

MONDAY-7:00 P.M.

FEBRUARY 9, 2009 CITY COUNCIL

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

Mayor Atkinson opened the meeting and welcomed those attending. He gave the invocation after which he led the Pledge of Allegiance to the Flag of the United States of America.

1} APPROVAL OF THE AGENDA:

Mayor Atkinson called for action regarding the prepared agenda.

Mayor Pro Tem J. M. Baker asked to moved ***Item #12-Comments and Inquires on Non-Agenda Items to before Item #11 – Closed Session.***

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

2} COMMENTS FROM THE PUBLIC:

Mayor Atkinson asked the City Clerk to call those who had signed up to speak to the podium.

Ms. Pierce-Tamplen called the following individuals to the podium to speak.

Michael Brooks, Carver Street, Elizabeth City spoke regarding the proposed electric rate increase, the City Manager putting funds in the Aviation Project when proposing an increase in electric rates, Ms. Baker making untrue

statements regarding a councilman having a gun on his person and ended by saying that we can do better when looking out for our citizens.

Johnnie Walton, 401 New York Avenue, Elizabeth City spoke regarding Council raising rates when the economy is in such bad shape. He encouraged Council to not raise rates just because you can.

Rosa Williams, 208 Meekins Street spoke regarding the continuous noise coming from the Trios Club. She asked that the City help with this problem.

Carlise Williams, 208 Meekins Street, asked why the Trios owners could not have respect for those living near their club. The boom, boom noise is quite disturbing to those in is neighborhood.

Martha Quidley, 216 Meekins Street also pleaded with Council to do something about the noise coming from the Trios Club.

Lenwood Quidley, Sr. 210 Meekins Street advised that he came to speak tonight on behalf of his entire neighborhood. The noise continues to be there. He is pleading with Council to help with the situation.

LeighJean Gilbride, 1306 West Church Street talked about the excessive bass coming from the Trios Club. Two Council members came to her home and they also heard the noise. She and her neighbors are asking that the City do something to help with this situation.

Keith Rivers, P. O. Box 211 spoke on behalf of the NAACP. He shared his concerned about the programs currently housed in the Resource Center. He questioned what is going to happen to the 45-50 kids that are in the after school program. The audit showed that OIC didn't do anything wrong. Council has an obligation to all citizens to let them know what are their plans to house those programs and children.

Darrrell McKinley, 1716 Providence Road, stated in his opinion the City Council should have passed the proposed 4% rate increase in the electric rates. He does not want the people from Raleigh coming here and taking over the system and setting their own rates. He is also embarrassed by one of the owners of Trios that called the good people of the Meekins Street area liars.

3} PROCLAMATION:

Mayor Atkinson presented a proclamation to Keith Rivers, President of the Local Chapter of the NAACP in honor of the 100th Anniversary of the NAACP on February 12, 2009. Mr. Rivers made brief remarks.

4} APPROVAL OF MINUTES:

Mayor Atkinson called for action regarding the minutes of January 26, 2009 Regular Meeting.

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilwoman V. C. Watts to approve the minutes of the Regular Meeting held on January 26, 2009. Those voting in favor of the motion were: Baker, Watts, Evans, Hummer, King, Meggs, Rivers and Stimatz. Against: None. Motion carried.

5} CONSENT AGENDA:

Mayor Atkinson called upon City Manager Olson to read the Consent Agenda.

Following the reading of the items on the Consent Agenda, Mayor Atkinson called for action.

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

Consent Agenda:

- a} Called for a public hearing to be held on Monday, February 23, 2009 at 7:00 p.m. in the City Council Chambers of the Municipal Administration Building for consideration of the adoption of an ordinance that would lower the speed limit on Road Street between Ehringhaus Street and Hughes Boulevard.
- b} Approved the request from the SPCA for the donation of a chain link fence owned by the City.
- c} Approved the authorization to submit a Restricted Fund Project Application in the amount of \$5,000 to the Tourism Development Authority to support the 2009 July 4th Fireworks celebration.
- d} Accepted the Sufficiency of the Petition and adopted the following resolution calling for a public hearing to be held on Monday, February 23, 2009 at 7:00 p.m. for consideration of a Petition for Voluntary Annexation received from Charles Hardy for a 1.85 acre parcel adjacent to Weeksville Road.

**RESOLUTION #0921
FIXING PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED
Charles Hardy
1.85 ACRES**

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 February 23, 2009.

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

Property is Lot 3B as shown on Map Book 45; Page 47 entitled "Minor Subdivision for Spruill Industrial Park, formerly being Parcel 3, Spruill Industrial Park" recorded in the Register of Deeds office in Pasquotank Council, North Carolina. Property is further described as beginning at a point marked by an iron rebar along the right-of-way of Weeksville Road, said point being the northeast corner of Lot 3A, M.B. 45, Page 47. Thence from said Point of Beginning and along the right-of-way of Weeksville Road, S 67°02'15" E a distance of 227.19 feet to an iron rebar, also being the northwest corner of Lot 3, M.B. 45, Page 47. Thence along the shared line with Lot 3C, S 22°57'45" E a distance of 353.99 to an iron rebar in the center of a ditch, said point also being the southwest corner of Lot 3C. Thence along the center of the ditch, N 67°48'23" E a distance of 227.21 feet to an iron rebar in the center of a ditch, said point also being the southeast corner of Lot 3A. Thence along the shared line with Lot 3A 22°57'45" E a distance of 357.04 feet to the point and place of beginning. Property contains 1.85 acres.

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 9th day of February, 2009.

Stephen S. Atkinson
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

End of Consent Agenda

6} PUBLIC HEARING:

a} Application TA-01-08 – proposed amendment to UDO to update definitions and regulations of signage.

Mayor Atkinson called upon City Manager Olson for an overview of this item.

Mr. Olson stated he would like to explain how we got to this point. Pursuant to Section 8-4 of the UDO the Council is required to hold a public hearing based on an item that the Planning Commission forwards to them. The Planning Commission heard this item on November 4th and recommended that a public hearing be held on it. The City has had several meetings as well as meetings with work groups. That is how we have gotten to where we are today. During the Council meeting of January 26, 2009 the Council discussed having a community meeting after this public hearing. The City staff is in the process of scheduling that work shop within the first week of March. So that we are compliance with Section 8-4 of the UDO we need to go ahead and get this public hearing done.

Planner A. Cole stated that this particular text amendment covers the entire section of signs. We have amended sections dealing with definitions, exempt signage, prohibited signage, permitted signage, non-conforming signs as well as the fines and penalties section for violations. Specifically under sign definitions we have dealt with, changed or modified definitions for electronic, on premises, outdoor menu case, sandwich board, special event, temporary and window signage. Exempt signage we have included zoning administrator approval, window signs and also addressed portable signs. Excluding commercial temporary signs, a 30-day display restriction as well as limiting it to two per year

and one per event. Under prohibited signs we have covered special event signage, portable changeable copy signs as well as audio signs, billboard and free standing pole signs. For permitting signage we have amended on-premise signs, going with or recommending ground or monument based signs, limiting their height, their construction and including a dressing on those particular signs. With wall signage this includes canopy, awning, window and facade signs. We deal with signage within the historic district as well as the maximum area allotted for those types of signs. We have included sandwich board signage for the first time. We have also addressed their usage in the Central Business District. We addressed their construction and how many would be allowed per establishment. As far as incidental signs we have covered outdoor menu case signs. Again this is a new type of signs addressed in our ordinance. We have also included commercial banners and inflatable signs dealing with their restrictions and placement and general permitting. As far as non-conforming signs we have addressed advertising billboards, on premise signs, professional and occupation signs as well as the signs that are currently exempt. As far as advertising signs or billboards we are recommending no expansion, relocation or replacement of those. There are additional NCDOT regulations for signage along our major thoroughfares. In the city limits we are recommending removal of billboards if repairs exceed 50% of the tax value and grandfathered status would be forfeited if the use is discontinued more than six months.

Mayor Atkinson declared the meeting into public hearing.

Melissa Copeland, 236 Hobbs Landing Road spoke in opposition of the proposed sign ordinance as it relates to billboards. She chooses billboards advertising as a means to reach a large majority of the population.

Cindy Williams, 1012 West Main Street stated in her opinion only the sandwich signs downtown area needs to be addressed. There are things within the proposed ordinance that still needs to be worked on. She had no idea when this proposed ordinance started to be worked on that it would mushroom into what it is today.

Roger Ambrose, 112 Chadburn Avenue stated that he feels now is not the time to change signage. Some of these proposed changes are drastic changes that are not needed. We need to clean up the areas that need to be cleaned up. He encouraged Council to not adopt this proposed ordinance until you get it right.

Graham Davis, 108 Letitia Drive stated he feels with the adoption of the proposed changes that are being recommended with the economy being what it is then you would be restricting someone's right to have advertisement. Enforce the laws that we now have on the books. Carefully consider the affect on the

local businesses. We have already seen what regulations can do in Washington so don't bring it to Elizabeth City.

Tom Marshall, 1130 Azalea Trail said he would like to ask some questions if he may. Number one is he would like to ask the City Attorney if any and all information pertaining to the signage is public information. Number two is to Mr. Olson. If it is public information he would like to know who made the complaints about the existing sign ordinance and what were the individual's names that made those complaints. If there are none he would ask Mr. Mayor who of the City Council members made complaints and what are their names. If no one made a complaint then we are dealing with a non-issue

Curtis Chambers, 1031 Northside Road stated he would like to know the reason we need a new sign ordinance. He understands that the Planning Staff and the people have spent a lot of time invested in what they are working on. We have a lot of new people that come in from the Coast Guard Base and a lot of people that haven't live in Elizabeth City for 51 years like he has. They don't always know where things are located. Right now is not the time to be spending money if you don't have too. Maybe there is a little too much regulation in this proposed sign ordinance.

Patsy McGee, 33 Camden Causeway stated it is always interesting to her that people move to Elizabeth City for a variety of reasons. Then they begin to try, not all but some, once they move here they begin to want to change Elizabeth City to be like the community that they chose to leave. Having been a member of a family that has had a business here since 1938 it interests her that there are those who have never had a business in Elizabeth City but who want to choose to take it upon themselves to decide what is best for the businesses located in Elizabeth City. In the present economic downturn it makes no sense to her whatsoever to restrict the signage of businesses. In her opinion we should be supporting our local business in every way possible and she asked that you not vote to amend the sign ordinance at this time.

Lois G. Brown, 243 N 34 Camden asked to give her minutes to Aaron Gitten.

Mr. Gitten, Raleigh stated that he represented the outdoor advertising industry. There are a few points that he thinks are being missed here. Each one of the billboards here is a business. It is not just a sign but it is a business. It sits there quietly and does only one thing. It helps to promote other businesses to succeed. It pays taxes, it uses no water, no police protection, no fire protection, no sewer, no sanitary services, it sits there quietly and promotes other businesses. He was up here a couple of weeks ago to do a little bit of research and we are in a down economy now. 95% of all the billboards that he has driven pass in your town are currently being rented. The businesses that are

sitting here tonight are obviously saying that we want this. Billboards don't necessarily need to be regulated by laws. They should be regulated like all businesses and that is by supply and demand. Another problem that needs to be addressed is the grandfathered portion. Amortization is illegal in North Carolina and the United States. It was ruled out in 1994. Amortization is off the table as you cannot amortize a business. All billboards are protected under the Highway Beautification Act of 1965. That means that you as a town are not able to go to Ambrose and Givens and say that we want you to remove your billboard.

Scott Givens, 764 Cherry Glade Road stated he has been going to a lot of sign meetings over the years with his father. Every time it comes down to you want to get rid of billboards. He wouldn't be in the sign business if people didn't want signs. It all stems down to want and demand. If people didn't want the signs we wouldn't be in the sign business.

Robert Givens, 1165 Parsonage Street stated that he has 17 employees in his business and all have families. He pays approximately \$120,000 in insurance, \$11,000 a year for licenses and approximately \$40,000 in electric bills. Now is not the time to be putting in place any new regulations.

Doug Razor, 507 East Main Street stated he moved here two years ago and since then he has done his best to try to become involved with the community. He is here representing the Downtown Business and Professional Association. The DBPA agrees with the Chamber of Commerce's position on the proposed ordinance. This is a bad time to change the ordinance. The economy is bad. He feels that we need to wait to implement these changes.

Linda Etheridge, , 1824 Rivershore Road stated that she feels that good signage is an important and necessary part of the advertising strategy of most business owners, but we must find a way to balance the needs of the business owners with the aesthetic needs of our historic riverfront town. Billboards are ugly, intrusive and distracting. Polls show that most people get little or no useful information from them. They make the sign companies a lot of money but do serious economic harm to the rest of the community. They lower the value of adjacent property. Control of billboards is good for business. The undeniable aesthetic improvements that come from billboard control actually help the economy. She feels that we must ban the construction of new billboards now. In her opinion if Elizabeth City is ever to become the attractive and revitalized waterfront town envisioned by so many of her citizens, we must make this change to the sign ordinance and ban the construction of new billboards now.

Mayor Atkinson read a letter he had received from Carolyn McCormick, Managing Director of the Outer Banks Business Bureau. Ms. McCormick presented her opinion on billboards.

Since there was no one else who wished to speak for or against the proposed amendment to the Sign Ordinance, Mayor Atkinson declared the public hearing closed.

A motion was made by Mayor Pro Tem J. M. Baker that we take no action on this proposed change at this time. Councilman J. A. Stimatz seconded the motion.

Councilman Rivers asked if that discussion was based off of a meeting on March 6th or does this mean that we are dismissing it.

Mayor Pro Tem Baker replied it means it is off the table.

Councilwoman Hummer stated she thinks that some of the comments tonight deserve some answers. It is the City's job to police and enforce the ordinances that we already have on the books. If there are banners that have been up too long or anything that is falling down or is non-conforming then we have fallen down on our job. Yesterday she going across the Camden Bridge and as she sat at the light at the corner of Water and Elizabeth there is a sign there on a wooden pole. That sign says, museum and tourist information. It is blowing in the wind, back and forth. Maybe those agencies need to look at their signs too. She thinks that it is not the time to change our ordinance on signs and she thinks so because of the economic situation all across the United States. We don't need to take any action tonight or in the future to put businesses out of business and they do bring revenue to our city. She appreciates everybody that is sitting in the audience tonight. She would like to say that she is so happy that a citizen had the courage to come to the microphone and say something that people say to her all the time. People come in from someplace else and want to change everything about Elizabeth City especially our ordinances. She does appreciate that comment. She thinks that we need to do a better job of enforcement on everything. We started out with just a situation with window signs and we have reached this point.

Councilman Stimatz said he thinks that the issue has been pretty well gone over. He put together a slide presentation but everything that he put in it has been covered. The issue is that we have a very undefined aesthetic goal that is in somebody's mind. It is not the City's goal as we haven't defined the City's aesthetic goal crashing up against a clear negative commercial impact. He will say this; the sign ordinance does need work. If you look at the definitions you will see policy mixed in with definitions. A definition is just that. It is a definition and shouldn't be mixed in there. There are references to things in there that don't exist and there are things that should be in there that aren't talked about. The United States Sign Council is an organization that does signs. It should be

noted that the American Planning Association accepted USSC's best practice standards for commercial on-premise signs as the basis for sign and height requirements in its 2000 Sign Code Publication, Street Graphics and the Law. In that particular document they talk about the fact they have done extensive analytical research regarding the traffic verses speed verses sign placement and sign heights. It is all well documented. It is important when you are doing sign ordinance changes that everybody is at the table. No one group should out weigh the other. That is where he thinks we are going and he would like us to get there. He agrees we should not be doing anything in the sign ordinance which restricts businesses at this time; however there are a number of things we can do in the sign ordinance which will free up and allow businesses to advertise even more. An example is the sidewalk sign change. He thinks we are going in the right direction. Someone talked about phasing it in and creating zones and he thinks that is a great idea. He thinks we ought to look at the Downtown Historic Business District separate from the commercial corridor and residential.

Councilwoman Watts said she would like ask if this was pretty much over for this term of officials.

Mr. Olson replied he hopes there will be a motion to clarify things. He thinks staff is trying to get this work shop going in March plus there are several council people who have already mentioned that we do have weakness in our sign ordinance right now and if we don't take action we will have problems. Sandwich board signs are illegal in the City. We have been holding enforcement in abeyance until this particular text amendment works it way through as we have done on several issues. He thinks what he is hearing from Mayor Pro Tem Baker there is going to be some kind of work shop in March and based on the outcome of that work shop it may need to be refined some more and be brought back to the Council as an amendment TA-01-08 or maybe a whole new zoning text amendment.

Mr. Rivers said he wants to make sure because when this first started off it was supposed to have just been sandwich boards. We end up with a whole new ordinance from a to z. From what the City Manager just said based off of what this committee brings back to us on the 6th then we will re-look at this issue. He wants to make sure he understands this. The motion is TA-01-08 just dies and there is no such thing after this action.

Mr. Olson said he would strongly encourage the Council not to kill this particular text amendment because you put staff in such a position that we have to go out and start enforcing a number of sign violations we have downtown right now. As long as TA-01-08 is still being going through its legislative process we will hold the enforcement in abeyance but once you kill that then we have no choice but to go out and start enforcing the letter of the law we have right now.

Mr. Rivers said that is why he asked because the motion is to take no action. We don't even need to bring this back up. We need to leave the ordinance as it is. We need to put a moratorium on signs for ninety days so that way the ones that are in violation of city code, particular the ones that Mr. Olson just talked about can come back to us so we can add the language or delete certain language so that way we won't be in conflict because if we keep bringing this up he would hate to keep reading it and something gets passed he is against. We talked about this six years ago and we voted it down and now it is back in its entity again. We talk about economic times but these are stringent even during good economic times. He wants to make sure if we kill it now and that is what the motion is for, to vote it down, then if there is a motion to delay enforcement action for 100 or 120 days in terms of sandwich boards, downtown menu, portable signs and definitions then those are the only ones that should come back to us. He doesn't want to waste anyone's time.

Mr. Olson said the issue staff has is we don't have clear direction once again from the Council. If you kill this proposal we don't know what you want us to work on. We realize there are issues with sandwich boards and other issues that need to be refined. He would strongly encourage the Council to take no action on TA-01-08 until such time as the work shop and then after the work shop the City Council can make a decision at that time whether that amendment should be killed or start rewriting it or whether what is already out there can be massaged into something that is acceptable to everyone.

Mayor Pro Tem Baker said she believes her motion was to take no action on the ordinance changes as presented. That was not to kill it or totally wipe it out but take no action on the changes as presented. She had intended and will still intend to make an additional motion once this motion is disposed.

Mr. Stimatz said he has two things. He has asked this question before and still doesn't have an answer. He asked it over a year ago. He would like to have the answers before the work shop. How many off premise signs exist within the City limit? How many pole signs are we talking about impacting? What is the number and location of all currently non-conforming signs? He would like those split between those that are grandfathered and those that are clearly in violation of current ordinances. He would like to know the status of enforcement respect to the non-conforming, non-grandfathered signs. He would like to know the number of commercial frontages that rate signage. How many potential business sites are we talking about? How many city signs are non-conforming? Since when does action on an ordinance stay enforcement? That is a new one on him. In fact this Council had to vote to stay enforcement action when an individual wanted to keep doing her business out of her home.

Mr. Olson said it was done at his direction because we are working this through the legislative process. The Council must realize this item was brought to you in February of last year for two simple amendments. One was the sandwich board signs and one was the window signs. A year later we have had a complete rework of the sign ordinance which now is not acceptable to the Council. There has been a lot of staff time, members of the Chamber and a lot of individuals have invested a lot of time in this particular document.

Mr. Stimatz said that is right because someone decided they didn't like billboards and they didn't like pole signs. Somebody went crazy and it wasn't this Council. He can tell you that. That didn't come from this room.

Ms. Hummer asked what does this motion do to the original intent of why we are here which are the sandwich boards. Are they going to be removed tomorrow or are they safe until this work shop?

Mr. Olson said it is city staff's intent to wait until after the work shop.

Mr. Rivers said Mr. Olson brought up a good point. It started off with two issues and now we have cut down 100 trees with the number of pages that we have been given. All jokes aside, we need to find out how we got from two issues to 100 pages and now we are still carrying it on for another month. Then it might if the committee is made up with people that are pro signs we are going to have this same thing back in front of us 60-days later. He will have to vote against your motion Mayor Pro Tem because you are allowing this same bill or some version of it where he is saying lets destroy it and let's just deal with the two issues, the sandwich boards and window signs in the Historic District. All he would like to see at the next meeting is those two issues nothing else and let's move forward. There is no need for them to have this meeting on the 6th. Let's just go ahead and vote it down tonight and just have those two issues put back on with discussion so we can hear about those two issues and go from that point right there. He thinks that would be in the best interest of the City Council.

Councilman King said at the last meeting there were three things we were looking at. It was the portable signs, window signs and one other. He thought that staff had directions to bring us information on that. But we come back to another 20 page document. We are going back and forth and it has been a year since we first had this in front of us. We have done absolutely nothing with it. We are just coming back at each meeting and talking the same thing. He understands the economy is having a problem and he just wants to see two things; the sandwich signs and window signs. It has gone from this policy to billboards. What are we going to look at? Are we going to look at the whole ordinance or are we going to look at one or two things. We have spent too much of staff's time as they could have been doing something else. To him we

are wasting tax payer's money sitting here and listening to this. We need to come together.

Ms. Watts said she would like to say something very short and that is that the twelve people came here from the community to speak tonight. They represent the City. To her one person cannot represent the City. Those twelve are in opposition and it seems like every time, even the Chamber of Commerce is appalled at the ordinance that came to her. Apparently there is something wrong here and we are supposed to be listening to the people. Are we saying that we don't care what they say? Is that what we are saying that we are going to do it anyhow? She thinks that Council is forgetting that it is for the people that we serve and it is by the people that we are here.

Mayor Pro Tem Baker said this public hearing tonight was scheduled because we had to by ordinance hold a public hearing from a recommendation from the Planning Board. This issue was not ready for public hearing tonight. This has not been ready for public hearing for as many times as we have talked about it. We still have too many varying opinions and she didn't want to hold this public hearing tonight but wanted to schedule the community meeting instead. She still wants to schedule that community meeting and have a non interested party as a moderator that will be able to guide both sides of the issue. There is compromise to be made in a lot of issues. It started out being a couple of items but it has mushroomed into much more than that. She thinks that this community wanted it to mushroom into more than that. You can tell that by going to the community meetings. The stake holders of this ordinance want it right. Everybody isn't in favor of doing away with billboards which she is learning tonight that we can't do away with billboards because of the amortization rule anyway. Everybody is not of the same opinion because you have a handful of people to come up and speak. We do need to get everybody to a point where we can have a town meeting on signs where anybody can attend. Let's get it clean up and cleaned up once and for all. We don't need to go another year to get this thing where it is usable and where we have a vision of what our sign community is going to look like.

Mr. Stimatz said he would like to caution some of the Council members that think this is the simple thing to do and we are just going to pick two things. Are we going to listen to the people? There are things beyond the sandwich boards that they would like to see. The definitions are not clear nor are they concise and they include policy. The old ordinance has problems. You cannot read the special events definition and tell him when you can or can't have a special event. It is almost impossible to enforce. To say we shouldn't do anything is silly. We should do something. This is how it fell out for him. You take the billboard and pole sign issues off completely. Those are issues that we don't even want to touch right now. Maybe down the road but he doesn't want to touch them. If

somebody wants to say that we aren't going to have any more billboards that we are going to stop where we are that is fine. Secondly, we need to have somebody else facilitate this. Clearly with all the meetings we have had they have been unable to come to any consensus by themselves. There needs to be some third party in there to facilitate it. That is what Jean is talking about. Then you take that public input on the inconsistencies in the things that the businesses want. He would take the stance that we are not going to do anything that is going to restrict your ability to advertise within reason and the staff's ability to enforce. Then bring it back for a public hearing. Bring that new revised ordinance whatever it is back. Look at the Halsted Boulevard Overlay. It was done by a group that came to us and it was pretty simple. There were some minor tweaking things in there but overall it was well done and we didn't have to beat it up because they had worked out all of the issues. The problem we have been at for ten months is because they haven't been able to work out the issues. If you have read this stuff in detail and done the research and looked into all these things it is very clear the current ordinance is terrible. It creates problems for staff. That is why he asked the question of how many do you have in violation. They probably don't even know because they can't tell what they are doing. In long term the problem he sees is we have not defined who and what we want to be as a City. The closest we have come is when this Council approved the Allison Platt Plan as our vision for the downtown waterfront area. That is as far as we have come. The second thing was the Halstead Boulevard Overlay. Those are the only two visionary documents that say how we want this city to look. We should be trying to figure that out.

Ms. Hummer said thank you Mr. Stimatz and this was your power point presentation and we just got it tonight and she thinks maybe some of the rest of us might have a power point presentation that we would like to put up there too. She thinks the right thing is to have the work shop and put something in place to protect the amendment that we were going to look at tonight. If we don't we are going to be putting people out of business just by not even approving a sandwich sign. Please think about that.

Mayor Atkinson asked the Mayor Pro Tem to please repeat the motion.

Ms. Baker said the motion was to take no action on the ordinance changes as presented on TA-01-08.

Those voting in favor of the motion were: Baker, Stimatz, Evans and Meggs. Against: Hummer, King, Rivers and Watts. Mayor Atkinson voting in the affirmative thereby carrying the motion.

A motion was made by Mayor Pro Tem J. M. Baker that we have a well respected and educated facilitator come in and meet with

the interested parties in the sign ordinance sometime around the first of March or as soon as possible; and, hopefully a consensus will come from that. Councilman J. A. Stimatz seconded the motion.

Mr. Rivers asked who was paying for the facilitator. I guess you are talking about bringing in someone from out of town. He looks around the table and we have bright minds but if you are out of town he guesses you are a professional. They are going to come in and bring a consensus and the Council will hopefully take their consensus. The reason he voted against the motion is he is against what has been presented. Now we are looking at bringing in a facilitator and some of it will get kicked out or some of it will be accepted. If you look at all of it and the only two things that we have talked about are sandwich boards and window signs and if we need a facilitator for those two and then maybe put in some definitions to clarify what would happen. It wouldn't cost the city any money and we would not be asking people to come back out because if then certain things passed if he was in their shoes he would think that you are trying to sneak something in. It depends on how many people show up that are against billboards then we vote for or against. We are asking people to come back out and that night it depends on how many people are out there that is the way you vote. If you are against the ordinance then you are against the ordinance and you don't need a facilitator. Now it is going to cost the City money. We are talking about raising the electric rates. That is putting staff in a very precarious position. Planning is just writing book after book and City Council already knows which way they are going to vote. Let's just vote on it and get it over with. Councilman Stimatz brought up some good points. If we have some confusing language, identify it and bring it back and let us take it line by line. We don't have to have 100 pages. We don't have to worry about sneaking something in and it growing until it becomes a book. If sandwich boards and window signs are the two things that we need to talk about that is a 10-15 minute meeting. Instead we are getting ready to have a March 6th meeting with a facilitator that will bring people out. There is no need to try to politic or try to hide something. If you don't like billboards then say you don't like billboards.

Councilwoman Meggs said that she was in on the meeting when the Downtown Association when this came up. There was one part of town that had a bad looking sign downtown and this is how this came up. It seems like a lot of times when we beat something so bad that it has been blooded and we go on and on. She gets so tired of beating something to death.

Mr. Stimatz said people don't like to beat things to death but unfortunately when you make law and regulation you have to beat it to death particularly when you are dealing with sign ordinances. You are talking about First Amendment Rights.

You are talking about people's livelihoods. If you don't want to take the time to do it right and you want to leave something bad on the books well shame on us. If you are going to write regs write them right. Don't have bad language that allows too many interpretations. Because long after we are gone and the example is the group that wrote the last regulations we are dealing with the problems that they created because they didn't write them correctly. They didn't have decent definitions. They didn't define all the terms. They didn't come up with a glossary that we could all reference from. They included policy and definitions. You don't do that in a good ordinance. And, you wonder why staff doesn't want to enforce what we put out there. Bad ordinances are bad enforcements and you are going to get that. He thinks if we stick to the main issues that have been brought up by staff, window signage, changeable copy, electronic and temporary signs and the sandwich board issue he thinks that is enough to work on. He thinks if you clean up the glossary we will be ok. Part of cleaning up the glossary is going to be cleaning up what it means when you are a temporary sign and what you mean when you talk about a special event sign. Should we make an amendment to this motion or should it be a separate motion to delay any enforcement action on these five items, window signage, sandwich boards, portable changeable copy, electronic and temporary signs for some period of time. In his mind it would be for six months or whenever we get a new ordinance which ever is later. That means we would not take action in enforcing these issues beyond what we currently have.

Mr. Morgan said in his opinion it should be a separate motion.

Ms. Hummer said that is the reason she voted against the original motion to not take any action. The City Manager advised her before the meeting that if we don't give staff clear directions on the sandwich boards they would be removed within twenty-four hours. We have to prevent that from happening.

Mr. Olson said he thinks we are being bogged down in inertia here. First of all it is illegal to have a sandwich board sign right now in the City. It is allowable to have a changeable copy sign in the City. He thinks we are crossing these two items up. The only issue City staff has decided based on his direction not to enforce is the sandwich signs. The changeable copy sign which he thinks even the Chamber agrees needs to go away or allowable. That would be a change that would have to be addressed in a new ordinance. The whole deal with the signage on the front of the window was an effort to streamline the whole permitting process to make it easier on the downtown merchants when they bring an item before the Historic Preservation Board. That is what we are looking at. The only issue we are not enforcing right now is the sandwich board signs. All other items included and discussed recently are allowed in the ordinance. Now what he hears from the Council is you want to maybe change the ordinance to not allow the changeable copy signs.

Mr. Stimatz said no that is not what he said. You just said we were not taking enforcement action in certain sections. If that is the only one then the motion can be narrowly defined to specifically address that. What it does it gives clear direction from Council to back up what you have taken managerial initiative to do already. You are covered by the Council's direction to continue what you have been doing. That is all he wants to get at so that we are legal.

Mr. Rivers said everybody has talked about it but you just said we are going to have to bring another ordinance to us. The motion is to bring a facilitator in to talk about this TA-01-08. Lets vote it completely down and just give staff the direction to come back to address those three issues and not this whole book because at that point anything could come back before us. The motion is to bring in a facilitator on this whole document. He was listening to everyone during the discussion where we talk about only three items so why do we need a facilitator? It is a council vote and you are either for it or you are against it. You already know which way you are going to vote. Let's stop wasting time. Lets stop making this an issue after issue every meeting. Let's just give staff precise, clear action on what the Council wants to do. That is by bringing forth new ordinances. If the sandwich boards are not in the ordinance as it is then we can ask staff to bring back that. Then the other one we can debate the window signs and if there is definitions because when Ms. Cole made this presentation we just asked for one to bring it back in the simplest form and then other council members have just bombarded their office with a lot of stuff and now don't nobody want to answer to who asked staff to bring back all this because the crowd is anti sign. Let's stop playing politics and vote it up or down and move forward. That is all he is asking.

Mayor Pro Tem Baker said she has not made up her mind how she would vote. She doesn't even know the question. She can't even image what you are talking about Mr. Rivers. We certainly have a lot of items from a community meeting. A lot of these items and it may not be the whole ordinance but a lot of these items were brought forth by the business community, the sign community and the Chamber community. These are not all issues brought up by our Planning staff only. It has mushroomed into something that we need to dissect and get it out there. We need to make the changes we need to make and if the community meeting only comes back with a couple of recommendations, she is not saying the facilitator is going to come back with a recommendation. He is only there to facilitate the meeting to make sure that it stays on track and nobody takes charge of the meeting and he is just the referee.

Mayor Atkinson called for a vote on the motion.

Those voting in favor of the motion were: Baker, Evans and Stimatz. Against: Hummer, King, Meggs, Rivers and Watts. Against: None. Motion was denied.

Mr. Rivers said he thinks we need to put a motion on the table to stay the action on the sandwich boards.

Mr. Olson said what he would hope would be that we can resolve it very quickly. What he would recommend to the City Council back in February 08, you had a zoning text amendment which was TA-01-08 in the original form. That addressed the two items. He would strongly recommend you bring that item back to the Council for action.

Mr. Rivers said we don't need a motion for you to put it back on the next agenda.

Mayor Atkinson said he wants to be sure you only want to address those two issues. The Planning Department originally had window coverage and they had sandwich boards and it exploded from there. Maybe it should explode but he is hearing you tonight say let's draw in the reins and lets look at these two issues and only those two issues. If that is the case then we can put that on the agenda and discuss those two issues.

Ms. Hummer stated she had one thing. From what she has heard from a group of business owners in the meetings that were held they were pretty much in agreement with most of it. The sandwich boards and the things that need to be defined are the size, the placement, the number they can have and the price. Is the application fee the same as the permit or are they two different fees.

A motion was made by Councilman E. K. Rivers, seconded by Councilman R. E. King to place a stay on the enforcement of the sandwich boards. Those voting in favor of the motion were: Rivers, King, Baker, Evans, Hummer, Meggs, Stimatz and Watts. Against: None. Motion carried.

Mr. Rivers said that he would ask a friendly thing of the Mayor. That you bring back at our next meeting just the original text that we received from Planning at the very first meeting which was the information that Ms. Hummer just asked about.

Mayor Atkinson said he certainly doesn't mind doing that Mr. Rivers but he would like there be a consensus on Council if that is what Council wants to do.

Mr. Rivers said that is why he is just asking.

Mayor Atkinson said the answer is that a consensus on Council to just bring back those two items. Is there a motion on the floor? Mr. Rivers make a motion if that is what your intent is.

A motion was made by Councilman E. K. Rivers, seconded by Councilwoman V. C. Watts to bring back the discussion on sandwich boards, window signage, changeable copy and any definitions clarifications. Those voting in favor of the motion were: Rivers, Watts, Hummer, King, Meggs and Stimatz. Against: Baker and Evans. Motion carried.

7} REGULAR AGENDA:

a} Electric Rate Increase:

Mayor Atkinson recognized City Manager Olson for comments.

Mr. Olson said this particular item was on your agenda at your last meeting. The City has received notice we will have a 4% rate increase from the NC Eastern Power Agency effective February 1st. That is of course the agency that we buy our wholesale power from. In addition to that the Agency has adopted a working capital policy of \$20 million and of course they have consolidated the energy adjustment clause into the base rate. At the last City Council meeting we were asked to bring back a number of different graphs for the Council to review. He briefly went over the prepared graphs showing the rate increases as well as showing the times that the City absorbed the increases.

The proposed 4% rate increase will cost the City approximately \$1,275,000 in additional costs annually. In January 2006, the City had a cash balance of \$10.5 million in the Electric Fund. The Council deferred a 10% rate increase that became effective in January 2006. In July 2007, the Council increased the rate by 4%. In May 2008, Council received notice of a 14.5% rate increase effective August 1, 2008. The City Council passed the entire rate increase along to the consumer. The City Council established a targeted balance of \$7 million in the Electric Fund. Staff was instructed to notify the Council when the cash balance dropped below \$5 million. As of December 31, 2008 the cash balance was \$4,944,982. Due to the mild summer and winter, the City has not been able to increase its cash balance. Staff is recommending the entire wholesale rate increase of 4% be passed along to our customers. He believes if we don't pass along the entire 4% increase we will have some serious issues within the electric utility within a few months.

Mayor Atkinson said based on the last chart if the 4% is implemented it doesn't look like that is really going to put us in good shape even with the implementation of it.

Mr. Olson said he thinks with the 4% you will keep the status quo. It is very temperature and climate related. If we were to have a hard winter next year our operating revenue will definitely rise. If we have another winter like we have had this winter then you will definitely be right near the 30-day operating reserve. That is the problem with the electric utility, there is so much swing from year to year and month to month.

Ms. Watts said if we do have a really bad winter and we are able to take in more revenue do we at that time give that back to our citizens.

Mr. Olson replied, no we do not. It goes into the fund balance. Of course we use that particular fund as Ms. Hummer has said a rate stabilization account. We can't do a rate stabilization account right now because you need it for operating expenses. There is no additional money in that account to transfer any type of rate stabilization.

Ms. Watts said there are time periods from the time we are billed and we are trying to have a little stabilization ourselves by implementing the 4% until that kicks in and we are able to sustain ourselves knowing that we are going to have that payment coming up. Put in the 4% and that time period that we have to pay that bill.

Mr. Olson said the 4% rate increase equates to \$1,275,000 additional costs to the City every year.

Ms. Watts said she doesn't quite understand why we don't give money back to our citizens once we get over the rough spot. To her, we are impacting 14% in the fall of last year. Then we want to give another 4% increase which was happening in February just recently and we are not giving back to our citizens. How does that work overall for the best for our citizens given the state in which we live which is one of the poorest cities in the State of North Carolina?

Mr. Olson said the best way to answer is we periodically have increases in our bills because we are an all requirement wholesale provider. What we do as we have done back in January of 07 we had a 10% increase in our wholesale rate. The City Council decided let's don't have our citizens pay that why don't we go ahead and absorb that 10%. We did and we basically gave 10% back to our citizens until we had to take this 4% rate increase that was in July of 07. We did give that as you see the fund balance dropped from \$11 million down to \$6 million. We gave roughly \$5 million back to our customers in a matter of 18

months. That is what we do. We don't write a person a check we just defer future increases when our fund balance gets higher. When we did the budget presentation last year we have shown the City Council the amount of rate increases we have received over the last fifteen years. We have received like 42% increases but we have only passed 32% on to our customers. That means the City ate 12% which is roughly based on our bill right now anywhere from \$2.7 million to \$3 million.

Ms. Watts said constituents asked her back in August when we increased our utility bill by 14% that some of the increase came because gas was so high. Now, the fuel has dropped below half during one time there and since that time and now is still under \$2 a gallon. Has ElectriCities kind of given us back a little bit of that and have we held them in question as to that.

Mr. Olson said we are talking about two different issues there. First of all we have nuclear power plants and that means we buy uranium yellow cakes. The price of uranium yellow cakes has stabilized now. Of course we have coal burning plants. We don't really get any benefit from a drop in the petroleum prices. What we do see is a little less when we pay for the hauling of our coal from the coal mines to the power plants. What you see now, the 4% we do anticipate additional maintenance shut downs at our plant. This means that we have to go out on the surplus market and buy higher cost energy than what we would purchase normally. You cannot relate commodity prices of certain petroleum products to what we actually pay. We enter into long termed coal contracts. We can't have a 30-day spot market and that is what you see right now on the market. We have to have two-three year's supply of coal. That is why we go to longer period contracts.

Mr. Stimatz said Councilman King brought up when we were right about the \$5 million level back in the fall, can we set up a mechanism to give money back? The problem there was that we went below the \$5 million mark. We can say to ourselves that our maximum fund balance will be \$5 million. Whenever it gets up to \$5.5 million then we would give back at the end of the year. We can do that. We just haven't been able to do it. That was discussed and Mr. King is the one who brought that up. We have given back \$6 million. It is not that we overcharge. It is that we have had hard winters and hard summers and we built up a bigger reserve. If we continue to have the same weather like it has been for the last two years we could end up down in the 30-day level. There is no way that we are going to give money back when our fund is so low. We hope that the demand goes up but at the same time when the demand goes up that means that people are buying more electricity and spending more money. We can't control that. He thinks right now there is no way to delay this any further.

Ms. Hummer said she thinks the fact is the residential customer doesn't really get a break whereby the big users of electricity and one of those happens to be the Pasquotank County Courthouse, they get an energy credit. Our residential customers do not get that. This is one thing that bothers her and we can say that we give it back to them. Has anyone seen it in their bill that they have gotten any money back – no. She realizes the situation we are in but she thinks it is also a wake up call for City Council. You can sit here and say we have got to give it to you because we are in a jam. This is a wake-up call for us that we have not been prudent in spending from the Electric Fund. She went back through the budget today and she couldn't come up with \$1.2 million. She did last year and Council supported her on it and we stopped giving the perks to developers by putting underground utilities in up front. We had to wait until those project built out before we got our money back. We did have a savings then and she hopes that is still continuing as we speak. But, some of the things that come out of the Electric Fund for instance \$60,000 bad debt expenses, \$1500 for our annual dinner, \$59,815 which is our share of our contribution to the Economic Development Commission, those all comes out of the Electric Fund. While we had to put on hold the inspection of all our wooden poles that cost \$50,000 and that was something critical. The Bridge Loan that we entered into because the grants haven't made it in yet. The resolution gave the City Manager the authority to take that debt service out of any fund he feels he has to take it out of. There are areas that we could have cut and we could have had a separate rate stabilization fund back when and we didn't. Those are things that we need to look at during budget time this year. She realizes that to delay it is not favorable to everyone but to pass it on when people are losing their homes and jobs. It is happening right here in Elizabeth City. Try to sell your house tomorrow for one thing. She feels she represents a constituency that just can't afford to have it passed on. She is here to vote the way that they have asked her to vote. She has had some very emotional conversations in our community watch groups and on the telephone. She has even had some letters. There is one street in her Ward where several families have just moved out and abandoned their homes. For the first time ever we have a 21% fund balance in our General Fund. If that is so healthy why can't we offset some of this? We take money from the Electric Fund to go in the General Fund and she thinks it is time to try to rescue some of this money by taking it from the General Fund. If we have a 21% balance and we certainly in her opinion in a position to at least look at that.

Mayor Pro Tem Baker said she thinks the gentleman who spoke earlier during the public comments made a good point in that our fund balance right now in our electric and we can only speak right now only talking electric for electric. If we were subject to those ice storms that came very close to us and we started losing lines and we started losing equipment we might not have the funds to get

our electric back. What would people do then with it freezing in their homes and having no electric to warm them?

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman J. A. Stimatz to adopt the following resolution increasing the City's electric rate by 4%.

Councilman King asked if it was possible for us to take the money out of the General Fund and put it in the Electric Fund.

Mr. Olson said that Council can do anything that they want too if it meets a public purpose. Now, what concerns city staff is we are going into a very tough budget year? We already know and anticipate our sales tax revenues are going to be down. That is the primary source within the General Fund. He cannot in good conscious tell the City Council to decrease anything in the General Fund. As a matter of fact we just cut our expenditures by 3% in anticipation of having it bad next year. 21% is a nice reserve. He thinks the City Council established 15% and we are above that, but he thinks next year what you are going to see is us having to basically appropriate some of our fund balance just to balance the budget next year. The other issue that we have is of course is the electrical utility customers that live outside of the city limits. It is about 25% or about 3,000 customers. Those individuals don't pay property tax and the only revenue that we generate from them is the electrical bill. By decreasing the amount of transfer from the Electric Fund to the General Fund does cause a problem. It is a way of equalizing payment to those individuals. You have all the benefits of the City but none of the burdens.

Mr. Rivers said we are in the business of making money. If you go back to when the 14% took place the bottom of the scales would be higher if we had a harsh winter. If you had your phone ringing off the hook from the constituents with \$800 electric bills that they could not afford it we wouldn't be down at the \$4 million mark. He is not a profit driven person at this stage. If you look at the biggest drop it comes from December to January because we give a million dollar cash infusion into the General Fund. You are taking out of your savings and that is what Ms. Hummer is talking about. You are taking a million dollars out of your electric fund to prop the General Fund. If you don't pass on the five million dollars to the General Fund next January then you will not see a million dollar drop. If we have a summer where it is very hot and people using their air conditions when we pass this 4% on you can't go back and take the 4% off but you are going to see your cash reserve go up because we make money. We haven't made money this fall because it hasn't been extremely cold. You are in a catch 22 position. During these tight economic conditions that we are in right now he is glad that it is not. We have older senior citizens who are not cutting on their heaters and doing different things and that is why we have that savings

account. Saving accounts are when you have years that you don't have sales. We are in economic times. He doesn't think that we need to have an extremely large saving account. He is not sitting here saying let it go to zero. We have to be very careful on how we start projecting. We are at \$5 millions. We just took \$1 million out of the Electric Fund and that is why you see a larger drop also because the million dollars just came out.

Mr. Olson said that we were at \$4.9 million and when we paid the \$1 million to the General Fund then that brought it down to \$3.9 million. The transfer is made at the end of the month.

Mr. Rivers said that didn't come up last time. Was the million dollars transferred at that time just to make it show that we have to do this? In fifteen days it has changed that fast.

Mr. Stimatz said he heard the term prop up the General Fund on more than one occasion. We do this every time because it is a red herring that keeps getting thrown out. We go through it in the budget. Would you explain again what the \$1.25 million pays for?

Mr. Olson replied the bottom line is if we had an investor on the utility in this community we would get property taxes off of that investor on utilities. Our system is worth \$60-\$70 million dollars. If we had investor on utilities in here we would get property taxes off the value of their utility. One of the disadvantages of having a municipality on its own utility is that we do not get tax revenue off the assets of that entity because we publicly owned those. If you have an investor on utility they would be paying us \$1.2 or \$1.3 million a year in property taxes. That is one of the reasons to justify it. We use 3% which is the standard among most communities and that is what the LGC is recommending.

Mayor Atkinson called for action on the motion on the floor.

Those voting in favor of the motion were: Baker, Stimatz, Evans, Meggs and King. Against: Hummer, Rivers and Watts. Motion carried.

**ORDINANCE #0921
INCREASING THE CITY OF ELIZABETH CITY
ELECTRICAL RATE BY FOUR (4%) PERCENT**

WHEREAS, the City of Elizabeth City has received notice from the North Carolina Eastern Municipal Power Agency (NCEMPA) that it will be increasing the City's wholesale electrical rate by 4% effective February 1, 2009; and

WHEREAS, this increase will cost the City approximately \$1,275,000 in additional costs annually; and

WHEREAS, the cash balance in the City's Electric Fund has dropped to \$4,944,982 as of December 31, 2008, which is below the Council's target balance of \$7 million; and

WHEREAS, current economic and market conditions, as well as recent weather conditions, prevent the City from being able to absorb any of this increase,

NOW, THEREFORE, BE IT ORDAINED, that the City of Elizabeth City Council hereby adopts a 4% energy and basic charge increase in electrical rates; and

BE IT FURTHER ORDAINED, that the 4% electrical rate increase shall become effective with the February 2009 utility billing.

ADOPTED, this 9th day of February 2009.

Stephen S. Atkinson
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Demonstration of police surveillance camera system:

Mayor Atkinson called upon City Manager Olson for comments.

Mr. Olson said several months ago Council authorized us to purchase 18 additional surveillance cameras. The cameras are now up and operational. That is in addition to the 6 you had in your budget last year. Now we have 24 surveillance cameras throughout the community.

Chief Crudup said all the cameras are up and running now. These cameras are spread out through just about all the wards of the city. He thinks you will be

impressed on the way the cameras were done. Mr. Overman has donated some 42" screen monitors to us. This will give us a better view of the community.

Mr. Anthony Overman of Albemarle Fence Company gave a brief demonstration to the City Council involving the operation of the cameras. He provided an update on all pertinent information regarding the installation of these cameras city-wide.

8} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Mayor Atkinson called upon the City Manager for any further comments.

Mr. Olson stated he had no further comments.

Mayor Atkinson asked if there were any members of Council that would like to make comments.

Councilwoman Meggs said first all of you know that we made the designation of Tree City. She was very excited. On February 4th the Urban Forestry Commission met and they got organized. They were very enthusiastic and wanted to know why they were chosen. It was nice that they did meet. She would like to thank Randal Lyons for all the work that he has done. She would like to thank Anita Hummer, Judy Starks, Wayne Harris, Debbie Sauls and all the other members of the Image Committee for their work.

Mayor Pro Tem Baker said she wanted to congratulate Randall and staff. That is a nice award and maybe we can get the Coast Guard City next. She went last week to the Water Committee meeting. She thought that it was interesting that they gave an update on the progress of the RO project. They also talked about a program they have going on right now and it was interesting to her and she thought it would be interesting to others. They are doing a flushing program that started at the water plant and they flush their entire 180 miles of pipes systematically operating every valve and they test every piece of pipe by running clear water through it. They are in the process of that so if you see hydrants going off or you see things going off outside the city limits that is what they are doing. It is a very interesting process they are into. They also looked at proposing the same as the City is doing getting some shovel ready projects ready for a potential stimulus bill that will bring money in for infrastructure upgrades in the City and the County.

Councilwoman Hummer said first of all she would like to thank the entire Council for supporting the Second Ward's effort in getting these surveillance cameras. It is a good feeling to see what we have ended up with. It is something that is really state of the art. Another thing, she thinks in light of the fact that we have

citizens from Meekins Street and Church Street that keep coming to our meetings she thinks we would be very insensitive as a Council who makes ordinances with or without a facilitator. She would like to make the following motion.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman B. S. Meggs to instruct staff to bring back information for the next city council meeting that lowers the decimal rating to 50 decimals in residential zoned areas. Those voting in favor of the motion were: Hummer, Meggs, Baker, Evans, King, Rivers, Stimatz and Watts. Motion carried.

Councilman Stimatz said he had a question that he sent you in an e-mail and didn't get an answer back. He is really concerned because we are back at it again. We were told that we had to bring the sign ordinance back and have a public hearing on it because the ordinance says that we had too. We had to vote on the original version. He finds it interesting that we had a text amendment to the ordinances. Council made a suggestion to reduce the scope drastically and that is the version that came to public hearing and we weren't told that we didn't have to bring that to public hearing. He is specifically referring to the Tea House Ordinance and he can think of a couple other ones before we went to public hearing Council made significant changes to the ordinances. He is not clear as to what the process is and he asked you in his e-mail a change to the ordinances that allows us a deliberate period of time that we don't have to be put under the gun by anybody to accept what they give us. He would like to see that come back at our next meeting.

Mr. Olson said we have done some research on that and there are specific State Statutes that addresses that issue.

Mr. Stimatz said the problem he has is it appears you made us follow this procedure to take care of the sign ordinance and in his mind we violated it on at least one ordinance already.

Mr. Olson said that he was unfamiliar with that section of the ordinance that requires that but upon further review and review of the UDO when it was brought to his attention by the Chairman of the Planning Commission we admitted that there was an error and we also did some research on what State Statutes says. State Statute says that you are required to have a hearing on whatever the Planning Commission forwards to you. Whether it is for acceptance or rejection.

Mr. Stimatz said the problem he has is it was made to sound like we have to set a date right away. He wants to know if that is the case. We have to have a hearing on what they give us.

Mr. Olson replied you have to have a hearing on what they give you. When you have that hearing may be up to the discretion of the Council.

Mr. Morgan said there is more flexibility on that part of it.

Mr. Stimatz said so there is no point in Council providing any ahead of the time changes or comments because that is not what we are going to talk about until the public hearing.

Mr. Olson said that is correct under the UDO.

Mr. Stimatz said if the Planning Commission gives you a recommendation whether it is for or against an item you still have to have a public hearing on that item.

Mr. Morgan said as presented by the Planning Commission.

Mr. Stimatz said we were starting on a really nice path where we were involving stake holders and bringing people in ahead of time so we could work out any problems before it got to Council. He would like to be able to do that. If it means that we somehow figure out how to have a public comment period for the Planning Commission. Then we have a joint work session which we have never had that he knows of before they go to their final version that they are going to recommend. Then we can have some dialog which we don't have and we could iron out some of these questions ahead of time. The dumpster issue is another one. He understands where they want to go but they are not even enforcing the ordinances we have now. He would like to know how many non-conforming dumpsters currently in the city.

Mr. Olson said staff will be glad to do this research but you gave us a list of seven items with signs and it will take us a month to just gather than information.

Mr. Stimatz said he asked you that question fifteen months ago and he still doesn't have the answers to that question so he was just following up on his fifteen month old question. That is the problem that he seems to be having. He has asked the question about how many non-forming signs we have when we had the political sign question come up. That is not a good answer as it is not a new question.

Mayor Atkinson said the only comment that he would like to make is that many of us attended the meeting in Charlotte and one of the awards that a lot of cities were getting was the Green City Award. We didn't hear Elizabeth City's name

called. We wanted to know why that didn't occur. Mr. Olson has been for the last couple of months working on what we need to qualify.

9} CLOSED SESSION:

Mayor Atkinson advised that the Council will need to retire

A motion was made by Mayor Pro Tem J. M. Baker to retire into Closed Session for consultation with the City Attorney as per NCGS 143-318.11(a) (3) –Hugh Cale OIC vs City of Elizabeth City. Councilwoman V. C. Watts seconded the motion. Those voting in favor of the motion were: Baker, Watts, Evans, Hummer, King, Meggs, Rivers and Stimatz. Against: None. Motion carried.

10} UPON END OF CLOSED SESSION:

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

11} RETURN TO REGULAR SESSION:

Mayor Atkinson declared the meeting back into full session of Council.

12} ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor Atkinson adjourned the meeting at 10:50 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Stephen S. Atkinson
Mayor