

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 R. A. McLean presiding. Those members of Council in attendance were: J. M. Baker, M. E. Brooks, L. Hill-Lawrence, L. A. Hummer, R. E. King, B. S. Meggs, J. A. Stimatz and J. B. Walton. City Staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Parks and Recreation Director B. V. White, Human Resource Director K. W. Felton, Public Utilities Director P. A. Fredette, Police Chief C. E. Crudup, Fire Chief L. M. Mackey, Electric Director K. F. Clow, Inspections Director S. E. Ward, Planning Director J. C. Brooks and Finance Director S. E. Blanchard.

Mayor R. A. McLean established a quorum was present and opened the meeting. He called upon Councilman Michael Brooks for the invocation after which the Pledge of Allegiance to the Flag of the United States of America was given.

1} APPROVAL OF THE AGENDA:

Mayor McLean called for approval of the prepared agenda.

Mayor Pro Tem L. A. Hummer asked to remove ***Item 7-g-Award of Audit Contract from the Consent Agenda and place it on the Regular Agenda for discussion.***

Councilman J. A. Stimatz asked to remove ***Item 7-f 1-3 Renewal of Conditional Use Permits for Internet Sweepstakes Cafés from the Consent Agenda and place it on the Regular Agenda for discussion.***

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the prepared agenda to include the above noted items. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

2} COMMENTS FROM THE PUBLIC:

Mayor McLean called upon the City Clerk to call those having signed up to speak to the podium.

Mr. Darrell McKinley, 1716 Providence Road, Elizabeth City spoke regarding his concern over hearing of the possibility of a new development being constructed on the north side of Farm Fresh and behind Applebee's. If this was built it would increase the amount of flooding in the Oxford Heights area.

Mr. Richard Chapman, 1419 A. Ehringhaus Street, Elizabeth City stated that his family has been here one year. His patrons got together and gave him a list of things they would like to see him do. He passed out a letter stating these items. If these were to pass they now employ 5 people and they would increase their employment to 8. In this time when it is hard to get a job it adds to the tax base in this area. Any consideration will be greatly appreciated.

Mr. Brant Wise, River City Development, Elizabeth City spoke regarding the Riverwind Development being proposed by Dr. Bald. Things have not occurred as Council had hoped for the rezoning of the Riverwind property. The main thing that was supposed to happen was the Coastal Management was to approve the land use plan. This having not occurred has an impact on tonight's vote. However, he has discovered in the UDO and he would ask when Council considers this item later on to take into consideration that Council does have the authority to do a Conditional Use District as an overlay to the O & I Zoning District. This is in Section 8-7 of the UDO. This allows Council to actually designate the uses that we have in that zoning district. In the past hearings the community has specifically stated that they are not in favor of certain uses, i.e. restaurants, barber shops, beauty salons, etc. It was stated at the zoning adjustment hearing when we were asking for the upstairs use to be expanded for professional offices that they did not have an issue with professional offices but it was other uses. Within this we could eliminate all retail and only have business and professional services. He is asking that Council take into consideration its ability to put a conditional use overlay district on top of the O & I. Hopefully, this would be a compromise that would eliminate a lot of the problems that have been going on for the past year since we made our original presentation.

Mr. Rick Critser, 1306 Preyer Avenue, Elizabeth City stated Council suggested last time that we try to get together as a neighborhood and work with Dr. Bald. In January Brant called asking if he would get the neighborhood together and explain the proposed zoning changes. We scheduled an information meeting. A couple of days before the meeting Brant had a death in the family and had the funeral that day. We went ahead and had the meeting. Seventeen neighbors showed up. That shows the strength of the feeling about this change in zoning. The resulting opinion was that a change in zoning was inappropriate for that neighborhood. We feel the broader definition of O & I would open the door to unforeseen problems. The neighbors are against the O & I.

Ms. Jane Harris, 1101 Park Drive, Elizabeth City asked that Council please consider the residents that live in the Riverside area near the requested rezoning property. We are homeowners who have lived in this area and have invested in our homes and lived in this area for quite some time. We hope that you as our elected representatives will consider us in your decision process for this rezoning. Your City Planning Board voted unanimously to not rezone this property. Please consider their recommendation as you consider the rezoning issue.

Ms. Gilliam Carlsen, 1203 Riverside Avenue, Elizabeth City stated she had one comment to make with regard to this issue but not directly bearing on it. There has been a lot of talk about putting a group home into the health club property if they did not get the rezoning that they wanted. She just wanted to pass onto Council that she had a conversation on Monday, February 7th with representatives of the Teen Challenge Organization in Elizabeth City and was told that the Teen Challenge has never expressed any interest in this former health club property. They are not now nor in the future pursuing any interest in this property. We have had no update from CAMA until this evening. It was our understanding that it would not be possible to put restrictions on the height of the building, setback of the building and the type of building without CAMA approval. The Riverside residents are still strongly opposed to this rezoning. She is asking Council to support the residents and reject this proposal.

Mr. Bill Winslow, 1204 Carolina Avenue, Elizabeth City stated simply put he wholeheartedly and without absolutely no reservations support the Planning Commission's unanimously rejection of the application to rezone subject property to O & I. It is indeed totally inappropriately.

3} APPROVAL OF THE MINUTES:

a} January 24, 2011 Work Session:

Mayor McLean called for action regarding the January 24, 2011 Work Session minutes.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the minutes of the January 24, 2011 Work Session as presented. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

b} January 24, 2011 Regular Meeting:

Mayor McLean called for action regarding the January 24, 2011 Regular Meeting minutes.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the minutes of the January 24, 2011 Regular Meeting as presented. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

4} CONSENT AGENDA:

Mayor McLean called upon the City Manager to read the Consent Agenda items.

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

CONSENT AGENDA:

a} Approved the following budget amendments.

**BUDGET AMENDMENTS
NUMBER 2011-04
FEBRUARY 14, 2011**

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, 2011:

SECTION I. That the JAG Youth and Technology Project Grant (103490.5116) and Police Grant Capitol Outlay (105100.7408) be increased by \$17,576.

(Grant to purchase MDTs, tazers, crime scene investigating tools, and a basketball goal system for the Police Athletic League.)

SECTION II. That the Pasquotank County Fire Inspection Appropriation (103500.6200) and Parks and Recreation Salaries & Wages Part-time (106200.0300) be decreased by \$99,042.

(To record reductions in the County's appropriations.)

SECTION III. That the Senior Center Grant (103490.6301) be increased by \$16,220, the General Fund Balance Appropriated (103990.0000) be increased by

\$2,709, and the Senior Center Grant Expenditures (106300.3301) be increased by \$18,929.

(To record Senior Center grant.)

SECTION IV. That the Rural Center Building and Restoration Grant (103490.6601) and Tractor Supply Company (106600.7000) be increased by \$104,000.

(To record Tractor Supply grant.)

SECTION V. That the Wayfinding Sign Grant (103490.7401) and Wayfinding Sign (106600.7001) be increased by \$25,000.

(To record Wayfinding Sign grant.)

ADOPTED, this 14th day of February 2011.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b) Rejected Rick White's offer to purchase the City-owned lot located at 822 Price Street for \$1,000.

c} Approved amendment to the Parks and Recreation Interlocal Agreement to increase the number of board members on the Recreation Advisory Board from six to seven contingent upon Pasquotank County Commissioners doing the same. Further, the seventh member appointment will alternate between a city resident and a county resident for a two-year term.

d} Approved the following Resolution opposing Senate Bill 13.

**RESOLUTION # 2011-02
OPPOSING SENATE BILL 13
TO CUT \$8.5 MILLION FROM THE**

PARKS AND RECREATION TRUST FUND

WHEREAS, the North Carolina Parks and Recreation Trust Fund has been an incredible benefit to Elizabeth City and the State of North Carolina by creating jobs, protecting our water supplies, preserving our state's most beautiful places, and creating parks and recreational opportunities for our citizens; and

WHEREAS, now is the right time to maintain our commitment to recreation facilities in Elizabeth City and North Carolina by protecting programs that support economic development; and

WHEREAS, tourism contributes billions of dollars to our state's economy; and

WHEREAS, PARTF grants have allowed our community to build several Parks and Recreation facilities such as Fun Junktion, Northeastern Park, the River Road Soccer Complex, and the South Park Sports Complex; and

WHEREAS, monies taken from the PARTF would be used to reduce the state's budget shortfall of \$3.7 billion;

NOW, THEREFORE, BE IT RESOLVED, that the City of Elizabeth City opposes Senate Bill 13, which will cut \$8.5 million from the Parks and Recreation Trust Fund.

ADOPTED, this 14th day of February 2011.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

e} Adopted the following Resolution and directed the City Clerk to provide copies to Representatives Bill Owens and Senator Stan White immediately.

**RESOLUTION #2011-3
REQUESTING THAT THE NORTH CAROLINA GENERAL ASSEMBLY
NOT ALTER OR DIVERT FUNDING OF THE
GOLDEN LEAF FOUNDATION**

WHEREAS, the City of Elizabeth City is committed to the economic vitality of northeastern North Carolina; and

WHEREAS, the Golden LEAF Foundation's mission is to promote the social welfare of North Carolina's citizens and to receive and distribute funds for economic impact assistance to economically affected or tobacco-dependent regions of North Carolina; and

WHEREAS, the City of Elizabeth City is an economically affected region as designated by Golden LEAF; and

WHEREAS, Golden LEAF has awarded approximately 1,000 grants totaling nearly \$900 million since its inception and has developed significant initiatives to provide economic impact assistance to those communities hardest hit by the changes in North Carolina's economy; and

WHEREAS, the North Carolina General Assembly is currently considering legislation that would alter or divert funding for the Golden LEAF; and

WHEREAS, any reductions in future funding would limit the amount of assistance Golden LEAF could provide for area economic development opportunities, would have severe consequences and put the area at risk of falling further behind economically;

NOW, THEREFORE, BE IT RESOLVED, that the City of Elizabeth City requests that the North Carolina General Assembly not alter or reduce current or future funding of the Golden LEAF Foundation.

ADOPTED, this 14th day of February 2011.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

f} Authorized the City to execute the necessary agreements to act as a Fiscal Agent for distribution of a Coastal Regional Demonstration Grant.

END OF CONSENT AGENDA

5} PUBLIC HEARINGS:

a} Renewal of sub recipient's agreements with Boys and Girls Club and Weeksville CDC:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson stated that in September 2009 the City executed sub recipient agreements with Weeksville CDC and the Boys and Girls Club for coordination and management of activities at the Hugh Cale Resource Center located at 524 South Road Street. These agreements will expire in 2011. One of the provisions in the sub recipient agreement requires that the sub recipients notify the City prior to March 2011 of their interest to have the sub recipient agreements renewed. City staff has received letters from both entities requesting that the sub-recipient agreements be renewed. The agreements would run from September 1st 2011 to August 31st 2013. The Boys and Girls Club provides services to approximately 50-60 students daily. The services include instructions related to homework, arts, health, life skills, sports, fitness and recreation. The Weeksville CDC provides job readiness and job placement services in addition to GED classes. Approximately 190 individuals every month attend classes for job readiness, GED and access job-banks. The OIC building was built with CDBG monies and for the City to go forward we have to enter into sub-recipient agreements with these parties or other parties for occupying that space.

Mayor McLean declared the meeting into public hearing. Since there was no one who wished to speak for or against the proposed sub-recipient agreements, Mayor McLean declared the public hearing closed.

Councilman Walton stated he has been in Elizabeth City a long time and what is going on with the Boys and Girls Club now to him doesn't even come close to resembling a Boys and Girls Club. He has seen Boys and Girls Clubs all over the nation and what has been going on for the last two years here is not feasible to be called a Boys and Girls Club. He was a member of the Youth Task Force and he would like to bring back information because those type of things we are working on at this time.

A motion was made by Councilman J. B. Walton, seconded by Councilman M. E. Brooks to table action on the Boys and Girls Club sub-recipient agreement at this time; and, further to renew the sub-recipient agreement for Weeksville CDC.

Councilman Stimatz stated he doesn't see the logic of this. This has to do with the operation of the Hugh Cale Center not the Boys and Girls Club itself. As he reads the agreement or the back ground material we are also going to be offering use of the facilities for \$7800 a year.

Mr. Olson stated that the City is responsible for paying the utilities in that building which run \$7800 a year.

Mr. Stimatz said that if they are not a signatory they can say that they do not want us to use the fields and then we would not have access to the fields. It appears to him that a condition for us to sign this is that the Boys and Girls Club part of the deal is they will let us use this and if they don't sign are they also going to agree to let us use the fields or not.

Mr. Olson stated the only thing staff did was bring back the exact same agreement that we executed in 2009. That agreement said that we could utilize the fields. This is something that we have not approached the Boys and Girls Club concerning the use of the fields in exchange for us paying the utilities on the Hugh Cale Center.

Mr. Stimatz said then the sub-recipient agreement is just about the center and has nothing to do with the fields. All we are talking about is using the Hugh Cale Center. That is just continuing the two entities that are already in there. Why you would want to separate that he doesn't know.

Mr. Brooks expressed his concern over the fact that at the Hugh Cale Center there is not enough room to have a decent Boys and Girls Club. The YMCA and the Sport Complex is out of reach of most of the children in town. It doesn't make sense to have the number of kids that we have in such a tight space. We need to find them a better place.

Mr. King asked if it was possible to utilize the old Teen Center for the Boys and Girls Club. We have the PAL gym right across the street and they could utilize the gym for activities. He thinks it would be better for the kids. He would ask that the City Manager look into the possible use of the old Teen Center and bring it back to our next work session.

Councilwoman Baker said she hates to stop programs that are happening right now where we are in a renewal period but she hates to move kids into a facility that is going to be right in the middle of the construction of Elizabeth Street. It is not safe for them to cross that street to get over to the gym at this time. Right now she is not in favor of stopping programs while we look at another alternative.

Mayor Pro Tem Hummer stated the actual sub-recipient agreement doesn't expire until September.

Mr. Olson replied that is correct. The agreement was drafted in such a way to allow the existing sub-recipients chance and opportunity to look at other locations instead of being cancelled in July where they do not have a chance to find other type of facilities to accommodate them.

Councilman Stimatz questioned what it was that we are looking for staff to bring back to us with regard to the Center. All this other stuff is interesting and it is valuable and it is something that he will be looking at but focusing on the issue before us and that is their use of the Hugh Cale Center. Why would we be adversed to them being in there?

Mr. Brooks said you must not be listening as we are talking about space for our kids that are now cramped in a space like sardines. It is easy to try to bring up obstacles and roadblocks why we shouldn't do this. The Boys and Girls Club is not a program. The concern with Elizabeth Street is moot because these same kids have no way of getting out to the YMCA or the Sports Complex on River Road. Don't set up roadblocks of why it shouldn't happen. The City Manager needs to come back with a feasibility study on the Teen Center and until he comes back they can stay in the Hugh Cale Center.

Those voting on the motion to table the agreement with the Boys and Girls Club and to approve the sub-recipient agreement with Weeksville CDC were: Roll Call Vote:

<i>Brooks</i>	<i>Yes</i>
<i>Stimatz</i>	<i>Yes</i>
<i>Meggs</i>	<i>Yes</i>
<i>Hummer</i>	<i>Yes</i>
<i>Walton</i>	<i>Yes</i>
<i>Baker</i>	<i>No</i>
<i>King</i>	<i>Yes</i>
<i>Hill-Lawrence</i>	<i>Yes</i>

Motion carried with 7-yes and 1-no.

6} REGULAR AGENDA:

a} Award of Audit Contract:

Mayor McLean called upon Mayor Pro Tem Hummer for comments.

Mayor Pro Tem Hummer stated she requested to place this item on the Regular Agenda and as Chair of the Finance Committee and this is a monetary contract that it be placed on the next Finance Committee agenda.

Councilman Stimatz asked why we were adding another level of bureaucracy. All decisions have to come to the full Council anyway. He sees no reason why the Finance Committee can see anything before the full Council can see it. He is concerned over the fact that we sent out 27 RFPs and only one responded. It is the same firm that has been doing our books for the past fifteen years. NCLM tells you that you should change your auditor every ten years. Why doesn't anybody want to audit our books? He feels that it should only be a five year contract. This goes back to simply basic internal control.

Mr. Brooks said he doesn't believe that this firm is the only one that audits all the other local government entities in our surrounding areas. There are others that do these types of audits. We need to go outside this area to find another audit firm.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman M. E. Brooks to table action on this item and forward the issue to the Finance Committee for their consideration; and further to expand the area to see if we can't attract additional auditors. Those voting in favor of the motion were: Hummer, Brooks, Baker, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

b} Renewal of Conditional Use Permits for Internet Sweepstakes Cafés:

Mayor McLean called upon Councilman Stimatz for comments.

Councilman Stimatz stated his concern regarding these items is the issue of compliance with the software. His understanding is if they change their software to a certain kind of software then they are allowed to operate. How do we validate that? How do we inspect to insure that they continue to maintain that during their operation? Who pays for that?

City Manager replied that was a very good question. What staff knows is that a preliminary junction has been issued by the Court in Guildford County that allows them to operate these if they make certain changes to the software. City staff does not have the expertise to validate that those changes have been made. Our primary purpose is to make sure that they live up to the terms and conditions of the Conditional Use Permit.

Councilman Stimatz said that he feels that we should add something to these Conditional Use Permits that specifically addresses the independency of the software. If they have a letter of compliance then he has no problem with them. We just need a copy of such letter.

City Attorney Morgan stated he would suggest that we include as the final condition on all three of these request tonight that the applicants provide acceptable proof to the Planning Director and City Attorney that the software being used complies with the injunction. All the State has done as he understands it is to recommend to law enforcement that they not arrest these individuals.

1} CUP-02-09 – James Southerland – 1871 W. Ehringhaus Street

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to approve CUP-02-09, James Southerland, 1871 W. Ehringhaus Street contingent upon receipt of letter stating they are in compliance with the software as set by the State. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Hill-Lawrence, Hummer, King, Meggs and Walton. Against: None. Motion carried.

2} CUP-04-09 – Robert Luther – 1016 W. Ehringhaus Street

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to approve CUP-04-09, Robert Luther, 1016 W. Ehringhaus Street contingent upon receipt of letter stating they are in compliance with legal software. Those voting in favor of the motion were: Stimatz, King, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

3} CUP-05-09 – Richard Chapman – 1501 W. Ehringhaus Street

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to approve CUP-05-09, Richard Chapman, 1501 W. Ehringhaus Street contingent upon receipt of letter stating they are in compliance with legal software. Those voting in favor of the motion were: Stimatz, King, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

Councilman Brooks stated that Mr. Chapman presented a request for Council to consider. The request was to change the hours of operation of these

sweepstakes companies. They are asking to extend their hours of operation. This concerns him as we have businesses like Chunky Cheese that stays open until 12:00 a.m. These are adults that patronize these establishments. He would like Council to approve their hours of operations.

Mr. Olson advised that this is part of our UDO and it would have to go through the entire Planning process. The existing rules and regulations would have to be modified to reflect these changes. If you want staff to initiate these changes to the UDO we would be happy to do that. That will take roughly 45 to 60 days for it to get through the process.

A motion was made by Councilman M. E. Brooks, seconded by Councilman R. E. King to instruct city staff to begin the procedures that would modify the UDO to include extended hours of operation for Internet Sweepstakes Cafés. Those voting in favor of the motion were: Brooks, King, Baker, Hill-Lawrence, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.

c} Revocation of Taxicab Driving Application:

Mayor McLean called upon Chief Crudup for comments.

Chief Crudup stated during the January 25, 2011 meeting the appeal process for rejected taxicab applicant Gene D. Harvey was discussed. As per the City Council's request, additional information was obtained regarding Mr. Harney's 2009 conviction of communicating threats. Additional information was requested and obtained from Bertie County Clerk of Superior Court regarding the charge and conviction of communicating threats. The information obtained revealed that Mr. Harney was in fact represented by counsel in the court proceedings. He was appointed attorney Tonza D. Ruffin to represent him in the matter. No transcript was available from these court proceedings. Staff is recommending that City Council uphold the revocation and that his appeal be denied.

A motion was made by Councilwoman B. S. Meggs, seconded by Councilwoman J. M. Baker to uphold the revocation of Mr. Gene D. Harney's application to drive a taxicab and that his appeal be denied pursuant to Section 86-30 of the City Ordinance. Those voting in favor of the motion were: Meggs, Baker, Brooks, Hill-Lawrence, Hummer, King, Stimatz and Walton. Against: None. Motion carried.

d} Request for out of state travel:

Mayor McLean called upon Councilman Brooks for comments.

Mr. Brooks stated with the state of our budget he would like to withdraw his name as one of those wishing to attend the National League of Cities Annual Conference. He would submit that Councilman King be allowed to attend. Mr. King has not had the opportunity to attend this conference before. We need to only have one attending. Councilwoman Hill-Lawrence and he attended the conference last year.

A motion was made by Councilman M. E. Brooks, seconded by Mayor Pro Tem L. A. Hummer to approve out of state travel for Councilman R. E. King to attend the National League of Cities Convention in Washington, DC. Those voting in favor of the motion were: Brooks, Hummer, Baker, Hill-Lawrence, King Stimatz and Walton. Against: Meggs. Motion carried.

e} Rezoning Request RZ-04-10 – 1221 Carolina Avenue:

Mayor McLean called upon Planning Director J. C. Brooks for comments.

Ms. Brooks said the applicant, Brent Wise, representing Bald, LLC requested to rezone 1221 Carolina Avenue from Apartment District to O & I. This request was deferred at your October 11, 2010 meeting. The site originally started with the street location of Carolina Avenue. However, that application was withdrawn and the rezoning application was submitted. Since the deferral in October the applicant has sought and received a Special Use Permit from the Board of Adjustment to expand the office space on the second floor. Because an attorney had occupied the second floor and the UDO allows for expansion of offices. The Board of Adjustment could not act on the exercise in the gym space on the first floor because it had not been continuously used for that purpose. The first floor remains vacant. The rezoning from Apartment District to O & I would allow the owner to use the entire structure for a wider range of uses. It is staff's opinion that the O & I application would act as transitional buffer and recommended approval. Planning Commission did not agree with staff and recommended denial.

A motion was made by Councilwoman B. S. Meggs that the proposed rezoning at 1121 Carolina Avenue be denied. Councilman M. E. Brooks seconded the motion.

Mr. Morgan commented that upon seeing the one page from the UDO that Mr. Wise handed out to Council. In Paragraph B it states: "Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district." As he interpreted that sentence for us to

use this procedure number one the applicant has to come and present to Council a proposal that spells out exactly what they are planning to do. Whatever is proposed still has to conform to the underlying requirements of the underlying district. Admittedly, seeing this for the first time now he is not ready or in a position to go on record as saying yes you can do such and such or no you can't do such and such. He certainly understands the sentence that he just read as saying whatever we do under this process it has to conform to the underlying zoning.

Mr. Stimatz said we haven't given the applicant the chance to do that. We said four months ago that is exactly what we wanted to give him the chance to do. It is scary that he had to tell us the procedure. He made the following motion.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to table action on the previous motion for two weeks in order that we can get an opinion back from staff or a reapplication by the applicant.

Mayor Pro Tem Hummer asked if Mr. Wise discovered he could do this, why didn't he come forward tonight with a concrete plan.

Councilman Brooks stated that we don't need to keep tabling this issue. We have been tabling it since October. It doesn't make any sense to him to continue to table it. It is time to vote on this issue.

Councilman Walton said we gave them so many months to bring back a plan. In October it came up again. We gave him another chance to bring back a plan. The community is tired. He is willing to give him one more meeting. That would be two weeks from now and anything over two weeks is too long.

Councilwoman Meggs said she has no dog in this fight except she is trying to do what she thinks her constituents want her to do. They have voiced their opinions.

Councilwoman Baker said she is here trying to do what her constituents want too, not just 17 of them but all of them. She doesn't want to create blight on this community by a building that is not being utilized. She doesn't want to see another S&R at the end of her street. It is not your street but it is her street. She doesn't want to see another blighted building that cannot be utilized. She doesn't want to deny an individual productive use of his own building because of what 17 people say. This doesn't make any sense to her at all. You cannot deny an individual productive use of his building. You just plain can't do it. She doesn't understand if Mr. Wise just found this today why we didn't find it. Why hasn't it become an issue before now? This is what we wanted to do all along.

This is what the community said what they would agree with. This is what we said we wanted CAMA to come back with a land use plan and Mr. Brooks this is what you said you wanted last time. She doesn't know where your mind was changed tonight.

Mayor McLean stated we were going to take a five-minute recess.

Mayor McLean declared the meeting back into full order. He called for the vote on the motion to table this issue for two weeks.

Those voting on the motion to table were:

Roll Call Vote

<i>Brooks</i>	<i>no</i>
<i>Stimatz</i>	<i>yes</i>
<i>Meggs</i>	<i>no</i>
<i>Hummer</i>	<i>no</i>
<i>Walton</i>	<i>no</i>
<i>Baker</i>	<i>yes</i>
<i>King</i>	<i>no</i>
<i>Hill-Lawrence</i>	<i>no</i>

Motion to table was denied with 6-no and 2-yes.

Mayor McLean called for vote on the original motion to deny the request.

Roll Call Vote

<i>Brooks</i>	<i>yes</i>
<i>Stimatz</i>	<i>yes</i>
<i>Meggs</i>	<i>yes</i>
<i>Hummer</i>	<i>yes</i>
<i>Walton</i>	<i>yes</i>
<i>Baker</i>	<i>yes</i>
<i>King</i>	<i>yes</i>
<i>Hill-Lawrence</i>	<i>yes</i>

Motion carried with 8 yes

f} Standing Personnel Committee:

Mayor McLean stated he is requesting Council to approve a standing Personnel Committee to review city personnel policies and procedures on a consistent

basis. He would like to appoint Counselors Meggs, Hummer, King and Brooks to serve. Councilwoman Betty Meggs will chair the committee.

Councilman Stimatz said he doesn't see the need to have this as a standing committee and he would suggest that we change it to a Task Force or Steering Committee to report back to the Council on needed changes in the Personnel Manual.

Councilwoman Baker stated Council updated the personnel manual a couple of years ago. It shouldn't take the Committee very long if that is their only function.

Mayor McLean said his reasoning for a standing committee because personnel issues are not something that is stop and go. It is something that should be reviewed on a consistent basis. Without going into other items based on information that we have received thus far it would be basically for review of our policies and procedures on a consistent basis. There is a need for change and as we change things we should keep up with the times to insure that we are doing the right thing for our employees.

A motion was made by Councilman J. A. Stimatz to create a Personnel Manual Review Committee who will review the manual and make recommendations back to the Council. Councilwoman J. M. Baker seconded the motion.

Councilwoman Baker said that her fear would be that if we have a standing committee meeting regularly that it would fall into personnel and we can't touch that. She feels if we are meeting too much about the Personnel Manual which has already been updated by professionals that it would be too easy to fall into personnel issues. She doesn't agree with that.

Mayor Pro Tem Hummer stated she believes that the Customer Service Task Force fell into the area of personnel. She doesn't see the difference.

Councilwoman Hill-Lawrence said that she feels that we need something in writing about what their charge is.

Mayor McLean called for the vote on the creation off a Personnel Manual Review Committee.

Those voting in the above motion were:

<i>Hill-Lawrence</i>	<i>no</i>
<i>King</i>	<i>no</i>

Baker	yes
Walton	no
Hummer	no
Meggs	no
Stimatz	yes
Brooks	no

Motion was denied. Vote 6-no – 2-yes.

A motion was made by Councilman J. B. Walton, seconded by Councilman M. E. Brooks to create a standing Personnel Committee of City Council with guidelines on the charge of the Committee. Those voting in favor of the motion were: Walton, Brooks, Hill-Lawrence, Hummer, King, Meggs and Stimatz. Against: Baker. Motion carried.

g} Update Customer Service Enhancement Project:

Councilwoman Baker stated she wanted to add something to it anyway. Mr. Brooks as you remember you were appointed to that committee and you elected not to serve. That committee has now disbanded after having completed their tasks months ago. We presented our findings to Council.

h} Update Rental Housing:

Mayor McLean called upon Councilwoman Hill-Lawrence for comments.

Ms. Hill stated that there were some concerns in terms of the \$25 fee that renters are paying every year but yet they don't see the inspector coming into their property to inspect it. They were concerned that no one was coming by to inspect it.

Inspections Director S. Ward came forward and stated in response to Ms. Hill-Lawrence's question he believes the particular person that complained about this unfortunately she has had a tenant that has live there about 35-years. There was no flagging so to speak. Normally what prompts an inspection is when you apply for service. In this case the tenant has been living there for 35 years. We have made arrangements to perform an inspection. As a general rule we try to inspect all rental properties on a three year basis. That may vary depending on the age of the structure, the property history, etc. The \$25 fee is charge to the property owner every year as long as they own the property. That is strictly for residential property and it is per dwelling unit.

Councilman Stimatz stated that we need to look at the conditions as one says that they must maintain a temperature of 71 degrees. We don't say under what condition or what cost. He would like staff to bring this back. We need to change the rental ordinance to at least require a maximum cubic foot exchange rate allowable in a rental property. This is a way to help our citizens with their high utility bills.

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

City Manager Olson stated he had no further comments.

Mayor Pro Tem Hummer stated she had no further comments.

Councilwoman Meggs stated she along with Anita and Lena had lunch with Phil Donahue Friday. We all were impressed with the Clinic. They are going to come up and ask for some money. She feels like that is something we should look at. The Chamber is having their 100th year anniversary on Friday night. She hopes all of Council will use your ticket and attend this event.

Councilman Stimatz said he would not be at the event on Friday as that is the opening night for "Books" which is the next production of the Encore Theater.

Councilman Brooks stated all over the city we have street lights out. He would like for the City Manager to address that.

Mr. Olson said we have anywhere from 140 to 160 streets lights out at this particular time. There is no reason that we have been able to identify why they have failed. It is a massive failure of the lights. City crews have been working since last Monday trying to get those street lights repaired. We have run out of a number of supplies in the warehouse.

Councilwoman Hill-Lawrence asked about the fence around the ponds. The other thing she has is there are some computer hackers that are going into person's email addresses and somehow they are able to pull it out and send it to others.

Councilman King stated he had no further comments.

Councilwoman Baker stated she would not be at the Chamber event either. She is a sponsor of Encore Theater and as such she will be attending their opening night. One of the lights that are out is on Hunter Street.

Councilman Walton stated he had no further comments.

Mayor McLean thanked the Council for the hard work you are doing. He also thanked the staff for their hard work. Next work session we are in for a real treat. At 4:30 p.m. he is asking staff to prepare a little reception for the winners of the Mayor's Essay Contest. These are some pretty tough kids. They are going to read their essays in the chambers. They are going to open up their own meeting at 5:30 p.m. and they are going to talk about the issues in Elizabeth City. The superintendent has also been invited to come and make comments. We are hoping everyone will be able to come and hear these kids. We are also planning an ECSU Day for the second week in March. The STA President from ECSU is going to make the presentation at our next Council meeting on the 28th. We want to support the Arts of the Albemarle.

8} CLOSED SESSION:

Mayor McLean called for a motion to retire into Closed Session.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to retire into Closed Session for discussion of possible acquisition of properties as per NCGS 143-318.11 (a) (5); consultation with the City Attorney as per NCGS 143-318.11 (a) (3); discussion of personnel matters as per NCGS 143-318.11 (a) (6) and consideration of Closed Session Minutes as per NCGS 143-318.10 (e). Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

9} RETURN TO REGULAR SESSION:

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to return to regular session of Council. Those voting in favor of the motion were: Stimatz, King, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

10} ITEM FROM CLOSED SESSION:

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to approve the Closed Session minutes as presented. Those voting in favor of the motion were: Stimatz, King, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

11} ADJOURNMENT:

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

A motion was made by Councilman R. E. King, seconded by Mayor Pro Tem L. A. Hummer to adjourn the meeting. Those voting in favor of the motion were: King, Hummer, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

Mayor McLean adjourned the meeting at 10:05 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor