

The City Council of the City of Elizabeth City held its first regular meeting of the month on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor C. L. Foster presiding. Those members 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, Parks and Recreation Director J. D. Overman, Planning Director J. C. Brooks, Interim Police Chief G. F. Koch, Fire Chief W. C. Pritchard, Human Resource Director K. W. Felton, Finance Director S. E. Blanchard, Electric Superintendent K. F. Clow and Interim Public Works Director L. Brothers.

Mayor C. L. Foster opened the meeting by welcoming those attending. He called upon Councilman E. K. Rivers for the invocation after which Mayor Pro Tem L. A. Hummer led the Pledge of Allegiance to the Flag of the United States of America.

**1} AGENDA APPROVAL:**

Mayor Foster called for action regarding the prepared agenda.

Councilwoman J. M. Baker asked to add two calls for a public hearing to be held on Monday, February 12, 2007 at 7:30 p. m. to the Consent Agenda. **1) Call for a public hearing on the approval of CDBG Action Plan for Year Five of the Hugh Cale Revitalization Strategies Grant; and 2) call for a public hearing on an amendment to Year Five Action Plan for the Hugh Cale Revitalization Strategies Grant.** She also asked to add **the monthly report of OIC.**

***A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman B. S. Meggs to approve the prepared agenda as presented to include the above three items. Those voting in favor of the motion were: Baker, Meggs, Brooks, Hummer, Rivers, Stallings, Stimatz and Walton. Against: None. Motion carried.***

**2} COMMENTS FROM THE PUBLIC:**

Mr. Tom Deatheridge spoke regarding drainage in Northeaster Terrace and the generators that run very loudly that are located at W. R. Memorial Home.

**3} CONSENT AGENDA:**

Mayor Foster called for action regarding the Consent Agenda.

*A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to approve the following Consent Agenda as presented. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Hummer, Meggs, Rivers, Stallings and Walton. Against: None. Motion carried.*

Consent Agenda:

- a} Authorized the submission of a Project Application Funding Request to the Tourism Development Authority for 2007 Fireworks Display.
- b} Adopted the following resolution requesting NCDOT to take over maintenance of Tanglewood Parkway.

**RESOLUTION 07-01-5  
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
REQUEST FOR ADDITION TO STATE MAINTAINED  
SECONDARY ROAD SYSTEM**

**WHEREAS:** the attached petition has been filed with the City Council of the City of Elizabeth City requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the secondary Road System; and

**WHEREAS,** the City Council of the City of Elizabeth City is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System;

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council of the City of Elizabeth City that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

**ADOPTED,** this the 22<sup>nd</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} Approved two easements needed to provide utilities to shopping center
- d} Approved Application CUP-03-06 Latitudes, Inc., LLC request for a Conditional Use Permit for 112 North Water Street to convert building into a mix of commercial and condominium units.
- e} Called for a public hearing to be held on Monday, February 12, 2007 beginning at 7:30 p.m. for consideration of RZ-13-06 by M Vestal Yates to rezone .26 acre located at 203 W. Main Street from R-8 Historic to CB Central Business.
- f} Accepted Certificate of Sufficiency and adopted the following resolutions calling for a public hearing to be held on Monday, February 12, 2007 beginning at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for each of the following Petitions for Voluntary Annexation:
  - 1} 2-Invest, LLC for 27.32 acres located 1200 feet west of the centerline of Halstead Boulevard

**RESOLUTION #07-01-6  
FIXING PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED  
2-INVEST, LLC  
27.32 ACRES LOCATED 1200 FEET WEST OF HALSTEAD BOULEVARD**

**WHEREAS**, a petition requesting annexation of the area described herein has been received; and

**WHEREAS**, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

**WHEREAS**, certification by the City Clerk as to the sufficiency of said petition has been made;

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

**SECTION 1.** That a public hearing on the question of annexation of the area described herein will be held at the Municipal Administration Building in the City Council Chambers at 7:30 PM on the 12<sup>th</sup> day of February 2007.

**SECTION 2.** The area proposed for annexation is described as follows:

**BEING** a tract of land approximately 1200 feet southwest of Halstead Boulevard and approximately 1200 feet west of the centerline intersection of Halstead Boulevard and Bryon Court located in Elizabeth City Township, Pasquotank County, North Carolina and being more particularly described as follows:

**BEGINNING** at a found iron pipe, the northeastern corner of lot number 5 as shown on a plat or map recorded at Map Book 10, page 7 of the Pasquotank County Registry: thence S 35° 08' 47" W 56.80 feet to a point at the head of a ditch; thence S 35° 45' 07" W 190.77 feet with and along the center of a ditch to a point; thence S 35° 36' 34" W 301.04 feet with and along the center of a ditch to a point; thence S 35° 40' 31" W 458.60 feet with and along the center of a ditch to a point; thence S 35° 38' 27" W 356.98 feet with and along the center of a ditch to a point at the end of a ditch; thence S 35° 38' 27" W 102.21 feet to a new witness iron rebar set on the northern bank of the canal; thence S 35° 38' 27" W 12.90 feet to a point in the center of the canal; thence N 86° 56' 54" W 179.73 feet with and along the center of the canal to a point; thence N 78° 53' 03" W 40.08 feet with and along the center of the canal to a point; thence N 66° 38' 15" W 68.32 feet with and along the center of the canal to a point; thence N 55° 25' 49" W 108.89 feet with and along the center of the canal to a point; thence N 51° 24' 15" W 161.93 feet with and along the center of the canal to a point; thence N 49° 19' 03" W 140.81 feet with and along the center of the canal to a point; thence N 30° 16' 13" W 87.91 feet with and along the center of the canal to a point; thence leaving the canal N 35° 40' 31" E 13.60 feet to a new witness iron rebar set on the northern bank of the canal; thence continuing N 35° 40' 31" E 138.91 feet to a point at the end of the ditch; thence N 36° 08' 50" E 37.04 feet with and along the center of a ditch to a point; thence N 35° 40' 31" E 469.08 feet with and along the center of a ditch to a point; thence N 35° 35' 27" E 517.38 feet with and along the center of a ditch to a point; thence N 35° 31' 28" E 289.46 feet with and along the center of a ditch to a point; thence N 35° 48' 31" E 342.43 feet with and along the center of a ditch to a point at the head of a ditch; thence N 35° 17' 30" E 31.44 feet to a found iron pipe on the southwestern bank of a ditch; thence S 42° 40' 38" E 51.14 feet to an existing found iron pipe in the center of a ditch; thence S 08° 35' 00" E

656.98 feet to an existing iron rebar found; thence N 86° 15' 34" E 306.58 feet to a point of beginning, containing 27.320 acres, plus or minus.

**SECTION 3.** Notice of said public hearing shall be published in the Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of said public hearing.

**ADOPTED**, this the 22<sup>nd</sup> day of January 2007.

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

2} Bay Island Residential, LLC for 10.71 acres adjacent to River Road

**RESOLUTION #07-01-7  
FIXING PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED  
BAY ISLAND RESIDENTIAL, LLC**

**WHEREAS**, a petition requesting annexation of the area described herein has been received; and

**WHEREAS**, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

**WHEREAS**, certification by the City Clerk as to the sufficiency of said petition has been made;

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

**SECTION 1.** That a public hearing on the question of annexation of the area described herein will be held at the Municipal Administration Building in the City Council Chambers at 7:30 PM on the 12<sup>th</sup> day of February 2007.

**SECTION 2.** The area proposed for annexation is described as follows:

**BEING** a tract of land south of, east of and contiguous to lots 1-12, lots 49-54 and lot 56 of Edgewood as recorded in Map Book 1, page 159 of the Pasquotank County Registry and being located in Nixonton Township, Pasquotank County, North Carolina and being more particularly described as follows:

Commencing at a found P.K. nail at the centerline intersection of River Road (N.C.S.R. 1169) and Asbury Lane (N.C.S.R. 1316); thence S 35° 02' 53" W 1,560.63 feet to a found rebar in the western right of way line of River Road; thence leaving the right of way line N 74° 25' 26" W 477.96 feet to an iron rebar; thence N 65° 15' 34" W 1,101.27 feet to an iron rebar, the true point of beginning for this description; thence N 65° 15' 34" W 31.21 feet to a point; thence 170.02 feet with and along the arc of a curve, concave to the northwest, having a delta angle of 38° 12' 05", a radius of 255.00 feet, a chord bearing of S 51° 25' 46" W and a chord distance of 166.89 feet to a point of reverse curvature; thence 34.76 feet with and along the arc of a curve, concave to the southeast, having a delta angle of 79° 39' 55", a radius of 25.00 feet, a chord bearing of S 30° 41' 51" W and a chord distance of 32.03 feet to a point of tangency; thence S 09° 08' 07" E 109.10 feet to a point; thence S 11° 18' 59" E 20.93 feet to a point; thence S 71° 52' 35" W 184.49 feet to an existing iron rebar at the southeastern most corner of lot 18, block "H", of Edgewood as shown on a plat recorded at Map Book 1, page 159 of the Pasquotank County Registry; thence N 09° 04' 17" W 284.81 feet with and along the eastern line of Block "J", of Edgewood as recorded in Map Book 1, page 159 to an iron rebar; thence N 09° 02' 36" W 91.31 feet with and along the eastern line of Block "J" of Edgewood as recorded in Map Book 1, page 159 to an iron rebar; thence N 09° 06' 02" W 88.55 feet with and along the eastern line of Block "J", of Edgewood as recorded in Map Book 1, page 159 to an iron rebar; thence N 08° 58' 58" W 249.74 feet with and along the eastern line of Block "J", of Edgewood as recorded in Map Book 1, page 159 to an iron rebar; thence N 08° 54' 26" W 358.72 feet with and along the eastern line of Block "J", of Edgewood as recorded in Map Book 1, page 159 to a point at the common corner to lots 54, 56 and 12 of the above reference Edgewood, Block "J"; thence S 84° 27' 36" E 311.94 feet with and along the southern line of lots 54, 53 and 52 of Edgewood Block "J" as recorded in Map Book 1, page 159 to an iron rebar, the southeast corner of lot 52; thence continuing S 84° 27' 36" E 145.85 feet to an iron rebar, the southeast corner of lot 51 of the above reference subdivision; thence N 73° 30' 42" E 152.35 feet and along the southern line of lot 50 of the above reference subdivision to an iron rebar; thence N 30° 21' 57" E 137.53 feet with and along the eastern line of lot 49 of the above referenced subdivision to a point; thence S 62° 26' 15" E 69.48 feet to an iron rebar; thence S 15° 40' 03" W 873.74 feet to the true point of beginning, containing 10.71 acres, plus or minus.

**SECTION 3.** Notice of said public hearing shall be published in the Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of said public hearing.

**ADOPTED**, this the 22<sup>nd</sup> day of January 2007.

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

3} Savin Woods by Don Williams for 19.52 acres adjacent to Savin Road

**RESOLUTION #07-01-8  
FIXING PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED  
DON WILLIAMS – SAVIN WOODS  
19.52 ACRES LOCATED ADJACENT TO SAVIN ROAD**

**WHEREAS**, a petition requesting annexation of the area described herein has been received; and

**WHEREAS**, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

**WHEREAS**, certification by the City Clerk as to the sufficiency of said petition has been made;

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

**SECTION 1.** That a public hearing on the question of annexation of the area described herein will be held at the Municipal Administration Building in the City Council Chambers at 7:30 PM on the 12<sup>th</sup> day of February 2007.

**SECTION 2.** The area proposed for annexation is described as follows:

Lying and being a tract of land south of the southern line of Magnolia Woods as shown on a plat recorded in Plat Book 32, Page 4 of the Pasquotank County Registry and north of and contiguous to Savin Road and approximately 2400 feet east of Savin Road in Mount Herman Township, Pasquotank County, North Carolina and being more particularly described as follows:

**BEGINNING** at a new iron rebar set in the Northern right of way line of Savin Road that is located S 55° 27' 00" E 3,819.39 feet from North Carolina Geodetic Survey Monument, "Corinth", having N. A. D. 83 coordinates of N = 935,264.04 U. S. Survey feet and E = 2,807,958.31 U. S. Survey feet: thence from the point of beginning so located N 20° 55' 45" E 843.10 feet to a new iron rebar set; thence N 79° 10' 16" E 146.86 feet to a found iron rebar; thence N 86° 44' 34" E 543.76 feet to a found iron rebar; thence continuing N 86° 44' 34" E 8.69 feet to a point; thence S 74° 21' 53" E 78.24 feet to a point in the center of a creek; thence the following six (6) calls or courses with and along the record center of the creek to points: (1) S 12° 46' 34" W 224.74 feet; (2) S 67° 15' 26" E 1.04 feet; (3) S 17° 31' 45" W 156.22 feet; (4) S 08° 38' 45" W 289.20 feet; (5) S 12° 47' 45" W 324.40 feet; and (6) S 05° 49' 15" E 253.80 feet to a new iron rebar set; thence N 67° 36' 15" W 492.78 feet to a new iron rebar set in the centerline of Savin Road; thence N 22° 23' 45" E 30.00 feet to a new iron rebar set in the northern right of way line of Savin Road; thence N 67° 36' 15" W 478.80 feet with and along the northern right of way line of Savin Road to a new iron rebar set, the point and place of beginning, containing 19.52 acres, plus or minus.

**SECTION 3.** Notice of said public hearing shall be published in the Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of said public hearing.

**ADOPTED**, this the 22<sup>nd</sup> day of January 2007.

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

g} Called for a public hearing for each of the following to be held on Monday, February 12, 2006 beginning at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building:

1} Approval of CDBG Action Plan for Year Five of the Hugh Cale Revitalization Strategies Grant

2} Amendment to Year Five Action Plan Budget for the Hugh Cale Revitalization Strategies Grant

End of Consent Agenda:

**4} PUBLIC HEARINGS:**

a} Report to citizens on the closing of the Year Three of the Hugh Cale Grant.

Mayor Foster called upon V Mani for the report.

Mr. Mani reported that \$56,214 had been used to purchase 703 South Martin Luther King, 101 Shepard Street and 520 South Road Street; \$212,500 was used for the Neighborhood facilities for the Hugh Cale Resource Center; \$12,535 was used for Housing Counseling service to 20 individuals under the Public Service; the Rehabilitation/Demolition was \$43,750 and was used for the demolition of 101 Shepard Street and 801 South Road; rehabilitation of 709 Herrington Road, which is a homeless shelter now and \$25,000 was use for Administration of the grant. This brings a total of \$350,000.

Mayor Foster declared the meeting into public hearing for consideration of the report to citizens the closing of the year three of the Hugh Cale grant.

Since there was no one to speak for or against the proposed report, Mayor Foster declared the public hearing closed.

***A motion was made by Councilman E. K. Rivers, seconded by Councilman M. E. Brooks to accept the report to the citizens of the Closing of Year Three of the Hugh Cale Grant. Those voting in favor of the motion were: Rivers, Brooks, Baker, Hummer, Meggs, Stallings, Stimatz and Walton. Against: None. Motion carried.***

b} Addition of the new Wal-Mart Store as a specific taxi location with a rate of \$8.00:

Councilman D. K. Stallings asked to be excused from the discussion and vote of this item.

***A motion was made by Councilwoman J. M. Baker, seconded by Mayor Pro Tem L. A. Hummer to excuse Councilman D. K. Stallings from discussion and vote on this item. Those voting in favor of the motion were: Baker, Hummer, Brooks, Meggs, Rivers, Stimatz and Walton. Against: None. Abstained: Stallings. Motion carried.***

City Manager Olson advised that a review of our existing rate schedule and comparable destination charges would indicate that \$8.00 would be the appropriate rate. Staff is requesting that the new Wal-Mart shopping center be added as a named destination and that the rate of \$8.00 be placed on the City's taxicab rate schedule.

Mayor Foster declared the meeting into public hearing. Since there was no one present that wished to speak for or against the proposed rate, Mayor Foster declared the public hearing closed.

Following discussion both pro and con of the propose rate,

***A motion was made by Councilman E. K. Rivers, seconded by Councilwoman B. S. Meggs to approve the inclusion of the Wal-Mart Shopping Center as a specific taxi location and set the rate as \$8.00. Those voting in favor of the motion were: Rivers, Meggs, Baker, Hummer, Stimatz and Walton. Against: Brooks. Abstained: Stallings. Motion carried.***

c} Submission of an Urban Progress Zone Application:

City Manager Olson stated that during the 2005 Session of the General Assembly, sweeping changes/additions were made to the William S. Lee Quality Jobs and Business Expansion Act to better define the act to further stimulate economic activity and job creation by encouraging and promoting the expansion of existing business and industry and by recruiting and attracting new business and industry to the State. One of the provisions made in the legislation was the adoption of NCGS § 143b-437.09 which provides for the designation of State Urban Progress Zones to provide economic incentives to areas delineated by census tract. The criteria specified in the General Statutes for the application is very specific in nature as to zoning, population, poverty level and census tract/blocks. Preliminary research indicates that the City of Elizabeth City may

qualify for such a designation. The first step in the application process is to hold a public hearing regarding the application.

Mayor Foster declared the meeting into public hearing. Since no one wished to speak for or against the proposed application, Mayor Foster declared the public hearing closed.

*A motion was made by Councilman D. K. Stallings, seconded by Councilman J. A. Stimatz to adopt the following resolution supporting the submission of an Urban Progress Zone application and further moved that Richard C. Olson is hereby authorized to execute and file an application on behalf of the City of Elizabeth City to the North Carolina Department of Commerce. Those voting in favor of the motion were: Stallings, Stimatz, Baker, Brooks, Hummer, Meggs, Rivers and Walton. Against: None. Motion carried.*

**RESOLUTION #07-01-9  
AUTHORIZING THE CITY OF ELIZABETH CITY  
TO SUBMIT AN APPLICATION  
TO THE NC DEPARTMENT OF COMMERCE FOR  
AN URBAN PROGRESS ZONE DESIGNATION**

**WHEREAS**, the North Carolina General Assembly adopted NCGS § 143b-437.09 during the 2005 Legislative Session; and

**WHEREAS**, this legislation provides for the designation of State Urban Progress Zones to provide economic incentives to areas delineated by census tract; and

**WHEREAS**, the City Council of the City of Elizabeth City desires to apply to the NC Department of Commerce for an Urban Progress Zone designation to encourage economic activity and job creation within the City of Elizabeth City;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elizabeth City supports the submission of an Urban Progress Zone application and that Richard C. Olson, City Manager is hereby authorized to execute and file an application on behalf of the City of Elizabeth City to the North Carolina Department of Commerce.

**ADOPTED**, this the 22<sup>nd</sup> day of January 2007.

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

d} Application RZ-11-06:

Planning Director J. C. Brooks advised that Earldine & Robert Jordan/Jordan Marital and the City seek 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 with the adoption of the Unified Development Ordinance in 1999. The Planning Commission and Planning Staff are recommending approval of this request.

Mayor Foster declared the meeting into public hearing for consideration of Application RZ-11-06 by Earldine and Robert Jordan/Jordan Marital and the City of Elizabeth City. Since no one wished to speak for or against the proposed rezoning, Mayor Foster declared the public hearing closed.

***A motion was made by Councilman E. K. Rivers, seconded by Councilwoman J. M. Baker to adopt the following resolution approving the rezoning application (RZ-11-06) by the City of Elizabeth City due to being consistent with the surrounding land use pattern and to correct an error in the adoption of the Zoning Map in 1999. Those voting in favor of the motion were: Rivers, Baker, Brooks, Hummer, Meggs, Stallings, Stimatz and Walton. Against: None. Motion carried.***

**ORDINANCE #07-01-3  
REZONING REQUET RZ-11-06  
EAST SIDE OF JORDAN PLAZA BETWEEN  
CARDWELL STREET AND W EHRINGHAUS STREET  
1.3± ACRES**

**WHEREAS**, the City Council considered a request from the City of Elizabeth City and Earldine & Robert Jordan/Jordan Marital to rezone 1.3± acres of property on the East side of Jordan Plaza between Cardwell Street and West Ehringhaus Street from R-8 to GB General Business in order to correct an error in

the zoning map with the adoption of the Unified Development Ordinance in 1999; and

**WHEREAS**, the City Council of the City of Elizabeth City considered and held a public hearing regarding Rezoning Application RZ-11-06 on January 22, 2007; and

**WHEREAS**, the City Council of the City of Elizabeth City found that rezoning consistent with the Land Use Plan and with the Unified Development Ordinance;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that request be approved in order to correct an error in the zoning map.

**ADOPTED**, this the 22<sup>nd</sup> day of January 2007.

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

e} Citizens Comments on Year Five of the Hugh Cale Grant.

City Manager Olson stated that this public hearing deals with the citizens input on Year Five of the Hugh Cale grant. As part of the grant process before we can go into any given budget year we have to receive public input on what the citizens would like for us to obtain in that particular year. Once we receive this information we then come back to Council which would be at the next meeting and present to you a plan of action of all the budget information.

Mr. Mani stated that we have received \$350,000 for Year Five. We have to pay out approximately \$87,000 to the contractor for the construction of the Hugh Cale Training Center. The city is focusing the remaining funds for acquisition and demolition because we need to show some results for the grant funds we received. We need to spend all the money before we can apply for another grant.

Mayor Foster declared the meeting into public hearing to receive citizen comments on Year Five of the Hugh Cale Grant.

Mr. Raymond Rivers, Executive Director of the Elizabeth City Neighborhood Corporation, spoke regarding the inclusion of Housing Counseling in Year Five funds.

Since no one else wished to speak for or against the proposed five year budget, Mayor Foster declared the public hearing closed.

No action was required at this time.

Councilman Rivers asked that before we bring this item back before Council he would like for the city to hold some community meetings in order for the community to say what they would like to see for Year Five.

**5} REGULAR AGENDA:**

a} Bid Award for surveillance camera system.

Interim Police Chief F. G. Koch stated at the last Council meeting the department was asked to scale down the bids received for the surveillance camera project. ADT, who was the lowest bidder and staff negotiated the bid to \$194,733.00. The original twenty-five cameras were scaled down to seventeen. Since that time we have received a letter of protest from one of the other vendors. He feels that at this time he would like to have further time to adequately review the protest.

Councilman Stallings questioned when the policies and procedures would be written for the cameras.

Mr. Olson said that once the Council moves forward on the cameras then that is when the policies and procedures would be prepared. Until staff gets that direction from council it would be a waste of staff's time to basically formulate policies and procedures.

Mayor Pro Tem Hummer asked if the City Attorney could get a ruling on if this protest can legally stop the procedure at this point in time. It just seems very unusual.

Councilman Brooks said that he understands that it might be putting the cart before the horse but he has a concern with this also. If Captain Koch can provide some type of procedures that would be helpful for him.

***A motion was made by Councilman D. K. Stallings, seconded by Councilman E. K. Rivers to honor the Chiefs request and table this item and come back with further information. Those voting in favor of the motion were: Stallings, Rivers, Baker, Brooks, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.***

b} Award of Taxi Franchise:

Councilman D. K. Stallings asked that he be excused from discussion and vote on this item.

***A motion was made by Councilwoman J. M. Baker, seconded by Mayor Pro Tem Hummer to excuse Councilman D. K. Stallings from discussion and vote on the above item. Those voting in favor of the motion were: Baker, Hummer, Baker, Brooks, Meggs, Stimatz and Walton. Against: None. Abstained: Stallings. Motion carried.***

City Manager Olson stated that in September 2005, City Council awarded four taxi franchises and chose two individuals as alternates. One of the four franchises was awarded to Tinach Lister. Ms. Lister paid her franchise fee but never placed a taxi into service. Pursuant to Section 19.18 of the City's Code of Ordinances, an individual who is awarded a franchise must place a taxi into service within sixty days of the date of license. If the franchisee fails to do so, their license shall become null and void. Ms. Lister turned her franchise in last month, which prompted City staff to hold a lottery during which Joseph Ray Hyder, Jr. was the winner. After consulting with the City Attorney, it was determined that Ms. Lister failed to perfect her franchise and therefore, forfeited her license. That franchise should have been awarded to the first alternate in November 2005. This first alternate was Darryl Stallings. On January 8, 2007 the City received notice that Mr. Thomas Reid relinquished one of his three franchises. If the Council awards the franchise to Darryl Stallings, there is a new franchise that could be given to Joseph Ray Hyder, Jr. who won the lottery.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilman M. E. Brooks to award the taxi franchise to Darryl Stallings and Joseph Ray Hyder, Jr. Those voting in favor of the motion were: Stimatz, Brooks, Baker, Hummer, Meggs, Rivers and Walton. Against: None. Abstained: Stallings. Motion carried.***

c} Request to declare the property at 501 Shepard Street as surplus property.

City Manager Olson stated that this is a request for City Council to declare the property at 501 Shepard Street as surplus and allow staff to go out and seek bids for that particular property. This would fall under the City's upset bid policies and procedures that we have done several times in the last few months. This particular property was bought with Hugh Cale funds therefore there are a number of deed restrictions that would have to run with this particular property. We are requesting now that City Council declares it surplus and allow staff to go out and seek bids.

Councilman Rivers stated that he is half way against this. We have to remember that neighborhood and area not to long ago was in pretty bad shape. Renters do not take care of their neighborhood. We were trying to get home ownership in the neighborhood. If a developer purchases it and turns it around and rents it you will have some of the same elements that we had. We need to be trying to get homeownership pushed in that neighborhood. Before we just start putting surplus property out for bid for developers to put in rental property we are not working within the scheme of the grant. We have not decided on Year Five funds yet so he feels that we need to wait to see if we can obtain homeownership.

Mr. Olson replied that it is staff's analysis that it is not cost effective to rehab it. If we use rehab funds from Year Five that would basically stretch the time frame to get the money and everything else. We would rather utilize our money to do 703 South Martin Luther King Street than the 501 Shepard Street. We have serious concerns because of the shape of the structure whether or not that structure could be cost effectively be rehabilitated.

Councilman Stimatz said that if you have determined that it is not cost effective to rehab it then why would anyone want to buy it to rehab it.

Mr. Olson replied that some people would not rehab it to the standards that we would be required to bring it up to. We have to meet all of Section Eight guidelines. We are looking for home ownership for this property.

***A motion was made by Councilman E. K. Rivers, seconded by Councilman J. A. Stimatz to table this item and bring it back at a later meeting. Those voting in favor of the motion were: Rivers, Stimatz, Baker, Brooks, Hummer, Meggs, Stallings and Walton. Against: None. Motion carried.***

d} Confirmation of Public Utilities Director:

City Manager Olson stated that he has advertised to fill the Director of Public Utilities position that became vacant with the resignation of Eric Weatherly. The City received 47 resumes. In evaluating Eric's performance, he believes the experience that a Professional Engineer brings to the position of Director of Public Utilities greatly benefits the City. He informed the City Council during our budget work session that my objective was to fill the Assistant Public Utilities position with an individual who was an Engineer in Training (RIT). That way, if the Director was on leave, that person would be able to move up to fill the Director's position. He would like to recommend that the Director of Public Utilities position be filled by Paul Fredette. Mr. Fredette is a Professional Engineer who is registered in Vermont, New Hampshire and Massachusetts. He should have no problem becoming registered in North Carolina. He has served as the Director of Public Works for the City of Claremont, New Hampshire for four years. Prior to that position, he was the President of SFC Engineering Partnership, Inc., an environmental and civil engineering firm in New Hampshire. He served in that capacity for twenty-two years. He has also served as Public Works Director for the Town of Salem, New Hampshire and early in his career worked for the EPA. His last position was Town Manager of Dorset, Vermont. He has a BS in Civil Engineering from Norwich University and is presently working on his MPA from Norwich University.

***A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman B.S. Meggs to confirm the appointment of Paul Fredette as the Public Utilities Director with a salary of \$87,000 and the requirement of establishing residence in the City within ninety (90) days.***

Councilman Rivers stated that he was against this motion. He appreciates the City Manager and his hard work in terms of bringing this back to us. Once again, he reflects that he is not in favor of the hire. He cannot go with it at this time.

Councilman Stallings asked Mr. Olson what his last salary was.

Mr. Olson replied that his last full time job was the Director of Public Works for Claremont, New Hampshire and he was making \$85,000 at that particular time. He subsequently was the Town Manager for a very small town and he thought that he wanted to become a town manager and he realize what a difficult position that could be and he was making considerably less trying to break into the profession. He has decided that he had rather stick to the engineering field. He was the Town Manager for less than a year. The city bought out his contract as he was on a year to year contract basis. The salary for this position was in the mid 50's. He had roughly 40 employees while in that position.

Councilman Stallings said that he too does not approve of this appointment.

Councilman Rivers asked if he knew what the make up of the employees was.

Mr. Olson said that he does not know if he had any minorities working for him. You look at the area of the United States where he has been working and there are very few minorities that live within that jurisdiction. He did have a couple of minority employees when he was in Claremont. Of course he does not have the same minorities' percentages that we presently have in our existing public works department.

Councilman Rivers asked if they stated why he was bought out of his contract.

Mr. Olson said that he was requiring city employees to work harder than they thought they should work. He had an issue within the road crew where he had four individuals in that department all resigned because they thought that he was being unreasonable in requiring them to do certain things.

Councilman Walton said that his Mother told him that he had a foot in the mouth disease so when Bob Montgomery called him the other day he didn't make any remarks, but he read in the paper a couple of days later that everybody else was making remarks so he said that he would save it until the public could see and hear remarks. Because if you hear one story, it is according to who is telling that story. It sounds good until someone comes and tells the other side. Then you can make a better judgment. We had a meeting and he is going to tell you about this Council here. When we go into a meeting we should be in there collaborating and doing the business of the City. Any time there is a little bit of uncomfortable reaction, you are ready to shut things down so fast it is scary. To him if you don't have any discomfort you are not going to make any progress. Now this council will talk about tangible progress. We are going to have a great water and sewer system, but when we deal with humanitarian things we don't even think about people. We need humanitarian progress also. We can not escalate one race at a certain stab at another and forget about the other races. The history precedes you. He has talked to Rich about this two years ago. He told him that he was going to check his track record. We have one out of nine department heads. That is not a great percentage. That is 11 percent. This City is made up of half and half they tell him. The reason he didn't make any statements in the paper was because 45% don't agree with him but they won't say anything. 5% don't care anyway and another five percent don't have a clue of what is going on. To be a humanitarian in this situation we need to start hiring more people the same reflection of the City. It is more than 11%. You talk about home ownership; you can't buy a house if you are not making the money to do that. We had out meeting on the eight and no longer than ten days later he came to me and we talked. He will always reconsider some things if a person can show him a better side. Rich asked him if he would reconsider

Mr. Fredette. He said that he would and put it in prayer and then he would vote his conscientious. But, when that newspaper article came out his mind was made up. He is not going to vote for Mr. Fredette. Has anyone read the advertisement for this position? This is not Paul Fredette. Can you advertise for one thing and yet when this person shows up he doesn't meet these qualifications? This is not good for this City. If we advertise for someone that fits a profile then you should follow that profile. Don't wait until that person gets there and then say well I will change the profile. That is not right. He feels that everybody should resubmit an application so everybody will get the same type of profile. If this person cannot be a manager, take it out of his profile. There might be some people out there than can do everything that he can't do. They would fit the profile better. He doesn't know how that newspaper article started in the first place. Bob calls him and says that there is some controversy to this issue. When Bob started asking questions, he asked him what was going on. He would like to tell you his side. He said that Kirk is very upset so then he called Kirk. Kirk said that Tony said. It started somewhere. It came out four to four and soon as it came out four to four, "Can I find someone to adjourn this meeting" rather than collaborating and talking about it and seeing if we could work something out. Yes, he will reconsider and then it is my choice at the end. But, you never considered what he told you two years ago. I asked you to try to keep it as fair as possible. At that time it was four and four, now it is one out of nine and that is not fair.

Councilman Brooks said that he read the article and Bob had called him also. He read the article and he didn't care much for it. It made it look like that race was a big issue in making the decision. Since he has been on Council, those that have seem him vote has seen that he tries to vote the intensity of his heart. We discussed this in length in Closed Session and he thought about this and thought about this and he tried to come up with a reason to vote for him. He really tried. But, what he did was, he went back to his books and he has been reading for three days trying to figure a reason why to confirm this guy. The only reason he did that massive research was because it came to making it look like a race issue because it was four and four. That is not the issue. The issue is that what it was advertised for is not what we are getting. This Council has done very well in keeping race out of our agenda. All of a sudden because the vote didn't go the way someone would like it race comes up. He has an issue with that. He had an issue in the past because it looked like council was having a civil war with each other. We have bigger problems than race. The roads are still messed up. Southern Avenue is still messed up and has been like that for ten or fifteen years. Roanoke Avenue is messed up. Everybody ran on fixing the infrastructure and now all of a sudden we are trying to raise the race issue off something as simple as a confirmation. He refuses to let race come into play. Based on his research he cannot and will not change his vote.

Councilwoman Baker stated that she feels that race should not have anything to do with this. But one thing that she has not heard in this discussion is anything about the best qualified from all the people that have submitted applications. The best qualified candidate and that is obviously Mr. Fredette who is one of the few if not the only one with an engineering degree. You will never get anyone with all the qualifications that you are looking for or that you say that you prefer or that it would be nice to have. You are never going to get that. She has hired too many people to not know that. But, you take the best qualified of the candidate pool and as long as you have advertised to minorities and females then you have done that we are supposed to do. You have to give them preference in the advertisement but you do not have to give them preference to meet the numbers that you have in the city. You have no obligation to hire to match your numbers. You do have obligations to advertise and recruit to minorities and females. She feels that Mr. Fredette is the most qualified according to our manager.

Mayor Pro Tem Hummer stated that thinks that everybody at this table has asked the city manager a number of times and even demanded of him that complex engineering issues be taken care of in their wards whether it be Roanoke Avenue, Southern Avenue, Road Street, drainage issues, pot holes, sewerage issues and he has tried to find the candidate that would take care of all that. She goes to city hall everyday and sits down with the manager because she likes to stay informed. She knows for a fact that he has anguished over trying to have equal numbers of department heads and it is just impossible. Half of the candidates have backed out. All of the candidates have backed out for the chief of police. She doesn't know what anyone expects the man to do. He has brought us someone with thirty years experience and an engineer. We have Oak Grove, Oxford Heights, Northeastern Terrace and she just does not see how we are going to fix them if we just keep delaying. We have new construction almost ready to come on line with water and we have to have somebody that has expertise in all those areas. You can go all the way across the country trying to get the right person and she feels that he has gotten the right person. As much as we have demanded of him, she thinks that we should honor his choice and it is his decision to hire a public works director and it is up to us to confirm him. He is the one that is going to have to work with him and he is the one with the knowledge and that is why we pay him big money because he has the knowledge and she trusts his judgment.

Councilwoman Meggs said that those are the exact words that she just wrote down. She feels that Rich is the one that works with him closely. He is the one that has had experience in doing this. Not me and most of us on the Council. This is why we pay him for his decisions and she feels like that this is who he feels like is the best one for the City then she has to do what she thinks is best for the City.

Councilman Walton said that Rich became the manager in 2003 but then he had the technology and expertise but because of his work load he wanted to bring in Eric Weatherly. So he had a double salary doing the expertise and technology that Rich was supposed to have had. Is that how it happened? After Eric Weatherly left, Mr. Clausen came in to do the technical part and to him that was still a double salary. All he asked Rich to do then was to consider an equal hire. He is not pleased with our hiring practices. You can deny it all you want but it is not fair to just talk about progress and infrastructure. This is bigger than that. We need progress and humanity also. People need the same quality of life that everybody else got. Then we won't have to worry about meters or ten dollars cab fee. He is not going back to the fifties. We need progress and going forward. Don't say that it can't be done as ten years ago it was said that a black man couldn't coach football now there are two of them in the super bowl. How quickly things change. This advertisement is not Paul Fredette. Some things he can do on this advertisement, but there are a lot of things that he cannot do. Be truthful in what you advertise. If you are not truthful then you are going the wrong way because there might be someone out there. Let me show you things that Paul can do. He has a BA in Civil Engineering. He has five years experience; he knows something about storm water, drainage, collections, water production, distribution, sewer collections, electric distribution and related operations of the City. He has knowledge but everybody has a little bit of knowledge so that is not a concrete thing. Ability to review and analyze plans and specifications for the construction of public facilities. Reports directly to the City Manager, but the things that he can't do, perform complex difficult administrative work, overseeing the street maintenance, comprehensive knowledge of municipal public works administration, planning and design. Responsible for leading the department with vision. That is the vision that he has. His vision is things people in this city for everybody to have the same quality of life. Everybody deserves that. Like he said, he is not going back to the fifties. Some of you may want to go back but it didn't affect you. He knows what he had to go through. He is not going back to the fifties, but you can do what you want too.

Councilman Rivers said that he has set back and listened and some of the things that we just passed and everyone went to Martin Luther King march and we talked about equality. By no ways this falls on Rich as Council needs to make this decision. Rich did his job that was asked. He stops and thinks that through the time and years, this Council and he can remember when he was born, we had one African-American, Councilman Garnie Banks. Ms. Felton was here at that time. Ms. Felton at that time was the only African-American Department Head. Over the times we have had a diverse work force. Now he looks and he sees that it does not look good. So, when you tell him that you cannot find what we use to have two years ago, do we need to do extra advertising. That way

you can say without a shadow of doubt that we have exhausted all means. We assessed the police chief three times because we felt that we had not reached the right candidate. We haven't done that at all on this position right here. He just can't go forth with this name without re-advertising, going through to make sure that we have done all that we could. He is saying that he thinks that we should go back out and try to find and make sure that we get a quality pool and go from there. We need to go back and reassess and bring it back with a pool of African-Americans and see if it meets what Council was just talking about. He can't go for it right now.

Councilman Stimatz said that the issue for him is that he thinks that Ms. Felton has done due diligence. She is the one that has done the advertising. This is the best candidate that we have. It is nice to have the luxury of waiting. He would say that Councilman Rivers mis-spoke when he said that we didn't have a qualified candidate. We offered the job to someone that turned it down. It wasn't that we didn't have a candidate but we have candidates that didn't want us. So, we had to go back out again. In this particular case we sat here and asked for a rate increase of 2.3 million dollars worth of work, as soon as we can possible can do it. Unless we have the contracts executed, the State of North Carolina is going to continue the moratorium on hook-ups. We don't have enough water right now to supply the City. We are over pumping our wells. That is a fact. We have to execute those contracts quickly. Rich is the City Manager and whether he has the technical skills or not, he does not have the time. He has three jobs – he has to manage the city, he has to develop the city and he has to fix the city that is so broke because we haven't taken the time to fix it within the last twenty years. He could spend 30 million dollars in public works projects and we wouldn't see anything except a new fire hydrant. We have storm drainage issues. Michael Brooks talks about Oxford Heights. We want that fixed and we need a professional engineer. We have people who are at risk if we don't meet those contracts quickly. If we don't execute them then we will have developers out here with no water. I went to the Martin Luther King breakfast and heard two speakers. It was interesting that the second speaker spoke about Martin Luther King's dream and that we would judge people by the content of their character and not the color of their skin. He went on to talk about three or four attributes. He remarked about how wonderful it was that there was this gentleman who had gotten up to speak who knew our history so well. This congressman was able to speak to the African-American experience so well. That congressman was Congressman Butterfield who is an African-American. What happened was that speaker judged him by the color of his skin and not by the content of character. Let's give this man a chance. We don't know if this man can't do the job. He has managed before. We need someone now or we are going to have bigger problems down the road.

Mayor Foster called for a vote on the motion.

*Those voting in favor of the confirmation of Paul Fredette were: Baker, Meggs, Hummer and Stimatz. Against: Brooks, Rivers, Stallings and Walton. Mayor Foster breaking the tie vote with a vote of yes. Motion carried.*

**6} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.**

City Manager Olson stated that he had a couple of items. Next Monday night we have a joint meeting with the Pasquotank County Commissioners. He was wondering if there were any items that Council would like to place on the agenda. He will be meeting with Randy Keaton to discuss that agenda.

The other item is that he has not heard back from anyone that would like to attend the reception that is being held by Senator Basnight this coming Wednesday night.

Mayor Pro Tem Hummer stated that she had no further comments tonight.

Councilman Stallings stated that on the situation on Albemarle Street needs looking into.

Councilwoman Meggs asked Rich to say one word about Southern Avenue and when it will be paved.

Mr. Olson replied that we have determined what the cost will be and basically have awarded the contract to Barnhill Construction Company and what we are waiting on now is for NCDOT to release the funds. The contractor is willing and able to start on the project as soon as possible. He has roughly thirty to sixty days worth of concrete work with curb and gutter, Stormwater drainage before we can start milling and overlaying. DOT does not like to lay asphalt from December 15 to March 15<sup>th</sup> because of weather related issues. By the time the concrete work is completed it should be close to March 15<sup>th</sup>. That is what is holding it up.

Councilman Walton stated that even though some of the main arteries of the City are real good pavement wise there are still some small patches that are starting to creep up in the City.

Councilman Stimatz stated that he still has constituents in the Historic District that want to know what the next step is for changing the speed limit in the Historic District specifically Church and Main Streets to 20 mph.

Councilman Rivers stated that he would like to ask the police chief that if a person calls the department over the weekend to 911 communications. The other night a situation was called in to report what was going on in the community and 911 broadcasted the name of the caller over the airways. The police arrived and they knocked on the young lady's door and the people that were doing what she was reporting knew exactly who called it in. We need to make sure that this does not happen as that puts the caller in jeopardy. We can't have citizens name blasted over the airways.

He would also like to know if we could notify the citizens about Southern Avenue on their utility bills. That way the people will know what is going on.

Lastly, the dredging of the ditch on Peartree Road. He would like to know where we are on that.

Councilwoman Baker stated she had added an item to the agenda regarding the monthly report of OIC. The report was not what she expected at all. It doesn't address what is really going on with the training center. It looks like we have a latchkey program and she doesn't think that is under the training guidelines. The GED and CNA programs are what we should be getting reports on plus what are the efforts to recruit other trainers. This is a training center and we should be recruiting more training opportunities for the people in that neighborhood. Several months ago we outlined what we were looking for in these reports and this is not it.

Councilman Brooks stated that he has a lot to say but he will say only a little. He really has a lot to say but he will back up off it and wait until the snake comes back and bites. Then he will talk about it. His concern is that the people on Speed Street have come to him complaining about the drug traffic on their street. We talked about Southern Avenue being top priority and there is no doubt about that because he is in the third ward and people from all the wards are talking about Southern Avenue. He thinks that should be top priority as it is. He also has a concern about Roanoke. When most people on this Council ran our biggest thing was the electric rates and infrastructure and it doesn't seem like we can get any lead way on that. He doesn't understand. Most of the city residents are talking about the problems on Southern Avenue and the problem that he has with Southern Avenue is that it runs in front of Elizabeth City State University. His concern is why has it taken so long to get Southern Avenue fixed and he doesn't want it to take that long for Roanoke Avenue. It is really uncalled for. He talked with some of the residents in Oxford Heights with the letter of interest and he knows that you have a committee and he wants to know if that committee is still meeting.

Mr. Olson replied that we haven't met with the committee in some time now. We passed out the letters requesting information and Christy Saunders is gathering that information and providing a metric that we can submit to the state.

Mr. Brooks continue by saying the speaker that was from Northeastern Terrace talked about talking with the residents of Oxford Heights about their flooding issues. He does not know how effective the conversation that you have with the committee was, but he tries to touch base with them.

Mayor Foster stated that he would like to say as your Mayor that he would like to thank all the city council persons and thank all those present tonight and those that are watching by television. He just wants you to know that he is determined to be the best mayor that God will enable him to be. He asks that you pray for him and he will certainly be praying for you.

**7} ADJOURNMENT:**

There being no further business to come before the Council at this time, Mayor Foster entertained a motion for adjournment.

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

Mayor Foster adjourned the meeting at 9:05 p.m.

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

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Charles L. Foster  
Mayor