MONDAY-7:00 P.M. MARCH 24, 2008 REGULAR SESSION

The Regular Meeting of the City Council of the City of Elizabeth City was held on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor Pro Tem J. M. Baker presiding. Those members of Council that were present were as follows: L. A. Hummer, R. E. King, B. S. Meggs, E. K. Rivers, J. A. Stimatz and V. C. Watts. Mayor S. S. Atkinson being absent. Staff Members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Police Chief C. E. Crudup, Fire Chief W. C. Morgan, Parks and Recreation Director J. D. Overman, Finance Director S. E. Blanchard, Inspections Director S. E. Ward, Public Utilities Director P. A. Fredette and Electric Superintendent K. F. Clow. Councilman-elect D. Evans was also present.

Mayor Pro Tem Baker advised that she was sitting in for Mayor Atkinson who was out of town for the birth of his grandchild. She called upon City Attorney W. H. Morgan to read the statute that allows her to vote and act as a councilperson during this meeting.

Mr. Morgan said that the relevant statutory provision is G. S. 160A-70 which provides in part, a councilman serving as Mayor Pro Tem shall be entitled to vote on all matters and shall be considered a councilman for all purposes, etc.

Mayor Pro Tem Baker called upon Pastor Tony Rice for the invocation after which Councilman R. E. King led the Pledge of Allegiance to the Flag of the United States of America.

1} APPROVAL OF THE AGENDA:

Mayor Pro Tem Baker called for action regarding the prepared agenda.

Councilwoman L. A. Hummer asked to ***add to the Consent Agenda, authorization for the Airport Authority to issue debt.***

Mayor Pro Tem Baker said that we need to add an item continued from our work session an ***OIC item from the Work Session as Item #4a*** and she would also like to ***remove Item #9c-Discussion of City Council Travel.*** The mayor wanted input on this item and we will put it on our next work session.

Councilwoman B. S. Meggs said on the regular agenda she would like for us to ***discuss the postponement of the budget increase for the city council members until 07-01-08. That would be Item #9-c.***

Councilman J. A. Stimatz said I would like to ***remove Item #7-g from the Consent Agenda.*** I have some questions, excuse me; it is ***7-d, Approval of Agreement for Grant Services.***

> ***A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman B. S. Meggs to approve the prepared agenda to include the additions/deletions as stated above. Those voting in favor of the motion were: Hummer, Meggs, Baker, King, Rivers, Stimatz and Watts. Against: None. Motion carried.***

2} <u>ITEM CARRIED OVER FROM THE WORK SESSION – DISCUSSION OF OIC:</u>

Mayor Pro Tem Baker stated that we carried this item over from our Work Session for further discussion and action as we have a standing motion on the floor. She asked the City Manager to read the motion.

Mr. Olson said that the motion on the floor is to terminate the sub-recipient agreement and lease agreement with OIC effective June 30th of 2008; and negotiate a short term sub-recipient agreement with another non-profit that meets the intent of HUD and DCA rules and regulations concerning benefiting low to moderate income individuals and basically do an RFP that will cover the five required elements that are called for in the existing sub-recipient agreement we have with OIC.

Councilman E. K. Rivers said that he would continue with the point that he has as he concurs with Councilman King. Councilman King referred to the last paragraph of the Attorney's letter. He would like to suggest that we hand deliver a letter to OIC within the next couple of days which will require that OIC execute immediately the new sub-recipient agreement we have proposed and submit to the audits that we have requested. He will go with that so that way it keeps dialogue between the City and the Sub-Recipient open. He thinks that they need to sit down and come up with an audit firm and we need to hear exactly what may be the problem and then we can go from that point.

Councilwoman L. A. Hummer said that she would like to point out the one thing that is good; we seem to talk about the negative so much. She had several discussions with her colleague in the Second Ward, Mr. Stimatz about the Hugh Cale Center and most of us around the table here paid a personal visit to the Center to see for ourselves what they were doing. Mr. Stimatz and she talked

after that and he said that he was very impressed that they were doing a good job and he wanted to help them and he was worried about "controversies surrounding them". But, the day that she went there was a young lady who came in, who had just received her Certificate of Nurse Aid I Training from COA and she was so excited. As we speak people are graduating and she just wanted to point that out. Let's don't lose site of what they have been doing.

Councilman J. A. Stimatz asked if I could clarify for the audience what the Attorney's letter said. The Attorney said that we should have a two prong test and you have to meet both terms of the test. Kind of like if you tell your kid if you want to go to the movies that you have to clean up your room and you have to do your homework. You have to do them both. You don't do one you don't go to the movies. The two terms, the two prongs in this test were one, they sign the sub-recipient agreement. The other prong was that they submit to the audits that we requested. We have asked OIC for audits when we asked them during the request for proposal process two years ago. They did not provide them. The City Manager was supposed to get them in the process of letting them into the program. We did not get them. We have sent four letters since December requesting that they decide if they are going to give us the audits and if they are going to choose one of these companies. After all that we finally said on the 14th of March you have until five o'clock today to answer this question. Will you accede to an audit by one of these six firms? They didn't reply. They didn't answer. They said we are calling our attorney. That is a negative reply. That is the second prong of this test and they have already failed it. They have already said no. So, asking to go ahead and do something that you have already asked them and they failed at is like asking your kid, are you going to pick up or do your homework, no, are you going to do your homework, no, are you going to do your homework, no. Now you are going to say well I am going to ask you one more time and you get to go to the movies. I don't think so. That's where we are at on this. We have gone a long way towards trying to find out and you missed an earlier discussion about another Hugh Cale Strategies Grant. We have problems in that grant accounting for money, serious problems. We don't know where it went, why we gave it to who or the basis for half the things that we did. So, we are trying to have some accountability here. We are trying to hold people accountable. The other thing is the motion very clearly takes into account the fact that the after school programs which are not a basic requirement of the Sub-Recipient Agreement, they are an add on. They are an allowable program not a required program. We are making sure that we go through the end of June so that the people that have children in any of these after school programs or other kinds of tutoring programs are not disrupted. That allows us time to find a grantee someone that can do it. In fact, pardon me if I am not wrong, Mr. Olson, technically we can run the center ourselves, couldn't we? There isn't a requirement to have a sub-recipient.

Mr. Olson said that when we had that discussion earlier on during the construction of the building back three years ago, DCA wanted a third party as a sub-recipient to run that particular building.

Mr. Stimatz continued, so a third party. It doesn't have to be a non-profit does it?

Mr. Olson said that he doesn't believe so but that is something that he would have to ask for clarification on.

Mr. Stimatz said so we could theatrically hire somebody for $20,000 a year to run that.

Mr. Olson said that he would have to ask for clarification on that.

Mr. Stimatz said that my point is that people have been saying if we don't have a sub-recipient in there oh my gosh we are going to have to pay $675,000 back. That is not true. DCA is going to work with us and give us some time. They have already said that. Secondly there are a number of non- other non profits that Ms. Watts alluded to earlier who are capable of running those programs in there. So, the sky is not falling. However we do have to have some accountability and you should all understand the pressure for these audits is coming from the federal government. The federal government. Not the State government. The Federal Government. And, they are going to get them one way or the other. So, that is something that we all have to understand here. They are looking for program accountability. Thank you.

Councilwoman V. C. Watts said she also wanted to add to Mr. Stimatz's comments in that we asked them to give or to pick from six auditors that we were going to pay for. Is that correct?

Mr. Olson replied that is correct.

Ms. Hummer said that she just wanted to point out one more time that on February 5th the City Manager had a letter in hand that he received that afternoon or it was in his office as he was in Washington saying that they had agreed to audits for years 2005-2006 and 2007. There was a break down after that and she is not sure it has been fully explained but lets say we started with an agreement to an audit. Let's at least be fair about that.

Mayor Pro Tem Baker said that we have a motion on the floor. She would like to call for the vote.

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

A motion was made by Councilman E. K. Rivers, seconded by Councilman L. A. Hummer that we have a meeting set between the City Manager, OIC to find out exactly the problem or bring back and relay to City Council the audit firms. When he says that if there is a problem with the six get it in writing so that way we can go and work out a solution and pick out an audit firm and move forward with this grant.

Mayor Pro Tem Baker said that she has something to say. She does not know why we have to remind people of this but we have already given six auditors. Not all local auditors as some from Currituck and one from Virginia. They are not all local auditors. What is wrong with the six auditors? Why do you have to pick the auditors when somebody else is willing to pay for it? She does not understand. Any other comments?

Ms. Watts said in addition to that if you look at this as a business and if the building belongs to her, let's just say the building belongs to me, she has certain requirements that she asks from her renters. So, we are asking for an audit and we are willing to pay for it. So therefore the six that we have given there are all six auditors now why just think about it why would you not pick one out of six. It isn't like we gave them one auditor. What is the problem?

Councilwoman Meggs said let's say that this is human relations as well as this is business. If we can settle this with conversation on an auditor that she can agree with and Rich can agree with then what is our problem.

Ms. Watts said well Ms. Meggs I feel like you are talking to me because she made the comment.

Ms. Meggs said that she was talking to all of us.

Ms. Watts said that she feels like you are talking directly to me because she made the comment. So, let me come back with this answer. Again, you know it is not, listen, if you lease a building to me, she doesn't get a chance to tell you how to do that. You have certain requirements; she can't even bring in certain things to that building unless she gets an ok from you. And, so yes we are human relations but we run the City as a business and we have guidelines and laws to follow and when people are not following those guidelines that we requested. Number one we shouldn't even be here allowing them to give us six that we choose for them to pick. That is not the way that is not the order. It is

about principle. And, the principle is the City has said that there are six here, pick one of these. It is not about, you know what they want. It is about what you have requested. It is about what we have requested as officials of the City. It is about going by what our guidelines are, what our laws are for any, any sub-recipient. And, that is just the fact. It is not a personal vendetta. It is specific rules and regulations that we have set. Just pick one of the six. It is not a big deal. She has got books; she will pick one of the six, go audit her stuff. It doesn't matter to me. Even if I have got mistakes on that, it shouldn't really matter. Why are we making such a big deal out of six auditors? It doesn't make sense.

Mayor Pro Tem Baker said she has a comment too. She just does not understand why we are back here again. We have had this discussion, we have been around and around and around and given opportunity after opportunity to this non-profit. Why are we back here discussing this same thing again? How did we get here? She doesn't know. For the life of her she thought that we were coming tonight to say the lease is over because we have given you that ultimatum that at five o'clock on Friday the 14th was the deadline. Pick an auditor or we are going to start eviction proceedings. Why are we back to choosing an auditor again? She does not understand.

Mr. Rivers said that he can answer that question because when you changed the rules of the game in the middle of the game you have to have both sides in order to feel that it is reputable. When they first moved into the center eighteen months ago there was no requirement for audits. It was required for 990's. Now, within the last five or six months now all of a sudden City Council wants to say we are changing the rules of the game. We are going to dictate to you and tell you that along with DCA that you are going to get out and get an auditor to audit your books. They are on a cost reimbursement plan. That means that the City has to approve before they reimburse OIC for any expenditures that they have. Now all of a sudden you want to dictate to someone and tell them, we are going to mandate to you, we are going to change the rules in the middle of the game after eighteen months when we signed a ten-year lease with an organization based off that they go in and provide programs and do what you say you are going to do in the community, benefit low to moderate income, continue to provide the programs and supply us with 990's. Now all of a sudden we are saying auditors. Then you want to tell them what auditors they have to use. Did we call them and sit them down to the table and say we are changing the rules on the game and you are exempt on that. They have openly, through letters of communications, said that they have no problems with providing an audit but they just do not feel comfortable with the auditing companies that you have suggested. Maybe you think that you can get a fair venue in Elizabeth City but he knows when you have committed a crime or when you go to court a lot of attorneys will do a change of venue so you have persons that have no

connections with organizations and nobody can say that you know that person or that I know that person. Lawyers do it all the time. Why do we have to mandate and dictate to them those six auditor firms and say you have to use those audit firms. They are saying no we want to be able to have input on what auditing firm that you are trying to shoved down our throats. When we sit here and act like all of a sudden that they are not playing by the rules. The rules when we signed it eighteen months ago specifically said 990's. Now you are changing the rules in the middle of the ballgame and you don't want to give them the opportunity to be a part of the selection process. Everyone knows that this has been political and we have heard from when ECSU was in the selection process. We need to move pass that. Everyone has had the opportunity to say what they wanted to say. Like Ms. Watts said earlier, you have your choice to say what you want to say. He can't think for Ms. Watts. He can't think for Ms. Hummer or Mr. King. He can only think for Kirk Rivers and based off of that he is just one that likes conversation. He learned a lot when we sat down here with OIC and did a sub-recipient agreement with them sitting on that side and we sitting on this side and we were able to have dialogue and keep things going on the sub-recipient agreement. Now, all of a sudden we don't want to communicate. He can't go with that and that is why he put the motion up and be believes in human relations and we need to move forward with that.

Mayor Pro Tem Baker said that we need to move forward at this time with our public hearings. They are advertised and we are running late.

Mr. Stimatz said excuse me, Madame Chairman I would like to make a motion to continue this discussion until after the public hearings. I have more to say.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to table discussion on this item until after the public hearings. Those voting in favor of the motion were: Stimatz, King, Baker, Hummer, Meggs, Rivers and Watts. Against: None. Motion carried.

3} PUBLIC HEARINGS:

a} Lot #4, Phase I, South Park Subdivision and owned by George and Linda Raper:

Mayor Pro Tem Baker called upon City Manager Olson for comments on this petition for voluntary annexation.

Mr. Olson said this is a petition for voluntary annexation of a 1.00 acre parcel that is non-contiguous to the existing city limits and is owned by George and Linda Raper and is located in the South Park Subdivision as Lot #4

Mayor Pro Tem Baker declared the meeting into public hearing. Since no one wished to speak for or against the proposed voluntary annexation, Mayor Pro Tem Baker declared the public hearing closed. She called for action on this item.

A motion was made by Councilwoman B. S. Meggs, seconded by Councilman J. A. Stimatz to adopt the following ordinance incorporating Lot #4, Phase One South Park Subdivision into the corporate limits of the City with an effective date of April 1, 2008. Those voting in favor of the motion were: Meggs, Stimatz, Baker, Hummer, King, Rivers and Watts. Against: None. Motion carried.

ORDINANCE #08-03-6
TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF ELIZABETH CITY, NORTH CAROLINA
GEORGE B AND LINDA S RAPER
1.00± ACRE

WHEREAS, the City Council has been petitioned under G. S. 160A-58.1, 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 24th day of March, 2008 after due notice by publication on the 14th and 16th days of March, 2008; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-58.1 9b), to wit;

a} The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City of Elizabeth City;

b} No point on the proposed satellite corporate limits is closer to another municipality than to the City of Elizabeth City;

c} The area described is so situated that the City of Elizabeth City will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

d} No subdivision, as defined in G.S. 160A-376 will be fragmented by this proposed annexation.

WHEREAS, the City Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City Council further finds that the petition is otherwise valid and that the public health, safety and welfare of the City of Elizabeth City and of the area proposed for annexation will be best served by annexing the area described;

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-58.2, the following described non-contiguous territory, is hereby annexed and made part of the City of Elizabeth City as of the 1st day of April, 2008.

BEGINNING at a point situate on the northwestern margin of Capital Trace, which beginning point further marks the southwestern corner of Lot 3, South Park Subdivision, as delineated on plat thereof recorded in Map Book 23, at Pages 18 & 19, of the Pasquotank County Registry, and, from said point of beginning. North 38° 47' 04" West 247.21 feet to a point, a corner; thence South 54° 13' 47" West 173.26 feet to a point, a corner; thence South 38° 47' 04" East 256.32 feet to a point situate on the northwestern margin of Capital Trace, a corner; thence, along the northwestern margin of said road, North 51° 12' 56" East 173.02 feet to **THE POINT AND PLACE OF BEGINNING**. And, being all of Lot No. 4, of Phase I, South Park Subdivision, as delineated on Plat recorded in Map Book 23, at Pages 18 & 19 of the Pasquotank County Registry, said tract of land having Parcel No. 8922-285773, and being assigned Map No. P123-200 in the office of the Tax Supervisor of Pasquotank County. Site contains 1.00± acre.

SECTION 2. Upon and after the 1st day of April, 2008, 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 24th day of March 2008.

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Stephen S. Atkinson
Mayor

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Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Lot #5 Phase I South Park Subdivision owned by James Haugh, et al:

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

Mr. Olson advised that this is a petition for voluntary annexation for 1.00 acre parcel that is located in Phase I of the South Park Subdivision and owned by James Haugh, et al and known as Lot #5.

Mayor Pro Tem Baker declared the meeting into public hearing for consideration of this petition for voluntary annexation. Since no one was present to speak for or against the proposed voluntary annexation, Mayor Pro Tem Baker 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 Lot #5 of the South Park Subdivision, Phase I into the corporate limits of the City of Elizabeth City with an effective date of April 1, 2008. Those voting in favor of the motion were: Meggs, Stimatz, Baker, Hummer, King, Rivers and Watts. Against: None. Motion carried.

ORDINANCE #08-03-7
TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF ELIZABETH CITY, NORTH CAROLINA
JAMES D. HAUGH, ET AL
1.00± ACRES

WHEREAS, the City Council has been petitioned under G. S. 160A-58.1, 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 24th day of March, 2008, after due notice by publication on the 14th and 16th days of March, 2008; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-58.1 (b), to wit:

a} The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City of Elizabeth City;

b} No point on the proposed satellite corporate limits is closer to another municipality than to the City of Elizabeth City;

c} The area described is so situated that the City of Elizabeth City will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

d} No subdivision, as defined in G.S. 160A-376 will be fragmented by this proposed annexation.

WHEREAS, the City Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City Council further finds that the petition is otherwise valid and that the public health, safety and welfare of the City of Elizabeth City and of the area proposed for annexation will be best served by annexing the area described;

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-58.2, the following described non-contiguous territory, is hereby annexed and made part of the City of Elizabeth City as of the April 1, 2008.

BEGINNING a point situate on the northwestern margin of Capital Trace, which beginning point further marks the southwestern corner of Lot 4, South Park Subdivision, as delineated on plat thereof recorded in Map Book 23, at Pages 18 & 19 of the Pasquotank County Registry, and, from said point of beginning, North 38° 47′ 04″ West 256.32 feet to a point, a corner; thence South 54° 13′ 47″ West 167.31 feet to a point a corner; thence South 38° 47′ 04″ East 265.11 feet to a concrete monument situate on the northwestern margin of Capital Trace, a corner, thence; along the northwestern margin of said road, North 51° 12′ 56″ East 176.08 feet to **THE POINT AND PLACE OF BEGINNING.** And being all of Lot No. 5, of Phase I, South Park Subdivision, as delineated on Plat recorded in Map Book 23, at Pages 18 & 19, of the Pasquotank County Registry, said tract of land having Parcel No. of 8922 284651, and being assigned Map No. P123-201 in the Office of the Tax Supervisor of Pasquotank County. Site contains 1.00± acre.

SECTION 2. Upon and after the 1st day of April, 2008, 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 24th day of March 2008.

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Stephen S. Atkinson
Mayor

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Dianne S. Pierce-Tamplen, MMC
City Clerk

c} Lot # 6, Phase I South Park Subdivision and owned by Lassiter Construction Company:

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

Mr. Olson stated that this is a 1.00 acre parcel located in Phase I South Park Subdivision and owned by Lassiter Construction Company.

Mayor Pro Tem Baker declared the meeting into public hearing. Since no one was present to speak for or against the proposed annexation, Mayor Pro Tem Baker 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 Lot #6, Phase I South Park Subdivision and owned by Lassiter Construction Company into the corporate limits of the City of Elizabeth City with an effective date of April 1, 2008. Those voting in favor of the motion were: Meggs, Stimatz, Baker, Hummer, King, Rivers and Watts. Against: None. Motion carried.

ORDINANCE #08-03-8
TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF ELIZABETH CITY, NORTH CAROLINA
LASSITER CONSTRUCTION COMPANY
1.00± ACRES

WHEREAS, the City Council has been petitioned under G. S. 160A-58.1, 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 24th day of March, 2008, after due notice by publication on the 14th and 16th days of April, 2008; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-58.1, 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-58.1, as amended, the following described territory, is hereby annexed and made part of the City of Elizabeth City as of the 1st day of April, 2008.

BEGINNING at a point situate on the northwestern margin of Capital Trace**,** which beginning point further marks the southwestern corner of Lot 5, South Park Subdivision, as delineated on plat thereof recorded in Map Book 23, at Pages 18 & 19 of the Pasquotank County Registry, and, from said point of beginning, North 38° 47′ 04″ West 265.11 feet to a point, a corner; thence South 54° 13′ 47″ West 183.14 feet to a point, a corner; thence South 43° 02′ 30″ East 275.50 feet to a point situate on the northwestern margin of Capital Trace, a corner, thence; along the northwestern margin of said road, North 51° 12′ 56″ East 162.43 feet to **THE POINT AND PLACE OF BEGINNING.** And being all of Lot No. 6, of Phase I, South Park Subdivision, as delineated on Plat recorded in Map Book 23, at Pages 18 & 19, of the Pasquotank County Registry, said tract of land having Parcel N. of 8922 283428, and being assigned Map No. P123-202 in the Office of the Tax Supervisor of Pasquotank County. Site contains 1.00± acre.

SECTION 2. Upon and after the 1st day of April, 2008, 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 24th day of March 2008.

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Stephen S. Atkinson
Mayor

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Dianne S. Pierce-Tamplen, MMC
City Clerk

d} Lot #11, Phase I South Park Subdivision and owned by Technicare:

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

Mr. Olson replied that this is a 1.00 acre parcel that is known as Lot #11 and is located in Phase I South Park Subdivision and is owned by Technicare.

Mayor Pro Tem Baker declared the meeting into public hearing. Since no one was present to speak for or against the proposed annexation, Mayor Pro Tem Baker 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 Lot #11, Phase I, South Park Subdivision and owned by Technicare into the City Limits with an effective date of April 1, 2008. Those voting in favor of the motion were: Meggs, Stimatz, Baker, Hummer, King, Rives and Watts. Against: None. Motion carried.

ORDINANCE #08-03-9
TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF ELIZABETH CITY, NORTH CAROLINA
TECHNICARE, INC.
1.00 ± ACRES

WHEREAS, the City Council has been petitioned under G. S. 160A-58.1, 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 24th day of March, 2008 after due notice by publication on the 14th and 16th days of March, 2008; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-58.1(b), to wit:

a} The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City;

b} No point on the proposed satellite limits is closer to another municipality than to the City;

c} The area described is so situated that the City will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

d} No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

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-58.2, the following described territory, is hereby annexed and made part of the City of Elizabeth City as of the April 1, 2008.

BEGINNING a point situate on the eastern margin of Tidewater Way, which beginning point further marks the southwestern corner of Lot 12, South Park Subdivision, as delineated on plat thereof recorded in Map Book 23, at Pages 18 & 19 of the Pasquotank County Registry, and, from said point of beginning, South 65° 41′ 58″ East 241.87 feet to a point, a corner; thence South 15° 59′ 00″ West 215.71 feet to a point, a corner; thence North 47° 36′ 02″ West 307.07 feet to a point situate on the eastern margin of Tidewater Way, a corner, thence; along a curve having a radius of 360.00 feet, length of 120.04 feet, tangent of 60.52 feet, chord of 119.54 feet, delta of 18° 05′ 56″, bearing North 33° 21′ 00″ East to **THE POINT AND PLACE OF BEGINNING.** And being all of Lot No. 11, of Phase I, South Park Subdivision, as delineated on Plat recorded in Map Book 23, at Pages 18 & 19, of the Pasquotank County Registry, said tract of land having Parcel N. of 8922 381100, and being assigned Map No. P123-207 in the

SECTION 2. Upon and after the 1st day of April, 2008, 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 24th day of March 2008.

_____
Stephen S. Atkinson
Mayor

_____
Dianne S. Pierce-Tamplen, MMC
City Clerk

e} Lot #12, Phase I South Park Subdivision and owned by American General Construction:

Mayor Pro Tem called upon City Manager Olson for comments.

Mr. Olson advised that this voluntary annexation petition is from American General Construction and is for 1.00 acre located in Phase I of the South Park Subdivision and is known as Lot #12.

Mayor Pro Tem Baker declared the meeting into public hearing. Since no one was present that wished to speak for or against the voluntary annexation, Mayor Pro Tem Baker 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 Lot #12 of Phase I South Park Subdivision and owned by American General Construction into the city limits effective April 1, 2008. Those voting in favor of the motion were: Meggs, Stimatz, Baker, Hummer, King, Rivers and Watts. Against: None. Motion carried.

ORDINANCE #08-03-10
TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF ELIZABETH CITY, NORTH CAROLINA
AMERICAN GENERAL CONSTRUCTION, INC.
1.00± ACRE

WHEREAS, the City Council has been petitioned under G. S. 160A-58.1, 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 24th day of March, 2008, after due notice by publication on the 14th and 16th days of March, 2008; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-58.1 (b), to wit;

a} The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the City of Elizabeth City;

b} No point on the proposed satellite corporate limits is closer to another municipality than to the City of Elizabeth City;

c} The area described is so situated that the City of Elizabeth City will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

d} No subdivision, as defined in G.S. 160A-376 will be fragmented by this proposed annexation.

WHEREAS, the City Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City Council further finds that the petition is otherwise valid and that the public health, safety and welfare of the City of Elizabeth City and of the area proposed for annexation will be best served by annexing the area described;

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-58.2, the following described non-contiguous territory, is hereby annexed and made part of the City of Elizabeth City as of the April 1, 2008.

BEGINNING at a point situate on the eastern margin of Tidewater Way, which beginning point further marks the southwestern corner of Lot 13, South Park Subdivision, as delineated on plat thereof recorded in Map Book 23, at Pages 18 & 19, of the Pasquotank County Registry, and, from

said point of beginning, South 86° 34′ 59″ East 250.43 feet to a point, a corner; thence South 15° 59′ 00″ West 227.12 feet to a point, a corner; thence North 65° 41′ 58″ West 241.87 feet to a point situate on the eastern margin of Tidewater Way, a corner; thence, along the eastern margin of said road, along a curve having a radius of 350.00 feet, length of 138.50 feet, tangent of 70.05 feet, chord of 137.74 feet, delta of 20° 53′ 00″, bearing North 13° 51′ 31″ East to the **POINT AND PLACE OF BEGINNING.** And, being all of Lot No. 12, of Phase I, South Park Subdivision, as delineated on Plat recorded in Map Book 23, at Pages 18 & 19 of the Pasquotank County Registry, said tract of land having Parcel No. 8922-381242, and being assigned Map No. P123-208 in the office of the Tax Supervisor of Pasquotank County. Site contains 1.00± acre.

SECTION 2. Upon and after the 1st day of April, 2008, 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 24th day of March 2008.

_____
Stephen S. Atkinson
Mayor

_____
Dianne S. Pierce-Tamplen, MMC
City Clerk

f} Changes to the City's Code of Ordinances Section 58-Parks and Recreation:

Mayor Pro Tem Baker called upon Parks and Recreation Director J. D. Overman for remarks.

Mr. Overman said that this request is a request to change some of the descriptions in the terminology describing parks in our Code of Ordinances. He doesn't actually have the paperwork. There are actually four or five changes. One of them is to remove Oxford Heights from the list of park names. One of them is to change the Charles Creek Playground to the Pete Hooker Park and another one is to change Mariner's Wharf located at the east end of Fearing Street along Pasquotank River to the north and south unless a person is actually engaged in docking a boat or parking. The next one is to remove Hobbs Park and the last one is to add another park which is known as Fish Court and is located at the south corner of Southern Avenue and Dawson Street. Then the next Section 58.2 Mariner's Wharf it changes the description to all parks that the riverfront is described in Pasquotank County tax map as Parcel #4-C-6, 4-C-5, 4-C-4, 4-C-1, 4-C-2, 4-D-1 and 4-D-2 to be known as Mariner's Wharf and hereby set apart for the purpose of this section to be used as a public wharf. Then the last one is Waterfront Park and in that one it just changes it to the description on the tax maps as Parcel 16-B-5.

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

Mr. Stimatz said I brought this question up last time. Wharf has a very specific meaning as it relates to the waterfront and I thought that we talked about this and it really should be Waterfront Park more in keeping with, excuse me, Mariner's Wharf Park rather than just Mariner's Wharf. Have we talked about that? It is a park and there is a wharf at the park and the land itself makes up the park and the wharf itself is only that portion near the water.

Mr. Overman said that we have always referred to it since it was first established as Mariner's Wharf. It is a park but it has always been referred to as Mariner's Wharf.

Mr. Stimatz said right but I note that every other park is called park. Hobbs Park, Pete Hooker Park, Oxford Heights Park and I understand that you can call it Mariner's Wharf but in keeping with the fact that it lets people know that it is park property should we not technically call it Mariner's Wharf Park.

Mr. Overman said that he would have to look at them to make sure that all seventeen have park. He knows that Fish Court didn't have park on it.

Mr. Stimatz said that I was just asking and for his perspective that, you know, Mariner's Wharf Park. The reason that I say that is because Mariner's Wharf has a very specific meaning. People would think oh just a wharf. People from out of town. People who come here. They see Mariner's Wharf and they think that is only for the boaters. If you say Mariner's Wharf Park then they think oh it is a park and it is for everybody. So from an advertising and marketing standpoint adding one word, park, doesn't hurt. We can all call it Mariner's Wharf. We can all call it whatever it was fifty years ago. My thought is that we should call it Mariner's Wharf Park. Is there a problem? Does Council have heartburn with that? Are you ok with it?

Mr. Rivers asked why change it. Mariner's Wharf has been Mariner's Wharf for ever. He is not for the change.

Ms. Hummer said that she agrees as she feels Mariner's Wharf sounds better.

Mr. Stimatz said that I understand that. I am just talking about we are trying to market our city; we are trying to market it to the people who are coming here. Not every body knows what Mariner's Wharf is and if you say it is Mariner's Wharf Park. If you call it Mariners' Wharf Park it is just an advertising thing. You know I am not hard over on this issue. It is just a suggestion. You are on the Image Committee.

Ms. Meggs said that she is on the Image Committee and she thinks that the Mariner's Wharf Park is ok if we call the rest of them parks.

Mayor Pro Tem Baker asked if that was a motion.

A motion was made by Councilwoman B. S. Meggs that we call it Mariner's Wharf Park. Councilwoman V. C. Watts seconded it.

Mr. Rivers asked the Fish Court that was just brought up so it will be called Fish Court Park.

Councilman King said let's leave it the way it is.

Mr. Rivers said he would like to leave it the way that it is and let's just keep moving forward.

Mr. Stimatz said that we have a motion and a second.

Mayor Pro Tem Baker said that we do have a motion and a second, any other discussion.

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

City Manager Olson said just for a point of clarification from City Staff perspective. The motion that was just adopted in our opinion just specifically addressed Section 58-2 and only that. We need a motion to approve 58-1 and also 58-3. The only thing that you did was you changed the name of Mariner's Wharf to Mariner's Wharf Park. You still have the other sections that need to be adopted.

A motion was made by Councilman J. A. Stimatz that we adopt Sections 58-1, 58-3 as it pertains to the re-description of the property and 58.2 as it pertains to the description of the property. Councilwoman V. C. Watts seconded the motion.

Councilwoman Hummer asked if we had a sign that we have to change. Does this entail some money?

Mr. Stimatz said that I will pay it.

Ms. Hummer said that she thinks that the natives are happy with Mariner's Wharf.

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

g} Rezoning Request RZ-01-08:

Mayor Pro Tem Baker called upon Ms. Cole for a description.

Ms. Cole said that this item before you is RZ-01-08 by Edenton Construction Company, Inc. 403 North Road Street from Residential R-6 to Office and Institution, O&I. The applicant is proposing to convert the building from a vacant multi-family structure to both multi family and accountant offices. On February 5, 2008 the Planning Commission held a public meeting on this matter to receive comments from the public. The Commission was of the opinion that Office and Institutional was appropriate. The Planning Commission voted five to zero to approve this request for rezoning.

Mayor Pro Tem Baker declared the meeting into public hearing. Donald Faircloth spoke in favor of the rezoning.

Councilwoman Watts asked what kind of parking would there be for this structure.

Mr. Faircloth said that the lot is a very narrow and deep lot. Parking can be accommodated in the rear but it will require a variance for the setback from the side property line. We were trying to get through the City Council first before we approached the Technical Review Committee with that.

Ms. Watts asked didn't he think that was one of the first things that you do.

Mr. Faircloth said that he didn't want to spend the owner's money to have all the drawings engineered and then have it voted down. He would rather have the approval based on meeting the criteria of the Technical Review Committee.

Ms. Watts said that I would have kind of liked to have had a picture of it in my mind of what you were planning on doing. I am not sure what the other council members would also say to that but we really can't see from what you presented to us how you are going to accommodate parking. How many offices do you have? Are you planning on having how many?

Mr. Faircloth replied that according to your UDO we are going to have office space downstairs which would require, bear with him for a moment.

Mr. Stimatz said while we are waiting, I have a question for staff or did she leave. Is Ms. Brooks here, I guess not.

Mr. Faircloth said per your UDO a total of nine parking spaces will be required. One per apartment and one per 250 square feet of office space. There is enough room in the rear to accommodate it. It will infringe some on the setbacks. He did have a preliminary plat plan but he did not bring that with him as he didn't realize that he would need it tonight. We feel that this is a doable project.

Ms. Watts asked how far over the setback would you be going. Do you have a foot, a half foot or do you have anything?

Mr. Olson asked to interject something. The O&I require a conditional use permit to be issued at another time so basically what you are doing right now is rezoning the property. This applicant will have to come back before you for a conditional use permit and during the conditional use permit review, those are the things that are usually established at that particular time. Conditional Use Permit will go to the TRC, Planning Committee and back to the City Council. The issue at hand and before the conditional use permit can be granted we will have

to get the variance and everything else that is required as part of the Conditional Use Permit before it even comes before this body.

Ms. Watts said so what you are saying is this gentleman can spend some dollars here and possibly some down the road get a no.

Mr. Olson said that is correct because if a Conditional Use Permit is not granted by the City Council then basically he will have to rethink what he is going to do with the property.

Ms. Watts said I am glad that you said that because you know I think that we are not given enough information up front. Is that fair to say?

Mr. Olson said that the O&I is a special district that we have. It is the only district that he believes that requires the Conditional Use Permit.

Ms. Cole said that multi-family is allowed in the R-6 zoning already. O & I triggers a multi-family Conditional Use Permit to be issued.

Mr. Olson said that it is kind of confusing. He does have to come back before this body once again for a Conditional Use Permit.

Mr. Stimatz said I have a question for staff but if you want to go out of public hearing that is fine.

Since no one else wished to speak for or against the proposed rezoning Mayor Pro Tem Baker declared the public hearing closed.

Mr. Stimatz said I am just curious did the Planning Commission look at the parking issue at all. Was it discussed?

Ms. Cole replied that no it was not. They consider whether the rezoning and possibilities of uses under that category was appropriate.

Mr. Stimatz said they felt comfortable knowing that the Conditional Use Permit would have to be issued later.

Ms. Cole replied yes.

Mr. Stimatz said that would be the actual controlling document in the end. The reality could be is that we might not let him have as many offices for instance. If it is parking that he can't meet for the offices that he wants then he would have to reduce the offices to meet the parking.

Ms. Cole said correct.

Mr. Stimatz said ok.

Mr. Rivers said that he looked at the adjacent zoning in the land use and he sees that to the north, south and east it is telling him that it is all Residential R-6. Then to the west it says Residential R-6 Institutional and Open Space use. That would basically be the Sheep Harney side.

Ms. Cole said yes that is the school and this property abuts the park space or recreational space for that school

Mr. Rivers said that he noticed that in looking at the overall map or the use for that area that we are sliding north and everything north is R-6, Residential.

Ms. Cole replied that yes on the north, west and south everything is zoned R-6. The uses are multi-family along Road Street to the north as well as to the immediately south.

Mr. Rivers said then by changing it to O&I we would then allow for businesses to be able to operate in that one location.

Ms. Cole said yes for those geared for services and some retail. You can have the multi-family component in O&I. The property owner ran into difficulties in trying to do the mixed use project with just the R-6 zoning.

Mr. Rivers said that in the back of his mind he understands exactly what he is doing. He needs to change it to O&I before and funds are spent but he voted for it on Main Street when they were telling him that it was going to be an interior design. He looked at that area and everything around it looked like it was conducive to it. There is not an interior design place there. He understands it is a catch 22. You put the money up but he is looking at that interior design place which he voted for based off that interior design business going there and he thought that was a great fit for that historic district. Now he looks back and in looking at this area and after riding that street during the morning, a lot of youth are walking to school. To change it to a office and institution where businesses can be allowed to inhabit that building whether it is the first floor or the second floor, what ever it may be more traffic will be in that particular site. He is a little hesitant and he can see where Councilwoman Watts is coming from. We vote it in and then something changes and we are stuck with another business that might have five or six employees coming in at eight o'clock and that is not good for the children walking back and forth. He feels that he needs to see a little bit more. He got burnt before for voting for this and things do

happen. He can't go with it right now until he can see exactly what is asked for in terms of parking.

Ms. Watts said that I would like to know how do we get, who in the Planning Department do I need to talk too to go over my setbacks because I declare I couldn't get a quarter of an inch over my setbacks. Now, I am not mad at you but whoever you are. I just got a problem with that just a little bit. I am just like Councilman Kirk Rivers I think that some little issue is going on with that. It is a great idea but I think the location is questionable.

Mr. Rivers said that he hates to vote it down because he recognizes the fees and things of that nature. If we vote against it then he can't come back before us for a year. He is not for him having to spend money. For him to make a decision right now he would just ask to table this for 30 or 60 days to give him the opportunity to give us some site plans so we can see the number of spaces that are being purposed. Do that before we vote against it and it is delayed for a year. He would ask this Council if we could just hold off until the developer comes back with a sketch.

A motion was made by Councilman E. K. Rivers that we hold off until the developer of the project brings back a marked up set of plans showing the egress and ingress and number of spaces being proposed according to our O&I setbacks and parking requirements. Councilman R. E. King seconded the motion. Those voting in favor of the motion were: Rivers, King, Baker, Hummer, Meggs, Stimatz and Watts. Against: None. Motion carried.

4} <u>CONTINUATION OF DISCUSSION OF OIC:</u>

Mayor Pro Tem Baker said that we would continue discussion on OIC at this time.

Mr. Stimatz said that you had a motion. If you would just repeat the motion. Mr. Rivers made one.

Ms. Pierce-Tamplen said, "***A motion was made by Councilman E. K. Rivers, seconded by Councilman L. A. Hummer that we have a meeting between the City Manager, OIC to find out exactly the problem or bring back and relay to City Council the audit firms. When he says that if there is a problem with the six get it in writing so that way we can go and work out a solution and pick out an audit firm and move forward with this grant.***

Mayor Pro Tem Baker asked when would this meeting be

Mr. Rivers said that he put no time table because he notices that when they sent in for two weeks, Mr. Olson was gone, so let them set it up. You just keep us informed with your correspondences, Mr. Olson so that way we all get to see everything.

Mr. Stimatz said I would just like to clarify one thing. Mr. Rivers made a point about changing rules in mid stream and I would like to go back and indicate that at the time we solicited through a Request for Proposals for a operator for the Hugh Cale Resource Center. One requirement of the RFP that would be the applicant provides three audits. That was a rule going in. In point of fact, OIC did not provide the three audits. They were still pre-offered to the Council as a qualified respondent even through technically they weren't and the vote on that was pushed forward by a group of people that took advantage of the absent of one council person and since then we have had four letters asking them to agree, a} to the audits and b} to the group that we had. So, it is not like we changed the rules. We have been trying to apply these rules for over two years and have been nothing but stonewalled and slowed down.

Ms. Watts said I do think that we need a date. Even if it is 30-days. At least something because again we can go on and on and on and on and she does not want that to happen again. I think that they want to know what is going to go on and I know we do. So, I mean whatever days.

Mr. Rivers said that ***he would accept 30-days.*** He is not making it hard. He will take that as a friendly amendment.

Ms. Hummer as the one who second the motion she will accept that also.

Ms. Watts asked if everybody agrees with that thought as well.

Councilman King said 30-days.

Ms. Watts asked any other options. Somebody help her here.

Mayor Pro Tem Baker called for the question.

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

5} <u>COMMENTS FROM THE PUBLIC:</u>

Mayor Pro Tem Baker asked the Clerk if anyone had signed up to speak.

Ms. Pierce-Tamplen replied that we had nineteen people to sign up but six of those nineteen wished to allocate their time to another individual.

The first speaker was Susan Neal Matousik who spoke regarding a taped meeting that she had with the City Manager, City Clerk and Chief of Police. She expressed her concerns about her civil rights being violated. She also talked about being abused by members of the police department and possible violations of the ADA Act.

Ms. Rushell Goumbs spoke her concerns about the reasons that certain people have something against OIC. She spoke in favor of OIC and the work that they do for the Hugh Cale Neighborhood. She asked that Council try to build up instead of breaking down the good.

Ms. Gloria Lamb, 116 Burlington Drive, Elizabeth City, expressed her concern after speaking with the General Assembly who told her that for non-profits under $500,000 that the 990's would suffice. She asked if the City would amend the lease and put in it that she is to provide an audit. She feels that Council needs to reconsider what you want to do with this program.

Theratha Freshwater, 611 W. Cypress Street, Elizabeth City, told Council that she is one of the students that graduated from the CNA program. She expressed her gratitude for being able to go through this program and being able to find employment. She asked that Council support OIC.

Kenneth Roberts, 1718 Providence Road, Elizabeth City, spoke as Chairman of the Elizabeth City Neighborhood Corporation and said that he feels that the City has benefited from the Hugh Cale Revitalization Grant. ECNC is very proud of the work they have done. They think that it is unfair for the City to recant those terms on the repayments at this time.

Tony Riddick, 206 Dobb Street, advised that he was a local investor and wanted to give his opinion on a couple of things. There is an old African proverb that says, "When two elephants go to battle, the only thing that suffers is the grass". He has watched the City Council Members and other members of the community go to battle for quite some time. Currently the people that are suffering are the young people that come from single parent homes. It is disturbing when you see our elected officials arguing over a program that has been extremely instrumental within our community. OIC, since its conception has put 25 to 30,000 students through it. He feels that something has to be done about our gangs, crime, etc. whether it is through OIC or another program and it cannot be done through the warring of two elephants.

Richard Gilbert, 1623 Penny Drive, Elizabeth City, announced that he has heard a lot of conversation and there is no denying that OIC is doing good work for kids. His opinion is doing an audit is a normal part of doing business for any viable non-profit. He feels that what is being said tonight is that OIC doesn't apply for any audits. He questions how they are going to sustain themselves for operating expenses. He expressed his opinion on loan forgivingness. He said that Federal Law says that you have to have an audit if you make a certain amount of money. He questioned if Councilman Rivers has a financial interest in OIC. In his opinion all that anyone is asking is for them to gain the public trust and perform the audits. He feels strongly that OIC should have never received the sub-recipient agreement the first time because they were not in compliance. He said that the State Auditor is waiting on you guys and you guys can do what you want too and the State Auditor will come back and tell you where you are wrong. Whatever the State Auditor doesn't get the Inspector General Office of HUD will get. Rest assured that they are waiting on what your actions are.

Roger McLean, 126 Chauncey Drive, Elizabeth City, stated that he stands before council to talk about helping the citizens in Elizabeth City that are in dire need of assistance to create a better quality of life for themselves and their families for jobs, education and training. He feels that while we sit here and debate issues that are totally irrelevant and to some extent based on personal vendettas wonderful opportunities are being missed. He referred to several instances where the City had requested audits of OIC as well as several instances where OIC has agreed to such audits and to pay for the audits. He questioned why the City would proposed to spend $20,000 for audits of the not for profit that had revenues of less than $75,000 for 2005 and less than $200,000 for 2006-2007. He feels the purpose of the audit should be stated and how it is going to be used to validate the sub-recipient agreement. There is no correspondence from DCA or any federal agency that requires OIC to do an audit. Oh behalf of OIC and if there are in fact correspondence, he would respectively request copies of that correspondence. He thinks that the public should be aware that the sub-recipient agreement that we currently operate under did not require an audit. He notes that not for profits with less than $500,000 in receipt as income are not required to have annual audits. OIC has made the City accessible to the 990 forms for 2005-2006. He further stated that OIC receives no funds from the City for operations. He feels that OIC is doing a wonderful job and we must work together for our communities.

Ms. Indy Kelly, 701 Harney Street, Elizabeth City, expressed her thanks to several individuals for their dedication, devotion, care and concern with this city and the citizens that live here. Mayor Steve Atkinson, Councilwoman Anita Hummer, Councilman Tony Stimatz, Chief C. E. Crudup, Lieutenant Etheridge, she would like to thank for going out of their way to make citizens concerns heard. She wanted to say City Manager Olson that he has a great staff.

Reverend Tatum also gets her thanks for being an excellent Community Watch President. Finally she wanted to say to Mr. Gilbert and Ms. Koerber that we understand they have a right to do what they are doing but in her opinion it is causing division, feelings of racism, cultural misunderstandings and social economic discrimination. Many feel that their actions are politically motivated and self serving.

Jereline Lynn, 616 Bunnell Avenue, Elizabeth City, a resident of this community for over sixty years. The City at one time was a beautiful, safe and loving city to live in. She wonders what has happened to the city of hospitality. The City is growing rapidly and all that we are experiencing is crime, gangs and hate. She feels that the City is being divided and all the energy is being put in division of the residents by certain persons. We need to work together to better the City. She feels all that is being done is destroying the accomplishments that have been made. She is afraid that our City is the last place that one wants to locate because of the negative attitudes.

Ms. Azree Mr. Jones, Elizabeth City, stated that she stands before Council tonight in support of OIC. She would like to present some facts that seem to have been overlooked or forgotten in reference to OIC not meeting their deadline. She questioned how many times someone has to agree verbally and in writing to one's request. She personally has attended two meeting since January that OIC has agreed for the audits. She feels strongly that there is a hidden agenda to remove OIC from the building. She is well aware that a part of the hidden agenda is Ms. Shirley Simpson. It has been stated that the problem rests with her associates or the people around her. She personally has lived in the Hugh Cale Community for over thirty years and she has seen the good that Ms. Simpson has done to try to keep the area safe. She feels that council is concentrating in removing OIC from a building that they let OIC have. Is it OIC or is it a hidden agenda or a vendetta against Ms. Simpson. She encourage those that want to have OIC to go to the center and find fault and not trumped up innuendoes and then you need to report your findings to OIC of America so that they can take the appropriate action. She is asking that you let go of whatever personal feelings that you have and do what is right. She pleaded that Council doesn't try and take us backwards just because you can and don't be the Council that divides this City further with open racism, sexism and hatred.

Ms. Bernice Davis Mars, 300 W. Cypress Street, Elizabeth City, stated that she has read the newspapers account of the Council against OIC and Ms. Shirley Simpson. To her it appeared lopsided and one sided. She took the opportunity to hear one of your meetings in person and saw one on the television. She was disturbed by some of the things that she heard. At both meetings she heard accusations that OIC and Ms. Simpson needed to agree to an audit. She heard Mr. Olson say at least three times that OIC has never refused an audit. Yet, the

newspaper and the added agenda item were brought up again saying that the audit had to be agreed too. She feels that the Council is nitpicking in trying to make Ms. Simpson look bad. To her it seems much too personal for a council. She spoke of the good that OIC has done for the community.

City Clerk Pierce-Tamplen advised that was the end of the public speakers.

Mayor Pro Tem Baker said that we would take a five minute recess.

Mayor Pro Tem Baker advised that the meeting was back in session.

6} APPROVAL OF THE MINUTES:

Mayor Pro Tem Baker called for approval of the Regular Meeting minutes held on February 25, 2008. This is an item that was tabled at the last meeting because of a question that was raised at the last meeting. She called upon City Manager Olson to address the question we had regarding the advertising of the Close-Out of Year Five of the Grant.

Mr. Olson said that included in the minutes of the February 25, 2008 meeting was some concerns by some members of Council concerning whether or not we had done the proper advertising for the Close-out of Year Five of the Hugh Cale Grant. We forwarded the advertisement and a draft copy of the minutes to Stephanie Morris of DCA. She has reviewed them and she said that she has no problem with them but she would withhold judgment until DCA comes down and do their actual final close-out audit which should be some time in April. DCA will not provide an official opinion. The worst case scenario would be that they don't believe that adequate advertising was done and then we would have to have the public hearing once again. Staff recommends approval of the minutes.

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilwoman L. A. Hummer to approve the February 25th minutes. Those voting in favor of the motion were: Baker, Hummer, King, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.

7} CONSENT AGENDA:

Mayor Pro Tem Baker asked the City Manager to read the items on the Consent Agenda. Following the reading of the Consent Agenda, she called for action.

A motion was made by Councilman J. A. Stimatz to accept the items on the Consent Agenda as presented. Mayor Pro Tem Baker seconded the motion. Those voting in favor of the motion

were: Stimatz, Baker, Hummer, King, Meggs, Rivers and Watts. Against: None. Motion carried.

Consent Agenda:

a} Adopt the following resolution directing City Clerk to investigate the Sufficiency of Petition for voluntary annexation received from Tanglewood Development, LLC for 189.71 acres.

RESOLUTION #08-03-6
Directing City Clerk to Investigate
A Petition Received Under NCGS 160A-31
Tanglewood Development, LLC
189.71 Acres

WHEREAS, a petition requesting annexation of a 189.71 acre parcel located in adjacent to Halstead Boulevard Extended and further described in said petition has been received by the City Council of the City of Elizabeth City; and

WHEREAS, NCGS 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

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

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED, this 24th day of March 2008.

_____
Stephen S. Atkinson
Mayor

_____
Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Accept the Certificate of Sufficiency received from the City Clerk and adopt the following resolution calling for a public hearing to be held on Monday, April 14th, 2008 at 7:30 p.m. in the City Council Chambers for consideration of Tract 3A – 12.57 acres and owned by the City of Elizabeth City and Pasquotank County, Tenants in Common, South Park Subdivision.

RESOLUTION #08-03-7
FIXING PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S. 160A-58.1, AS AMENDED
THE CITY OF ELIZABETH CITY AND THE COUNTY OF PASQUOTANK
COUNTY, TENANTS IN COMMON
TRACT #3A - 12.57 ACRES

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

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

SECTION 1. That a public hearing on the question of annexation of the area described herein will be held at the Municipal Administration Building in the City Council Chambers at 7:30 PM on the 14TH day of April, 2008.

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

All that certain tract or parcel of land, containing 12.57 acres, also known as 111 Capital Trace, Elizabeth City, North Carolina and further described as follows:

BEGINNING at a set iron rod situate on the southwestern margin of the Norfolk-Southern Railroad spur (present right-of-way width 50 feet), which beginning point further marks the northeastern corner of this tract, and, from said point of beginning, South 43° 02′ 30″, East 237.75 feet to an existing iron pipe; thence South 42° 08′ 03″ East 942.54 feet to an existing iron rod, thence South 16° 00′ 48″ West 135.79 feet to an existing iron rod; thence North 70° 24′ 50″ West 1,126.34 feet to an existing iron rod; thence South 14° 53′ 35″ West 41.93 feet to a set iron rod; thence North 74° 03′ 09″ West 115.91 feet to a set iron rod which

marks the westernmost point of the tract described herein; thence North 15° 56′ 51″ East 368.24 feet to a set iron rod; thence North 42° 14′ 25″ East 201.21 feet to a set iron rod; thence in a generally northeastwardly direction to the iron rod which makes the POINT AND PLACE OF BEGINNING. And being the same tract of land which is designated as "Tract #3A", containing 12.57 acres on that certain plat entitled in part, "Parcel Split of South Park", said Plat being prepared by Brant L. Wise, Registered Surveyor, under date of June 4, 2001, which Plat is recorded in Map Book 28, at Page 35, of the Pasquotank County Registry, and said plat is incorporated herein by reference. Said tract has been assigned Parcel No. 8922 275746 and Map No. P123-1E in the office of the Tax Supervisor of Pasquotank County.

SECTION 3. Notice of said public hearing shall be published in the Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of said public hearing.

ADOPTED, this 24th day of March 2008.

_____
Stephen S. Atkinson
Mayor

_____
Dianne S. Pierce-Tamplen, MMC
City Clerk

c} Accept Sufficiency of Petition received from the City Clerk and adopt the following resolution calling for a public hearing to be held on Monday, April 14, 2008 in the City Council Chambers of the Municipal Administration Building for Tract #3B – 21.90 acres and owned by the City of Elizabeth City and Pasquotank County, Tenants in Common, South Park Subdivision.

RESOLUTION #08-03-8
FIXING PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S. 160A-58.1, AS AMENDED
PTHE CITY OF ELIZABETH CITY AND THE COUNTY OF PASQUOTANK COUNTY, TENANTS IN COMMON
TRACT #3B – 21.90 ACRES

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

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

SECTION 1. That a public hearing on the question of annexation of the area described herein will be held at the Municipal Administration Building in the City Council Chambers at 7:30 PM on the 14TH day of April, 2008.

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

All that certain tract or parcel of land, containing 21.90 acres, and being described as "TRACT #3B", on that certain plat entitled in Part, "Parcel Split of South Park", said Plat being prepared by Brant L. Wise, Registered Surveyor, under date of December 4, 2001, recorded in Map Book 28 at Page 35, of the Pasquotank County Registry, and said plat is incorporated herein by reference for a more particular description of the tract of land described herein, said tract being more particularly described as follows:

BEGINNING at a set iron rod situate on the southwest margin of the Norfolk-Southern Railroad spur (present right-of-way width 50 feet), which beginning point further marks the northeastern corner of Tract #3A on said plat, and, from said point of beginning, North 43° 02′ 30" West 938.31 feet to an existing iron rod; thence South 58°30′ 56" West 1,477.28 feet to an existing iron rod; thence South 74° 03′ 09" East 1,364.19 feet to a set iron rod; thence North 15° 56′ 51" East 368.24 feet to a set iron rod, thence North 42° 14′ 25" East 201.21 feet to a set iron rod thence, in a generally northeastwardly direction along the northeastern boundary of Tract #3A to the iron pipe which marks the **POINT AND PLACE OF BEGINNING**. This tract of land is assigned Parcel No 8922 280093 and Map No. P123-1B in the office of the Tax Supervisor of Pasquotank County.

SECTION 3. Notice of said public hearing shall be published in the Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of said public hearing.

ADOPTED, this 24th day of March, 2008.

_____
Stephen S. Atkinson
Mayor

_____
Dianne S. Pierce-Tamplen, MMC
City Clerk

d} Execution of CDBG documents for a CDBG Infrastructure Grant for 12-inch water main.

e} Public Hearing to be held on Monday, April 14, 2008 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building to amend Section 11-1.1 of the Unified Development Ordinance.

f} Abstract of Votes for the February 19, 2008 Special Election

g} Authorize Airport Authority to issue up to $480,000 in debt to pay off Pasquotank County Bridge Loan.

End of Consent Agenda:

8} REGULAR AGENDA:

Mayor Pro Tem Baker called upon City Manager Olson for comments on the Agreement for grant services for the Hughes Boulevard Sewer Interceptor Line and the Hughes Boulevard Water Line.

Mr. Olson said that what we have in front of the City Council right now is the agreement for grant services with Pro Inc for $25,000 to do both the Clean Water Management Trust Fund Grant and the Community Development Block Grant. Those CDBG funds are associated with this project and there is no requirement in the Clean Water Management Trust Fund to have any type of competitive selection process nor does the City's policy require it.

Mr. Stimatz said I would beg to differ with the City Manager and I will quote two things from the procurement manual. By the way, I do not know if all the members of the City Council have a current copy of the procurement manual. You need to have one because all elected and appointed officials who participate in negotiating and approval purchase are personally responsible for becoming familiar with and abiding by all applicable North Carolina State Statutes and City Policies and Procedures that govern these activities. If you have not received a copy you should have one. I will quote from Page 4, Section 2, Purchasing

Process. The main one is: selection policy – vendors will be selected on a competitive basis. There are no exceptions for this. It doesn't say that except for sole source. When you look at sole source it says specifically because of their technologically specialized or unique character can only be purchased from one supplier. It is not been proven to me and granted we have used these people before and it is convenient to use these people, it is a quick contracting thing. I will go back to the first meeting that I ever came too. If we are going to have procedures we need to follow them. In this case I do not feel that staff has adequately followed the procedures in the procurement manual. Can you show me why this should be a sole source purchase for $25,000.

Mr. Olson replied that yes he could. He doesn't have the purchasing manual in front of him but he thinks that Sarah can come up and address that issue. This is considered a professional service, the same as what you would do for an engineering or architect.

Ms. Blanchard stated that a service contract does not have to be bid.

Mr. Olson said that this is not the normal type of contract. This is a contract for professional services which is exempt under State Statute.

Mr. Stimatz said what, except we keep getting in trouble because we say that it is not in the State Statute and we keep forgetting that we have City Ordinances and City procedures. And when we have a City procedure regardless of what the State one says, we should be following it. So, if you say vendors will be selected on a competitive basis and you don't exempt that. Ok, you are violating your own procurement manual. And, no offense, Ms. Blanchard you stood up at the retreat and said that it is important that we remember to follow our own rules and procedures. All I am pointing out is it doesn't appear to me that you have followed your own rules and procedures. And, if you did the due diligence and you had given it to me in the package, I wouldn't be having a problem. Ok. I am just pointing out, our manual says we only do it in rare occasions, it is only for technologically, technological things not services and we don't exempt ourselves from the competition process. So, I am just, over and over again we get into trouble in this town because we don't follow rules. We just had a big discussion about it on this audit question. All I am trying to point out is here again it appears that we haven't done our homework completely. And, if you had provided me with the information to support that you had, there was some reason why that they were technologically the only one that could provide the service, I wouldn't have a problem. Help me here. What is the next contract that we are not going to bid competitively?

Ms. Blanchard said that the State Statute do not require this to be bid. If Council chooses to bid it, it can be bid, but by State Law, it does not have to be bid.

Mr. Stimatz said I have nothing further to say.

Mr. Rivers asked the bid process in our manual, what is the time table on that.

Mr. Olson said that the selection for professional services like this usually takes 60-90 days. We have a Clean Water Management Trust Fund Grant that we have until January 31st to have that particular project completed. It is time sensitive that this item gets approved. We recommended Pro Inc. because they have done five or six grants before and we have never had a compliance issue with this particular firm. They know how to handle the paperwork and are well aware of the procedures that they will have to follow. They have handled this type of grants before. We have a lot of faith in this firm. We do not believe that this particular item is covered under the procurement manual. We did look into that prior to writing the memo to the City Council.

Mr. Rivers said then everything was followed and there are no problems whatsoever and in staff's opinion without malice.

Mr. Olson said that he can see why Councilman Stimatz has his opinion on this particular issue but that is why this particular item was included in staff's memo to let the Council know.

Mr. Rivers responded by saying that he would follow that by saying that Ms. Blanchard is a CPA and he has always found Ms. Blanchard to be very careful in her work. Even when we receive Douglas Hollowell's report they always say how she makes sure that she covers everything. She is always able to answer our questions. He thinks based off the knowledge he would accept Ms. Blanchard's word when she says something he would take it because she has no way to go but to cover her job. Before he sits here and we say that she didn't follow the manual as she has an opinion and she stated her opinion and he doesn't want to get into an opinion argument. He thinks that she made her case and we should accept it and move on and allow this to go forth instead of sitting here and pointing out that it is an opinion related issue and try to put down our Finance Director when we can do that from eight to five Monday through Friday.

Councilwoman Hummer asked to say that she thinks that Council needs to be mindful of attacking staff in our public meetings. The bucks stop with this man sitting here and our frustrations should be taken out on him. She thinks that Ms. Blanchard does a good job.

A motion was made by Councilman E. K. Rivers to approve the Agreement for Grant Services for the Hughes Boulevard Sewer Interceptor Line and the Hughes Boulevard water line be given to

Pro, Inc. Mayor Pro Tem J. M. Baker seconded the motion. Those voting in favor of the motion were: Rivers, Baker, King, Hummer, Meggs, Stimatz and Watts. Against: None. Motion carried.

b} Request to amend Code of Ordinances, Chapter 6-Animals, Article I In General.

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

Mr. Olson said that this particular item was tabled from your last meeting. We have made some revisions. City Staff doesn't know exactly if we are going in the right direction. Chief Crudup approached him about it and he would like to know if it is ok or if we need to do more work on it.

Chief Crudup said that we have included the information that you requested during the March 10th Council meeting in asking us to include the definition as to a feral animal. We have done that and also to include vicious animals as well. The language reads in the proposed Ordinance as Section 6-10, "Whenever a police officer shall find any feral/vicious animal (which includes any animal that has been separated from domestication) except a dog loose, or running at large in the streets, or other public places in the City, the officer shall take up such animal and put same in pens or lots kept for such purposes, and to notify the owner, if known. After three days' impoundment, such animal, if not claimed by its owner, shall be disposed of in any humane manner in the discretion of the police chief." That is the language for the ordinance.

Mr. Stimatz said perfect. Perfect, you did your homework, you got the definition, you nailed it. I don't know if we need it for dogs, that is another issue if SPCA comes back. But, that clarifies the issue perfectly. Thank you.

A motion was made by Councilwoman B. S. Meggs, seconded by Councilman R. E. King that we adopt the following ordinance amending our Code of Ordinances, Chapter 6 – Animal, Articles I-In General. Those voting in favor of the motion were: Meggs, King, Baker, King, Rivers, Stimatz and Watts. Against: Hummer. Motion carried.

ORDINANCE #08-03-11
AMENDING CHAPTER 6-ANIMALS
ARTICLE I-IN GENERAL
SEC. 6-10 (B) IMPOUNDMENT AND DISPOSITION
OF ANIMALS AT LARGE OR HITCHED

WHEREAS, the City Council of the City of Elizabeth City feels that Chapter 6-Animals, Article I, In General, Section 6-10, Impoundment and Disposition of Animals at large or hitched that Feral/Vicious Animals are wild cats/animals that inhabit the area and are potentially dangerous; and

WHEREAS, due to the number of Feral/Vicious Animals in this area there is a need to decrease the number of days of impoundment from five days to three days;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Elizabeth City that the following Section 6-10 (b) be amended to read as follows:

"Section 6-10(b), Impoundment and Disposition of Animals at Large or Hitched.

"Whenever a police officer shall find any feral/vicious animal (which includes any animal that has been separated from domestication) except a dog loose, or running at large in the streets, or other public places in the City, the officer shall take up such animal and put same in pens or lots kept for such purposes, and to notify the owner, if known. After three days' impoundment, such animal, if not claimed by its owner, shall be disposed of in any humane manner in the discretion of the police chief."

BE IT FURTHER ORDAINED, that all ordinances and sections of the Elizabeth City Code, and parts thereof, inconsistent herewith be and the same hereby are repealed to the extent of such inconsistencies.

ADOPTED, this the 24th day of March 2008.

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Stephen S. Atkinson
Mayor

_____
Dianne S. Pierce-Tamplen, MMC
City Clerk

Councilman Rivers asked that for the next six months we have a report back in terms of whether this works to help with the problem.

c} Petition to demolish Pure Oil Station:

Mayor Pro Tem Baker called upon Ms. Cole for comments.

Ms. Cole said that the City Manager's office as well as the Planning staff is in receipt of a petition to save or prevent the demolition of the Pure Oil Station that is located at the corner of Main and Water Streets. This particular property has been subject to a Certificate of Appropriateness in October of 2007. The property owner requested approval to demolish the structure that is currently on the property. The Historic Preservation Commission by General Statute had voted unanimously to allow this demolition with the contingency of a 365 delay in order to work through and with the property owners and several other organizations to actually save the structure either on its existing site or relocating it to another site within the district or in the City limits.

Mayor Pro Tem Baker said that we have a representative from the Board of Directors of the Elizabeth City Historic Neighborhood Association on the agenda to speak tonight.

Mr. Vidal Falcon, 200 South Road Street, stated that he is here representing the Elizabeth City Historic Neighborhood Association. The organization was the one that prepared the petition and arrange with various businesses downtown to have the petition available for citizens to read and to sign if they so wished. The petition has been signed by over 400 citizens. We decided to present it to the Council at this time to try and get whatever the Council can do in terms of influence either formally or informally to try to save the structure. But, the petition voices the opposition of many citizens for the planned demolition. We view the demolition as an erosion of Elizabeth City's historic heritage. We urge the Council and the City's Preservation Commission to do all that they can to prevent the building from being demolished. We hope that you will explore any and all options. As, he said earlier, formally or informally to save this building. He thinks that we were very fortunate to have saved the Chesson Building and its restoration is under way, but he knows in the few years that he has been living here that many historic structures have been demolished. He believes we all need to work and try to retain the structures of commercial buildings and houses that tell the architectural and cultural history of this town. The Council has an opportunity at this time in our history to permanently secure Elizabeth City's historic heritage and we urge that you do that. Saving the Pure Oil Company building can be a first step in that process.

Councilman Rivers asked the demolition was put on a 365 day stay. The structure cannot be touched for 365 days. Once that is up, what is being asked? For us to permanently not allow the demolition of the Pure Oil Station is that what is being asked? He didn't see a petition in his package.

Ms. Cole said that she thinks your question is what is the petition requesting. She doesn't believe the actual document and signatures were provided to you but it is here and it is just worded again as Mr. Falcon stated that whatever support can be offered to save this structure that they be made on behalf of the City. As far as staff's efforts in the limitations of what we can do we have been working with our HPC and the State of North Carolina SHPO which is our State Historic Preservation Office for statewide significance. We are petitioning that application and it is pending right now. It is not complete. It would require additional review and of course official support of the Historic Preservation Commission before it is submitted.

Mr. Rivers said that is to save it and not to knock it down or is it to buy it? The organization that you are working with are they going to purchase the property from the owner?

Ms. Cole said that an organization has not been identified. What staff is doing is just working with the State to get a designation for this particular structure. That would stay permanently any effort to demolish this structure.

Mr. Rivers said if the State gives it a historic value marker, then the building can't be torn down. Then the owner could not do what they would like to do with their piece of property because they would have to maintain the historic heritage.

Ms. Cole said to some extent. She could not forecast what would happen in that regard to the structure itself. Every effort would be made to preserve it as is. Of course, the interior is out of our purview but the exterior of the structure, yes we would hope to see that it would remain and be improved.

Mr. Rivers said that we have already given them an extra twelve months to work on this.

Ms. Cole replied yes.

Mr. Olson stated that is the maximum that we can give them under State Statute.

Mr. Rivers asked if the owner had a problem with that. He is not always for the government telling someone what they can or can't do with their own property. That is why he has no problem with the twelve months so that way it will give the person the opportunity to try to save the structure but as the owner, does she want to sell or knock it down or does she have plans for it.

Ms. Cole replied not at this time and not that Planning staff has been made aware of. Of course during this Certificate of Appropriateness hearing and in receipt of that decision the property owner did not send a letter or communicate with staff that they were upset. Again, what efforts are being made for a statewide significance are totally at the efforts of the Historic Preservation Commission.

Mr. Olson said just to remind the City Council that the Historic Preservation Commission is a quasi judicial body which this body has no influence over at all.

d} Request to delay Council's salary increase until July, 2008.

Mayor Pro Tem Baker called upon Councilwoman Meggs for comments.

Ms. Meggs said that she is afraid that this is not going to be popular with some people but anyway, and remember she does not know that she will run next time so she is not doing it for her benefit. She would like to see us postpone our raise until we do the budget because with the economy and the state that this is in and with as many things being asked of us to do on City Council for us to vote ourselves a raise, she thinks that is not very good for us at this time. She would like for us that whenever there is a COLA raise for the staff or the city workers that we should be included. But at this time, she would like for us to postpone until the budget our salary increase.

Mr. Olson said that the last time this item came up before the City Council he believes the motion was that City Council's pay increase would become effective April 1st but you also wanted to discuss it during the budget meeting. The budget meetings don't start until after April 1st. That is a little bit of disconnect. We are starting the budget meetings a little bit later this year because we have some concerns about some revenue sources we are tying to nail down.

Ms. Meggs said she would like to say that no one asked her to do this. This is just her on her own.

A motion was made by Councilwoman B. S. Meggs, seconded by Councilman J. A. Stimatz to postpone any action of the salary increase for members of City Council until we have the budget.

Mr. Rivers asked the City Attorney if Ms. Meggs has the right to bring it back up because she voted on the winning side, correct. Now, the second would have to come from someone from the winning side in order to bring it to the table for action because this is undoing something that is already slated to take effect April 1st. She would need a second from someone who voted on the winning side.

Mr. Stimatz said point of order. Is he not correct that this is a new motion? We are not bringing up the same issue. We are not bringing up the pay raise. This is a new motion and according to Robert's Rule of Order which I read very diligently it is a new motion and therefore anyone can second it, anyone can bring it up.

Mr. Morgan asked why was it a new motion.

Mr. Stimatz said because it is not a motion about whether we get the pay raise it is a motion about delaying the pay raise. It is not the same motion and in fact, in fact there is no rule in Robert's Rule of Order that says someone from the losing side can't bring it up. As the Clerk pointed out, it is a motion to reconsider and while we all have been under this disillusion that we don't bring things up that don't pass, technically we can.

Mr. Rivers asked what percentage of the vote does it require.

Mr. Morgan replied majority.

Mayor Pro Tem Baker said that we have a motion on the floor and called for any other discussion.

Ms. Meggs said that she is not saying that we won't get one; she is only saying that we delay it until we get the budget.

Mayor Pro Tem Baker asked if she was saying that we are to delay this same pay raise until July.

Ms. Meggs said that she is saying to postpone the budget increase for the council members until we have the budget sessions to discuss it then.

Mayor Pro Tem Baker said that she personally disagrees with that and after tonight she wants another pay raise.

Councilwoman Hummer said that is what she originally requested so she is going to have to go with the motion.

Mr. Rivers said that he has no problem with supporting the council pay raise. The one reason why he supports it without going into the budget is because the one thing that he will not be part of is a tax increase to fund an increase in city council's paycheck. He cannot go for that or increasing any type of thing. Last year, he voted for the raise for the employees, the $1500 not going into the budget work session which Councilman Stimatz asked that we wait in order to go

to the work session and he respects that and he has that opinion. That is the reason why he cannot say to tie it to the budget work session. That is why council has not received a raise for ten years. It is because of the fact that he doesn't think no city council person can vote and at the same time raise the fees or do tax increases and each and every time it becomes an issue that everyone around the table has to deal with. Right now the reason why he thinks that we shouldn't attach it to the budget work session or the budget funds is because it needs to get a total thought process from everyone around the council. Everyone knows what they do or don't do. That is not a question point. Right now, ten years not receiving a pay raise and going where everyone else has received COLA's. We rewarded our city employees and this is a very timely job. He thinks that we need it. You just stated that gas is going up. Electric rates are going up; everything is going up except for council pay. He enjoys the job because he thinks that the Lord put him here but he still says that it is a stressful job and Council always puts it off in turns of the pay. It is not pay as he calls it a stipend. Look how long we have stayed here tonight. We are spending five and six hours per meeting, two and three hours during the week on extra meetings that are taking place because the City is growing and receiving more revenues and he thinks that after ten years we need an increase. The last motion that he made when we got a COLA increase he thought that we tied that to city employees. Sarah would you please check on that and get with us at the next meeting. He thought that he tied it to the COLA for the employees.

Mayor Pro Tem Baker said that she thinks that is how the motion was made as well except for a couple of COLA increases we have not had a city council pay increase.

Mr. Stimatz said, I don't know what you call a pay raise but I think a COLA is a pay raise. If I remember correctly, Rich in the last ten years we have gotten six or eight, seven out of ten.

Mr. Olson replied six or seven out of ten the COLA did apply. He knows that there are at least two or possibly three where the COLA did not go to the City Council for whatever reason.

Mr. Stimatz said exactly. When we had this discussion if you gave us the same COLA as the citizens, Council's pay would go to $531.00. I remember that number very distinctly. Then, Mr. Rivers made the motion to go right to $600. Am I correct?

Mr. Rivers said that he recommended whatever staff's recommendation was. He took staff's recommendation after they did their research so he didn't pick a figure. He just did what staff's recommendation was and he thought that was the

right way to do it. He is not going to say what he thinks he is worth. Staff did the research based off other areas such as the County Commissioners.

Mr. Olson said it is basically paying the City Council the exact wage as the County Commissioner.

Mr. Rivers said that we used to be paid more than the Commissioners until they just did their increase about a year and half ago. Staff said that we should be equal and that is why he went with their recommendation.

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

9} <u>COMMENTS AND INQUIRES ON NON-AGENDA ITEMS:</u>

Mayor Pro Tem Baker said that she will call upon the Manager and any member of Council that would like to speak.

Mr. Olson stated that he had no further comments for tonight.

Councilwoman Hummer said that she would like to thank all the citizens that came up tonight and spoke from their heart. She really appreciates it. She would also like to point out that with all these securities measures in place several citizens still came inside this area at break time. There needs to be something else put in place or something.

Councilman King said that Councilman Rivers asked him for some information from 911 and during the work session he didn't have it and he would like to give it to him now. He asked for Central Communications personnel and the staff with whites and African-Americans, full time and part time. They are as follows:

Male – 8 white-4 full time and 4 part time
Female – 13 white – 2 African Americans
(13 full time and 2 part time)
One opening that they are trying to fill now.

Councilman Rivers said then the ratio is 21 to 2. The reason that he is asking is he is wondering about diversity. 21 to 2. No African-American males. He would like to go on record that we definitely send a letter over to Communication about fair or equal representation in terms of constituents. We need to make sure that we go above and beyond in terms of advertising for positions to make sure that it is advertise within minority papers so that way we can at least receive applications and that they have a fair chance in terms of being employed.

Councilwoman Meggs said that she wants everybody to remember the lunch Sunday at the Wine Cellar. This is to go to the Downtown Association to pay for the Christmas lights.

Councilman King asked about Roanoke Avenue, Davis Avenue and Perry Street: When would it be paved.

Mr. Olson responded by saying that the only one that he knows that is scheduled by NCDOT is Roanoke Avenue. He believes the project has been put out for bid. DOT has a rule that it does not allow them to start asphalt work until after March 15th just because of weather related issues. He will check with the local manager and see if they have a specific time frame when that road will be done. Unfortunately when DOT lets a contract like that they usually give the contractor one year to get the work done. We ran into that problem on several occasions last year. We were the last project to get done.

Councilman King said what about Tatum Lane, Perry Street and Davis Avenue? We went in there and we did the pipes and everything and it is really bad over there.

Mr. Olson said that Perry Street and those associated with the Roanoke Drainage project should be done by the first of April or within the next two weeks.

Councilwoman Watts said that she wanted to say two things actually. The first one is directed at Ms. Hummer. Hopefully, you will understand that if my husband comes past that you are looking directly at me for he and I are one. And, secondly, I would like to personally thank Ms. Martha A. Johnson if she is listening right now for sending $133.00 for a dinner tab that Mayor Pro Tem and I were accused of in Greenville, North Carolina during a government municipal or government policy meeting that I definitely needed to attend. So, she wants to thank you so much for making that good for us. It was $133.00 that she sent to accommodate persons who were against it.

Mayor Pro Tem Baker said that she would also like to echo her thanks to Ms. Johnson.

Mr. Rivers said that first of all he would like to ask that the meeting that we had and he is not sure on the date but the one o'clock or two o'clock that we had about the electric. He would like the discussion and everything that took place be put on Channel 11. We need to have that on TV so that way everyone would be privilege to the information that was shared. When we are dealing with the electric rates and people come forth he thinks that is an issue that we need to talk about. He is definitely committed that we cannot raise the electric rates. We have to continue to work with our citizens. All the information that was

presented at that meeting needs to be presented to our citizens. We are going into budget sessions and some of the things that we are privilege to see and hear the citizens are not. Some may think that we had a behind closed door meeting. He does know that we took minutes and he would ask that the Clerk writes verbatim minutes. He does not like verbatim minutes but the meeting was not televised and he believes no member of Council asked that those minutes be verbatim.

> ***A motion was made by Councilman E. K. Rivers, seconded by Councilwoman L. A. Hummer to authorize the City Clerk to write the minutes of the March 7, 2008 Special Meeting verbatim. Those voting in favor of the motion were: Rivers, Hummer, Baker, King, Meggs, Stimatz and Watts. Against: None. Motion carried.***

Councilman Rivers said the other thing that we talked about is someone accusing another about travel. Travel is a great thing and it is nice to go outside the city to receive new ideas and to bring back new things. He has continually asked that we put the travel policy on the table because he feels that when you go out of town and upon your return, if the City is paying for it, he would like to receive the same information in our Council's comments. You need to just inform us on what took place because he does believe that other cities have great things going on. He also would like to thank Ms. Johnson for her generosity. He would like when we are on city business and if we are taking care of other's financial needs then when we come back we need to inform Council and our citizens what we did in those meetings, that way if there was a great discussion on what the Greenville police are doing then that way all of us would know what they are doing. He never put an accusation out there he just asked that it be put on the agenda.

Councilman Stimatz said that it is good to see that Councilman Rivers believes that we should have some kind of procedures and policy on Council. I know one of the issues that I have proposed over the last two years is that we have Council procedures which we don't have. In fact, he thought that it was interesting that the City Manager provided us with, "Council Travel Policy" and I had to ask myself where that was kept because I don't have a book with it in it and it is not in the Procurement Manual specifically like that. So, I have look forward to creating a procedure and policy manual so that we would know the rules ahead of time so that we don't get into trouble or we have to rely on the City Manager to do what he thinks is best. And, then he ends up taking a lot of heat because somebody thinks he made a bad decision when in fact with his twenty-five years experience he made a decision that he thought was reasonable. So, he looks forward to having a nice work shop session on procedures and policies.

Mayor Pro Tem Baker said that she has comments. One of her comments is when we have a meeting regarding audits for OIC; she would recommend that we entertain the possibility of two audits. One of their choosing and one of our choosing. We will pay for ours and they will pay for theirs and lets compare and see what we have and that should end that discussion. Her other item is that Chief Anderson has a $19 million dollar police budget in Greenville. He is using cameras effectively in public places and many other things.

Councilwoman Watts said apparently Mr. Rivers wasn't here when we announced some of those things as to what went on as far as city business and one of the things was that they had a brand new building and which we are looking at doing for City Hall. There are lots of things that go on here that if you are not listening you don't know. But, we did certainly discuss that and she wants you to know that she certainly doesn't think that Mayor Pro Tem did anything wrong in that regard and she believes that we have a citizen who also felt the same way by giving that check. She just wants to thank you again for allowing her to say that because she is sure that you didn't know that.

10} CLOSED SESSION:

Mayor Pro Tem Baker entertained a motion to retire into Closed Session.

> ***A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman J. A. Stimatz to retire into Closed Session for consideration of expansion of a business or industry in the area served by the public body as per NCGS 143-318.11(4); and consideration of Closed Session Minutes as per NCGS 143-318.10 (e). Those voting in favor of the motion were: Baker, Stimatz, Hummer, King, Meggs, Rivers and Watts. Against: None. Motion carried.***

End of Closed Session:

> ***A motion was made by Councilman E. K. Rivers, seconded by Councilwoman L. A. Hummer to return to regular session of the meeting. Those voting in favor of the motion were: Rivers, Hummer, Baker, King, Meggs, Stimatz and Watts. Against: None. Motion carried.***

Mayor Pro Tem Baker declared the meeting back into full session.

11} CLOSED SESSION ITEM:

Mayor Pro Tem Baker called for action regarding the Closed Session minutes of the January 14, 2008 meeting.

A motion was made by Councilwoman B. S. Meggs, seconded by Mayor Pro Tem J. M. Baker to approve the Closed Session Minutes of January 14 2008 as written. Those voting in favor of the motion were: Meggs, Baker, Hummer, King, Rivers, Stimatz and Watts. Against: None. Motion carried.

12} <u>ADJOURNMENT:</u>

There being no further business to come before the council at this time, Mayor Pro Tem Baker adjourned the meeting at 10:02 p.m.

_____
Dianne S. Pierce-Tamplen, MMC
City Clerk

_____
Jean M. Baker
Mayor Pro Tem