

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

Mayor J. H. Bell, Jr. opened the meeting and welcomed those attending. He called upon Pastor Arnold Sykes, Living Word Victory Center Church for the invocation after which Councilwoman L. A. Hummer led the Pledge of Allegiance to the Flag of the United States of America.

Mayor Bell called for approval of the prepared agenda. Mayor Bell advised that he would like to remove Item 8-c, Adoption of Resolution of Support of mid-county Currituck Bridge. He stated he has had the opportunity to speak with the Chairman of the Currituck County Commissioners and this item seems to be a political issue and he feels that Elizabeth City should remove itself from the discussion of this item at this time. He would also like to remove Item 9-b Appointments to various Committees/Boards. Councilman W. A. Lehmann asked to add the election of mayor pro tem and discussion on verbatim minutes. Hearing no other additions or deletions, Mayor Pro Tem D. K. Stallings, Sr. made a motion, seconded by Councilman R. E. King to approve the agenda as prepared with the addition of the above noted additions/deletions. Those voting in favor of the motion were: Stallings, King, Austin, Baker, Hummer, King, Lehmann, Rivers and Walton. Against: None. Motion carried.

Mayor J. H. Bell, Jr. called for approval of the written minutes of March 8, 2004. Mayor Pro Tem D. K. Stallings, Sr. made a motion, seconded by Councilwoman L. A. Hummer to approve the minutes of March 8, 2004.

Mayor Bell asked if there were any corrections.

Councilman W. A. Lehmann, “yes sir, on page 5 of 9, the second paragraph and this is in the discussion concerning our last vote on the mayor pro tem, it talks about how the vote was a tie and then it said, “That Mayor Bell declined to break the tie”. The next sentence says, “He stated that we would vote on this issue at the first meeting in April”. That is absolutely false, the Mayor never said that. “He encouraged members of Council to work this out amongst themselves”. That’s absolutely false, the Mayor never said that. I got a copy of the tape of that meeting and I reviewed it on three separate occasions and I know

precisely what was said, not only by the Mayor but if you recall, I pleaded with the Mayor at our last meeting to help break the tie at our next meeting and I think you responded by alright sir, thank you, Mr. Lehmann, but there certainly were no comments about the first meeting in April or about the Council working that out amongst themselves. So, my question is how does the City Clerk put words in the mouth of the Mayor? Where did this come from? This really concerns me.”

Councilman Rivers pointed out that at previous meeting, those comments quoted were stated.

Mayor Bell said according to the tape that we have, those comments were not made.

Councilman Lehmann, “those comments were not made.”

Mayor Bell said that he has said that previously.

Councilman Lehmann, “but this is the minutes of the 8th of March meeting.”

Councilman Rivers asked if you were making corrections.

Councilman Lehmann, “absolutely.”

Councilman Rivers, “let’s move on then.”

Mayor Bell called for any other corrections to the March 8, 2004 meeting. Hearing none, he called for a vote on the motion. Those voting in favor of the motion were: Stallings, Hummer, Austin, Baker, King, Lehmann, Rivers and Walton. Against: None. Motion carried.

Mayor J. H. Bell, Jr. called for action regarding the written minutes of the Special Meeting held on March 15, 2004. A motion was made by Mayor Pro Tem D. K. Stallings, Sr., seconded by Councilwoman J. M. Baker to approve the minutes. Those voting in favor of the motion were: Stallings, Baker, Austin, Hummer, King, Lehmann, Rivers and Walton. Against: None. Motion carried.

Mayor J. H. Bell, Jr. presented a proclamation proclaiming April, 2004 as “Fair Housing Month” to Winnie Wood of the Northeastern Community Development Corporation and Linda Barrett of Elizabeth City State University Community Development Program.

Mayor Bell asked the City Clerk the number of persons signed up to speak under the Public Comment Section of the agenda. Upon a reply of two with four people signing up to give one speaker their time, Mayor Bell allowed this person ten minutes to speak. The City Clerk called the first speaker to the podium. Pastor P. Dowdy asked Council to support the resolution supporting the historical recognition of God as a foundation of our national heritage. H. Koerber was the next speaker. Ms. Koerber also presented her

opinion on why Council should consider adopting the above stated resolution. She encouraged Council to adopt same.

Mayor Bell stated that the next item for consideration was the Consent Agenda. A motion was made by Councilman E. K. Rivers, seconded by Councilman W. A. Lehmann to approve the following consent agenda. Those voting in favor of the motion were: Rivers, Lehmann, Austin, Baker, Hummer, King, Stallings and Walton. Against: None. Motion carried.

Consent Agenda

- 1} Approved the Mutual Use Pole Agreement between Elizabeth City and the North Carolina Department of Transportation for the installation of fiber cable.
- 2} Approved request from Elizabeth City State University to utilize, for live training, the structure located at 1520 Herrington Road.

End of Consent Agenda

Mayor Bell stated that the next item is consideration of a resolution supporting historical recognition of God as a foundation of our national heritage. A motion was made by Councilwoman J. M. Baker, seconded by Councilman E. K. Rivers to approve the following resolution.

Councilman J. B. Walton asked to state that he didn't like to vote on items until the pros and cons have been discussed. It seems like this issue has become a controversy and he doesn't know what other people's motives are but he knows in his lifetime, he has always been told to not mix politics, religion and sports because everybody can discuss those issues and everybody has their own viewpoint on it. We must separate things. When he thinks of God he thinks of two commandments that are very important and they are, there is somebody bigger than we are and the other one is to treat everyone the way that you want to be treated. If we follow those two, there isn't anything negative that could happen anyway, but as soon as an issue shows up, we go against the commandments. When Judge Cole swore him in he didn't talk about anything except to be politically sound for this city. He didn't talk about anything else and that is what he intends to do. He feels that we should table this item until it is clearer.

Councilman W. A. Lehmann said, "Mr. Mayor, I don't have a lot to say about this. I don't think we need to say a lot. To me it is so very obvious what the right thing to do with this is. I have read this proclamation and it's actually quite innocuous I believe. The second paragraph in particular it says it is a fact that a majority of those who drafted and signed the Constitution had a strong belief and trust in God and never intended that government be hostile to the free exercise of religion, only that each citizen be free to choose on a personal basis how to worship, or if to worship. So this is not saying that this is the way that we choose or agree that our constituents should follow any given religion. It's a freedom of religion and it's based on historic values of our Founding

Fathers and I think that the people that wrote this resolution are very concerned about that history being lost. And, to me, if we don't pass this resolution, it is hypercritical. We start every meeting with an invocation and I believe strongly that is appropriate. We start every meeting with a Pledge of Allegiance with the term, "One nation, under God" and that is certainly appropriate. I can see no reason why we wouldn't support this resolution."

Councilwoman C. C. Austin stated that there is nothing in this resolution and the words that she does not believe. Every word in there is true however she does have a problem with something like this coming up. She just doesn't feel that this is the platform for something like this to be lodged. If you are saying that our children are having a tough time in school today, that there is chaos in school because God was removed, she has to remind you that those children, many of them are having a tough time because their parents do not instill in them the values anymore. Nor, do they take them to Sunday school. She thinks that this is something for parents to do. If you are worried about them forgetting that this is a nation and we were based on our belief in God, let me tell you that if you go to school you will study American History as it is a part of your curriculum. You are taught that we came to this country, suffered pain here and that they came here because of religions persecution. They know that as they are told that in school. It is true that a lot of people say that we have a Constitutional thing with the separation of church and state. There is nothing in the Constitution like that. What she is saying is that a lot of this is redundant because we already have it. We have it on the buildings, we have it on the dollar bill, we open our sessions with prayer, and we close our sessions with prayer. Congress does it all the time. This is just not the platform for this sort of thing she believes.

Councilman E. K. Rivers stated that after listening to everyone's opinion he doesn't have a problem with the resolution because of the fact when September 11th occurred prayer sessions were going on and a lot of people were taking time out together and there were a lot of prayer vigils and a lot of people coming together for praise. The City even had one. That was not pushing religion and he looks at that the same way he does this resolution. We are not setting any law or trying to integrate or make one religion upon the City of Elizabeth City. This is a resolution and we have had plenty of resolutions to come before us. These are facts and we can't change that. In the time of need we go to religion and then when things are going great we sort of put it on the backburner? He doesn't have a problem with this resolution. We are noting trying to bring it in as part of our government; it is just a resolution of support.

Councilman R.E. King stated that he concurred with Councilman Rivers and it would not be making any kind of law. He feels that we should adopt this resolution. Our kids are not getting prayer in school and they should know their Creator and that is God.

Councilwoman J. M. Baker stated that we all received a letter from Commissioner John Kitchen today suggesting that this is just a group of people who has chosen to push this agenda on the Commissioners and now they have chosen to push it on City Hall. She would like to read her response to Commissioner Kitchen as her comments on this issue:

“Fellow Council Members in response to John Kitchen’s memo to us I wanted to let you know that nobody is pushing any agenda on City Hall through me and there is no political agenda which caused me to put this item on our agenda. I happen to think that this is something that we can find unity on among our council people and I don’t think it has anything to do with religion. As the resolution states, it urges all American citizens to proclaim to every level of government its responsibility to publicly recognize the historical role of God in the nation’s beginnings as evidence in our founding documents. We are not urging to re-write history by adopting this resolution; we’re what our forefathers said centuries ago. I really think it’s time the majority of the people in this country took a stand against the few who want to take God out of everything in this country. As far as John Kitchen’s comments, I think we can all see that 250 people make a huge statement and many of us were there to hear that statement. Does John really think that because 20,000 voters weren’t in the courtroom, that the 250 that were won’t be able to be a very strong voice in this matter? All those 250 people have to do is tell 10 people and those 10 tell 10 more and you’ve got 20,000 people. Please let’s not make more of a deal than this was intended to be and let’s pass this unanimously.”

Councilwoman L. A. Hummer stated that she agrees with Mr. Walton on one point. She has had calls from people that have indicated that if she didn’t vote for this that she didn’t believe in God. Maybe we need a little more time since last Thursday to look at this. When she took her Oath of Office the first time in 1993, in two places she took an Oath to uphold the Constitution of the United States as well as the Constitution of the State of North Carolina, so help me God. Our nation is based on our historic values in the Constitution. She just thinks it needs a little more clarification.

Since no other member of Council wanted to speak on this issue, Mayor Bell called for a vote on the motion. Those voting in favor of the motion were: Baker, Rivers, Hummer, King, Lehmann and Stallings. Against: Austin and Walton. Motion carried.

**RESOLUTION #0402
SUPPORTING THE HISTORICAL RECOGNITION
OF GOD AS A FOUNDATION OF OUR
NATIONAL HERITAGE**

WHEREAS, as a historical proposition, our Government was founded upon a trust in God that began when our Founding Fathers proclaimed in America’s first official document, our Declaration of Independence, that our rights to “life, liberty and the pursuit of happiness,” were not given to us by government, but by God “our Creator,” the “Supreme Judge of the World,” and

WHEREAS, it is a fact that a majority of those who drafted and signed the United States Constitution had a strong belief and trust in God and never intended that government be hostile to the free exercise of religion, only that each citizen be free to choose on a personal basis how to worship, or if to worship; and

WHEREAS, the recognition of God by our Government was further established when Congress, in 1954, added the phrase “*One Nation Under God*” to our Pledge of Allegiance, followed in 1956 by the official establishment of “*In God We Trust*” as our National Motto; and

WHEREAS, there is now a growing demand by some within the Judicial System to remove all visible recognition of God from public institutions, we need to remind all that the God of our Founding Fathers is important to our National Heritage, and that Judeo-Christian legal concepts, such as the Ten Commandments, are a foundation of American law and moral values and code of conduct.

NOW, THEREFORE, BE IT RESOLVED, that we urge all American citizens to proclaim to every level of Government (Local, State and Federal) its responsibility to publicly recognize the historical roll of God in our nation’s beginnings as evidenced in our Founding Documents; the Declaration of Independence, the Constitution of the United States, and the Constitution of North Carolina, as part of our national and state heritage...LEST OUR NATION AND STATE FORGET AND OUR CHILDREN NEVER KNOW!

ADOPTED, this the 22nd day of March 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

Mayor Bell recognized City Manager R. C. Olson for comments on a resolution in connection with a grant application to the Rural Center. Mr. Olson stated that this grant application is to the Rural Center in the amount of \$400,000 for sewer improvements to the Elizabeth City/Pasquotank County Regional Airport and further. The project includes installing approximately 3,343 linear feet of sewer line and a pump station. In addition, over 28,000 linear feet of various size force main will need to be installed. An evaluation of the Grice Street, Dawson Street and Water Street Pump Stations will also be performed. Staff has provided numerous funding possibilities and after extensive consultation with Rural Center representatives and CDBG representatives has decided to apply for the maximum amount allowable under Rural Center guidelines and use the Rural Center Funds as a match for the CDBG application. Under this funding scenario,

no local match will be required for the construction of the sewer project if the project comes in under the \$1.4 million projection. The City would be responsible for 100% of the cost for any amount over \$1.4 million. A motion was made by Mayor Pro Tem D. K. Stallings, Sr., seconded by Councilman R. E. King to authorize Staff to submit a grant application to the Rural Center for sewer improvements and further, adopt the following resolution in connection therewith. Those voting in favor of the motion were: Stallings, King, Austin, Baker, Hummer, Lehmann, Rivers and Walton. Against: None. Motion carried.

RESOLUTION #04033
AUTHORIZING SUPPLEMENTAL GRANTS PROGRAM

WHEREAS, the 1998 Critical Needs Bond Act has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects; and

WHEREAS, the City of Elizabeth City has need for the construction of sewer improvements to the Elizabeth City Regional Airport, hereinafter described as the Airport Sewer Improvements Project; and

WHEREAS, the City of Elizabeth City intends to request grant assistance from the Supplemental Grants Program for the project;

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

That the City will arrange financing for all remaining costs of the project, if approved for a grant.

That City will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Rich Olson, City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Elizabeth City with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above.

That Rich Olson, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project, to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

ADOPTED, this the 22nd day of March, 2004 at Elizabeth City, North Carolina.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

Mayor Bell called upon City Manager R. C. Olson for discussion of a lease agreement with Blue Peter Lines. Mr. Olson advised that Council approved the execution of a lease agreement with the Blue Peter Lines, Inc. to use the City's waterfront park facilities for dockage in 2003. The lease was not executed. The new lease agreement term is from May 1, 2004 to October 31, 2008. The City will continue to provide dock space on the north end of Waterfront Park and Blue Peter Lines shall pay no money for the use of the property for this period of time. Blue Peter Lines will pay \$1,000 and \$1,200 in subsequent years respectively. Blue Peter Lines will be responsible for all taxes, permits and licenses. They must carry insurance in excess of one million dollars and the City will be named as an additional insured. Following discussion, a motion was made by Councilman E. K. Rivers, seconded by Councilman R. E. King to authorize execution of the lease agreement with Blue Peter Lines, Inc. for the use of dock space at Waterfront Park by the City Manager. Those voting in favor of the motion were: Rivers, King, Austin, Baker, Hummer, Lehmann, Stallings and Walton. Against: None. Motion carried.

City Manager Olson advised that over the last few months, city staff has been negotiating with representatives of Alltel Communications for the placement of cellular phone equipment on the Poole Street Water Tower. The agreement, which has been negotiated, will be used as the base agreement for any cell phone company wishing to attach to any city tower. The agreement with Alltel grants them the ability to connect radio communications equipment to the Poole Street Water Tower. They are solely responsible for securing and all permits and approvals for their equipment. The term of the agreement is for five years with four five-year renewal options. The total length of the agreement is for twenty-five years. Alltel shall pay the City \$24,000 per year for the first five-year period. Subsequent renewals will be increased by the Consumer Price Index for

the previous five year period. In addition to placing their equipment on the structure, the City will lease a 400 square foot space under the tower for their equipment. The exact location will need to be determined by a survey and an exhibit will be added to the contract. Alltel is allowed a due diligence period of ninety days from the execution of the lease agreement to secure all necessary governmental approvals. In addition, Alltel equipment cannot interfere with any existing equipment already on the tank. Since the revenue is derived from the use of the water tank, the funds will be credited to the Water and Sewer Fund. Total revenue received for the first five years will be \$120,000. A motion was made by Councilman R. E. King, seconded by Councilman E. K. Rivers to approve the lease agreement with Alltel for the placement of cellular phone equipment on the Poole Street water tower subject to the City Attorney and City Manager's acceptance of all referenced exhibits. Those voting in favor of the motion were: King, Rivers, Austin, Baker, Hummer, Lehmann, Stallings and Walton. Against: None. Motion carried.

City Manager Olson advised that in January 2004 a resolution was passed requesting that DOT provide the City an additional \$150,000 to complete the third block of the Streetscape Project. On March 11, 2004, the City received notification from Senator Basnight's office that DOT had approved the request. To facilitate the City in receiving the money, DOT is requiring the City to amend the Enhancement Agreement that was executed on April 23, 2001 to include the additional \$150,000 for Streetscape improvements on Main Street from McMorrine Street to Martin Luther King, Jr. Street. A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman C. C. Austin to adopt the following resolution accepting \$150,000 from DOT for the Streetscape Project and authorizing execution of an amendment to the Enhancement Agreement

Councilwoman L. A. Hummer questioned some of the language in the Resolution. "All costs which exceed this amount shall be borne solely by the City of Elizabeth City." She thinks we were told that we shouldn't be spending any money in the next phase as we should be getting the money from the business owners, but this wording leaves us wide open for any amount above the \$150,000.

Mr. Olson replied that this particular resolution does tie in with the item that follows this one which basically is a change order in the amount of \$226,745.60 to do the Phase II Streetscape Project itself. The funding for the project is as follows:

State Funding -	\$150,000
Carryover from Phase I -	\$ 75,000
Property Owners'	<u>\$ 30,000</u>
TOTAL	\$255,000

Councilwoman Hummer said that she still has her same concerns. We just really can't afford this once you get into it and it looks good and we did run into a lot of problems with the first phase. She just has a lot of concerns with everything falling down around us.

Councilman Rivers stated that on the first phase one of the things that gave him a lot of concern was the flooding downtown. We are trying to do infrastructure of Elizabeth City and he has a lot of concerns about whether this is the right time. He hates to spend \$75,000 when there are only three buildings on this block and we have streets that are under water that affect more than three people. We have pot holes that \$75,000 would help fix.

Councilman Lehmann said, "I don't know if you all had an opportunity to review this package that was in our folders at the last meeting that was provided by the Executive Director Peggy Langley of the Elizabeth City Downtown. In there is a very good synopsis of Main Street programs throughout the State of North Carolina. One thing that caught my eye when I reviewed this and that's called reinvestment ratio. In other words that's the return on the dollar. For every dollar invested in the Main Street Program and this is on average of the Main Street Programs and I think there are 44 Main Street Programs throughout the State of North Carolina. The return on that dollar is 40.35 dollars. Forty dollars and thirty-five cents for every dollar that is returned. So we are looking at the State providing \$150,000 for us. The monies that we're using we already thought was a good investment for the first two blocks so if we get an average return of what history has shown here it is going to be over \$9,000,000 it is going to bring in for our City in tax base increase, in sales tax revenues and occupancy tax. It is just amazing and this is economic development. I've heard speakers speak at the Northeast Partnership about how Main Street Programs are actually economic development. It is kind of difficult to put an amount of how many jobs are created and all that, but it is a definite return on investment and any businessman can see history has proved that it's forty, forty to one. To me that's tremendous investment. Granted, these are tough fiscal times, but this is something that I think we need to do and I wish that we could have done more of this, you know ten years ago."

Councilman Walton said that you give some good stats a lot of the time and he thinks that would be true if it wasn't for morals and things of that nature because that is still a part of history. We still have to bring people back downtown and he is not sure that enhancing is needed right now. This is not repairs and we talked about our priorities and repairs were one of those. This is enhancement that we are involved in right now. I don't know if we are ready for enhancement in the city at this time rather than repairing like we said that we were going to do.

Councilwoman Hummer expressed her concerns about spending tax payer's money. In the beginning of Streetscape, Water Street was in the first phase, but because it was deemed too costly, Main Street was projected to be done. The State approved doing that but they still denied a \$1,000,000 grant because Water Street was in the original grant. And, \$75,000 came out of the Electric Fund and the Powell Bill Money which is the pothole money had to be diminished by \$100,000 in that first phase. She is looking at all these things and she hopes that we don't get into something that is going to cost us a lot more money.

Councilwoman Baker asked since Mrs. Hummer had expressed concerned about that particular line she was wondering if we do exceed that amount couldn't that issue then come before City Council before we spent additional dollars.

Mr. Olson said that any change order above \$5,000 would have to come before City Council.

Councilman Rivers asked if the property owners on that block were contributing \$30,000.

Mr. Olson replied yes and it amounts to approximately 12% of the whole project costs, the third block.

Following further discussion, Mayor Bell called for a vote on the motion. Those voting in favor of the motion were: Baker, Austin, King, Lehmann and Stallings. Against: Hummer, Rivers and Walton. Motion carried.

**RESOLUTION 04034
AUTHORIZING AMENDMENT
TO
STREETSCAPE ENHANCEMENT AGREEMENT**

WHEREAS, the North Carolina Department of Transportation and the City of Elizabeth City entered into an Enhancement Agreement on April 23, 2001, which was supplemented on March 14, 2003, for the streetscaping along Water Street, Elizabeth Street, Colonial Avenue, Main Street, Fearing Street, Church Street, Ehringhaus Street, Poindexter Street, McMorrine Street and under Main Street under Project E-4502; and

WHEREAS, the Department and the Municipality now wish to amend the Agreement to increase the Department's participation in the cost of the project; and

WHEREAS, the Department shall participate in the actual construction cost of streetscape improvements on Main Street from McMorrine Street to Martin Luther King, Jr. Street up to a maximum of \$150,000 from WBS Element 38107; and

WHEREAS, all costs which exceed this amount shall be borne solely by the City of Elizabeth City;

NOW, THEREFORE, BE IT RESOLVED, that Project E-4502, 6.110013, WBS 38107, Pasquotank County, is hereby formally approved by the City Council of the City of Elizabeth City and the Mayor and City Clerk of the City of Elizabeth City are hereby empowered to sign and execute the Agreement with the Department of Transportation.

ADOPTED, this the 22nd day of March 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

City Manager R. C. Olson advised that the City has received notice from the NC Department of Transportation that it has approved our request for an additional \$150,000 to complete the third block of the Streetscape Project. In an effort to avoid further delays, staff is requesting authorization to execute a change order with RPC Contracting, Inc and McKim & Creed, Engineers to include the third block within the scope of this project. RPC has submitted a lump sum cost of \$211,745.60 and McKim & Creed submitted an engineering fee of \$15,000 for a total of \$226,745.60. A change order will be required for both firms. The City will use unencumbered funds already budgeted for the first two blocks (\$75,000) and property owner cost participation commitments totaling \$22,500 to date. The total funds available to accommodate block three should total \$247,500. Following discussion, a motion was made by Councilwoman J. M. Baker, seconded by Councilman W. A. Lehmann to approve the change order associated with block three of the Streetscape Project as presented. Those voting in favor of the motion were: Baker, Lehmann, Austin, King, Rivers, Stallings and Walton. Against: Hummer. Motion carried.

Mayor Bell stated that the next item was the selection of the position of mayor pro tem. He called for nominations.

Councilman W. A. Lehmann stated, "Well I moved that we go ahead or I will just go ahead and nominate Rickey King for mayor pro tem."

Councilman E. K. Rivers stated that before we make any more nominations we had been doing this on the first meeting of every month. He doesn't have a problem with it but we have other business to talk about and he thinks that we could have put this on the agenda. For the last three or four months he thought that we had been waiting for one meeting per month. We have been having it the very first meeting of the month. He is just wondering why all of a sudden we are switching it and amending the agenda.

Councilman Lehmann said, "I would like to respond because that is why it is put on the agenda. I don't think it serves our city by not coming to a decision on this and since the session when we all took office on the first week in December, I think that I have had more calls, well I have three separate issues that I have received numerous calls on. One the electric rates, two the potholes and three the mayor pro tem issue. And, believe me, I've received more calls on the mayor pro tem issue than I have on the other two. So, these are all serious issues. And, I think it needs to be resolved. I don't think it does any

good to put it off. It is not going to go away. I think it is time we come to an agreement on this and that is why I asked at our last meeting if the Mayor could agree to break the tie if in fact we do have a tie once again. I didn't ask to have it on the agenda. I pleaded with him to break the tie at our next meeting. And, I was kind of surprised. I thought it would be on the agenda. I mean, I don't know why we would put it off. To me, it makes no sense to put it off. We're not going to know anything more two weeks from tonight than we know right tonight. So, let's attempt once again to get this done. It's like a cancer. It is not going to get any better, let's get it done."

Councilman Rivers said that there was any number of times that we could have put it on the agenda. His response to citizens is that it's a council decision and we as council members are not being divided. We have a Mayor Pro Tem at the time, so it isn't anything that we have a time line like a budget that we have to have squared away by July first. He thought that the Mayor had been handling this and when you weren't here no one tried to put it on the agenda. We have been having it the first meeting of the month and he doesn't think that we should start having mayor pro tem discussions at every meeting. He doesn't think we should consider it tonight and that we should table it to take place at our first meeting just like we have been doing for the prior months, therefore he made a motion to table this issue until the next meeting.

Councilman J. B. Walton seconded the motion. Those voting in favor of the motion were: Rivers, Walton, Austin, Hummer and Stallings. Against: Baker, King and Lehmann. Motion carried. Mayor Bell advised this item would be on the agenda of the first meeting in April.

Mayor Bell called for discussion of verbatim minutes.

Councilman Lehmann stated, "I was not at the meeting when this was discussed and had I been at the meeting I would have argued strongly against changing our policy to go to one which is not verbatim and the reason being is I will give you two specific examples. Actually we have already discussed the one correction. The second one is a little more subtle and this occurred when he was in the hospital but there was a correction and it had it in here that you corrected the minutes but I wasn't here and it involves the resolution that was passed concerning the naming of the school for W. C. Witherspoon.

Councilman Rivers spoke very passionately about how Mr. Witherspoon meant a lot to him and we voted on that and in the minutes it was recorded it as an unanimously vote which it really was, and, however the part that was left out in that was the fact that I spoke and I spoke because I revered Mr. Witherspoon as well as Councilwoman Baker did and so that's our City's history. And, our City's history only reflects one councilman from the fourth ward as opposed to not only one councilman from the fourth ward, but a councilman from the second ward and a councilwoman from the first ward. I think it is very important to note because Mr. Witherspoon was truly revered that the inaccurate reflection of what we did and therefore I move that we go back to verbatim minutes."

Mayor Bell stated that we have a motion. Councilwoman J. M. Baker seconded the motion. Mayor Bell called for discussion.

Councilman E. K. Rivers stated that to go back to prior history, doesn't it take someone from the winning side to make the motion and second it. I do believe that it requires the winning side to have the motion made along with the second, so right now it would require a motion and Councilwoman Baker voted for it that night, so now I believe it would require a second from someone that was here.

Mayor Bell said that he thinks that the maker of the motion would have to be someone that was here and being that Mr. Lehmann was not here he asked the City Attorney for clarification.

City Attorney W. H. Morgan said that he concurred with Councilman Rivers.

Councilwoman Baker made a motion that we go back to verbatim minutes. Councilman R. E. King seconded the motion.

Councilman E. K. Rivers stated that he understands completely where Councilman Lehmann is coming from. The City Clerk cannot put everything that everyone says in the minutes. I've looked through minutes and I may have thought that something that he may have said was not put in, but that is a short or a quote from the City Clerk. Our meetings are on camera, everything is verbatim that way. To have our City Clerk spend up-teen hours and as many meetings as we have had so far, that is a lot of paper, that is a lot of man hours that is costing the City and he thinks that to his recollection, I don't know of any clubs that he belongs too that have verbatim minutes. I don't know of any organizations and even when I go to the League meetings I look at their minutes and they do not have verbatim minutes. They have the author of the motion, who it was seconded by and who voted. He thinks that if we would like for the City Clerk to start incorporating what everyone is saying, then I think that beside each one we should put two sentences to sum up what they are saying. But, to go back to verbatim that is costing the City man hours and once again paper, our packets are already thick. I just don't think that we need to have that type of dialog kept when we have the camera recording the whole meeting. If I want to know what I said, I can go and ask for a tape of the meeting. We keep the cassette tapes for a year. Correct.

City Clerk D. S. Pierce, yes sir.

Councilman Rivers said that any time I need to know exactly what I said or what any council person up here said, I can pull that and then the officials minutes I should be able to go back and ask for a meeting, look at that meeting and find out who made the motion, who seconded the motion and what was the vote and not go through three or four pages of what I said, somebody else said because I will be the first one to say sometime I can ramble on but I don't need to see that in the minutes. I just need to know which way I voted. So that is the reason why I am not in favor and that night I voted to go back to our regular set of minutes and I think if anyone would like anything put in the minutes verbatim then they can say when they speak I would like for this to be in the minutes. Or, when we get the minutes call back, just like tonight you were able to add whatever

you would like to say. That way it is there for history. I think that is what we should do if we would like to have something into the minutes just get with the Clerk and say I would like to have what I said in the minutes and that way we would solve the problem.

Councilwoman L. A. Hummer stated that she recalls one of the arguments for going back to regular way of doing minutes was because Council didn't have time to read the minutes. And, I share with Mr. Rivers that I am sure it takes a great deal of time with all the other duties our City Clerk has to do. I believe a motion was made that if there was something a member of Council wanted in the minutes you only had to ask to have something you said be recorded.

Councilman Lehmann stated, "Well, you know I have heard comments like the Council doesn't have time to review the minutes. Had, I not reviewed the minutes in the last two years I can site you at least five different occasions where our City's history is totally incorrect. It is extremely important. This is our City's history. This is not a club, this is government and I say that it must be accurate. It must be accurate history. Something as innocuous as leaving a "not" out of a sentence changes the sentence 180 degrees. Therefore, I think everybody here that does review the minutes, those of you that take the time to do that, each look through your own individual comments to insure that what you said was recorded correctly. And, I know that's what I do. I don't have time to look at all of that, but I do look at that. As far as the time issue is concerned, I know it takes time for the Clerk to do verbatim minutes but how much time does it take for us to reviewed that and then discuss the minutes and get it so that it is done properly. That is a waste of time as well. My point is and I think it would actually be easier for the Clerk to do the verbatim minutes. She doesn't have to make a decision, Gee do I put this in or don't I put this in. Take that right out of it. She has got an audio take and a video tape and just do it verbatim. I think it is too important not to do it that way."

Councilman J. B. Walton asked what would happen to her if she makes a mistake on the verbatim minutes. You are going to make mistakes even if they are verbatim. We have talked about this and discussed we were going to do something and now here we are again changing it. As I have stated before, we need to treat others the way we want to be treated. This is a human being and she makes mistakes.

Councilwoman J. M. Baker said, "On camera yes it is verbatim. Minutes like Mr. Lehmann said are our history. I voted to use summation minutes back when we changed it but since that time I find myself going back to tapes to review what was said and see what was left out. And, like you said also, it is not fair to her to decide what is put in and what is put out, what is not put in I mean. The written typed minutes are the only defense that we have. It is a permanent record of history. I hate that it takes so long to be verbatim as well. As far as the paper goes we could start e-mailing them if you want.

Councilman Walton said another way you could do it is to let Bill proof it and then give it back.

Councilman Lehmann, "I don't think that's the way government was meant to be."

Mayor Bell, I think they are good points and he thinks this is a very important meeting, every meeting is important. It is our record but the law does allow us to have summation. It allows us to say how the vote was taken and it was discussed earlier and it was the consensus that the minutes were to be verbatim in a particular meeting and if a request was made then so be it.

Councilwoman Baker said, "Well I would think likewise. I mean we could ask for minutes right now to be verbatim. We get to a meeting and it's not a critical meeting with a lot of comments then we could ask that it be summation. We can have it both ways. For the most part unless otherwise stated we should have verbatim minutes."

Councilman Rivers expressed his concern regarding requiring verbatim minutes because in the past when we had verbatim minutes we still spend time correcting typos and they are going to happen no matter who we have taking minutes. He said that if that is required then we should consider getting her an assistant who just types minutes. We are having a meeting every week and are getting ready to enter into the budget process which means more meetings. We have a City Clerk here not a typing machine. He called for the question.

Councilman E. R. King asked if we are discussing something and he feels like that he wants it verbatim, then can he asked for them to be verbatim.

City Clerk D. S. Pierce replied, yes sir. The minutes when presented to Council are marked "Draft". That means Council can change them. You can tell me what to change. Minutes are my interpretations.

Councilman King said before you type them up, if we are setting in Council and we ask the question to have what you are saying written verbatim, can this be done.

City Clerk Pierce said all it takes is for you to tell her to write that section verbatim.

Mayor Pro Tem D. K. Stallings, Sr. said anytime you want something verbatim, you need to only request it.

Mayor Bell called for vote on the previously stated motion. Those voting in favor of the motion were: Baker, King and Lehmann. Against: Austin, Hummer, Rivers, Stallings and Walton. Motion was denied.

City Manager R. C. Olson reminded everyone of the joint City/County Meeting that will be held on Monday, March 29, 2004 at the Albemarle Hospital Education Board Room. The items that will be discussed are: hurricane shelters, Whitehurst Street water intake, two sewer issues, opticom and tax collections rate.

Mayor Bell called upon Council Members for comments.

Councilman Lehmann stated, "In regard to what the City Manager just mentioned there he told us what the agenda items are going to be for the Joint City/County meeting. And, I guess that comes out of the meeting that was held between the Mayor, the City Manager, the Chairman of the County Commissioners and the County Manager, but I recall at the last City/County meeting, there was a discussion of suggested agenda items and I am not sure if any of those are on , I know some that were suggested that evening are not on this so my feelings are that for the agenda items I would like to include City Council on those agendas items. In other words, I think we should discuss this as a Council in this body first and once we come to a decision as to what we think we should proposed it to be discussed at the City/County level, but we are in agreement on that before we go forward because without doing that first we are making a big mistake."

Councilman Walton, "I agree with Bill and I yield the rest of my comments until later on."

Councilwoman Baker: "I just had one comment. I went to the Historic Preservation Commission meeting a couple of week ago. It reminded me that several years ago I had asked for a list of all the historic properties that are on the local designated historic or any designated historic district. I have never gotten that and would like to ask for this if it is available."

Mayor Pro Tem Stallings: "I have two items that he would like to talk about. One is the fence at the end of Paxton Street behind Elizabeth Manor. The other item is he would ask for prayers for the Union Chapel Church family. Their church was burned over the weekend."

Councilman King: No comments.

Councilwoman Austin: No comments.

Councilman Rivers: "He would like to make a report to Council. He did not receive any comments on the map that we received. The meeting is planned soon and hearing no comments he feels everyone is ok with the way their ward is diagramed on that sheet. If you see any corrections, please contact him before that meeting and he will take your concerns to the meeting. He would like to have your comments before the meetings if at all possible."

Councilwoman Hummer: "At our pre-budget meeting last week, we discussed utility bills which were charged off. I was wondering if Council could get a print out of those utility bills which aren't collected. The names and amounts and how long we have tried to collect them now. I would like to see the list of individuals as well as the businesses."

Mr. Olson asked how far she wanted him to go back.

Mrs. Hummer replied that three years would be fine.

Mayor Bell stated that he felt that we had a great meeting tonight. Council certainly have voiced their concerns. Although it has been a little lengthy it has been very helpful.

Mayor Bell stated that the next item is Closed Session for discussion of personnel matters as per NCGS 143-318.11(a) (6). Motion to go into Closed Session.

Mayor Pro Tem D. K. Stallings, Sr., so moved. Councilwoman J. M. Baker seconded the motion. Those voting in favor of the motion were: Stallings, Baker, Austin, Hummer, King, Lehmann, Rivers and Walton. Against: None. Motion carried.

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman C. C. Austin to return to regular session of City Council. Those voting in favor of the motion were: Baker, Austin, Hummer, King, Lehmann, Rivers, Stallings and Walton. Against: None. Motion carried.

Councilman W. A. Lehmann made a motion, seconded by Councilwoman J. M. Baker to accept and approve the City Manager taking the action agreed upon regarding the personnel issue discussed in Closed Session. Those voting in favor of the motion were: Lehmann, Baker, Austin, King, Rivers, Stallings and Walton. Against: Hummer. Motion carried.

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

Mayor J. H. Bell, Jr. adjourned the meeting at 9:43 p.m.

Dianne S. Pierce, MMC
City Clerk

John H. Bell, Jr.
Mayor