

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

Mayor J. H. Bell, Jr. opened the meeting by welcoming those attending. He called upon Pastor Reggie Edlow, Highland Fellowship Church for the invocation after which Pasquotank County Commission John Kitchen led the Pledge of Allegiance to the Flag of the United States of America.

Mayor Bell called for approval of the agenda. Mayor Bell added selection of the Mayor Pro Tem to the regular agenda and an additional consultation with the City Attorney under the Closed Session. Hearing no other additions or deletions Mayor Bell called for a motion to approve the agenda. Councilman W. A. Lehmann made a motion, seconded by Councilman E. K. Rivers to approve the prepared agenda to include the two items as listed above. Those voting in favor of the motion were: Lehmann, Rivers, Austin, Baker, Hummer, King, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called for action regarding the minutes of January 20, 2004 Work Session of Council. A motion was made by Councilwoman L. A. Hummer, seconded by Councilman D. K. Stallings, Sr. to approve the minutes of the January 20, 2004 Work Session as written. Those voting in favor of the motion were: Hummer, Stallings, Austin, Baker, King, Lehmann, Rivers and Walton. Against: None. Motion carried unanimously.

Mayor Bell called for action regarding the minutes of the January 20, 2004 City Council meeting. A motion was made by Councilman E. K. Rivers, seconded by Councilman R. E. King to approve the minutes with any necessary corrections. Those voting in favor of the motion were: Rivers, King, Austin, Baker, Hummer, Lehmann, Stallings and Walton. Against: None. Motion carried unanimously.

Mrs. Ramona Gilbert was the only citizen to address City Council during the Comments from the Public section on the agenda. Mrs. Gilbert expressed her concern regarding the problem of high utilities rates within the city. She strongly suggested that the Council consider creating a Utility Rates Committee to study this issue and to make recommendations back to City Council to help solve the problem.

Mayor Bell called for action regarding the prepared Consent Agenda. Councilwoman L. A. Hummer asked that Item 8-b-Section I, General Fund Administration Department Salaries/Contracted Services be removed from the Consent Agenda for further discussion. Councilman W. A. Lehmann made a motion to approve the Consent Agenda for the following items. Councilman E. K. Rivers seconded the motion. Those voting in favor of the motion were: Lehmann, Rivers, Austin, Baker, Hummer, King, Stallings and Walton. Against: None. Motion carried.

RESOLUTION #04201
AFFIRMING CITY OF ELIZABETH CITY APPOINTMENTS
TO THE ALBEMARLE ECONOMIC DEVELOPMENT COMMISSION
BOARD OF DIRECTORS

WHEREAS, on January 5, 2004 the City Council of the City of Elizabeth City voted unanimously to appoint Councilwoman J. M. Baker, Councilman R. E. King and Councilman W. A. Lehmann to serve on the Board of Directors of the Albemarle Economic Development Commission; and

WHEREAS, these appointments were made during the approval of a listing of various boards, committees and commissions appointments; and

WHEREAS, the By-Laws of the Albemarle Economic Development Commission require that appointments to the Commission be made by Resolution of the appointing board.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City that the January 5, 2004 appointments of Councilwoman J. M. Baker, Councilman R. E. King and Councilman W. A. Lehmann, each to serve on the Board of Directors of the Albemarle Economic Development Commission for a two-year term ending in December 2005, is hereby affirmed.

ADOPTED, this the 9th day of February 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

**BUDGET AMENDMENT
FEBRUARY 9, 2004**

BE IT ORDAINED, by the City Council of the City of Elizabeth City that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2004:

SECTION I. That the General Fund Contingency (106600.600) be decreased by \$12,281, the Administrative Department Insurance (104200.0600) be increased by \$2,231 and the Administrative Department Contracted Services (104200.4500) be increased by \$10,050.

(To record insurance, moving and temporary living expenses for Richard Olson, City Manager.)

ADOPTED, this the 9th day of February 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

Mayor Bell called for nominations for the position of Mayor Pro Tem. Councilwoman J. M. Baker nominated William A. Lehmann and Councilman D. K. Stallings, Sr. nominated E. Kirk Rivers. Councilman J. M. Baker made a motion to close the nominations. Mayor Bell stated that it would be a written ballot vote and City Clerk D. S. Pierce will read the ballots. There were four votes for William A. Lehmann and four votes for E. Kirk Rivers. Mayor Bell advised that since there was not a majority vote that this item would be placed on the first meeting in March agenda. He encouraged members of Council to get together and work out a solution to this issue.

Mayor Bell stated that there were two members from the Elizabeth City/Pasquotank County Community Relations Commission that have missed four successive regular meetings. This number of absences under the Commission's By-Laws requires them to be removed. Therefore, he is asking Council to remove Reverend Melvin Tate and Ms. Miracle Perry from the membership of this commission. A motion was made by Councilwoman J. M. Baker, seconded by Councilman W. A. Lehmann to remove the above stated persons from the membership of the Elizabeth City/Pasquotank County

Community Relations Commission. Councilman E. K. Rivers asking if both members have been contacted and were in agreement with this and Mayor Bell responding that yes, both persons have been contacted. Those voting in favor of the motion were: Baker, Lehmann, Austin, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried unanimously.

Mayor Bell stated that he has received several requests from members of the Elizabeth City/Pasquotank County Community Relations Commission to put Dr. Harold Barnes back on this Committee. Therefore, he presented the name of Dr. Harold Barnes to fill the unexpired term of Ms. Miracle Perry. A motion was made by Councilman W. A. Lehmann, seconded by Councilwoman J. M. Baker to confirm the appointment of Dr. Harold Barnes to fill the unexpired term of Ms. Miracle Perry. Those voting in favor of the motion were: Lehmann, Baker, Austin, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried unanimously.

Mayor Bell stated that there are two members on the Senior Advisory Committee whose terms have expired. One member, John Frost Johnson has stated that he does not wish to be reappointed while Mr. Doug Davis has stated that he would like to serve an additional term. Therefore, he would like to present the name of Doug Davis for reappointment and Rosa Lee Overton for appointment as members of the Senior Advisory Board. A motion was made by Councilman W. A. Lehmann, seconded by Councilman D. K. Stallings, Sr. to approve the appointment of Rosa Lee Overton and the reappointment of Doug Davis as members of the Senior Advisory Board. Those voting in favor of the motion were: Lehmann, Stallings, Austin, Baker, Hummer, King, Rivers and Walton. Against: None. Motion carried.

Mayor Bell advised that he will be making appointments to the Historic Preservation Committee at the next meeting.

Mayor J. H. Bell, Jr. declared the meeting into Public Hearing for consideration of Application RZ-01-04 by Phillip Harrington to rezone the parcel of land on the north side of Weeksville Road (Hwy 34) between Pitts Chapel Road and Folley Road adjacent to Pelican Pointe (PUD/PDR and the Coast Guard Base from R-15, Residential District to GB, General Business District. Since there was no one to speak for or against the proposed rezoning, Mayor Bell declared the public hearing closed. Interim Planning Director S. L. Cox stated that the existing R-15 Residential District is primary intended to accommodate a variety of low density single-family detached dwellings and modular homes. Maximum densities within the R-15 District include approximately 3 dwellings units per gross acre for single-family detached dwellings. Non-residential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low density residential character of the R-15 District. The proposed GB General Business District is established as a district in which to accommodate a wide range of retail; business, professional and personal services; office; and limited wholesale uses. Multi-family developments are also permitted within this district. The maximum residential density allowed within the GB District is approximately 10 to 12 multi-family dwelling units per gross acre. He further

stated that on January 6, 2004 the Elizabeth City Planning Commission held a hearing for this matter and received public comments on the petitioner's request. At the closing of this hearing, a motion to approve the recommendation to rezone the parcel on the north side of Weeksville Road between Pitts Chapel Road and Folley Road adjacent to Pelican Pointe PUD/PRD and Coast Guard Base from R-15, Residential to GB, General Business was made. The motion was carried unanimously. Following discussion, a motion was made by Councilwoman J. M. Baker, seconded by Councilman D. K. Stallings, Sr. to adopt the following ordinance approving Application RZ-01-04. Those voting in favor of the motion were: Baker, Stallings, Austin, Hummer, King, Lehmann, Rivers and Walton. Against: None. Motion carried unanimously.

**ORDINANCE #04201
APPROVING REZONING REQUEST RZ-01-04
WEEKSVILLE ROAD BETWEEN
PITTS CHAPEL ROAD AND FOLLEY ROAD**

WHEREAS, on January 6, 2004 the Elizabeth City Planning Commission reviewed the proposed amendment of the Official Zoning Map contained on Application RZ-01-04 by the City of Elizabeth City; and

WHEREAS, the Planning Commission opened the floor for public comments in regards to this request; and

WHEREAS, based on evidence supported by the City's Land Use Plan, the Planning Department staff believes that the proposed amendments of the Official Zoning Map will be in keeping with growth policies for this area and in line with the Land Use Plan;

NOW, THEREFORE, BE IT ORDAINED, that the City Council of the City of Elizabeth City does hereby approve this request to amend the Official Zoning Map to show the above-referred parcel as GB, General Business District.

ADOPTED, this the 9th day of February 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

Mayor J. H. Bell, Jr. declared the meeting into public hearing for consideration of Application RZ-06-03 by Fred E. Ploeger to rezone the parcel of land at 137 Jordan Plaza adjacent to Southgate Mall from R-8, Residential District to GB, General Business District. Since no one wished to speak for or against the proposed rezoning, Mayor Bell declared the public hearing closed. Planning Director S. L. Cox stated that the existing R-8 Residential District is primarily intended to accommodate a variety of moderate density single-family detached dwellings, modular homes, and two-family dwellings. Maximum densities within the R-8 District include approximately 5 dwelling units per gross acre for single-family detached dwellings and 7 dwelling units per gross acre for two-family residences. Non-residential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the moderate density residential character of the R-8 District. The proposed GB District is established as a district in which to accommodate a wide range of retail; business, professional and personal services; office; and limited wholesale uses. Multi-family development is also permitted within this district. The maximum residential density allowed within the GB District is approximately 10-20 multi-family dwelling units per gross acre. He further stated that on October 7, 2003 the Elizabeth City Planning Commission held a public hearing for this matter and received public comments on the petitioner's request. At the closing of this hearing a motion was made to approve the rezoning of the parcel located at 137 Jordan Plaza from R-8, Residential District to GB, General Business District. Following further discussion, a motion was made by Councilman D. K. Stallings, Sr., seconded by Councilman R. E. King to adopt the following ordinance approving Application RZ-06-03. Those voting in favor of the motion were: Stallings, King, Austin, Baker, Hummer, Lehmann, Rivers and Walton. Against: None. Motion carried.

ORDINANCE #04202
APPROVING REZONING REQUEST RZ-06-03
FRED E. PLOEGER
137 JORDAN PLAZA

WHEREAS, on October 7, 2003 the Elizabeth City Planning Commission reviewed the proposed amendment of the Official Zoning Map contained on Application RZ-06-03 by the City of Elizabeth City; and

WHEREAS, the Planning Commission opened the floor for public comments in regards to this request; and

WHEREAS, based on evidence supported by the City's Land Use Plan, the Planning Department staff believes that the proposed amendments of the Official Zoning Map will be in keeping with growth policies for this area and in line with the Land Use Plan;

NOW, THEREFORE, BE IT ORDAINED, that the City Council of the City of Elizabeth City does hereby approve this request to amend the Official Zoning Map to show the above referred parcel as GB, General Business District.

ADOPTED, this the 9th day of February 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

Mayor Bell called upon Councilwoman L. A. Hummer for discussion of the Budget Amendment involving the Interim City Manager's contract. Ms. Hummer stated that she had a lot of concern regarding this \$15,000. She asked the City Attorney if it were in fact legal to pay someone for working in one year where in reality they never worked in that calendar year. Mr. Morgan replied that yes it was legal since we had a binding contract with this individual. Ms. Hummer raised concerns regarding the fact that we didn't have a contract in place until four months in his tenure with the City. Mr. Olson advised that that the payment is being made pursuant to Mr. Comb's employment contract with the City and this action tonight is only a budget amendment. Ms. Hummer further stated that she still has a problem with it and she also has a problem with the fact that Mr. Combs spent \$37,000 without approval from Council when he hired the Wooten Company and a City Manager only has the authority to spend \$5,000 without approval from Council. She has great concern regarding these two matters. Councilman Rivers also expressed his concern regarding these two issues. He requested that Mr. Combs' time sheets be given to Council in order that they might study them. Councilman W. A. Lehmann stated that since the action requested is only a budget amendment after the fact that he would like to make a motion to approve the following budget amendment. Councilwoman J. M. Baker seconded the motion. Those voting in favor of the motion were: Lehmann, Baker, Austin, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried.

**BUDGET AMENDMENT
FEBRUARY 9, 2004**

BE IT ORDAINED, by the City Council of the City of Elizabeth City that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2004:

SECTION I. That the General Fund Administration Department Salaries/Contracted Services (104200.6000) be increased by \$15,000 and the General Fund Contingency (106600.6000) be decreased by \$15,000.

(To record compensation to former Interim City Manager Tommy Combs; balance of \$10,436 paid this fiscal year was absorbed by the existing salary appropriation.)

ADOPTED, this the 9th day of February 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

Mayor Bell called upon City Manager R. C. Olson for his report: Mr. Olson stated that there were a number of items that Council requested that he follow up on. During the work session there was discussion on the deposits and whether or not that deposit could be spread over a two month period. He has put that policy into place already. He has looked into the consolidation of services between Hertford, Edenton and Elizabeth City. True consolidation of the departments were opposed by the Town of Edenton, so we didn't get anywhere with that. He provided the breakdown of Streetscape. The total budget for Streetscape is \$720,000. \$420,000 of that came from a DOT Grant. \$5,000 from the Downtown Elizabeth City, \$75,000 came from the General Fund and \$220,000 came from the Electric Fund. To date the total of \$501,870 has been spent. With City Council changing our meetings from the first and third Mondays to the second and fourth Mondays we do have a problem with the joint City and County Meeting that is scheduled for March 8th. We have a meeting that night and we have a couple of public hearings scheduled that night. We need to change that date. March 29th was a possible date for consideration. He advised Council of a meeting concerning FEMA presenting our flood plan maps. The meeting is scheduled for 7:00 p.m. on Friday.

Mayor Bell went around the table for comments from City Council.

Councilman W. A. Lehmann thanked everyone for the wishes for a speedy recovery. While sitting in this seat he asked to make one observation. While he was sitting at home he was watching the meeting while it was being broadcast and he has to say that the meeting was very professionally done. Both the audio and the video was the best that he has ever seen it. He hopes that it continues.

Councilman J. B. Walton stated that there was a sheet handed out last meeting dealing with deposits and things of that nature. We made a statement that we were in the same line with all the other cities. He doesn't think that we are in agreement with other cities as a point of reference. He thinks what Ms. Gilbert had to say tonight has a remedy that might be very good and he asks that we at least look into what she has suggested.

Councilwoman J. M. Baker said that she is hoping that we can limit our special meetings. When we call special meetings maybe they can be on nights that the County is not meeting since we wanted to change our meetings so we could attend County Meetings. She would like to keep that availability out there if we can. She has one special request on the agenda as well. If we could somehow put our tab numbers back in so that we can find the items. That would be helpful.

Councilman D. K. Stallings, Sr. said that the only item that he has is we have talked about electric and he suggested that there a two-year waiver be brought back tonight for discussion. It wasn't and he would like to see that on the agenda for the work session.

Councilman R. E. King said that he would like to say something to Council and that this is February and we still are without a mayor pro tem. He would like to make the suggestion that we have our charter changed to allow each member of City Council a three month period to be mayor pro tem. He feels everyone on council has the knowledge to be mayor pro tem. This way everyone sitting on council would have the opportunity to serve in this capacity. He is proposing that Councilman Stallings serve until March as Mayor Pro Tem and after that we just go around the table.

Councilwoman C. C. Austin said that she would like to ask how our drainage problems are being solved in Elizabeth City. She gets a lot of questions from her ward about this. Mr. Olson replied that right now we have a comprehensive study being done by an outside engineer and the report should be coming back within ninety days.

Councilman E. K. Rivers asked the cost on that plan and Mr. Grant replied \$75,000. Mr. Grant went over what this comprehensive plan would consist of once it is completed. He said when we sat down and created our goals list, he thought that it was agreed that we would go into the different areas throughout town and prioritize them instead of going into certain areas and fixing certain things. He wanted to make sure that if that is how we are going to go in the future then we need to make sure that we go that way or does he need to bring all the concerns of his ward. If there is a certain area like Oak Grove, does he bring that concern here to the table or do I just give it to the Manager. He is bringing this up after receiving a memo two weeks ago and now the work is being done. He felt that was just a memo letting us know that the area needed to be fixed. He has been asking for some plan for the Oak Grove area for over a year and to date he has received nothing. Now, something comes up and is fixed without any questions. He wants to make sure that something is done in this area.

Councilwoman L. A. Hummer stated that she too has some concern regarding the recent work that was done. She too felt that City Council would prioritize the goals and not do

things because of who ask that it be done. She would like to stress again that we are the governing board working together and we make the decisions and anything over \$5,000 has to come before this council for a vote. At the last regular meeting there was a memo in the amount of \$15,300 and she had some questions about it because she had not seen where Council had voted to spend the \$15,000. We all have serious problems in all our wards and she thinks that they should be addressed as a whole and as to priority. Any contract that is let by this board has to be signed off by the Mayor and approved by this board.

Mayor Bell thanked all council for their comments. He asked to say again, that our manager is only one individual and our resources are limited. He asked to remind those that serve on Council committees to have a report from your committee at the next meeting of this month. It is important to be on these committees and he is asking that you attend the committee meetings that you are a member on. He is also asking that Council come together in your selection of a Mayor Pro Tem.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman D. K. Stallings, Sr. to retire into Closed Session for consultation with the City Attorney on two separate items as per NCGS 143-318.11(a)(3) and approval of Closed Session Minutes as per NCGS 143-318.10(e). Those voting in favor of the motion were: Baker, Stallings, Austin, Hummer, King, Lehmann, Rivers and Walton. Against: None. Motion carried.

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

A motion was made by Councilman W. A. Lehmann to direct the City Attorney to proceed with the action as discussed in Closed Session. Councilman D. K. Stallings, Sr. seconded the motion. Those voting in favor of the motion were: Lehmann, Stallings, Austin, Baker, Hummer, King, Rivers and Walton. Against: None. Motion carried.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman W. A. Lehmann to approve the Closed Session minutes of January 5, 2004 as written. Those voting in favor of the motion were: Baker, Lehmann, Austin, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried.

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

Mayor J. H. Bell, Jr. adjourned the meeting at 9:10 p.m.

Dianne S. Pierce, MMC
City Clerk

John H. Bell, Jr.
Mayor