are seeing is that we take the tax value



and the Fed's have certain numbers that we have to utilize for demolishing cost and survey cost, appraisal cost, etc. That is what it all adds up too. This is strictly a volunteer program and there is nothing to say that the City and/or County is going to qualify for any of this money. We thought the effort is worth while and we have told the people in Oxford Heights that we would see what we could do to help them out. Most of the homes bordered the swamp on Bonner or Providence Streets. Those are the individuals that received the letters and stuff. We are in the very preliminary stages of the process and we need to get some stuff back to the Fed's by January 10<sup>th</sup>. He is working closely with Christy Saunders on this issue. She has worked extremely hard on this project along with Angela Cole from our Planning Department.

Mr. Brooks asked if there has been any headway on the situation with the back gate.

Mr. Olson said that he has not had any further conversation with NCDOT on that issue. It is one of those items that we have pending along with seven or eight other issues that we have and we should be meeting with NCDOT shortly.

Mr. Brooks further stated that we ended 2006 and he thinks that it is essential that the whole council focus very sternly on Southern Avenue. People from not just the Third Ward but from the Fourth Ward, Second and First Wards have a big concern about Southern Avenue. Johnnie was on the right track when he was talking about doing the Elizabeth City State University homecoming. Now we are into January and he doesn't know how we have things prioritize but that should be on top. He knows that Roanoke Avenue needs resurfacing also, but Southern Avenue has been like that for so long and the sad part about it is that Southern Avenue goes into Park Drive and is the front part of Elizabeth City State University. He thinks that should be high on the priority list.

On the corner of Perry Street as you are coming across Brooks Avenue he has had a lot of concern about people having to pull almost all the way on Roanoke Avenue in order to see because of hedges that are there and they can't see to cross the street. On Franklin Street on the corner, the trash trucks can't go in there and pick up some of those trash containers because of how the vehicles are parked.

Mayor Pro Tem Hummer stated in reading an article in the newspaper the Food Bank is going to invest if there is really a homeless problem in our City. She was glad to see that they came forward and mentioned this because some of us have fought against funding for the Food Bank for many years. You see people everyday in town that is homeless. She thinks that we made some strides in our last budget by helping the homeless.

Councilman Stallings said that he would also like to talk about the Oxford Heights buy-out program. Ms. Mitchell on Roanoke Avenue needs her name submitted in this program also.

He put on the budget to talk about redistricting the wards. He went to the election board today and from 2004 to 2006 we had a total of 2,607 new or re-listed voters. Anyone that wants any information they can get it. Randy Keaton is also going to send some information over to Rich by the time we have our next meeting.

The electric deposits that we talked about, he would like to have that back on the agenda. People on fixed income and those with children we need to help if we can.

Councilwoman Meggs stated that she has one thing and that was that before Christmas, Stimatz and herself went to Williamston to Congressman Butterfield's office and we had a really nice visit with Congressman Butterfield. He was already up on what we want to happen in our city. We felt that it was well worth our time.

Councilman Walton stated that Roanoke Avenue and thanks Mike for going into our ward and helping us out there. When do you think the beginning date is for Southern Avenue?

Mr. Olson replied that DOT has come back and asked for some additional items that were not bid items and he did receive the revised bid from Barnhill Construction about four o'clock today. We are evaluating that and we need to meet with DOT and if they approve the increase because it is about what the interlocal agreement had it. If they approve that then they will issue a notice to proceed and they can go ahead and get started.

Councilman Stimatz stated that he had no further comments.

Councilman Rivers stated that on Southern Avenue and that is provided the weather stays above 55° and he attended the pre-bid meeting with Barnhill in terms of Southern Avenue and the handicap ramps and manholes and that is provided that we change it. They changed it once and Barnhill said that the State would not reimburse if the weather drops under 45° and rising. Who do we have to continue with the project?

Mr. Olson replied that Doug Davis and Joe have been doing the work on that. Basically, the information DOT came back with was is a lot more concrete work that will have to be done first. Restrictions are a lot less on concrete than asphalt. He thinks that there is at least a month or six weeks worth of concrete

work that will have to be done along that route before you even worry about asphaltting it.

Mr. Rivers continue by asking that at the work session he wants to make sure that we have the dredging on Peartree Road. He would like to have that information forward to the Council so we can move ahead with the drainage.

Councilwoman Baker said that she has received a couple of calls on skate boarders on sidewalks. They are getting in the way of the pedestrians. She saw in the paper that the skateboarders want some place to go also. She understands that it is a long way out to Fun Junction. Can we put this item on our work session and have some of the skateboarders come up and give us a solution on how we can help them.

Mayor Foster said that as Mayor he would like to say that he would like to thank the City Council and our city employees for what he consider a very good year in 2006. He is thankful to God that he allowed us to do some positive things for our citizens and our city. He thinks that it is something that we can feel proud of what we did in 2006 and he thinks that we should use that as a means of encouraging one another and let us do even more in 2007. He wants to again thank all our city employees and all of our citizens in our city for their support for the past year. We will need their support again this year. Let us always understand that it is for what is best for our city and our citizens. Let us not ever let self get in the way and some of our personal agendas. Let us be concerned about the betterment of our city and our citizens.

**8} CLOSED SESSION:**

Mayor Foster called for a motion to retire into Closed Session for discussion of personnel as per NCGS 143-318.11 (a) (6).

***A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman D. K. Stallings to retire into Closed Session for discussion of a personnel matter as per NCGS 143-318.11 (a) (6). Those voting in favor of the motion were: Hummer, Stallings, Baker, Brooks, Meggs, Rivers, Stimatz and Walton. Against: None. Motion carried.***

Mayor Foster declared the meeting into Closed Session.

Upon the end of the Closed Session,

***A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to return to regular session. Those***

*voting in favor of the motion were: Baker, Stimatz, Brooks, Hummer, Meggs, Rivers, Stallings and Walton. Against: None. Motion carried.*

9} **ADJOURNEMNT:**

Mayor Foster advised that the above item concluded the meeting and he called for a motion of adjournment.

*A motion was made by Councilman D. K. Stallings, seconded by Councilman J. A. Stimatz to adjourn the meeting. Those voting in favor of the motion were: Stallings, Stimatz, Baker, Brooks, Hummer, Meggs, Rivers and Walton. Against: None. Motion carried.*

Mayor Foster adjourned the meeting at 9:45 p.m.

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

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Charles L. Foster  
Mayor