

MONDAY-7:00 P.M.

MARCH 12, 2007

CITY COUNCIL

The City Council of the City of Elizabeth City held its first meeting of March 2007 on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor Pro Tem L. A. Hummer presiding and members J. M. Baker, M. E. Brooks, B. S. Meggs, E. K. Rivers, D. K. Stallings, J. A. Stimatz and J. B. Walton in attendance. Mayor C. L. Foster was absent. Staff attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Planning Director J. C. Brooks, Fire Chief W. C. Pritchard, Parks and Recreation Director J. D. Overman, Finance Director S. E. Blanchard, Public Utilities Director P. Fredette, Human Resource Director K. W. Felton, Interim Police Chief G. F. Koch and Electric Superintendent K. F. Clow.

Mayor Pro Tem L. A. Hummer opened the meeting and welcomed those attending. She called upon Reverend Mike Frese to give the invocation after which members of Girls Scout Troop 5220 and Boys Scout Troup 151 led the Pledge of Allegiance to the Flag of the United States of America.

1} APPROVAL OF THE AGENDA:

Mayor Pro Tem L. A. Hummer called for the approval of the prepared agenda.

Councilman D. K. Stallings asked to add, *Roanoke Avenue Drainage*.

Councilman M. E. Brooks asked to add, *Oxford Heights and Oak Grove*.

Councilman E. K. Rivers asked to add *Electric*.

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

2} APPROVAL OF MINUTES:

a} January 8, 2007 Regular Meeting

Mayor Pro Tem Hummer called for action regarding the minutes of the Regular Meeting held on January 8, 2007.

A motion was made by Councilman D. K. Stallings, seconded by Councilman E. K. Rivers to approve the minutes of the Regular Meeting held on January 8, 2007 as written. Those voting in favor of the motion were: Stallings, Rivers, Baker, Brooks, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.

b} January 22, 2007 Regular Meeting

Mayor Pro Tem Hummer called for action regarding the Regular Meeting held on January 22, 2007.

A motion was made by Councilman D. K. Stallings, seconded by Councilman M. E. Brooks to approve the minutes of the Regular Meeting held on January 22, 2007 as written. Those voting in favor of the motion were: Stallings, Brooks, Baker, Hummer, Meggs, Rivers, Stimatz and Walton. Against: None. Motion carried.

c} Joint City/County Meeting January 29, 2007

Mayor Pro Tem Hummer called for action regarding the Joint City/County meeting minutes that was held on January 29, 2007.

A motion was made by Councilwoman B. S. Meggs, seconded by Councilman D. K. Stallings to approve the minutes of the Joint City/County Meeting held on January 29, 2007 as written. Those voting in favor of the motion were: Meggs, Stallings, Baker, Brooks, Hummer, Rivers, Stimatz and Walton. Against: None. Motion carried.

d} February 26, 2007 Work Session Meeting

Mayor Pro Tem L. A. Hummer called for action regarding the minutes of the February 26, 2007 Work Session.

A motion was made by Councilman D. K. Stallings, seconded by Councilman E. K. Rivers to approve the February 26, 2007 Work Session minutes as presented. Those voting in favor of the motion were: Stallings, Rivers, Baker, Brooks, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.

e} February 26, 2007 Regular Meeting

Mayor Pro Tem Hummer called for action regarding the minutes of the Regular Meeting held on February 26, 2007.

A motion was made by Councilman E. K. Rivers, seconded by Councilwoman J. M. Baker to approve the minutes of February 26, 2007 with one minor correction. Those voting in favor of the motion were: Rivers, Baker, Brooks, Hummer, Meggs, Stallings, Stimatz and Walton. Against: None. Motion carried.

3} COMMENTS FROM THE PUBLIC:

Mayor Pro Tem Hummer asked Deputy Clerk White the number of persons signed up to speak. Upon a reply of five, Ms. White called Mr. Walt Stefanowich to the podium. Mr. Stefanowich spoke on behalf of the Pennsylvania Avenue Community Crime Watch. He feels that the proposed cameras will assist in alleviating some of the crimes in that area.

Keith Rivers was the next speaker and he spoke on behalf of the NAACP. He asked for a meeting with the City Council.

Ken Lamm and Janet Lamm spoke regarding 203 West Main Street and asked that Council consider their rezoning request.

Sandra Woods spoke on her opinion of the prepaid electric meters.

4} PROCLAMATIONS/RESOLUTIONS:

Mayor Pro Tem Hummer presented a proclamation to Girl Scout Troop 5220 proclaiming the week of March 11-17, 2007 as Girl Scouts Week. The Troop presented to members of the City Council a box of Girl Scout cookies.

5} CONSENT AGENDA:

Mayor Pro Tem Hummer asked the City Manager to read the Consent Agenda.

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

Consent Agenda:

- a} Adoption – Resolution calling for a public hearing for the financing for water and sewer improvements (\$2,000,000) to be held on Monday, March 26, 2007 beginning at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building and repealing Resolution #07-02-3.

**RESOLUTION #07-03-1
AUTHORIZING THE FILING OF AN APPLICATION FOR
APPROVAL OF A FINANCING AGREEMENT
AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the City of Elizabeth City, North Carolina desires to make water and sewer improvements to better serve the citizens of Elizabeth City; and

WHEREAS, the City of Elizabeth City desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, finding of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its finding of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Elizabeth City, North Carolina, meeting in regular session on the 12th day of February 2007 made the following findings of fact:

- 1} The proposed contract is necessary to provide water and sewer services to the customers of Elizabeth City.
- 2} The proposed contract is preferable to a bond issue for the same purpose because the cost to issue general obligation bonds would be greater.
- 3} The sums to fall due under the contract are adequate and not excessive for the proposed purpose based on engineer estimates.
- 4} The City of Elizabeth City's debt management procedures and policies are good because policies have been carried out in strict compliance with the law.
- 5} The City of Elizabeth City is not in default in any of its debt service obligations.

6} The attorney for the City of Elizabeth City has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

7} The probable net revenue of the Project to be financed will be sufficient to meet the sums to fall due under the proposed contract.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Finance Director is hereby authorized to act on behalf of the City of Elizabeth City in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

ADOPTED, this 26th day of February 2007.

Charles L. Foster
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

- b} Approved the execution of Contract Addendum with BRPH.
- c} Approved the execution of an Interlocal Agreement with the Airport Authority

End of Consent Agenda

6} PUBLIC HEARINGS:

- a} CDBG Action Plan:

Mayor Pro Tem Hummer called upon City Manager Olson for comments.

Mr. Olson stated that the public hearings on tonight's agenda are back before Council because of an error with the publications made by the Daily Advance. We now need to have the public hearings again.

Mayor Pro Tem Hummer declared the meeting into public hearing. She called upon Deputy White for anyone that has signed up to speak.

Ms. Jacquelyn Morris asked to present the budget for Year 5 of the Revitalization Grant. The budget that was presented at the last meeting was not the budget that the community had recommended to Mr. Mani. The Hugh Cale Community residents held a meeting on Thursday March 8, 2007 to discuss the use of Year 5 funds of the Hugh Cale Revitalization Grant. The following proposed budget was agreed upon.

\$80,000.00 - new construction

\$40,000.00 – acquisition of houses/land

\$70,000.00 – Rehab (possibly lead base paint testing/abatement-2)

\$90,000.00 – Resource Center construction

\$20,000.00 – Clearing/demolition (2-3) (2 being 501 Shepard Street & 703 MLK Jr. Drive)

\$25,000.00 – Public Service

\$25,000.00 - Administration

We are also seeking approval for year 4 balance of \$50,000.00 for use of rehabilitation.

Since no one else wished to speak for or against the proposed CDBG Action Plan, Mayor Pro Tem Hummer declared the public hearing closed.

City Manager Olson asked to advise just were we are on this item. As Council is aware we have had several public hearings. This is just the initial public hearing that is being held to gather public input. The next two public hearings are very specific to determine how the money will be used. On tonight's agenda, the next public hearing is an amendment to Year Five Budget Ordinance which is more of what Ms. Morris is speaking to and the item after that one is a public hearing for the approval of the Year Five Budget Ordinance itself. These are all stacked on top of one another because of the publication error. On the first one that we just heard there is no action taken on that particular one. That is where we just gather citizens input. The next two items we need official council action on.

b} Amendment to Year Five Action Plan Budget:

Mayor Pro Tem Hummer called upon Mr. Olson for comments.

Mr. Olson said that he is not going to discuss the merit of their proposal because they had their meeting on March 8th and this public hearing was originally held on February 26th.

Councilman Walton said that as a staff we do need to listen to what they say.

Mr. Olson said yes we have been to numerous meetings.

Councilman Rivers said that if we are to incorporate what they brought forth that will take place in the next item. We don't need to hear from Mr. Mani now as we need to hear from him when he presents what the City has already received what was presented by the community.

Mr. Olson said that we are disjointed because of the error in the publication and stuff. He called Vincent Mani to come forward and explain this particular item. This was the public hearing that was held on February 26th and we had already had at least two meetings with the Association prior to February 26th. Then he had discussions at the February 26th meeting concerning what City Staff brought forward to you.

Mr. Mani stated that in our neighborhood meeting the people asked us to look into the possibility of weatherization or emergency rehab activities. DCA rejected both activities. Then he told Ms. Simpson about that she said that they want to try to rehab the houses that are younger than 40 years or built after 1978. We looked into that and there are 40 houses in the Hugh Cale Neighborhood that are built after 1978. Only 8 of them are owner occupied with possibility of being rehabbed. We have \$50,000 as part of Year 4 grant which we can use for that rehab. We did not put any more money in the budget for additional rehab because what they are asking to do for rehab of \$70,000 and that is too much money for the rehab of eight houses that would possibly be able to rehab. We don't know yet how many would qualify. He received on Friday afternoon a letter from Mr. Raymond Rivers and a new budget which was presented to you tonight. \$80,000 for new construction, \$40,000 for acquisition of houses. \$70,000 for rehab which now this one says possibility of painting and abatement. So this one does not talk about houses that were built after 1978. This is talking about going back and doing houses that does contain base paint. The next one is \$90,000 for Resource Center, \$20,000 for clearing, \$25,000 for public service and \$25,000 for administration. This plan has several problems. One is \$80,000 for new construction. We need at least \$100,000 for new construction. We need to use a buffer in case something happens and then the City wouldn't have to pick up costs. We need to put \$100 or \$110,000 for new construction. The rehab again we are talking about lead base paint abatement. We cannot have lead paint abatement without relocation because a person cannot live in the house with lead paint abatement going on. The planning department is against doing any rehab that requires lead base paint abatement. Then it was mentioned \$20,000 for demolition for two houses and that is not enough. You need at least \$13,500 per property. This budget as it is cannot work because

of the lead base paint and the new construction and would need more for demolition.

Councilman Rivers stated that last week he had a house torn down. The Pasquotank Landfill bill and everything cost \$3,846.50. He realizes that every house is different. The house that he demolished was probably one of the largest houses in that block. Then based off the new rules of construction right now, it is \$80 a square foot to build. It depends on the upgrades and it could go up to \$90. We just want to make sure that we are not giving Council persuasive information saying that \$80,000 is not enough and we need to make sure that we give everyone correct information. If you have a 1000 square foot house, \$80,000 is accurate. He just wants to make sure that we don't give incorrect information.

Councilman Stimatz said that you based your estimate on work that has been done for the City in the past.

Mr. Mani stated that is correct.

Mr. Stimatz asked if there was extra precaution that has to be taken when there is evident of lead base paint.

Mr. Mani said that is also correct.

Councilman Walton stated that what he was alluding to earlier and he thinks that it is very important and that is did you communicate with the Hugh Cale residents.

Mr. Mani said that yes. He expressed the rejection that the State made when he presented them the request from the residents. He was told he was to look into possibly looking into other younger houses. We looked into that and he didn't have time to inform the community about that. On Friday he received the third proposed budget which is this one before you tonight. Before he had time to tell them that we need to rehab houses built after 1978 he received the third proposal which we are looking at right now.

Mr. Walton said that he thinks that people should get together. You can fax things. As small as Elizabeth City is people need to ride and communicate with one another. He thinks that if this was communicated properly Ms. Morris would not have had to come up here to the microphone and explain something to us. If there is collaboration between two or more groups that is when you come up with one set of numbers that you can present. He is seeing two sets of numbers.

Mr. Olson stated that he thinks that this gets back to the publication error. The City Council has already approved the numbers that you have in front of you right now. You approved those at the February 26th meeting. That is what he brought back to you tonight at your public hearing. Since then there has been another community meeting where these numbers have changed again. We have had at least two meetings that he attended before the February 26th meeting and we did what the neighborhood wanted us to do and we contacted DCA to see if we could do certain things that they wanted done. The problem that we are having is the lead bases paint abatement procedures and it makes it very hard for us to go ahead and do any rehab in that neighborhood.

Mr. Walton said between February 12th and March 12th there should have been some meetings between two parties. He is not saying meeting but meetings. Two is not many if you are going to try to come up with one set of numbers.

Mr. Olson said that this is what City Council has already approved at your February 26th meeting. There was a publication error only. There was no error in the numbers. What City staff did is that we brought back to you what you had already approved. If Council wants to change it then that is fine.

Mr. Walton said that we need to have one set of numbers and that should be brought forward by Mr. Mani with input from the community.

Mr. Rivers stated that he attended one of the community meetings. He thought that when they talked about the weatherization and stated that it did not work that they would get back together and come back up with a set of what we are talking about now. He thinks that is what Ms. Morris made mentioned to when she started her speech. Council, once again, we asked for the community to meet and come up with what they felt and he thinks that Mr. Mani needs to get together and if the demolition is not enough to get with the community. Ms. Morris and other representatives know that way if \$13,000 is what is being allocated let them. That way they can see what is being done. He is with Councilman Walton, we are looking at two sets of numbers and when we are dealing with two sets of numbers he is under the same impression. He thought that we would get one set of numbers and say this is what we presented and here is what we would like to have and then we would go forth with the allocation of funds in that particular way. Due to the error in the newspaper you know the Lord works in mysterious ways. Do we have to approve this tonight? He knows that we need the \$90,000.

Mr. Olson said that as he reminded the Council at the previous meeting we need to have this grant of Year 4 and Year 5 monies spent by December 1 of this coming year. That way we can apply for additional grants from DCA. If we do not spend the money by December 1, basically we are not going to be able to

apply for any additional funding. The question that the Council has to think of is can you have a new house built by December 1st. Can you have these other homes rehab by December 1st? That is what we just brought up at the meeting that we had with the residents. We have concerns based on the time frame that we have imposed that is going to be an issue.

Mr. Rivers said that if we accept their budget and then in August we see that we need to amend it then we can take those funds and switch them to demolition or acquisition because those are already categories that are established.

Mr. Olson said that in Year Two we dumped a lot of money in acquisition and demolition so we could expend the money so that we would not lose it. The only concerns that he has personally is can you get a home built by December 1st if you start on it April 1st. You need to have it under construction by May 1st if you want to get it done by December 1st.

Mr. Walton said that he is not trying to play hardball in that he doesn't have to convince him but the community and their agency that is in charge of the City's part of it need to get together and come up with one set of numbers. Convince them that you can't do it. We don't need to hear this every time you come up with a budget. You need to work things out and then bring us one set of numbers.

Mr. Stimatz said that what he is hearing is that once we have this done by December we can apply for additional funds which can also be used for things that the community would like done.

Mr. Olson stated that it could also be used for other communities within the City also. We have spent \$1.5 million in the Hugh Cale Community and maybe the Council would want to look at another part of town where we have additional needs also. That is a decision that this body would need to look at.

c} Approval of the Year Five Budget Ordinance for the Hugh Cale Revitalization

Mayor Pro Tem Hummer declared the meeting into public hearing for consideration of the Year Five Budget Ordinance for the Hugh Cale Revitalization project. Since no one was present that wished to speak for or against the proposed ordinance, Mayor Pro Tem Hummer declared the public hearing closed.

Mr. Olson stated that based on the previous discussion we need to know what directions you want to give staff. Two public hearings we just had dealt directly with specific dollar amounts for budget. Is it the Council's desire to go ahead and make modifications to the amended Year Five and the actual budget

ordinance for Year Five? Is that your desire? Staff has provided you a set of numbers and there has been a lot of discussion tonight concerning maybe looking at the information that was provided during the March 8th meeting of the Hugh Cale Community. What direction do you want to give staff? Staff's only concern is to get this document approved and to DCA so that they can pay some bills that we owe money on.

A motion was made by Councilman D. L. Stallings, seconded by Councilman J. B. Walton to table this item until all parties can get together and work out one set of numbers of the Budget for Year Five. Those voting in favor of the motion were: Stallings, Walton, Brooks, Hummer, Meggs, Rivers and Stimatz. Against: Baker. Motion carried.

d} Approved Petition for Voluntary Annexation of 27.32 acres located 1200' west of the centerline of Halstead Boulevard and owned by 2-Invest, LLC.

Mayor Pro Tem Hummer called upon City Manager R. C. Olson for comments.

Mr. Olson advised that the City Council has already approved this voluntary annexation but due to an advertising error by the Daily Advance the Public Hearing has to be held again.

Mayor Pro Tem Hummer declared the meeting into public hearing. Since no one wished to speak for or against the proposed voluntary annexation, Mayor Pro Tem Hummer declared the public hearing closed.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman B. S. Meggs to adopt the following ordinance incorporating 27.32 acres located 1200' west of the centerline of Halstead Boulevard and owned by 2-Invest, LLC into the corporate limits of the City of Elizabeth City an effective date of April 1, 2007 and repeal Ordinance 07-02-1. Those voting in favor of the motion were: Stimatz, Meggs, Baker, Brooks, Hummer, Rivers, Stallings and Walton. Against: None. Motion carried.

**ORDINANCE #07-03-1
TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF ELIZABETH CITY, NORTH CAROLINA
2-INVEST, LLC
27.32 ACRES 1200 FEET WEST OF HALSTEAD BOULEVARD**

WHEREAS, the City Council has been petitioned under G. S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has by resolution directed the City Clerk to cause to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:30 p.m. on the 12th day of March 2007 after due notice by publication on the 2nd and 4th days of March 2007; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended;

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

SECTION 1. By virtue of the authority granted by G. S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the City of Elizabeth City as of the April 1, 2007:

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

BEGINNING at a found iron pipe, the northeastern corner of lot number 5 as shown on a plat or map recorded at Map Book 10, page 7 of the Pasquotank County Registry: thence S 35° 08' 47" W 56.80 feet to a point at the head of a ditch; thence S 35° 45' 07" W 190.77 feet with and along the center of a ditch to a point; thence S 35° 36' 34" W 301.04 feet with and along the center of a ditch to a point; thence S 35° 40' 31" W 458.60 feet with and along the center of a ditch to a point; thence S 35° 38' 27" W 356.98 feet with and along the center of a ditch to a point at the end of a ditch; thence S 35° 38' 27" W 102.21 feet to a new witness iron rebar set on the northern bank of the canal; thence S 35° 38' 27" W 12.90 feet to a point in the center of the canal: thence N 86° 56' 54" W 179.73 feet with and along the center of the canal to a point; thence N 78° 53' 03" W 40.08 feet with and along the center of the canal to a point; thence N 66° 38' 15" W 68.32 feet with and along the center of the canal to a point; thence N 55° 25' 49" W 108.89 feet with and along the center of the canal to a point; thence N 51° 24' 15" W 161.93 feet with and along the center of the canal to a point; thence N 49° 19' 03" W

140.81 feet with and along the center of the canal to a point; thence N 30° 16' 13" W 87.91 feet with and along the center of the canal to a point; thence leaving the canal N 35° 40' 31" E 13.60 feet to a new witness iron rebar set on the northern bank of the canal; thence continuing N 35° 40' 31" E 138.91 feet to a point at the end of the ditch; thence N 36° 08' 50" E 37.04 feet with and along the center of a ditch to a point; thence N 35° 40' 31" E 469.08 feet with and along the center of a ditch to a point; thence N 35° 35' 27" E 517.38 feet with and along the center of a ditch to a point; thence N 35° 31' 28" E 289.46 feet with and along the center of a ditch to a point; thence N 35° 48' 31" E 342.43 feet with and along the center of a ditch to a point at the head of a ditch; thence N 35° 17' 30" E 31.44 feet to a found iron pipe on the southwestern bank of a ditch; thence S 42° 40' 38" E 51.14 feet to an existing found iron pipe in the center of a ditch; thence S 08° 35' 00" E 656.98 feet to an existing iron rebar found; thence N 86° 15' 34" E 306.58 feet to a point of beginning, containing 27.320 acres, plus or minus.

SECTION 2. Upon and after the 1st day of April 2007, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Elizabeth City and shall be entitled to the same privileges and benefits as other parts of the City of Elizabeth City. Said territory shall be subject to municipal taxes according to G. S. 160A-58.10.

SECTION 3. The Mayor of the City of Elizabeth City shall cause to be recorded in the office of the Register of Deeds of Pasquotank County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G. S. 163-288.1.

ADOPTED this the 12th day of March 2007.

Charles L. Foster
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

e} Approved Petition for Voluntary Annexation of 10.71 acres located adjacent to River Road and owned by Bay Island Residential, LLC.

Mayor Pro Tem Hummer called upon City Manager R. C. Olson for comments.

Mr. Olson advised that the City Council has already approved this voluntary annexation but due to an advertising error by the Daily Advance the Public Hearing has to be held again.

Mayor Pro Tem Hummer declared the meeting into public hearing. Since no one wished to speak for or against the proposed voluntary annexation, Mayor Pro Tem Hummer declared the public hearing closed.

A motion was made by Councilwoman B. S. Meggs, seconded by Councilman J. A. Stimatz to adopt the following ordinance incorporating 10.71 acres located adjacent to River Road and owned by Bay Island Residential, LLC into the corporate limits of the City of Elizabeth City an effective date of April 1, 2007 and repeal Ordinance 07-02-2. Those voting in favor of the motion were: Meggs, Stimatz, Baker, Brooks, Hummer, Rivers, Stallings and Walton. Against: None. Motion carried.

**ORDINANCE #07-03-2
TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF ELIZABETH CITY, NORTH CAROLINA
BAY ISLAND RESIDENTIAL, LLC (1)
10.71± ACRES ADJACENT TO RIVER ROAD**

WHEREAS, the City Council has been petitioned under G. S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has by resolution directed the City Clerk to cause to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:30 p.m. on the 12th of March 2007 after due notice by publication on the 2nd and 4th days of March 2007; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended;

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

SECTION 1. By virtue of the authority granted by G. S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the City of Elizabeth City as of the April 1, 2007:

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

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

30' 42" E 152.35 feet and along the southern line of lot 50 of the above reference subdivision to an iron rebar; thence N 30° 21' 57" E 137.53 feet with and along the eastern line of lot 49 of the above referenced subdivision to a point; thence S 62° 26' 15" E 69.48 feet to an iron rebar; thence S 15° 40' 03" W 873.74 feet to the true point of beginning, containing 10.71 acres, plus or minus.

SECTION 2. Upon and after the 1st day of April, 2007, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Elizabeth City and shall be entitled to the same privileges and benefits as other parts of the City of Elizabeth City. Said territory shall be subject to municipal taxes according to G. S. 160A-58.10.

SECTION 3. The Mayor of the City of Elizabeth City shall cause to be recorded in the office of the Register of Deeds of Pasquotank County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G. S. 163-288.1.

ADOPTED this the 12th day of March 2007

Charles L. Foster
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

f} Approved Petition for Voluntary Annexation of 19.52 acres located adjacent to Savin Road and owned by Don Williams-Savin Woods.

Mayor Pro Tem Hummer called upon City Manager R. C. Olson for comments.

Mr. Olson advised that the City Council has already approved this voluntary annexation but due to an advertising error by the Daily Advance the Public Hearing has to be held again.

Mayor Pro Tem Hummer declared the meeting into public hearing. Since no one wished to speak for or against the proposed voluntary annexation, Mayor Pro Tem Hummer declared the public hearing closed.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to adopt the following ordinance incorporating 19.52 acres located adjacent to Savin Road and owned by Don Williams-Savin Woods into the corporate limits of the City of Elizabeth City an effective date of April 1, 2007 and repeal Ordinance 07-02-3. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Hummer, Meggs, Rivers, Stallings and Walton. Against: None. Motion carried.

**ORDINANCE #07-03-3
TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF ELIZABETH CITY, NORTH CAROLINA
DON WILLIAMS – SAVIN WOODS
19.52± ACRES ADJACENT TO SAVIN ROAD**

WHEREAS, the City Council has been petitioned under G. S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has by resolution directed the City Clerk to cause to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:30 p.m. on the 12th day of March 2007 after due notice by publication on the 2nd and 4th days of March 2007; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended;

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

SECTION 1. By virtue of the authority granted by G. S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the City of Elizabeth City as of the April 1, 2007:

Lying and being a tract of land south of the southern line of Magnolia Woods as shown on a plat recorded in Plat Book 32, Page 4 of the

Pasquotank County Registry and north of and contiguous to Savin Road and approximately 2400 feet east of Savin Road in Mount Herman Township, Pasquotank County, North Carolina and being more particularly described as follows:

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

SECTION 2. Upon and after the 1st day of April 2007, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Elizabeth City and shall be entitled to the same privileges and benefits as other parts of the City of Elizabeth City. Said territory shall be subject to municipal taxes according to G. S. 160A-58.10.

SECTION 3. The Mayor of the City of Elizabeth City shall cause to be recorded in the office of the Register of Deeds of Pasquotank County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G. S. 163-288.1.

ADOPTED this the 12th day of March 2007.

Charles L. Foster
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

7} REGULAR AGENDA:

a} Application RZ-13-06:

Mayor Pro Tem Hummer called upon City Manager Olson for comments.

Mr. Olson stated that this particular item, RZ-13-06, you had a public hearing on at your last meeting. Councilman Stallings requested that this item be placed on tonight's agenda. City Council needs to take official action on this tonight.

A motion was made by Councilman D. K. Stallings, seconded by Councilwoman B. S. Meggs to place on the table for reconsideration Application RZ-13-06. Those voting in favor of the motion were: Stallings, Meggs, Baker, Brooks, Hummer, Rivers, Stimatz and Walton. Against: None. Motion carried.

Councilman Stimatz stated that he wanted to point out a couple of things. Staff in their recommendation talked about the fact that the dwelling is located in between two commercial parking lots. They talked about the property on the north and south being zoned residential. In fact the property to the north is a complete commercial building and the other is a multi-family apartment dwelling. Then diagonally across the street is another commercial entity. If you look directly south of the Baptist Church's parking lot, is another parking lot that is being used by the Methodists, which in essence has turned into a commercial lot. That is one of the things that they brought up when they talk about this particular property being in downtown mixed use. That is different than the Central Business District. It is not prohibited as it is in line with the Land Use Plan. If you really look at the area it has really changed. It is no longer a residential community. Those two church parking lots are commercial because more than just church people are utilizing both of the parking lots. He feels that Ms. Lamm spoke very well when she told us that this is not a home that you would want to raise children in because you are surrounded by commercial properties. It has lost its residential charm.

Councilwoman Meggs stated that she wanted to second what Mr. Stimatz is saying. On page 8 of 9 of the Planning Commission minutes, Ms. Linda Etheridge made the statement that she would much rather see that this house be used than the house to be subsidized into five or six apartments. Over on Church Street that is what has happened to two or three of those older homes and it is not very pleasant to look at when you ride by. This is what she is afraid will happen if we don't go ahead and put it in the hands of someone that is going to improve it and make a contribution to the City rather than taking away from the City.

Councilman Rivers stated that he has no problem with changing the rezoning. Can we issue them a Conditional Use Permit if a super majority is not obtained tonight?

Mr. Olson replied no because we do not have that mechanism yet in our UDO. We can either approve what you have in front of you or deny it.

A motion was made by Councilman E. K. Rivers, seconded by Councilman D. K. Stallings to approve the Rezoning Request R-13-06 for 203 West Main Street from R-8 Historic Residential Zoning to CB, Central Business District. Those voting in favor of the motion were: Rivers, Stallings, Baker, Brooks, Meggs, Stimatz and Walton. Against: Hummer. Motion carried.

b} Resolution supporting adoption of HB274-Street Gang Prevention Act.

Mayor Pro Tem Hummer called upon City Manager Olson for comments. Mr. Olson stated that House Bill 274 is known as the "Street Gang Prevention Act" is currently making its way through the General Assembly for possible ratification during the 2007-2008 Session. In view of the fact that street gang issues have recently become a major concern for Elizabeth City, it has been suggested that the City Council consider adopting the following resolution supporting the adoption of House Bill 274.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to adopt the following Resolution supporting House Bill 274. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Hummer, Meggs, Rivers, Stallings and Walton. Against: None. Motion carried.

**Resolution #07-03-2
SUPPORTING THE ADOPTION OF
HOUSE BILL 274-STREET GANG PREVENTION ACT**

WHEREAS, currently under consideration by the North Carolina General Assembly is House Bill 274 known as the "Street Gang Prevention Act"; and

WHEREAS, the issue of street gang prevention/intervention is a major concern of the citizens of the City of Elizabeth City; and

WHEREAS, efforts to combat local gang issues would be enhanced greatly by a State Law addressing this important issue,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Elizabeth City, that Elizabeth City supports the adoption of House Bill 274 and encourages the North Carolina General Assembly to enact this legislation during its 2007-2008 Session.

ADOPTED, this the 12th day of March 2007.

Charles L. Foster
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

c} Preliminary Subdivision Plat SUB-07-06.

Mayor Pro Tem Hummer called upon Planning Director J. C. Brooks for comments.

Planning Director J. C. Brooks stated that the owners of this property are seeking Preliminary Plat approval for 293 single family lots through the major subdivision process. This is the first cluster sub-division the city has processed. The cluster style subdivision requires that 15% of the total development area be a dedicated common area and open space. The project will be dedicating 17.9% or 26.8 acres of open space. The development is proposing an overall density of 2 dwellings units per acre. Approximately 70% if the site is to be developed as a cluster development that allows the R-10 standards to be incorporated into the design. The cluster lots range from approximately 10,000 square feet to 14,300 square feet with a typical lot side of about 10,200 square feet. The remaining 30% of the site is developed under the R-15 standards with lot sizes ranging

from approximately 115,100 square feet to 22,400 square feet with a typical size of about 15,500 square feet. The Planning Commission is recommending approval of this preliminary plat.

Mayor Pro Tem Hummer stated that the sewer and electric utilities will be provided by the City so we would be receiving the revenue from those two.

Mr. Stimatz said that he noted in the discussion that the Planning Commission questioned what the School Board had to say. Did they ever get an answer back from the School Board?

Mr. Olson stated that we provided all information on proposed areas and it show that there is need to build two elementary schools and one elementary school. This is based on everything that we have to be developed both City and County. They have determined the number of school kids that they anticipate coming from those areas and they believe that will be their future building needs.

Mr. Stimatz asked what was the return on the City's investment in this property. There is no electric impact fee so this money would have to come out of the pockets of the City. If we are going to front \$4 million for five years and it takes us twenty years to get our money back that is not a good investment. That is why I asked you to fill in the spreadsheet of information about the proposed list of subdivisions you provided. I want to be on the record for asking for this information.

Mayor Pro Tem Hummer said that she would like to know about fire and police services. How much can we provide? She would also like for Mr. Olson to explain the sewer service.

Mr. Olson replied that this particular subdivision would be tying directly in the 12' force main. That will be serviced by a pump station that will service this area. The sewer line will be coming from that lift station and tying into the force main. Water will be most likely provided by the County via a master meter. It will be at least a year before you have people living within this subdivision and we have had some preliminary discussions on the phases of that. It is something that we are looking at in the budget and we are looking at including additional police officers.

Mr. Brooks said that we will have something in place where we will have enough officers to cover this area. His concern is that Elizabeth City has been short police officers for years now. That is part of the problem going on in Pennsylvania and Sawyertown. We need to make sure that we will have the number of police officers that we will need. We have a year to get to that point.

Mr. Rivers asked the time frame of when they will be building the first house.

Ms. Brooks said approximately twelve to eighteen months.

Mr. Stallings asked where all the water would be dumped for it to run downstream. Would it be running toward Oxford Heights?

Mr. Scott Davis stated that the water would be going toward Knobbs Creek. It would be going through a series of Stormwater management ponds. He then discussed the master plan for the Stormwater.

Mayor Pro Tem Hummer said that she has a huge concern with drainage. You can't possibly tell what course nature is going to pick or if those retention ponds will be kept up by the Homeowners Association. Just to say Oxford Heights scares her to death. She realizes that we have a master drainage plan but she also has concerns that Mr. Stimatz had a good point that in the 1998 annexation, we were told by staff that it would be forty-two years before we would realize any revenue. We are going to deplete our electric fund and have to raise electric rates. We have already been told that. She knows that we have to grow but we also need to make plans on these two. How far can we go in the beginning? The bottom has just about fell out of the housing market and a lot of people are wondering what is going to happen there. Even out at Pelican Pointe the houses are not selling as good as they were.

Following additional discussion,

A motion was made by Councilman E. K. Rivers, seconded by Councilman J. A. Stimatz to approve the preliminary subdivision plat (SUB-07-06) submitted by Tanglewood SF LLC with the following conditions:

- 1} Final utility CAD drawings shall be e-mailed to Progressive Engineering Inc.***
- 2} Submit (3) sets of final utility construction plans and (3) - 8½" x 11" copies to the Electric Department***
- 3} The road improvements for Scarlet Oak Drive shall end at approximately Station 4001+50 just before the storm drain culvert. A cash payment or bond shall be posted for the improvements from this point to the tract boundary;***
- 4} Fulfillment of all conditions from the TRC review.***
- 5} Prior to Final Plat recordation;***
 - a} An off-site sanitary sewer easement shall be dedicated from Tanglewood Avenue across Centre Green Parkway to the pump station;***

b} The wastewater pump station design and construction shall be completed and accepted by the City and the State.

Those voting in favor of the motion were: Rivers, Stimatz, Baker, Brooks, Meggs, Stallings and Walton. Against: Hummer. Motion carried.

d} Mobile Police Sub-station

Mayor Pro Tem Hummer called upon City Manager Olson for comments.

Mr. Olson stated that at the February 12th Council meeting a request was made to bring back the implementation of obtaining mobile police sub-stations and positioning them in the Pennsylvania and Sawyertown communities. He called upon Interim Police Chief G. F. Koch for further comments.

Chief Koch advised that the Police Department has identified three viable solutions to introducing mobile police substations into the Pennsylvania and Sawyertown communities. They are as follows:

1} The Police Department has identified a local business that will manufacture a new wooden structure 12' x 14' mounted on skids for under \$5,000 per unit. A structure of these dimensions would provide adequate space for working conditions; however, current state building codes may restrict the use of the units as they may not be able to secure properly. An additional \$2000 per unit would be required to finish the interior and install heating and air conditioning and office equipment.

2} The Police Department could purchase a mobile enclosed trailer that is equipped with heating and air conditioning for under \$10,000 which could be transported throughout the community and used for other functions and emergencies. Since this would be an enclosed mobile trailer and attached to a motor vehicle or temporarily set up at a location, the state building requirements would not apply. An additional \$1,000 would be required for office equipment and equipment to set the mobile center up on a temporary basis.

3} The Police Department could request that Blackwell Church build a permanent office on their parking lot with a portion of it designated for police use.

It is staff's recommendation that Option 2 or either request City Council to provide staff with further direction.

Following a lengthy discussion among members of Council, it was the consensus that staff goes back and revisit this issue, take it back to the community and bring it back to the City Council in 30-days for further consideration.

e} Roanoke Avenue:

Mayor Pro Tem Hummer called upon Councilman Stallings for comments.

Mr. Stallings asked Mr. Olson where we were on Roanoke Avenue.

Mr. Olson replied that he had a meeting about ten days ago with Gretchen and we asked that they include Roanoke Avenue in the TIP for next year. We also have a meeting the last week in March with Anthony Roper, the District Engineer. We will reiterate that to him as well. It is his understanding that it will be included in next DOT Fiscal Year's Budget which means that the project may not get done until a year from now.

Mr. Rivers asked when we know that the funds are coming in could we do the work and allow them to reimburse us.

Mr. Olson said that is what we have done on Southern Avenue and that is a half million dollars loan that we are giving the state. He does not think that the City is financially able to do another one until we get Southern Avenue taken care of. Once Southern Avenue is complete we can discuss Roanoke Avenue with DOT. On the work session on March 26th we will be discussion with you drainage along Roanoke Avenue.

Councilman Brooks stated that he thinks that the fear is for the people on Roanoke is that Southern Avenue has been like it was for so long that it is almost like it has always been like that. But, the fear of the people on Roanoke is they don't want it to be prolonged as long as Southern Avenue has been done. Ten, twelve years that Southern Avenue has been like that and he doesn't want to get that year down the road and all of a sudden it is in the next year, etc. He is glad that Councilman Stallings brought it up. When you get down by P. W. Moore Elementary School and by the Social Service it is whole different area and it is like you are on two different parts of a community and it is all the same. He understands the concerns of the residents and also understands why Councilman Stallings brought it up.

Councilman Rivers said at the corner of Walker, Roanoke Avenue, Brooks Avenue we need to have the city crews go out and fix those pot holes.

f} Oxford Heights and Oak Grove:

Mayor Pro Tem Hummer called upon Councilman Brooks for comments.

Mr. Brooks stated he put Oxford Heights on the agenda and he will probably continue to do so. At our last meeting we talked about opening up the emergency gate in the back. He did quote the City Ordinance on what we could do and he was thinking that DOT would have a lot in determining but DOT only plays a part as he read the ordinance, the Mayor has within his power to do a directive as far as an evacuation plan. The City Manager has been asked to provide a plan within 30-days so when that area happens to flood or whatever again there will be a plan in place. He would like to know the progress on that plan.

Mr. Olson stated that he has a draft plan on his desk right now. We will be meeting with NCDOT to discuss any operational issues within the next ten days.

Mr. Brooks said that he knows that they talked about that back gate that there sometimes water stands back there also when it rises and when it comes into the entrance by the bridge. He will bring this up as many times as he feels that it is necessary as we know there is a problem. We know there is a drainage problem and we know that water in high land areas like Adams Landing is flowing back into the swamp and causing the water to flood the area more frequently. We know that they might have to build up the area in order to get onto the cross way. In a time of emergencies you might have the police to direct traffic and he is sure once they go out they will not be able to go back in if the situation is dire enough that they have to leave. Those residents have a very unique situation because even if they wanted to sell their homes, we understand those that know of the situation of the flooding and the water going in, he wouldn't buy a home if he knew that.

Ms. Baker stated that she has a couple items on the Oxford Heights and Oak Grove areas. Mr. Stimatz shared with us his emergency egress plan and she thought that it was pretty interesting. She hopes that is part of what Rich is taking into consideration. Also, with regard to Oak Grove she understands there is a meeting tomorrow. Is that the meeting we asked for with the City Attorney? Will it also include the coalition group?

Mr. Olson replied that yes it was. The meeting will be with the City Attorney, himself and their attorneys? This is a meeting that the Land Conservation people requested of us to discuss issues.

Ms. Baker continued by asking when were we going to have the meeting that they asked for a few months ago. She thought that might be part of this.

Mr. Olson stated that the staff is very frustrated because we have had four or five meetings in the last eighteen months with individuals in Oak Grove. Where we left it after our last meeting which is probably six months ago is that they decided to go ahead and put the Stormwater drainage pipes within the system. Now we are trying to get DOT to pay a percentage of the cost of that. We already have direction from the community on what they want to do. We are just trying to find the funding sources to make that a reality right now.

Councilman Stallings asked where the water would be piped out of Oak Grove.

Mr. Olson replied that it was going to end up going into Charles Creek.

Mr. Stallings asked while he was looking at that, can he look at Oxford Heights.

Mr. Olson replied that you cannot do it. You have swamp verses drainage area. You can't do that with Oxford Heights. As he has said every time he has met with the Oxford Heights residents there is very little that we can do for them. He can't hold back the water. The water is going to come.

Mr. Brooks said that we can get that back exit gate open to at least look after their welfare and safety.

Mr. Olson said that we will present a plan to DOT and have discussions with them. But, NCDOT has the final say so on whether or not that gate is open.

Mr. Brooks said that according to our Ordinance, the Mayor can give us an evacuation plan. That means DOT can say ok your evacuation plan is fine but we are not going to listen to it.

Mr. Olson said that the State takes precedent over any City's evacuation plan under the National Disaster Act.

Mr. Brooks said then if someone gets over there and drowns or gets bitten by a snake and can't get out, who does the residents sue, the State? That is a lawsuit waiting to happen. It is known about and we talk about it every time we meet and you are telling me that we have a rule going. You are telling me that if something happens to one of those residents and in our ordinance it says the Mayor can do an evacuation plan so if he does an evacuation plan, the state can still say it doesn't mean anything. So if one of those residents gets hurt because of the situation that we have known about for a year, does that mean that they have no recourse.

Mr. Olson stated that the only thing that he is advising the Council of is what is the requirement under the State and Federal Emergency Management Acts.

There is a pecking order of what has to be followed. We do have the right to do emergency evacuation, but when we basically utilize another entity such as NCDOT we must meet and confer and get their approval before we can do that. That is part of the Incident Command Training that Chief Pritchard teaches. That is part of your ISO 700, 100 and 200 classes. The power that the Mayor gets is derived from the governor's declaration.

Mr. Brooks said then our ordinances don't mean anything. He is listening to the relic and it is real simple. We can get all these brains storming and people going in there and got all this great power and authority, but it boils down to what are we going to do to help the people. We can play Russian roulette but what are we going to do to help the people.

Mr. Walton said that he would like to piggyback on that. In New Orleans they blamed the Mayor for not moving fast enough. They blamed him for not moving fast enough. So, we need to give the Mayor the confidence that we are supporting what ever move he makes in an emergency situation. We need to clear this up.

Mr. Brooks said that he is not talking about if the Mayor moves fast enough or not as he is not dumping all that weight on him. But what happens is that he does understand that according to the ordinance, he can give an evacuation plan. He understands the chain of command as he is a military man. He knows that once he gives his evacuation plan he will have to get with DOT for them to say whether it is a go or a no go. He wants to know how he knows to help them sue. It is kind of crazy for us to know exactly what they are facing over there. They can't sell their homes because they are waiting for the next big flood. They can't get out if there is a big flood and you have these people in a box. We are going to tell them that there is nothing that we can do for them because there is a chain of command to follow. He knows that there is a legal recourse and that is the last thing that we want to do to get hung up in a legal recourse. All they have to do is go back and read the ordinances. We know about it, so we are going to let those people suffer. We can't sit back and do that.

Mr. Olson said not to debate the issue as it has been going on long enough, but the City inherits certain liabilities. What happen if someone uses our emergency plan and gets broadsided or gets killed by someone coming down Halstead?

Mr. Brooks asked didn't we have capable police officers that can at least direct traffic. You keep throwing these things in there. If we have got police officers that can't even direct traffic he can understand the problem that Sawyertown and Pennsylvania are having.

Councilman Rivers asked about the dredging of the ditching in Oak Grove. That has taken place and now we can move forward on other issues.

g} Oak Grove

Councilman Stimatz questioned how the two houses in Oak Grove got built. Did they have inspections? Is there a standard for streets?

Mr. Olson said that they do have street access. The issue is who is going to improve the streets to get back to those two lots. There is a paper street back there that goes back to the end of the property.

Mr. Brooks stated that when he first got on Council we talked about streets inside the city that needs to be paved. That is when it was first brought before Council. Pinewood is considered a paper street. He remembers vividly that Councilman Rivers had some rocks put back there. That is the extension of the road where those two houses are.

Mr. Rivers said that was a temporary solution until we passed all streets in the City were to be paved. That is when the City found out that the State owns the street. Last week we put it back on the agenda that regardless if we find out it is a state street we need to pave up to the existing house that is back there. If the developer wants to pay for the existing or the City takes care of from point A to Point B that is fine. If not, we are going to have to fund that out of this budget coming up. Those residents are paying taxes back there. He is not including the two new houses because those two houses were built after what they saw. He is concerned about that one house that has been there for about ten years and they have the right to have their street paved and let the City pay for it.

Mr. Brooks said that it appears to him that once the City okays the building permit that we should take care of the streets. We don't need to keep annexing areas if we can't provide services for them. Oak Grove has been screaming for services for as long as Southern Avenue has been broken. We can do better than that.

Councilman Stimatz said that he will take exception to what Councilman Rivers characterized as the goal of the City to pave all of the City streets. That goal was to pave all of the City streets that are city streets in fact. It wasn't to pave everything out there that we don't own. When you start looking at paper streets that are not even DOT roads then you are going to open up a Pandora Box. The developers are responsible for the streets.

Mr. Olson said that what City Staff has maintained when we are dealing with the property owners we will be happy to basically have the property owners put the roads in and then we will accept them and maintain them as we would any other subdivision. Realizing that is going to be hard because of all the ownership issues out there we can easily form a benefit district out there put the roads in and accesses the property owners for those roads.

Mr. Brooks said that if you let the builder know that they are responsible for that before they build then he thinks that would take the responsibility off the city. He agrees with that. If you tell that builder when they build those homes there that they are responsible for the roads. Then it is their choice whether they build or not.

g} Electric

Mayor Pro Tem Hummer called upon Councilman Rivers for comments.

Mr. Rivers stated that it is a crying shame that persons receive \$600 and \$700 electric bills and we are proposing a 10% increase. Council it is up to us when we go into budget sessions that if you have extensions which I am sure everyone has had an extension within the last two or three months that had an electric bill that high. Right before he came to tonight's meeting he had a young lady come to him and she has a family of three and her electric bill was \$696.00. That is outrageous. How can we even think about going into this budget and raise the electric bills. We have to absorb. We have to do all that we can to not pass on this 10% increase in the electric bills. He can't afford it. Now some of you probably make more money than he does and you might be able to afford it. But, we cannot pass that on to the majority of the citizens that cannot afford it. It is hurting. This is the first time that he has seen electric bills that high. We were just talking about the fact that we have had a mild winter. He is at a lost of words. He is glad that the weather has changed a little. We need to look at what we are talking about as keeping a cap in our electric reserves. We have to look at this and determine if we can pass on this increase. With electric bills like that they are going to lose their homes. He thinks that we need to encourage going down on our reserves. We can't have those electric bills like that. We cannot have electric rates like the citizens have received within the last few months.

Mayor Pro Tem Hummer said that since you brought up the subject of electricity she feels the necessity to explain an item that the public has a misconception that it is going to come out of our electric fund and that is the cameras. Not one time did council ever vote to take the cameras out of the electric fund and raise electric rates? According to the minutes that were approved tonight we had earmarked \$200,000 for that particular project and we gave the City Manager

direction to start researching. She made a motion to authorize staff to enter into negotiations with ADT Securities. Again, Mr. Olson said that Council had authorized \$200,000 and if that package comes back at \$235,000 staff would have to come back and look some place else. We are still not talking about our electric fund. None of us ever talked about our electric fund. Mr. Rivers tried to get an answer about whether we were giving the Manager direction to make the deal as our City Charter says. Mr. Olson kept replying that he needed to get direction from Council. Mr. Rivers asked her if the Manager gets ADT down under \$200,000 does that give him the authority to sign the deal. She doesn't really know where that came from but it is not our intention to raise the electric rates and she wanted to really try to straighten that out because she has had so many phone calls on it. She really feels Council will take another look at the cameras and she knows the Manager will look at a way to pay for some of them. She wanted to point that out.

Councilwoman Baker stated that she just wanted to comment on the funds being taking out of the electric fund. It didn't come out until the earmarking of the funds. It was your motion to take the money out of the electric funds, not particularly to raise rates but it was your motion.

Mayor Pro Tem Hummer stated that she asked the question if that was an electrical item.

Councilman Rivers said that he didn't have any problems with the cameras if the funds would come out of any other funds but the electric funds. The problem was that it was proposed to take the funds out of the electric fund and that is why he voted against it. His point tonight was high electric rates and he thinks that we shouldn't take anything out of that fund.

Ms. Baker said that her comment was that she doesn't think any of us are in favor of raising rates, but we still have to be mindful of our reserves in what we want to use them for in case of an emergency or a hurricane or whatever we need to do. She had a \$600 electric bill last month and she didn't like it either. She knows what hers was from and it was the education of using a heat pump. She doesn't like high electric rates but we still have to be mindful of our reserves.

8} COMMENTS AND INQUIRES ON NON AGENDA ITEMS:

Mayor Pro Tem Hummer called upon the City Manager for comments.

Mr. Olson stated that due to the lateness of the hour, he has no further comments.

Councilman Stallings said that he doesn't have any further comments.

Councilwoman Meggs said that she has a couple of things. On this electric bill she has one in particular that has a 1300 square foot house, husband, wife and a daughter that is six years old and their bill was over \$600. He teaches school and she is a tutor. She does not understand and she has tried to explain it was cold weather and they said that they have never had one that high before.

Also, there is a hole at the corner of Pryor and Carolina that needs fixing.

Is there a certain distance that a trash can has to be put or is there a certain place that they are required to be placed? She has had three different calls about trash cans being so much in the road that their side view mirror has hit the trash cans.

Mr. Olson replied that the trash can is to be put on the backside of the curb. Our equipment will reach into the backside of the curb and lift them up. Very rarely they need to be put in the street.

She would like to say one more thing. Someone wrote an article in the paper downing the City Council and others for not attending the rally for the Basketball Team. On Sundays a lot of people are busy with other activities of which that day she was. For him/her to call this a shameful city it kind of irked her. She wanted to make sure that they know that a lot of people do other activities on Sunday.

Councilman Walton stated that we have a big elephant here and the way to handle an elephant that is big you have to bite a small bite at a time and chew it good in order that you can digest it and hope that it will digest. He has heard a lot of issues tonight and some of them were not on the Consent Agenda or any other agenda but we keep bringing them up. That is wasteful communications because we need to attack certain things and it is going to be hard. The budget is the thing that sets forth everything that is going to happen in the next year. The budget sessions are going to be very tough this time because he is hearing Rich saying that we need to look out for those living here ten years from now and we are not taking care of people that are already living here. It is a difficult task for us. But, when we meet and talk things over we need to leave here in a consensus. We need to be friends when we leave here because all you have is your opinion just like everybody else. You might influence him this time and maybe he can influence you the next time. But, let's try to work together and accomplish what we are trying to do here.

Betty, on that person that wrote that article it was not an editorial comment but a letter to the editor about an individual. He knows the young man and it didn't

faze him because he saw them shoot jump shots in Charlotte. He was there. He doesn't think that he was there. Now, when he found out about this celebration occurring, and it was not from the institution but an individual making a statement, but when he found out about it, it was 11:00 o'clock. He is not going to try to travel six hours in five hours. That is the reason that he wasn't here. We can put a great celebration on later on. He made a statement a couple of weeks ago and he didn't say it right. It should have been a person said that his future will be better than right now. For those people that have those high utility bills, we don't need to make their future worst for them. We need to give them hope too. We have a lot of issues and let's take them one at a time.

Councilman Stimatz stated that he had no further comments.

Councilman Rivers stated that there was no celebration. The teams came in and the police escorted them. He went there and saw them get off the bus. One thing is that we do need to recognize our ECSU Basketball Team, Northeastern High School Boys Basketball Team who won their conference and the Pasquotank County Girls who won their mid east conference. We have three champions within our community. He thinks that we do need to put someone working to see if we can't plan a parade for all three of our champions. We need to put this in the works.

Councilwoman Baker stated that we have a meeting on Thursday morning at 8:30 and it is a presentation by group from Virginia. There was a presentation that was presented to the Committee of 100 a few months ago and if you haven't signed up to come, it really will make you feel good about our town and its future. You should respond to Elizabeth City Downtown. It will be here in the Council Chambers.

She use to get complaints about audio or visual from residents concerning our broadcast, but this week she received a compliment on the last city council meeting. They said what a wonderful job was done and she wanted to pass that along to ECSU.

One other comment and it is about the housing market in Elizabeth City. The bottom has not fallen out of it. It has bottomed out in a lot of areas in the country. A lot of areas around here are quite strong. We are part of the Hampton Roads Region and last week they had their awards and we had three out of top four agents were out of Elizabeth City. The bottom has not fallen out and the market is very strong. People are coming to our area.

Councilman Brooks stated that he gets most of his information from the Daily Advance but he does not subscribe to it. People bring a lot of what is written to his attention. He just reads the articles. Some of them are very good and some

of them are just badly written. But he read this one and it bothered him and it says that Elizabeth City's suspension rate tops chart. It was frustrating because out of 1000 students, 367 are suspended in the Elizabeth City Pasquotank School System. He listened to the gentleman earlier talking about young kids selling drugs. When they get kicked out of school their sense of family is those that are out there doing what they are doing. One of the most disturbing things they interviewed the school superintendent. We do have issues in our school systems. No one wants to address it. In the interview the superintendent says the school system is aware of the high suspension rate and knows blacks are suspended more often than whites. It bothers him to hear a superintendent say that. But troubled him more is that he continues on and says despite the data on suspension on race school principals are not discipline blacks students unfairly but in the same tone of voice he talks about the teachers need more training in anti-bullying programs. Then he talked about blacks. He said the frequency of the offensive behavior is that sub group of students. What does he mean by that sub-group of students? His response was not how to fix it but he has to do what he has to do. He does not understand why people don't get aggravated as we are talking about our children. We wonder why the crime is high and yet they are kicking them out and saying they have to do what they have to do. We just look at this and let it happen. When they get kicked out of school and tearing up our neighborhoods then the weight is thrown on our police department. We don't need the head of the teachers making statements like this. It is borderline and it bothers him.

Mayor Pro Tem Hummer stated that she would like to thank everyone for coming tonight, those with issues and those that just wanted to join us.

9} ADJOURNMENT:

Mayor Pro Tem Hummer advised that the above item concluded the agenda for tonight and she would entertain a motion for adjournment.

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

Mayor Pro Tem Hummer adjourned the meeting at 10:30 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

L. Anita Hummer
Mayor Pro Tem