

**MONDAY-7:00 P.M.**

**JANUARY 14, 2008**

**CITY COUNCIL**

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

Mayor S. S. Atkinson opened the meeting by welcoming those attending. He called upon Pastor Phil Dowdy for the invocation after which Mayor Pro Tem J. M. Baker led the Pledge of Allegiance to the Flag of the United States of America.

**1} APPROVAL OF THE AGENDA:**

Mayor Atkinson called for the pleasure of Council regarding the prepared agenda.

Councilman J. A. Stimatz asked to remove ***Items #8-g-Consideration of Expenditures for Food and #8-h-Authorization of One Time Contribution to the UNC School of Government*** from the Consent Agenda and place them on the Regular Agenda.

***A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman J. A. Stimatz to approve the prepared agenda as presented to include the above noted changes. Those voting in favor of the motion were: Baker, Stimatz, Hummer, King, Meggs, Rivers and Watts. Against: None. Motion carried.***

**2} COMMENTS FROM THE PUBLIC:**

Mayor Atkinson asked the City Clerk the number of individuals that had signed up to speak. Upon a reply of six with one individual allocating their time to another she called Azrre M. Jones, to the podium.

Ms. Jones, 704 Cale Street, Elizabeth City, NC, advised that she was President of the Hugh Cale Community Organization and a resident of the Hugh Cale

Community. She expressed her appreciation and thanks to the City for making it possible to have a resource center in her community. She feels that the resource center is a benefit to those needing the services.

Ms. Sheila M. Perry, 518 York Street, Elizabeth City, NC, Chairman of the Hugh Cale OIC Board expressed her Board's concerns about the requests from the unidentified council members that we should investigate OIC. She advised that OIC sub-recipient agreement was for one year ending November 2007. As they are in compliance the Board would like to know why they have not received a new agreement to date. OIC submitted a budget for Year Four Funding and the City accepted it and there were no concerns. She went on to describe things OIC and ECNC are doing at the Center and the number of individuals they are helping to improve their lives.

Brenda Gregory, P. O. Box 2622, Elizabeth City, NC, Elizabeth City/Pasquotank School System, advised that she is the CNA Instructor for OIC. She asked to share a few numbers that she has put together to let you know the number of students she has served since she has been working with OIC since November 2006. To date her records reflect that she has enrolled 68 students, 52 completed the course, 25 students were certified as CNA's, 16 were placed on a waiting list for certification, 10 students are waiting to take the State test, 17 dropped from the class for various reasons. The 25 students that have been certified are gainfully employed. She has a total of 34 students enrolled for the first quarter of 2008. She expressed her hope that the City will see fit to continue this program.

Kenny Krentz, 113 Cassda Drive, Currituck, NC, a part-time GED Instructor said he would like to express his support for the OIC. Currently he has 6 students that are working their way through each portion successfully. Many of the students are learning social skills and we see a tremendous improvement in their self esteem. He complimented Shirley Simpson and Raymond Rivers for their tireless service to public service and effort they have for improving people's lives.

Donna Ferguson, 114 Blue Heron Cove, Moyock, NC, a GED Math Instructor, advised that she works part time with OIC teaching mathematics in a class room environment at OIC. Many of her students have been out of school for over 10 years and more. Some have been out for over 20 years. They all are returning to earn their GED certification. She briefly explained her classroom work. She also asked that this program be continued.

**3} PROCLAMATION/ANNOUNCEMENT:**

a} Proclamation:

Mayor Atkinson presented a proclamation to Coach Ansell Harrell honoring Monday, January 21, 2008 as Dr. Martin Luther King, Jr. day in Elizabeth City.

b} Mayor's Task Force on Crime:

Mayor Atkinson advised that he had created a Mayor's Task Force on Crime in Elizabeth City and appointed the following people to serve on this committee:

David Bates	Councilman E. Kirk Rivers
Maxine Poulos	Councilman R. E. King
Anthony Jernigan	Chief Charles Crudup
Rev. Wilbert Tatem	
John Krider, Jr.	
Isaac Lee "Ike" Respass	
Eugene Watts	
Rev. Lena Lawrence	
Don McCabe	

#### **4} PUBLIC HEARINGS:**

a} City Ordinance Section 86 "Vehicles for Hire"

Mayor Atkinson called upon Chief Crudup to come forward and address this item.

Chief Crudup stated that during the October 22, 2007 Council meeting, Council asked him to consider an appeal process for franchise owners and operators. It was requested that the current language be amended in order to include an appeal process. The City Attorney did this and is recommending the revision of City Ordinance, Section 86.

Mayor Atkinson declared the meeting into Public Hearing in order to receive public comments on this item. Since there was no one who wished to speak for or against the proposed amendment, Mayor Atkinson declared the public hearing closed.

Councilman Stimatz stated that the discussion that we had back in November had a fee of \$50 included in the amendment. We talked about that. We are actually being kind to these people for letting them appeal as it is an added burden on the city. If they have their stuff in order and get it in on time they will never have to pay the \$50.00.

***A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem J. M. Baker to adopt the following amendment to Chapter 86 "Vehicles for Hire", Article II-"Taxicabs" of the City of***

**Elizabeth City Code of Ordinances. Those voting in favor of the motion were: Stimatz, Baker, Hummer, King, Meggs, Rivers and Watts. Against: None. Motion carried.**

**ORDINANCE #08-01-01  
AMENDMENT TO CHAPTER 86 "VEHICLES FOR HIRE",  
ARTICLE II – "TAXICABS" OF THE  
CITY OF ELIZABETH CITY CODE OF ORDINANCES**

**BE IT ORDAINED, by the City Council of the City of Elizabeth City that Chapter 86, Article II, Section 86-30 "Revocation" of the City's Code of Ordinance is hereby amended to add Section 86-30 (d) as follows:**

**SECTION 86-30 (d) Taxicab Franchisee's Appeal.**

**If a Franchisee's permit is revoked as provided for herein, the aggrieved Franchise holder may appeal that revocation by filing with the Police Chief written notice of appeal on the prescribed form. The appeal must be filed within 14 calendar days of revocation. Upon the City's receipt of an appeal filed in a timely manner, and payment of an administrative appeal fee of \$50.00, a hearing will be set before City Council at a regularly scheduled Council meeting within 30 days of the filing date of the appeal. City Council may, following the hearing and receiving such evidence as it shall deem appropriate, either uphold the revocation or reinstate the permit (either unconditionally or with such conditions it deems appropriate). The revocation of a Franchisee's permit shall be stayed during the pending of the appeal and the City shall not take steps to enforce the revocation order during such time, unless additional grounds for revocation arise during the period of the appeal.**

**ADOPTED, this 14<sup>th</sup> day of January 2008.**

---

**Stephen S. Atkinson  
Mayor**

---

**Dianne S. Pierce-Tamplen, MMC  
City Clerk**

b} Closeout of Year Four of the Hugh Cale Grant:

Mayor Atkinson called upon Community Development Director Vincent Mani to address the Close out of Year Four of the Hugh Cale Grant.

Mr. Mani stated that we are here to essentially close out year four of the Hugh Cale Grant. We have had our monitoring by DCA and we have spent all of the money. We have spent \$25,000 for administration, \$50,000 for housing rehabilitation, \$25,000 for public service and \$250,000 for neighborhood facilities. The City spent \$250,000 in Year Four funds for the construction of the Hugh Cale Community Resource Center. A. R. Chesson Construction, Inc. built the center and the building is currently utilized by two local nonprofits that provide public services to low-income residents.

In the housing rehabilitation the City spent \$50,000 for housing rehabilitation. Approximately \$21,000 was used for rehabilitation of two low-income owner occupied houses in the Hugh Cale neighborhood. The City spent \$30,000 for removal of lead based paint from the homeless shelter located at 709 Herrington Road. The removal of the LBP was a State Requirement.

The City provided \$12,500 to Elizabeth City Neighborhood Corporation (ECNC) for housing counseling, and \$12,500 to Hugh Cale OIC for education/job training programs offered in the Hugh Cale Resource Center.

The Hugh Cale OIC has a nursing program that has 68 students enrolled and 18 students received certificates from authorized education organizations between November 18, 2006 and December 2007. The GED program has 40 students enrolled in the program, but none of the students have passed the GED exam.

The after school program has 60 students enrolled and received services between November of 2006 and December of 2007.

The Day program for suspended students has on an average between 3 to 10 students per week to attend.

The City also paid for 65 students to participate in an educational day trip to Norfolk.

The Elizabeth City Neighborhood Corporation offered four homebuyer education classes (2 hours each). They had over 150 people contact them for help and 16 received detailed individual counseling; and ECNC offered two Fair Housing seminars, distributed fair housing documents and investigated one Fair Housing complaint.

Mayor Atkinson declared the meeting into public hearing in order to receive public comments.

Ramona Gilbert, 1623 Penny Drive, Elizabeth City, NC said that she wanted to let everyone here know that her intent in standing before you is not to criticize OIC or Elizabeth City Neighborhood Corporation. She is simply here to state the facts as she sees them. The City has cooperated in providing her with the information that she has asked for. In her opinion what she discovered gives the appearance of inappropriate handling of the funds. She went over several areas that she feels is mismanagement of the funds. She looked through their reports and what she read was a little different than what Vincent says. She found in the Progress Report for Year Four that it looked like to her that ECNC prepared for but has not yet held the homebuyer workshop. She also noted that they have to provide individual classes to at least 50 individuals for at least two hours each by a certified housing counselor. She found only 29 names listed. They did implement the City's Fair Housing Plan in April 2007. It was her opinion that when they mailed out letters they demanded compliance and she feels that this is inappropriate wording. She questioned the \$12,500 funds that were received from the City. To her it looks like they had additional funds to come in and they are not in the budget. In reviewing the invoices she noted a few problems and she realizes that you have a lot of paperwork coming through your office. She questioned the funds for rental property and that they are owned by Councilman Kirk Rivers. It shows that it was a direct benefit to one of our council members.

Councilwoman Watts said that the Mayor read a statement asking that comments be made to the entire Council and to not single out any member of the Council. She does not feel that this should be allowed and speakers should show respect to our members of Council. She would ask if the speaker would refrain from calling the names of the individual council.

Councilman Stimatz called for a point of order. He would like to refer back to the City Attorney on what is allowed and not allowed in public comment.

Mr. Morgan said that this is actually a public hearing and not the public participation portion of our agenda therefore the rules for public participation would not apply here.

Mr. Stimatz asked if the constitution had changed.

Mr. Morgan replied that no it had not.

Mr. Stimatz asked what did the constitution say concerning public speech.

Mr. Morgan said that unless it rises to the level of fighting words or is belligerent in nature then we have to allow it.

Mr. Stimatz stated then only fighting words or words of a belligerent nature are not allowed.

Ms. Gilbert continued expressing her opinion and conclusions that she has drawn in regard to the operation of the Hugh Cale Training Center. She felt that it was her responsibility to point out the different areas of concern and you are to check them out to see if in fact things are not as they should be.

There being no one else who wished to speak for or against the Year Four close out of the Hugh Cale Grant, Mayor Atkinson declared the public hearing closed.

Councilman Stimatz said that his question is that he would like to know the answers and he would turn to our attorney to answer this one. That concerns 709 Harrington Road and he would ask that the Attorney look into this and let us know all of the information such as who got the property and did we buy it twice and did we use federal funds. You can clarify that.

Councilwoman Watts said that she would like to say that she certainly hopes that she has not offended anyone but she does think that singling out any individual council member is off limits. She hopes that if anyone else has something to say that you would at least ask to speak with them elsewhere.

***A motion was made by Councilman E. K. Rivers, seconded by Councilman R. E. King that we authorize the closing of Year Four of the Hugh Cale Revitalization Strategies Grant. Those voting in favor of the motion were: Rivers, King, Baker, Hummer, Meggs, Stimatz and Watts. Against: None. Motion carried.***

**5} APPROVAL OF MINUTES:**

a} December 10, 2007 (1) – Regular Meeting:

Mayor Atkinson called for action regarding the December 10, 2007 (1) minutes.

***A motion was made by Councilwoman B. S. Meggs, seconded by Councilwoman L. A. Hummer to approve the December 10, 2007 (1) minutes as written. Those voting in favor of the motion were: Meggs, Hummer, Baker, King, Rivers, Stimatz and Watts. Against: None. Motion carried.***

b} December 10, 2007 (2) – Regular Meeting:

Mayor Atkinson called for action regarding the December 10, 2007 (2) minutes.

***A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman R. E. King to approve the December 10, 2007 (2) minutes as written. Those voting in favor of the motion were: Baker, King, Hummer, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.***

c} December 12, 2007 – Reconvened Meeting:

Mayor Atkinson called for action regarding the reconvened meeting of December 10, 2007 (2) and held on December 12, 2007.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to approve the minutes of the Reconvened Meeting held on December 12, 2007 as written. Those voting in favor of the motion were: Stimatz, King, Baker, Hummer, Meggs, Rivers and Watts. Against: None. Motion carried.***

d} December 20, 2007 – Special Meeting:

Mayor Atkinson called for action of the December 20, 2007 Special Meeting minutes.

***A motion was made by Councilman R. E. King, seconded by Councilman J. A. Stimatz to approve the December 20, 2007 minutes. Those voting in favor of the motion were: King, Stimatz, Baker, Hummer, Meggs, Rivers and Watts. Against: None. Motion carried.***

## **6} CONSENT AGENDA:**

Mayor Atkinson asked the City Manager to read the items that are on the consent agenda. Following the reading of the Consent Agenda, Mayor Atkinson entertained a motion for approval.

***A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman R. E. King to approve the following Consent Agenda. Those voting in favor of the motion were: Baker, King, Hummer, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.***

Consent Agenda:



- a} Approved the Execution of a Memorandum of Agreement with North Carolina Department of Transportation for emergency debris removal.
- b} Approved the following resolution authorizing the execution of the Municipal Agreement for the inspection of bridges within the Municipal Street System of Elizabeth City.

**RESOLUTION #08-01-01  
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
AND  
CITY OF ELIZABETH CITY  
INSPECTION OF BRIDGES ON THE MUNICIPAL STREET SYSTEM  
F.A. PROJECT BRZ-NBIS (15)**

**WHEREAS**, the City of Elizabeth City has requested the Department of Transportation to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the inspection and analysis of all public bridges on the Municipal Street System in the City of Elizabeth City; and

**WHEREAS**, the City of Elizabeth City proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a Consulting Engineering firm retained by the Department of Transportation will inspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards; and

**WHEREAS**, under the proposed agreement the Federal Highway Administration shall reimburse the Department of Transportation for eighty (80) percent of the cost of the work subject to compliance with all application federal policy and procedural rules and regulations; and

**WHEREAS**, under the proposed agreement the City of Elizabeth City shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration;

**NOW, THEREFORE, BE IT RESOLVED**, that the agreement for the herein referenced bridge inspection work is hereby formally approved by the City of Elizabeth City and the Mayor and City Clerk of this Municipality are hereby empowered to sign and execute the required agreement between the City of Elizabeth City and the Department of Transportation.

**ADOPTED**, this the 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

c} Appointments to various Boards and Commissions:

**Albemarle Economic Development Commission:**

Mayor Pro Tem J. M. Baker  
Councilwoman L. A. Hummer  
Councilwoman B. S. Meggs

**Elizabeth City-Pasquotank County Airport Authority:**

Councilman J. A. Stimatz

**Central Communications Advisory Board:**

Councilman R. E. King

**Firemen's Relief Fund Board:**

Councilwoman V. C. Watts

**Joint Land Use Planning Committee:**

Councilman J. A. Stimatz

**Joint Redevelopment Commission:**

Councilman R. E. King

**North Carolina Easter Municipal Power Agency:**

City Manager R. C. Olson

Alternate – Mayor Stephen S. Atkinson

**Solid Waste Committee:**

(Newly elected Councilor from Third Ward)

**Elizabeth City Downtown, Inc.:**

Councilwoman B. S. Meggs

**Pasquotank County Water Committee:**

Mayor Pro Tem J. M. Baker  
Councilwoman L. A. Hummer  
Councilwoman V. C. Watts

d} Approved awarding service weapon to Chief Trevor Hampton.

e} Adopted the following resolution accepting Offer to Purchase received from Mary T. Blanchard for 805 South Martin Street.

**RESOLUTION #08-01-02  
ACCEPT OFFER TO PURCHASE  
805 SOUTH MARTIN STREET**

**WHEREAS**, an Offer to Purchase City-owned property located at 805 S. Martin Street was accepted from Mary T. Blanchard in the amount of \$3500.00; and

**WHEREAS**, City Council instructed the City Clerk to proceed with the Upset Bid Process; and

**WHEREAS**, this was done until one bid stood along for a period of ten days;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Elizabeth city will accept the Offer to Purchase received from Ms. Mary T. Blanchard in the amount of \$3500.00 for the following city-owned property:

- Situated on the West side of South Martin Street, fronting 40 feet on the West side of Martin Street and extending westward between parallel lines a distance of 87 feet, and being known and designated as Lot #2 on the Plat of Grice and Martin Street as recorded in Deed Book 16, Page 48 in the office of the Register of Deeds for Pasquotank County.

**ADOPTED**, this the 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

f} Call for a public hearing to be held on Monday, January 28, 2008 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for consideration of revisions to the City's Residential Service, RS1 Electric Rate tariff for customers operating a solar/photovoltaic system.

g} Authorized "piggyback" purchase of a grappeler truck in the amount of \$102,494.00

h} Approved the following 18 resolutions directing the City Clerk to investigate the sufficiency of petitions for voluntary annexations.

**RESOLUTION #08-01-03**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-31**  
**Phillip Harrington Enterprises, LLC**  
**1.84± Acres**

**WHEREAS**, a petition requesting annexation of a 1.84± acres parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-04**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**Phillip Harrington Enterprises, LLC**  
**1.00± ACRES**

**WHEREAS**, a petition requesting annexation of a 1.00± acre parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-05**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**George B. and Linda S. Raper**  
**1.00± Acres**

**WHEREAS**, a petition requesting annexation of a 1.00± acres parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-06**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**

**James D. Haugh, Etal**  
**1.00± Acres**

**WHEREAS**, a petition requesting annexation of a 1.00± acres parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-07**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**Lassiter Construction Company**  
**1.00± Acres**

**WHEREAS**, a petition requesting annexation of a 1.00± acres parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-08**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**Phillip Harrington Enterprises, LLC**  
**21.90± Acres**

**WHEREAS**, a petition requesting annexation of a 21.90± acres parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;



**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-09**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**City of Elizabeth City and County of Pasquotank, Tenants in Common**  
**12.57± Acre Parcel**

**WHEREAS**, a petition requesting annexation of a 12.57± acre parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-10**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**Food Bank of the Albemarle**  
**1.00± Acre**

**WHEREAS**, a petition requesting annexation of a 1.00± acre parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC

City Clerk

**RESOLUTION #08-01-11**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**Northeastern Community Development Corporation**  
**1.00± ACRES**

**WHEREAS**, a petition requesting annexation of a 1.00± acre parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-12**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**Albemarle Food Bank/Food Pantry**  
**1.19± Acres**

**WHEREAS**, a petition requesting annexation of a 1.19± acres parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-13**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**Albemarle Food Bank/Food Pantry**  
**1.00± Acre**

**WHEREAS**, a petition requesting annexation of a 1.00± acre parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-14**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-31**  
**Evangelos Alexopolous and Aspasia Alexopolous**  
**2.00± ACRES**

**WHEREAS**, a petition requesting annexation of a 2.00± acres parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-15**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**Evangelos Alexopolous and Aspasia Alexopolous**  
**1.00± ACRES**

**WHEREAS**, a petition requesting annexation of a 1.00± acres parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-16**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**Evangelos Alexopolous and Aspasia Alexopolous**  
**1.00± ACRES**

**WHEREAS**, a petition requesting annexation of a 1.00± acres parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-17**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**Evangelos Alexopolous and Aspasia Alexopolous**  
**1.00± Acres**

**WHEREAS**, a petition requesting annexation of a 1.00± acres parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-18**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**American General Construction, LLC**  
**1:00± Acres**

**WHEREAS**, a petition requesting annexation of a 1.00± acres parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and



**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-19**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**Technicare, Inc.**  
**1.00± Acres**

**WHEREAS**, a petition requesting annexation of a 1.00± acres parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**RESOLUTION #08-01-20**  
**Directing City Clerk to Investigate**  
**A Petition Received Under NCGS 160A-58.1**  
**Phillip Harrington Enterprises, LLC**  
**1:00± Acres**

**WHEREAS**, a petition requesting annexation of a 1.00± acres parcel located in South Park and further described in said petition has been received by the City Council of the City of Elizabeth City; and

**WHEREAS**, NCGS 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

**WHEREAS**, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

i} Approved the execution of protective covenants to the use of South Park property be limited to public recreation in perpetuity.

End of Consent Agenda:

**7} REGULAR AGENDA:**

a} Expenditure of Food:

Mayor Atkinson called upon Councilman J. A. Stimatz as the councilor who removed this item from the Consent Agenda for comments.

Councilman Stimatz asked for an explanation as to the expenditure for food.

City Manager Olson explained that this was an expenditure that Council makes each year when the City partners with Elizabeth City State University in sponsoring the annual Martin Luther King, Jr. observance by purchasing hot dogs, buns, condiments and hot dog trays for the event. Last year, the City purchased 300 hot dogs and other supplies at a cost of \$306.50

***A motion was made by Councilwoman B. S. Meggs, seconded by Councilman R. E. King to approve the expenditure from the Council Contingency - Non-Departmental Fund line item for the purchase of 300 hot dogs, buns, trays and condiments for the Annual MLK Day observance. Those voting in favor of the motion were: Meggs, King, Baker, Hummer, Rivers, Stimatz and Watts. Against: None. Motion carried.***

b} Donation to UNC School of Government:

Mayor Atkinson recognized City Manager Olson for comments.

Mr. Olson advised that the City has received a letter from the UNC School of Government requesting that the City of Elizabeth City consider contributing to a campaign being sponsored by the League of Municipalities and the Association of County Commissioners. The campaign involves a fundraising goal of \$900,000 to complete funding of the recent construction renovations to the Knapp-Sanders Building at UNC and to name the wing the "NC Local Government Wing". To date \$800,000 has been pledged and given toward the goal. The school is

suggesting that the City consider a contribution in the amount of \$1,991, which is equivalent to the annual dues currently paid by the City for its membership.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to authorize the contribution of \$1,991 to be broken down into three equal payments from the Council Contingency - Non-Departmental Fund and over the next three years to the UNC School of Government. Those voting in favor of the motion were: Stimatz, Baker, Hummer, King, Meggs, Rivers and Watts. Against: None. Motion carried.***

c} Update on Highway 17 and Proposed Funding Allocation:

Mayor Atkinson called upon Marc Finlayson, from the Highway 17 Association for comments.

Mr. Finlayson reviewed the goals, strategies and tactics of the Highway 17 Association. He briefly went over their goals and the progress the Association has made on each one. He encouraged each member of Council if he could be of assistance to anyone to please contact him.

d} Appointment of Joint City/County Member to the ABC Board.

Mayor Atkinson asked City Manager Olson for comments.

Mr. Olson advised that the term of the current joint appointee, Mrs. Myrtle Rivers, expires on February 29, 2008. Pasquotank County Commissioners have sent a letter recommending the appointment of Mr. Anthony Jerome Turner to replace Mrs. Rivers on this board.

***A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman R. E. King to approve the appointment of Mr. Anthony Jerome Turner as the Joint City-County Appointee on the Pasquotank County ABC Board. Those voting in favor of the motion were: Baker, King, Hummer, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.***

e} Release of Closed Session Minutes:

Mayor Atkinson called upon City Attorney W. H. Morgan and City Clerk Pierce-Tamplen for comments.

City Attorney Morgan advised that according to the General Statutes § 143-318.10(e), every public body shall keep full and accurate minutes of all official

meetings, including any Closed Session held pursuant to GS 143-318.11. When a public body meets in Closed Session, it shall keep a general account of the Closed Session so that a person not in attendance would have a reasonable understanding of what transpired. Such minutes and accounts shall be public records within the meaning of the Public Records Law, GS 132-1 et. Seg; provided, however, that minutes of an account of Closed Session conducted in compliance with GS 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a Closed Session.

City Clerk Pierce-Tamplen stated that there are certain minutes that cannot be made public such as minutes involving personnel issues, unless those individuals involved specifically request that the minutes be released. Once any minutes are declared unsealed, those minutes will be kept in a separate minute book and will be made available to the public by the City Clerk upon request.

***A motion was made by Councilwoman L. A. Hummer, seconded by Councilman J. A. Stimatz to adopt the following resolution setting the policy that would allow the Clerk and the Attorney, now and in the future, to review all minutes that would no longer frustrate the purpose of the Closed Session; and such minutes would be submitted to City Council for approval to unseal them. Those voting in favor of the motion were: Hummer, Stimatz, Baker, King, Meggs, Rivers and Watts. Against: None. Motion carried.***

**RESOLUTION #08-01-21  
REGARDING  
UNSEALING CLOSED SESSION MINUTES  
JANUARY 14, 2008**

**WHEREAS**, North Carolina General Statute (NCGS) Section 143-318.10 (e) provides that every public body shall keep full and accurate minutes of all official meetings, including any Closed Sessions held pursuant to North Carolina General Statute Section 143-318.11; and

**WHEREAS**, NCGS Section 143-318.10 (e) also provides that minutes or a general account of a Closed Session conducted by a public body in compliance with NCGS 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a Closed Session; and

**WHEREAS**, the City of Elizabeth City has no policy in place to unseal Closed Session Minutes in accordance with State and Federal Law;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City, North Carolina that all Closed Session Minutes are to be reviewed no less than every four months and every four months thereafter by the City Clerk and the City Attorney, who shall recommend as to when the minutes may be unsealed in compliance with state and/or federal law. When it is so recommended by the City Clerk and City Attorney, the unsealing of these minutes will be placed as an item on the next council agenda for approval.

**ADOPTED**, this 14<sup>th</sup> day of January, 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

f} Budget Amendment:

Mayor Atkinson called for action regarding a budget amendment to record revisions to the Aviation Commerce Park Fund.

***A motion was made by Councilman R. E. King, seconded by Councilman J. A. Stimatz to approve the following Budget Amendment. Those voting in favor of the motion were: King, Stimatz, Baker, Hummer, Meggs, Rivers and Watts. Against: None. Motion carried.***

**BUDGET AMENDMENT  
NUMBER 2008-01  
JANUARY 14, 2008**

**BE IT ORDAINED**, by the City Council of the City of Elizabeth City that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2008:

Section I. That the Aviation Commerce Park Fund be revised to reflect the following revenues and expenditures:

(623490.3000)	ECSU	\$	750,000
(633490-1000)	Economic Development Reserve		3,500,000

(633490.2000)	Rural Center	500,000
(633490-3000)	Industrial Development Fund	500,000
(633490.4000)	CDBG	1,000,000
(633490.5000)	Golden Leaf	2,000,000
(633490.6000)	Pasquotank County	200,000
(633490.7000)	Airport Authority	600,000
(633490.8000)	NCDOT	1,500,000
(633970.1000)	Transfer From Electric Fund	<u>200,000</u>
		\$10,750,000
(639008.1000)	Taxiway & Land Acquisition	\$ 7,600,000
(639008.2000)	Environmental Assessment	400,000
(639008.3000)	Water, Sewer & Street Improve	<u>7,500,000</u>
		\$10,750,000

(To record revisions to Aviation Commerce Park Fund.)

**ADOPTED**, this 14<sup>th</sup> day of January 2008.

---

Stephen S. Atkinson  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

g} Hugh Cale Revitalization Strategies Grant:

Mayor Atkinson called upon City Manager Olson for a brief overview of this Grant.

Mr. Olson replied that this particular item he was requested by several members of Council to put this item on the agenda for discussion. City Staff has put together a brief overview of what was originally sent to DCA back in 2001-2002 and what actually occurred in each respective year. He proceeded to review the five years of the grant with a PowerPoint presentation.

Mr. Olson continued by saying that he feels that there is some confusion regarding the different agreements that govern this particular grant. We have

two sub-recipient agreements, one with Elizabeth City Neighborhood Corporation and one with OIC. The sub-recipient agreement between the City and Hugh Cale OIC regulates the relationship between the two partners including the services provided by the agency and financial assistance provided by the city. The Hugh Cale Resource Center's lease agreement regulates the physical occupation of the building and issues such as insurance, payment of utilities, taxes, maintenance, lease termination, etc. We also have a lease agreement with Hugh Cale OIC that is for the actual resource center. That is a ten year lease agreement with an option for two five-year renewals. Because of the nature of this agreement and because it involves a current landlord issue the City Attorney has requested that we meet in closed session if you have specific questions concerning that particular agreement.

Councilwoman Hummer said that she listened to the educators that came up here tonight that told exactly what has been going on as far as the programs and she feels that they really enlighten Council because we have heard that there were small classes. One thing that was pointed out was that you can't take too many of these at-risk children and put them together at one time. And, she has heard that you can't graduate everybody from the GED Program because some of them have gone too far in life to go back. It should set to rest some of the questions that these programs are being carried out. We have had people here from the institutions, COA and school systems that have attested to fact that these things are being done. Every time a council member has asked in a council meeting if OIC was complying with the grant, staff has told us yes. Every time she has asked the City Manager if they were in compliance, she has been told yes. She would like to point out that we need to protect our asset of the building. The fact that these children are taken out of the court system and this non-profit provides an after school program is something to behold. What would happen to these children if the sub-recipient is not renewed? There isn't anyone else to do that for these kids. She just wanted to point that out as we get ready to go into Closed Session for it to be discussed. It shouldn't be a political thing. We have approved the things that were brought up. Council has approved a lot of the money that has been expended.

Councilman E. K. Rivers asked if the Closed Session was for the grant or is the Closed Session for the lease. They are two separate items.

Mr. Morgan said that the one that he is aware of is the discussion of the lease agreement itself. That is all that he is involved in.

Mayor Atkinson asked the city manager if that was his understanding that the Closed Session would only be on the lease.



Mr. Olson said that would be the primary purpose of the Closed Session to discuss the lease item. But, you cannot discuss one without discussing the other one because there is a direct relationship between the sub-recipient agreement and the lease agreement. The discussion will basically center on the lease agreement as staff needs to ask the City Council for directions on specific actions.

Mr. Rivers said that he just wanted to make sure that we stay in compliance so the City Attorney is saying that we are dealing with the lease.

Mr. Morgan replied that is correct.

Mayor Atkinson stated that he wanted to make it clear that the intent is to go into Closed Session to talk about the lease but if it goes into some gray areas do we move forward or not move forward. He would like to establish that before we go back into Closed Session.

Mr. Morgan said that he will briefly touch on the sub-recipient agreement but only as it applied to the lease agreement.

Councilwoman V. C. Watts said that she is completely confused. We were talking about acquisitions and how the money is spent and she is sorry that she doesn't understand but we were just talking about acquisitions and how much money we spent here and there. She is confused about that and she agrees with Mr. Rivers on what are we going into Closed Session to discuss. Why is it just the lease?

Mr. Morgan said that he was asked to prepare a memorandum regarding the lease agreement and what the City's options are on the remaining lease. That is what his discussion will center around.

Mrs. Watts said then therefore we will not have any discussions about the money?

Mr. Morgan replied no.

Mr. Rivers said that now is the time if there are any questions dealing with the grant. It has to be brought out now. We do want to make sure that we stay in compliance with the Closed Session items. If there are any questions or comments concerning funds it needs to be brought up publicly at this time.

Mayor Atkinson stated that is the reason why he wanted to bring up the question because he thinks that Ms. Watts clearly alluded to the issue that some of these things could overlap. He does not want to take everyone's time to go into

Closed Session to discuss an issue such as the lease arrangement and then issues arise that do not necessary pertain directly to the lease arrangement but maybe the parties involved and he would hate for the council members to be handcuffed to not be able to pursue it if it needs to be discussed in open session. But, he just wants to be sure. Mr. Olson has indicated that there are some areas that may arise. So, if they arise are we going to be able to continue or not be able to continue? He knows it is a difficult question.

Mr. Morgan said that it is impossible to know what might arise in Closed Session but his discussion will be very brief and only regarding the lease agreement.

Mayor Atkinson advised that we would retire into Closed Session following the comments and inquires on non-agenda items.

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

Mayor Atkinson advised that he would call upon the Manager and any member of Council that would like to make any comments.

City Manager Olson advised that he had no further comments.

Councilwoman Meggs said that she knows this is a State street that she is getting ready to refer to but she is asking that some kind of warning be put on the street by Water and Fearing Streets like what we have on Main Street. Cars are supposed to stop but they do not stop. She has seen twice where people have almost gotten hit because they just don't stop. They don't even slow down. She would like for us to go on record that we recommend strongly to put one of those crosswalk signs. We really need it.

Mr. Olson stated that there have been numerous correspondences between the City and DOT and that device is not an approved DOT instrument and it cannot be put within their right-of-way. We have several letters in the file. We have appealed it all the way to Raleigh and we have lost the appeal. We can just put the large "pedestrian sign".

Councilwoman Hummer said that she has something good to talk about. The cameras started going up today. The cameras themselves didn't but the apparatus did. They started at Harney and Cypress. Channel 10 News came down and interviewed some of us and it will probably be shown at 11:00 p.m. She would like to thank the people in Sawyertown as well as the Pennsylvania Watch Group who for two years came up here time after time and requested these cameras. They asked for a pilot program and as it turned out the delay is in our favor in that we got the latest updated equipment. She wants to give all the credit to the citizens who wanted this and needed it.

Councilman King said that he has a couple of things. First of all he would like to say that he was glad to see the cameras go up in the Sawyertown area and now we have a problem. Sunday night he received five calls from residents in Laurel Park regarding some incidents happening there. As you know when you move criminals from one area they go to another area. He is asking the Chief tonight for the residents of that area to beef up the patrol. These five women that called him Sunday night were afraid. He is not certified to go out there and stop or shoot at anybody. That is the police department's job. They responded well. There needs to be some presence in Laurel Park. Also, Chesterfield Heights has a lot of problems that need to be taken care of. We are trying to start a community watch in Chesterfield Heights and the first meeting will be January 17<sup>th</sup> at 7:00 p. m. at Northeastern High School.

Councilman Stimatz said that he would like to follow up on what Ms. Meggs said. He knows that the response that we got from DOT was they were concerned that the item might get hit and they were concerned about snow removal which he finds rather funny. He would like to follow up and see if we can appeal the decision. Do we have to ask our Legislators to do it? It is an on-going problem. For DOT to say that they do not like the sign he is sorry we are trying to prevent someone from being hit. If somebody does die then he guesses then we take on DOT. Whatever it takes to get one there is what we should be doing. The minimum that we have asked for is a crosswalk sign to remind everyone that there are pedestrian crossings. Is the next step the appeal process?

Councilman Rivers said that first of all he would like to quickly ask for a response back from the City Manager. He would like to get a standing of where we are with Oak Grove and Spaulding Park in terms of the Stormwater drainage. He believes that is a project that we have in the works for the two areas. There was a shooting in Oak Grove also and he would ask that we at least patrol that area to see what houses are being the target areas in that neighborhood. He continued by saying that Council needs to be concerned when we go into our new budget sessions that with what Councilman King just brought up we can look to the Chief but if we don't support him financially, we can't ask him to solve our problem. We want to make sure that we give resources to support him because if we don't give him the means we will have it all over the city.

The second thing that he would like for you to put on the agenda is Harrington Road and if we could get an update on the sidewalk for this street. He would like to have a status on this project.

Mayor Pro Tem Baker said that she just has one item. She didn't see an opportunity to ask this question concerning the closing of year four grant. There was an item under the Hugh Cale that the City paid for 65 students to participate

in educational day trip. What and where did these students come from? She sees 60 students involved in the after school program. She would just like more explanation on that. What is it, where did they go, what did they spend, what did we pay for and who were they.

Community Development Coordinator V. Mani replied that these were students that participated in the summer program of OIC. Before they went we consulted with DCA and they authorized it. At the time we had money and we wanted to spend the money down so that we could apply for another grant. We couldn't apply for the grant without drawing down the funds.

Mr. Olson said that we would be happy to provide a more detailed analysis of this day trip.

Mr. Mani said that he would like to say one more thing that somebody brought up here and gave to the Council. This had nothing to do with Year Four. The City has no CDBG money sitting around to give a council member or non council member. He knows that this is completely incorrect. Completely incorrect. It absolutely positively has nothing to do with Year Four of the Grant. The discussion about 709 Harrington Road with the purchase and resell is possible related to Year One or Year Two. The program had a lot of problems at that time.

Mr. Olson said that it involved Year Three and he would be happy to provide to Council memos that the previous Council approved before any action was taken by staff on that item.

Mayor Atkinson said that he wanted to go back to a couple of things that we spoke about earlier tonight. Number one, he wanted to go back to the comments that some of you make and particular Councilman Rivers talked about resources for the police department. When he decided to appoint this task force to work with the Chief and the police department, to curb crime and gang activities he wants to act swiftly. He wants to meet frequently and we want to move forward quickly and the reason for that is that we are going to be working on the budgets very soon. If there is money needed to do this job we need that feedback and we need it quickly. We are going to approach this very aggressively. Number two is a question for Mr. Morgan or Mr. Olson and it is his understanding that it is a state law that the pedestrian has the right-of-way at a crosswalk.

Mr. Olson said that the pedestrian does have the right-of-way at a crosswalk but more pedestrians are killed in crosswalks than any other place on the road because they have a false sense of security that the cars will stop for them.

Mr. Atkinson said that if it is a state law there are ways to help the Chief and to help the public understand it without putting a large sign in the middle of the street that is going to get hit. Why can't we run this law on the EC Channel 11 and ECSU's TV channel, also, a bold statement can be put on the electric bill? He knows that he gets a bill every month. He feels that this will help the public to become aware of this law. He would like for us to think about this.

**9} CLOSED SESSION:**

Mayor Atkinson advised that Council needed to retire into Closed Session for two different items. They were Consultation with the City Attorney and Consideration of Closed Session Minutes. He entertained a motion to retire into Closed Session.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to retire into Closed Session for consultation with the City Attorney as per NCGS 143-318.11(a) (3) and Consideration of Closed Session Minutes as per NCGS 143-318.10 (e). Those voting in favor of the motion were: Stimatz, King, Baker, Hummer, Meggs, Rivers and Watts. Against: None. Motion carried.***

Upon the end of the Closed Session:

***A motion was made by Councilwoman L. A. Hummer, seconded by Councilman J. A. Stimatz to return to regular session. Those voting in favor of the motion were: Hummer, Stimatz, Baker, King, Meggs, Rivers and Watts. Against: None. Motion carried.***

**10} CLOSED SESSION ITEM:**

Mayor Atkinson called for action regarding the Closed Session Minutes that were presented for consideration in the Closed Session.

***A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilwoman L. A. Hummer to approve the Closed Session Minutes of December 12, 2007 and December 20, 2007 and to release the December 20, 2007 Closed Session Minutes for public inspection. Those voting in favor of the motion were: Baker, Hummer, King, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.***

**11} ADJOURNMENT:**

Mayor Atkinson adjourned the meeting at 10:00 p.m.

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

---

Stephen S. Atkinson  
Mayor