

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

Mayor Foster opened the meeting by welcoming those attending. He gave the invocation after which Councilman J. A. Stimatz led the Pledge of Allegiance to the Flag of the United States of America.

**1} APPROVAL OF THE AGENDA:**

Mayor Foster called for the approval of the prepared agenda.

Councilman E. K. Rivers asked to add, *"Discussion of Cemeteries and Road Street"*.

Mayor Pro Tem L. A. Hummer asked to add, *"Discussion of some budget issues"*.

Councilman M. E. Brooks asked to add, *"Discussion of sidewalk issue in Summerfield"*.

Councilman D. K. Stallings asked to add, *"Update on Roanoke Avenue"*.

*A motion was made by Councilman D. K. Stallings, seconded by Councilman E. K. Rivers to approve the prepared agenda to include the noted additions above. Those voting in favor of the motion were: Stallings, Rivers, Brooks, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.*

**2} APPROVAL OF THE MINUTES:**

Mayor Foster called for action regarding the written minutes of March 26, 2007 Work Session.

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

Mayor Foster called for action regarding the written minutes of the March 26, 2007 Regular Meeting.

*A motion was made by Councilman E. K. Rivers, seconded by Councilwoman B. S. Meggs to approve the minutes of the Regular Meeting held on March 26, 2007 as presented. Those voting in favor of the motion were: Rivers, Meggs, Brooks, Hummer, Stallings, Stimatz and Walton. Against: None. Motion carried.*

### **3} COMMENTS FROM THE PUBLIC:**

Mayor Foster asked the Deputy Clerk the number of citizens that had signed up to speak under this section. Upon a reply of four, Ms. White called Ms. Pam Stefanowich to the podium.

Ms. Stefanowich spoke regarding how the Sawyertown area received its name and once again pleaded with Council to look again at the surveillance cameras and mobile police stations in order to keep their neighborhoods safe.

Ms. Sandra Woods spoke regarding her personal opinion on various items.

Mr. Wilbert Tatum thanked the Council for their efforts that have been taking place within the Sawyertown area. He also asked that Council honor some of the requests that Sawyertown and Pennsylvania areas have presented. He also gave his opinion on the hiring of a new police chief.

Mr. Harold Barnes spoke regarding the Peartree Properties request for a rezoning of 3.8 acres of property on the east side of Peartree Road and advising they he has addressed the concerns that Council expressed at a previous meeting.

### **3} PROCLAMATIONS/PRESENTATIONS:**

a} National Library Week

Mayor Foster called Dr. Juanita Midgette to the podium and presented a proclamation proclaiming April 15-21, 2007 as "***National Library Week***". Dr. Midgette gave a few remarks concerning National Library Week.

b} Plans for former Elizabeth City Middle School Site

Mayor Foster called upon Commissioner J. Dixon and County Manager. R. Keaton for comments.

City Manger Keaton stated that this has been a project that has been evolving for some time. The Board of Commissioners recently appointed a committee to look at potential uses for the building and other facilities around it. Their committee has met and has come up with some recommendations. None of these recommendations have been approved by the full Board yet. The framework has been presented to the Board. He would like to present an update on what we are looking at. The Committee has looked at a three phase project. Parcel One is being looked at as the First Phase. Parcel Two would be the Second Phase and Parcel Three would be the Third Phase of the project. He pointed out a potential retention pond to aid the storm water of the City. He also showed the area that could be used for the green space. The Board has looked at the cost to replace the building and it will be about \$7.8 million dollars. We are looking at what the utility costs will be for that building also. The following agencies have expressed an interest in using the building and it is planned that it will come together and be a Resource Center: The Boys and Girls Club, Smart Start, Northeastern CDC, River City CDC, College of the Albemarle and Elizabeth City State University along with the Albemarle Hospital Foundation that would potentially relocate the clinic that they currently operate on Brooks Avenue to this site. That would create a community resource center that would serve all the different populations that receive services from these different agencies. One of the issues that the Board has is the maintenance agreement and how would that we addressed as well as funding sources to maintain the building and exterior ground rules. Not all of these questions have been answered yet. These are questions that the Commissioners have raised.

Parcel Two, the annex, is currently valued at \$5.8 million. One of the issues there is that the earlier architect had recommended that the annex be torn down because of the settling issues of the floods, pilings underneath and not as stable as in the 1920's building. Right now, the Committee is looking at using that as an entrance until funding can be found to remove the building. We have talked about a possible FEMA grant because of the flooding issues that are associated with this building every year. We do want to eventually build a foyer for the gym so that you would have an entranceway to the gym. After that we would build a parking lot to help with the overflow of traffic for the public safety building and library.

The last parcel which is the gym space area, many felt that one of the things from the recreation master plan was the need for additional gym space in the City and County. Right now Knobbs Creek Recreation Center is the only public gym and it is extremely over utilized by different groups. It could be utilized a lot more if we had more space available. It could also be used by those wishing to rent space for special occasions. We would establish a land use plan for the additional grass area, green space, Hospital, Smart Start, Boys and Girls Club, Police Athletic League could all utilize that space for recreational activities. When talking about rebuilding the gym it was estimated to cost about \$3 million if we had to build one from scratch.

Commissioner Dixon stated that he felt that Randy had pretty well covered most of it, but we are trying to go outside the box a little bit and come up with some other possibilities not just recreational. As most of you know the area is in dire need of some more enclosed facilities. Russ Haddad, our Tourism Director, came up with some numbers and also has told us time after time that we are losing some potential shows and indoor small expo types of exhibitors and things like that. He would give you an example there is a fairly good size indoor boat show that has been trying to come to Elizabeth City for many years, but won't because of lack of indoor expo space. He is kind of thinking outside not just using this facility as recreation but it could also be used as a mini showcase, mini expo type civic center, if you want to call it that way that could be utilized on Saturday or Sunday. As many of you know, Kermit White building is booked solid for 2007. You can't get a Friday night or Saturday night. This could be a back up for people that would like to have banquets or fund raisers or things like that. The building can be adapted to curtains and carpet on the floor and things like that. There are a lot of extra possibilities that it could also be utilized for.

Mr. Keaton said that this is a proposal for some ideas that you can look at by the committee that was formed by the Board in conjunction with all these groups that have expressed interest. None of this has been approved yet and none of this has been finalized as this is just the presentation that the committee made to the full Board of Commissioners at the last meeting. He believes that the group has been charged with creating a business plan of how we would address the issues. He guesses the biggest issues are the building maintenance, insurance and the ability of how we are going to handle this.

Councilman Stimatz said that one of the things that was brought up was the potential when you modify or refurbish the space to get federal money as an emergency shelter. He does not know if that is possible or not. You might want to look at that and it would be another source for funding.

Mr. Keaton said that building had been turned down a few years ago because of the flooding problem on Elizabeth Street. When we have storms that street floods all around it.

Councilman Stallings said that he was glad to see another option for the Boys Club. It is a good idea. He was hoping that Project Voice would come on board with you all and be a part of your program. Have you reached out to Project Voice?

Mr. Keaton replied that he doesn't know if they have come to the table or not.

Mr. Dixon said that actually the Albemarle Hospital Foundation has kind of taken the lead and started for a lack of a name the Albemarle Resource Community Consortium. There are eight or nine groups but it is not like it is closed to only those nine groups. The only requirement is that they would be in conformity with the other eight or nine groups. We don't want to have the Girls Club on one side of the building and a detox center on the other side.

Mr. Stallings said that he knows that in the past we tried to put a skate park in the city limits and we went over to Fun Junction and he would like for the Committee to consider them as a part of that. Rich are we going to bring this up when we start our budget process?

Mr. Olson replied that was a recommendation of Jim Overman but because of budget constraints the skate board park was removed from the budget.

Mr. Stallings said that he would like for us to try and open that door up and see what we can come up with next week when we start our budget sessions. He thinks that we are in the right direction with our Boys Club. He knows that there is a lot of work that has to be done and we can do it if we work together. It is a start at least.

Councilwoman Meggs said that several people have questioned the idea that you are going to preserve the old building. Is this correct?

Mr. Dixon said that there was a feasibility study done in 2003 and the school system had it done and it is why we prefer to call it the 1923 building and it is very structure sound. Also the gym is very structure found. They do recommend that the annex part be done down due to the fact the floors in it have dropped two or three inches from the foundation.

Councilman Walton said that it is good that we are saving the main building because it is very historical. Hopefully, the youth will be addressed. He hopes

the representation for the Boys and Girls Club is equal to all the other entities. We would hate for that to be the least recognized group. Go forward if you can.

Mr. Dixon said that it does have a lot of potential not only with the Boys and Girls Club but there it would also be a place that we can have an AAU Basketball tournament there. Most of these are held in the middle part of the state and the western part of the state because we lack the facilities to host such a big event. That is big tourism dollars. This would add another possibility.

Mr. Keaton said that in this report they looked at a lot of different things. The building that we refer to as the 1923 building received back in 1995 some funds for modification. It had a new roof put on and had new windows installed as well as a new chiller system for the air condition system. It has had a lot of upgrades but the interior has solid brick walls and it is difficult to keep the moisture out so the interior looks a little rough when you walk in there. The exterior of the building is very sound structurally. The problem is the annex building as it is sinking and to tear that building down and rebuild it and then do the interior renovation on the 1923 building you would spend almost as much as you would on a new school plus you would still have a school with a very small downtown site that didn't have enough land for the other athletic facilities. You also have the traffic issue and the flooding problems. A lot of those things contributed to the decision to move the school.

#### **4} PUBLIC HEARINGS:**

a} RZ-01-07 by Douglas Development, LLC

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson said that the first public hearing that we have tonight is consideration of RZ-01-07 by Douglas Development, LLC to rezone 8.29 acres of property on the north side of US 17 South for the purpose of a multi-family development.

Planning Director J. C. Brooks stated that the applicant proposes to rezone the property Highway Business. The site is 8.29 acres in size and is currently zoned R-15. This site is a portion of a larger 30 acre tract and is heavily wooded. The front portion of the site is currently Highway Business. The applicant seeks Highway Business classification on the rear of this site. The applicant indicated the purpose of this rezoning is to construct multi-family dwellings. The site plan detail and drainage will be addressed once the applicant has received appropriate zoning for the tract. If rezoned this site will be accessed from Route 17. The proposed rezoning meets the criteria for the rezoning designation and is consistent with the Land Use Plan and the adjoining patterns. The Planning

Commission heard this request at their March 6<sup>th</sup> Planning Commission Meeting. The Planning Commission is recommending approval of this rezoning request.

Mayor Pro Tem Hummer stated that there were a lot of drainage concerns as with everything now in that corridor. She would like to ask the City Manager about the drainage.

Mr. Olson said that we have had some discussions with the engineering company that is doing the design work for the developer. We have expressed our concerns to them and we have had discussion concerning how we could take care of that and what level of storm should they possibly be designing for. Until we get an actual site plan in front of us, we don't know whether or not we are going to have any major concerns. Our preliminary numbers that the engineers gave us shows that once the development is done there will be less drainage going into Knobbs Creek that is presently going in there based on our storm water ordinance.

Councilman Brooks said that he hopes it isn't the engineers that designed Winslow Hall and Adams Landing that were dumping that water on Oxford Heights. As he understands it if the engineer is working for the developer they can basically put it on paper and make it look like it is good but when it actually happens we run into problems. He rode around in the area today with Mr. John Anderson and it is really a mess. We have a serious drainage problem and of course you have engineers that are supposed to be qualified and make sure that it is taken care of going in a direction to get it off the neighbors but it seems to him that the engineers that has all of these degrees is not helping us in keeping all this water off these residents. He understands that some of the ordinances that were there originally and the design to make the flow off the new subdivision and flowing down into that is a big concern. We can't stop development and we can't tell people what to do in a sense but we do have a very serious drainage issue. We need to make sure that the engineer understands he needs to design something that not only looks good on paper but it will work. That way the people will not continue to suffer. He knows that there is too much water being dumped on the Oxford Heights subdivision.

Councilman Rivers said that he has listened to his colleagues and he thinks that if this is in the same flood zone that Oxford Heights is in that we might need to table this until we can see and come up with a master plan. We see what is coming along the Halstead corridor. We need to make sure that we are not putting existing subdivisions in jeopardy. They have great drainage and Oxford Heights ends up being the bearer of all the water. We need to make sure that we don't move hastily and pass something and then six months from now we have a situation that we have within Oxford Heights. He thinks that we need to have our engineer that is on staff to study this and to make sure that we are

doing the right thing. He doesn't think that we need to vote it down because if we vote it down it takes a year to bring it back up. We need all the information before we make a decision so he thinks that we need to table it.

Councilman Stimatz stated he understands the concerns and he looks at it from the other side. What is our general practice? What have we advertise to the world as our standard practice for rezoning? Have we ever required them to come forth with a technical specification before the rezoning? If not then you are changing the rules of the game.

Mr. Olson said that is correct. Our UDO requires that our zoning standard is looking at a ten year pre-imposed. That is what you have to design any development for whether it is a subdivision or site plan.

Mr. Stimatz said then there is nothing in our own procedures that requires us to go through any type of technical review or affirm what is going to happen before the rezoning is done. In fact it is just the opposite.

Mr. Olson said that is correct. What you are referring to is contract rezoning which is something that we have had several discussions on in the last few months. Where we would look at the entire package but we do not have that ability under our UDO to do that.

Mr. Stimatz said he knows what Kirk is saying and he has no problem with it, but he would refer to the City Attorney on this. Are we stepping into law suit area where we are violating our own administrative rules which he knows in government you are not supposed to do and it leaves you wide open and liable in creating a situation where people have come here to develop and now we are suddenly pulling the rug out from under them. He is concerned about that side of the coin as well. We can zone it anything and we could agree to zone it circus land 101. They still have to come back to us with a site plan, technical review and anything else and we still have the option to say that is not good enough.

Mr. Olson said that is correct and we share those concerns with the developer and they are well aware of that and they have had one pre-develop meeting with us. We have told them when they get further along with their plans that they need to engage the people in Oxford Heights and keep them well informed of what they are doing and what safe guards they will have to make sure that there is not a perception that somehow that development is going to flood out Oxford Heights.

Mr. Stimatz said quite frankly when we looked at the properties along Halstead Boulevard last year, we looked at certain zoning; but we were not hot on flooding and now we are really hot on flooding and this is a real issue. We can



zone it HB but they may never be able to build on it because they may not be able to meet some of the standards. The other issue is us changing our standards to anything other than a ten year event. He has asked that question before and he is getting good answers. What direction are we going?

Mr. Olson replied that is something that the County and the City need to work jointly with and it all depends on where the property lies.

Mr. Stimatz said then we could zone this HB now but we can hold off on any action on any technical specs or technical reviews for some other time until we are satisfied we have what we want.

Mr. Olson said that is correct. What is difficult for the developer if you put yourself in his position is he is not going to spend \$100,000 developing a portion not knowing that he has the zoning to go with it. If he knows that he has the zoning to go with it then he knows what he has to develop. We would have put him on notice that there is a flooding issue and you need to look at storm water retention as you are going to have to prove the amount of rainfall coming off that property is going to be substantially less when it is improved than it is prior to the improvement. They are aware of that right now. We have been upfront and honest with them all along.

Mr. Walton said that he thinks that he heard what you and Tony are saying. But, it is already zoned in one way, isn't it.

Mr. Olson replied that part of it is zoned Highway Business and the other part is R-15. You can go in there right now with an R-15 development and the only difference is the size of the retention ponds.

Mr. Walton said that is what he is saying. Every time someone wants to rezone something we don't have to do that. It is already zoned in one way or another. It can always stay as is. So why are we going to make a big deal out of something that we know is not working. He talked about legalities and those other people have legalities also. If we build developments and build them up high then we know then that the water is going to run down on to someone else's swamp, we would not be doing those people correct either. We don't have to act on rezoning. We can deny or approve. He knows that the Planning Commission voted 3-2 and that shows that they were not all satisfied either. If we are not satisfied we are not handcuffed to do that. Let it stay the way that it is if we are not satisfied.

Mr. Rivers said that is the reason why that we need to table this item so that way it is not sending a no vote or yes vote because if we deny it then it is a one-year wait before it can be brought up again. We are trying to make sure that we

can get Oxford Heights taken care of and before we let any development and then they hire a person to come in with a master plan and they identify that as retention ponds we need to go after those parcels in order to keep flooding down. Anytime he hears Oxford Heights he thinks of Stallings and Brooks and the persons that are constantly bringing it up. That is the reason he thinks that by tabling it we have an engineer on board and let's look and see what we have before we do something and then we regret it. At the same time if you are asking him to vote on it tonight, he would vote against it and then the developers would have to wait a whole year to bring it back forth. This way if we receive some information that shows that this will help Oxford Heights then they will not have to wait a year to bring it back and we as a Council can bring it up and move forward to help the residents of Oxford Heights at the same time that we help the developer. That is the only reason why if no one else has a comment he is prepared to make a motion.

Mr. Olson called for a point of order. You have a public hearing on schedule and you have to hold it. You have to give the citizens the opportunity to speak. Then you can take whatever action you would like.

Mayor Pro Tem Hummer said along those lines even though Oxford Heights isn't within 100' of this development and they don't have to be legally notified, she thinks that they should be.

Mr. Brooks said that he really appreciated the Council to understand how serious the problem that exists in Oxford Heights. Development is always good but we don't want to let them come down and develop at the expense of the citizens that are already here. That is the main thing that we are faced with at this time. He agrees that we should table it. We don't want to put developing between a rock and a hard place. In the mean time, we have got to at some point say enough is enough. We can't continue letting people come up here and voice their concerns and we know that we have a drainage problem in that swamp and continue to let development happen. We have got to do something.

Mayor Foster declared the meeting into public hearing. He asked Deputy Clerk White the number of those signing up to speak. Upon a reply of three, she called Tracy Dusenberry to the podium.

Ms. Dusenberry spoke in favor of the proposed rezoning.

Ms. Donna Seymour and Mr. James Overton spoke in favor of the proposed rezoning

Since no one else wished to speak for or against the proposed rezoning, Mayor Foster declared the public hearing closed.

***A motion was made by Councilman E. K. Rivers, seconded by Councilman J. A. Stimatz to table action on Application RZ-01-07 by Douglas Development, LLC to rezone 8.29 acres of property on the north side of US 17 South for the purpose of multi-family development pending a preliminary engineering review between the City and the Developer. Those voting in favor of the motion were: Rivers, Stimatz, Brooks, Hummer, Meggs, Stallings and Walton. Against: None. Motion carried.***

- b} Adoption of an Ordinance awarding a solid waste franchise to Bay Disposal, Inc.

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson advised that the City received notification from one of its solid waste franchises that Bay Disposal, a Virginia company, was picking up waste from the Food Lion stores in Elizabeth City. Bay Disposal does not have a solid waste franchise, which is a requirement to pick up trash in Elizabeth City. Staff contacted Bay Disposal and its representatives have agreed to seek a solid waste franchise agreement. Presently, we have two solid waste franchise holders: Waste Industries and Waste Management. Each entity has the same franchise agreement which staff is proposing for Bay Disposal.

Mayor Foster declared the meeting into public hearing and asked Ms. White if anyone had signed up to speak. Upon a reply of one, Ms. White called Ms. Norma Yanez to the podium.

Ms. Yanez spoke in opposition of the proposed granting of the solid waste franchise to Bay Disposal.

Since no one else wished to speak for or against the proposed franchise, Mayor Foster declared the public hearing closed.

***A motion was made by Councilman E. K. Rivers, seconded by Councilwoman B. S. Meggs to adopt the following ordinance granting a non-exclusive franchise to Bay Disposal, Inc. Those voting in favor of the motion were: Rivers, Meggs, Brooks, Hummer, Stallings, Stimatz and Walton. Against: None. Motion carried.***

**ORDINANCE #07-04-1  
AUTHORIZING A FRANCHISE AGREEMENT  
BY AND BETWEEN THE CITY OF ELIZABETH CITY  
AND BAY DISPOSAL, INC.**

**WHEREAS**, Bay Disposal, Inc., a Virginia Corporation has requested a non-exclusive franchise authorizing the hauling of solid waste for its customers within the corporate limits of the City of Elizabeth City; and

**WHEREAS**, it is desirous for the City of Elizabeth City to enter into a Non-exclusive Franchise Agreement with Bay Disposal, Inc. for an initial term of four years, four months beginning May 1, 2007;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City, North Carolina that a solid waste franchise agreement for which two readings and a public hearing have been held (first on March 26, 2007 and secondly on April 9, 2007), by and between the City of Elizabeth City and Bay Disposal, Inc. is hereby approved as authorized by North Carolina General Statute §160A-76.

**ADOPTED**, this the 9<sup>th</sup> day of April 2007.

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

c} TA-01-07 Text Amendment:

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson stated that this was a zoning text amendment relating to recreation fees. He would like our Planning Director, J. C. Brooks to come forward.

Ms. Brooks stated that this requested text amendment pertains to recreational fees in new residential subdivisions. Currently, the UDO provides a formula for calculating these fees based on the assessed value of the properties at the time of the preliminary plat approval times area required divided by the total area of the parcel. Several months ago, staff found that several subdivisions paid from a low of \$22 a dwelling unit to a high of \$4,341 per unit. The proposed code amendment before you would amend the ordinance in order to make it more equitable for everyone. The Director of Parks and Recreation and she have

worked together on this code amendment. Staff is proposing that a flat fee of \$500 per lot be charged and if the developer does not want to be charged this fee then they will have to provide on-site recreation. Also, staff is recommending that if the subdivision has a Home Owners Association and provides a private pool, a club house or a tennis court type facility a fee of \$250 be paid for every lot in that subdivision. The Planning Commission is recommending approval of this code amendment.

Councilman Rivers said that the fee of \$500 and he believes he just came on Council when they changed it but it used to be a collectivable fee. They set the assigned structure because they wanted to get purposes not to just be trying to get the small subdivisions which would have ended up with a hundred different areas. R-16 would give more lots per acre of land than R-15. That way it would be encouraging to subdivisions to also put in their own recreation or land. With the proposal that is coming up now, even if they do put in their own playground, equipment they will still have to pay the \$250 per lot. That way it would be to the advantage to the developer to just pay the \$500 per lot and not put in a playground area at all. He thinks that is why he is seeing a little problem. If they are willing to put in the expense of a tennis court or a basketball court and things of that nature, so that way they will have a new playground within their community. But, being we are going to charge the \$250 if he was a developer he would walk away and say he would pay the city the \$500 and let the City deal with the crowded parks and things of that nature. That is the reason why the last Council put in payment in lieu of recreation fee so if they decide to put in their own park and he believes that we need parks within communities because that way it encourages green space within subdivisions. He thinks that we need to encourage developers to continue to build parks within their subdivisions but what we are hearing right now he would definitely just pay the \$500 and wouldn't even put a park in there and let the City deal with the families. That is the only problem that he has right now with issuing the \$250.

Ms. Brooks said what we are saying is that the recreation that they put in is mainly for small set of residents of the City and it doesn't take into account all of the other needs that the City provides recreation to those individuals. What we saw may be a swimming pool but there is other type of facilities that the City has to provide because of the needs of these individuals. They aren't really paying their fair share if they just provide this one area.

Mr. Stimatz said that he had talked about this earlier with Ms. Brooks and Mr. Overman many months ago because all he kept seeing on the subdivision plats was that they were willing to pay the charge. He has seen a developer come in and put in a 150 home subdivision and they were not putting aside any land but paying \$23,000 one time. Now, it is proposed to be \$500 per lot. Now you are looking at 150 homes times \$500 and he believes that will make them put in the

land more so than pay that fee. The problem is that it was based on the assessed value when the plat was submitted not the value of the land once it was improved. The intent was good but the formula was not working and that is what he kept saying and hearing from staff. Since he has been on the Council he does not think anybody has agreed to put space in as they have all bought out because it is cheaper. Then we had the case of Hurdle Hardware where we are going to nail the buyer with a \$75,000 fee because there is no land and they are going to put condos so it is considered a subdivision. That is not good from that standpoint. If you build a 150 home subdivision now you have got to come up with \$75,000. You will think twice about it now. Maybe they will take one of those lots and make some green space there.

Mr. Rivers said that he is not knocking the \$500 and he thinks that is ok. If you designate a green space you still have to pay \$250 so he thinks that is going to cause developers not to put the green space in and it will definitely cause the developers to write the check for \$500 because why put a swimming pool or a basketball court in. The developer right behind Food Lion was the one at hand when this was changed before. The last one out by Wal Mart has three green spaces.

Ms. Brooks said that is a cluster subdivision and they are required under the UDO to provide a certain amount of green spaces.

Mr. Rivers said that he just has a problem with the \$250. In certain areas we need to be doing more affordable housing and that is just going to add on to the costs to the customers. He thinks that we do need playgrounds in every subdivision. That is the only reason he is saying that the \$250 might be a little bit too steep.

Mr. Olson stated that the reason staff is concerned about this is City Council has basically taken some policy issues that we wanted to develop some rather large regional parks-River Road Soccer Complex and the baseball complex. Those are very expensive projects to develop and we need to somehow help defer the cost of development and the \$500 fee is a more equitable way of charging the people coming into the community to pay for that cost of development. He feels that we need to give the developers of affordable housing an option. Is it possible to do it in to two parts?

Mr. Olson said that it may be more advisable if you handle it all at once than to basically spit the question just because you improve one section and something comes forward he thinks that you would be going the wrong way. You would penalize the people that are trying to help.

Mayor Foster declared the meeting into public hearing for consideration of TA-01-07. Since no one else wished to speak for or against the proposed amendment, Mayor Foster declared the public hearing closed.

Mr. Stimatz said that he looks at the \$250 and as Rich pointed out it is a credit. You are giving the guy credit for having some space dedicated and it is not a punishment. The homeowners association will take care of it. We don't have that maintenance fee.

***A motion was made by Councilman J. A. Stimatz to adopt the recommendation of staff as presented. Councilwoman Meggs seconded the motion. Those voting in favor of the motion were: Stimatz and Meggs. Against: Brooks, Hummer, Rivers, Stallings and Walton. Motion was denied.***

***A motion was made by Councilman M. E. Brooks, seconded by Councilman J. B. Walton to table further action on this item. Those voting in favor of the motion were: Brooks, Walton, Hummer, Meggs, Rivers, Stallings and Stimatz. Against: None. Motion carried.***

d} Application for voluntary annexation:

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson replied that this item is the companion to rezoning of the 8.29 acres on US 17 South.

Mayor Foster declared the meeting into public hearing for consideration of voluntary annexation of 8.29 acres located on US 17 South and owned by Bettye L. Wood Murphy.

Ms. Tracy Dusenberry asked that this item be tabled in light of the other decision.

Since no one else wished to speak for or against the proposed voluntary annexation, Mayor Foster declared the public hearing closed.

***A motion was made by Councilman E. K. Rivers, seconded by Councilman D. K. Stallings to table action on this request for voluntary annexation. Those voting in favor of the motion were: Rivers, Stallings, Brooks, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.***

**5} CONSENT AGENDA:**

Mayor Foster called upon City Manager Olson to read the prepared Consent Agenda. After the reading, he called for the pleasure of Council.

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

Consent Agenda

- a} Approved the execution of "Split Municipality Agreement" with Camden County and Pasquotank County Board of Elections.
- b} Authorized the Airport Authority to incur debt to construct t-hanger.
- c} Approved the amendment of deleting "Executive Director" title in the AEDC By-Laws and the insertion of "Economic Developer" in its place and further authorized Mayor Charles L. Foster to execute the document on behalf of the City of Elizabeth City.
- d} Approved the execution of Lease Agreement with Jacolis, LLC for operation of the Enfield Concession Stand for the 2007 season.
- e} Authorized the City Manager to execute an agreement with McDowell & Associates for the design of the Roanoke Avenue piping system in the amount of \$9,000.

End of Consent Agenda

**6} REGULAR AGENDA:**

- a} Appointment to Elizabeth City-Pasquotank County Tourism Development Authority.

Mayor Foster presented the name of Mrs. Jacqueline Gilchrist for confirmation as a member of the Elizabeth City-Pasquotank County Tourism Development Authority.

*A motion was made by Councilman E. K. Rivers, seconded by Mayor Pro Tem L. A. Hummer to confirm the appointment of Mrs. Jacqueline Gilchrist as a member of the Elizabeth City-*



***Pasquotank County Tourism Development Authority. Those voting in favor of the motion were: Rivers, Hummer, Brooks, Meggs, Stallings, Stimatz and Walton. Against: None. Motion carried.***

b} Update – Night of Champions.

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson stated that several weeks ago, City Council instructed staff to work on what you wanted to call a night of champions. Jim Overman and other members of City Staff have been working on this. He asked that Mr. Overman come forward and give a brief overview of what is being planned.

Mr. Overman said at your direction Katherine Felton, Peggy Langley and he have tried to put together something for the evening of April 19, 2007 which is a Thursday evening at 6:00 p.m. It should last about an hour and a half and we are going to honor the girl's basketball teams from Pasquotank County High School, boy's team from Northeastern High School and the men and women teams from Elizabeth State University. We have tried to include some entertainment from each one of the schools and tried to get all the council members involved in this evening of recognition. The Fire Department has agreed to cook some hotdogs at Mariner's Wharf and hope that it will last an hour or two.

Mr. Olson said that we do have our sign designating the waterfront as part of the Underground Railroad. We would like to unveil that sign during the activities.

Mr. Walton said that we can do better than hotdogs. You need to try to work on that angle. He is serious. We are supposed to be working on something that is supposed to be real nice and hotdogs is not what we need to offer. He can help to get it going and he will get with you.

c} RZ-12-06 Peartree Properties, LLC

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson stated that this particular item came before you at the February 26<sup>th</sup> meeting. This is a rezoning request RZ-12-06 for Peartree Properties, LLC for 3.8 acres of property on the east side of Peartree Road from R-15 to R-10 in order to subdivide the property for single family development.

Planning Director J. C. Brooks stated what you have before you is the sketch plan that Mr. Barnes presented to the Technical Review Committee. The R-15 is

for low density residential uses with a maximum density with three dwelling units per acre. The R-8 is for moderate density and this allows five dwelling units per acre. If they develop it with duplexes you have seven dwelling units per acre under the R-8 zoning or if they do a cluster development with this property you have a density of seven. Approximately the rear third of this property is in a floodway from Charles Creek and can not be developed. The Land Use Plan designated the subject property as low density residential. The R-8 is considered a moderate density zoning district generating lot sizes that are half the size of the adjacent property. Staff is recommending denial of this request.

Mr. Brooks stated that he had the opportunity to visit this area and talk with the residents. They didn't seem to want it back there and they did discuss with him some important issues and several other things. He was of the impression that we would not have any issues with the flooding back there but he talked with Ms. Cole and Mrs. Brothers and both said that it does flood back there. Both of these ladies were totally against this rezoning. He was of the impression after talking with Mr. Barnes that it wouldn't be any problem. What Mr. Barnes told him was that it slopes down into the swamp but what he said was that the last house was going to be built and it seems like that it could have been done. Again, Ms. Cole was more convincing as Ms. Brothers and they didn't really want it. He was under the impression after talking with Mr. Barnes that everything was all worked out. He doesn't know if they will speak tonight or not but Mr. Barnes presented his side and they have a different side.

Mr. Walton stated that he thinks the first night he did say that he wanted to talk with Ms. Cole and he did go by and speak to her. She is a very honorable lady with a lot of character. She is not going to be aggressively against anything. She said that she can't tell Mr. Barnes what to do, but she knows what her environment looks like now. She said that she would like for it to stay that way. That is pretty much what she said. He has some concerns with the map and he needs clarity of the map before he can make the right decision. He needs information before he can make a decision. That night Mr. Barnes said that he had talked with both parties and they didn't have any problems with it. He is still more unclear and confused now. He does take into mind what Ms. Hummer said last time. We do have a drainage problem and that drainage problem is still there. The water behind this project leads to Charles Creek. We have problems within that we can correct ourselves. He went to look down on Herrington Road at the bridge that runs between and there was a shopping cart in the water. These different locations where water should be running through these places are stopped up and there is no place for the water to go. We might need to go in there and clean out some things to make it even better for drainage. There was a shopping cart right in the middle of the culvert. Nothing is moving so why should we continue to try to build more houses in those areas when things are

kind of stuck up right now. That is an area that is a swamp behind those two houses. They are R-15 and that is what they need to stay as.

Mr. Rivers said that he has talked with the land owner and the neighborhood. The residents have called him and said that they are against this rezoning. If they are against it then he is not for it right now. It is already zoned R-15 and it is not saying that the developer can not build but right now he is not in favor of moving it to R-10.

***A motion was made by Councilman E. K. Rivers, seconded by Councilman J. B. Walton to deny this request. Those voting in favor of the motion were: Rivers, Walton, Brooks and Stallings. Against: Hummer, Meggs and Stimatz. Motion carried.***

d} Amend Year Five of the Hugh Cale Revitalization Strategies Grant.

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson stated that the next three items on the agenda deal with the Hugh Cale Revitalization Grant. We brought these items before you two meetings ago. You requested that these items be tabled until we talked with the people within the Hugh Cale area. We have had some trouble getting them together to meet. From staff perspective we need to get this grant to the State so that we can have some funds released for a number of projects we are presenting carrying on the books. He called Vincent Mani to the podium to give an overview of these three items.

Mr. Mani said that we asked the community to come in and meet with us. They met but we were not invited to their meeting. They did not meet within the community center but met in somebody's house. We were not invited. Then they gave us a copy of what they desired which was the same thing that they had presented before which involved new construction by the city. By then we had already asked the State and they had informed us that they would deny using the funds for new construction, so we told them that wasn't possible. We asked that they return to us with another proposal and they did not. As of this time he has nothing. The only thing that he knows is by now even if you approve this now, it takes a month for us to get the funds and we are looking at late May and there is nothing else that we can do but demolition or acquisition with those funds. As of right now the amendment to the budget we are proposing is a total of \$125,000 for acquisition, \$95,000 for neighborhood facilities, \$70,000 clearance activities, \$25,000 for public services and \$35,000 for administration for a total of \$350,000.

***A motion was made by Councilwoman B. S. Meggs, seconded by Councilman J. A. Stimatz to adopt the amendment to Year Five of the Hugh Cale Revitalization Strategies Grant as presented. Those voting in favor of the motion were: Meggs, Stimatz, Brooks, Hummer, Rivers, Stallings and Walton. Against: None. Motion carried.***

e} Approval of Year Five Action Plan of the Hugh Cale Grant.

Mayor Foster called upon V. Mani for comments.

Mr. Mani stated that the City Council previously held a public hearing on this item. At that time, Council postponed decision regarding the Year Five of the Hugh Cale Grant until tonight. Action is needed by Council to fulfill federal regulation requirements for amending the original Year Five Hugh Cale Action Plan and Budget.

***A motion was made by Councilman E. K. Rivers, seconded by Councilman J. A. Stimatz to approve the Year Five Action Plan for the Hugh Cale Revitalization Grant. Those voting in favor of the motion were: Rivers, Stimatz, Brooks, Hummer, Meggs, Stallings and Walton. Against: None. Motion carried.***

f} Approval of the Year Five Budget Ordinance of the Hugh Cale Revitalization Grant.

Mayor Foster called upon Mr. Mani for comments on the proposed Budget Ordinance for Year Five of the Hugh Cale Revitalization Grant.

Mr. Mani advised that the City will receive \$350,000 in CDBG funds by the Department of Commerce, Community Assistance Division for Year Five. The following is the proposed budget.

Administration	\$ 35,000
Acquisition	\$125,000
Neighborhood Facilities	\$ 95,000
Public Services	\$ 25,000
Clearance	\$ 70,000
City of Elizabeth City	
And private contributions	<u>\$ 29,500</u>
<b>TOTAL</b>	<b>\$379,500</b>

***A motion was made by Councilwoman B. S. Meggs, seconded by Councilman J. A. Stimatz to adopt the following Budget***

*Ordinance for Year Five of the Hugh Cale Revitalization Strategies Grant. Those voting in favor of the motion were: Meggs, Stimatz, Brooks, Hummer, Rivers, Stallings and Walton. Against: None. Motion carried.*

**BUDGET ORDINANCE  
NORTH CAROLINA DEPARTMENT OF COMMERCE  
DIVISION OF COMMUNITY ASSISTANCE  
YEAR FIVE – HUGH CALE REVITALIZATION GRANT**

Revenue

CDBG	\$350,000
City of Elizabeth City	\$ 29,500
<b>TOTAL PROJECT REVENUES</b>	<b>\$379,500</b>

Expenses

Administration	\$ 35,000+17,000
Acquisition	\$125,000
Public Service	\$ 25,000+12,500
Neighborhood Facilities	\$ 95,000
Clearance	\$ 70,000
<b>TOTAL PROJECT EXPENSES</b>	<b>\$379,500</b>

Copies of this grant project ordinance shall be made available to the Budget Officer and Finance Officer

**ADOPTED**, this the 9<sup>th</sup> day of April 2007

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

Councilman Rivers asked what were we doing to get back in terms of the way the original grant was written. What do we need to do to move forward so that

way we take the politics out of it now that Year Five is over? We need to take the political pressure out of the neighborhood and allow them to continue to facilitate and operate their neighborhood in terms of the land that was transferred. How is the homeless shelter going?

Mr. Olson said that we are still waiting for the final determination from DCA concerning the lead paint issue. We did get a report back from the individuals that did the analysis and we have submitted that to the State. For some reason now the State wants us to take off a piece of the vinyl siding of the exterior and test the exterior paint which is already covered by the vinyl siding to see if there is lead in that paint. We don't know why they are asking us that but that is something that was brought to his attention today. We will have to have another test done. We have one rear door that will have to be replaced. That is the only area that has been identified so far.

Mr. Rivers said that based on the last meeting about reports not being made, you sent out a fax that verified that position. He said that we need to be sure that we take politics out of that neighborhood. We came very close to losing that entire grant and he knows that some of us have set up here and said that we want to make sure that we remove ourselves and let the community know that when five years is up that this community will be able to operate it themselves. In saying that he thinks we need to look at the building, all the land that was required and the City may need to turn it over to the community and let them operate it and take the politics out of it. He would hate for politics to creep up in that community and destroy that community.

Mr. Olson stated that he would advise the Council unfortunately not to do that because you are the ones that is ultimately responsible for how that property is used. You acquired it with grant monies and you have to make sure that any future use of that property does adhere to DCA requirements. Unfortunately we would be more than happy to work with the neighborhood and tell them what restrictions could be placed on the property because of the way the grant funds were received. We have had discussion on some small lots that are 35' wide and breaking them into and selling it to the adjacent property owners.

Mr. Rivers asked couldn't we put that in the deed restrictions. We had in the deed restrictions for Northeastern CDC that we had within the deed restriction that as long as they operate within three years and after that and it was one of the sticking points because he was asking to make sure for the job training facility and so we were going to put those stipulations out. He is just saying that we need to take politics out of that community and let that community be self operating. He just doesn't want to see three or four years from now it pops up and things change. Your comment was that after Year Five they have satisfied the grant. So, as long as we can get it pass Year Five and we get the funding

for Year Five at that point we can give that to the community. He can understand sometime with land because with land it is for low to moderate income. He understands that and that is why he is speaking of it now. You need to research that and place on the next agenda to turn those parcels to the entities. That way Council can have their discussion on it.

g} Receipt of Certificate of Achievement

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson stated that he has recently been advised that the Certificate of Achievement for Excellence in Financial Reporting has been awarded to the City of Elizabeth City by the Government Finance Officers Association of the United States and Canada for its comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2006. This is the 17<sup>th</sup> consecutive year that this award has been received by the City. He would like to offer congratulations to Sarah Blanchard and her staff for their dedication in receiving the Certificate of Achievement for Excellence in Financial Reporting.

h} Cemeteries

Mayor Foster called upon Councilman Rivers for comments.

Mr. Rivers said that we need to bring a closure to this item in terms of voting up or voting down. He just wanted to know what the city is going to do so that they can move forward.

Mr. Olson said that the City Council had requested that we handled that at budget time and it will be an item that will be discussed next Monday night when we start our budget meetings. He will tell you right now and you realize that you all have thoroughly read your budget that the cemeteries proposal will be what we do now and not to take on any additional liabilities and receive no additional revenue.

i} Budget Issues

Mayor Foster called upon Mayor Pro Tem Hummer for comments.

Ms. Hummer stated that she has two items and in no way does she want to engage council in a budget item tonight but she wanted to request some information for our first budget session. She brought this up once before about the coal rider that is put on the electric by Electricities. She spoke of the Senate Environmental meetings saying that coal prices should not govern the price of electricity. She asked that something be brought to us from Electricities. If we

can find a way to absorb some rates surely they can find some way to eat some of this coal rider that is put on them. It really isn't fair. The reason that she brought that up and the next item is we are in a critical budget year. We have very little money and as you have heard and read our electric fund is being brought down quite low. Last year we thought that growth would pay for growth but it didn't. She really doesn't think that it is going to this year either. She has talked to an appraiser and he said that foreclosures for the first three months of this year are up and in reading the County Manager's report, the land transfer tax collection is down by 32%. This shows you that there is a slowing down in the market. That brings her to having to pass the cost of electricity down to our tax payers. We all have to pay for the services that we receive. Our electric fund is our source of revenue. The thing that bothers her is that the amount that we have to put out for developers. We don't realize any revenue for many years. She just wants to put this out for Council to think about and ask the City Manager if he can come up with some figures. She thinks that it is time to put an impact fee on electricity also. We have ten developments in our proposed budget that is going to be drawing down on our electric funds. She thinks that we need to put the impact fee on those ten also. That is quite a large amount and she is not trying to discourage development, but if you want to come and live in our community you have to pay for the services up front. Our citizens have to pay for their electricity every month and you can't wait years and years for things to build out and then there is a slowing down in the market. She just would like to have that put in the budget for Monday night and see what we can do.

j} Summerfield

Mayor Foster called upon Councilman Brooks for comments.

Mr. Brooks asked the City Attorney if he had a chance to read the UDO.

Mr. Morgan replied that he has started on that process. He spoke to the City Manager last week and they are still trying to determine how much money if any is actually being billed on a bond from the developer. As he understands it the records are maybe not as good as we would like for them to be but the bottom line is that he hopes that he will be able to report back to you at the next meeting,

Mr. Olson said that Summerfield I has one set of records while Summerfield II has another set that deals directly with the UDO. The UDO was passed in 1999. The UDO of 1999 does require that the sidewalks be put in.



Mr. Brooks said then the residents that have a petition with 90 names on it and they are saying that they do not want the sidewalks and the developer has really defaulted as he didn't put them in within a year's time. And, the concern that he has is not too often you will find a community that will try to do something for themselves. They are not talking about not having sidewalks that necessarily look like the first part of the development. What they are trying to do is that if possible have the developer instead of putting in the sidewalks try to do something to get some of that water off. The City is not helping to get the water off them so they are trying to do something to help themselves. You are saying that the UDO says that we are sorry. The water is going to be on you and we are going to put sidewalks in and let them be covered with water also. He read the UDO also and he didn't see the same as you. He read it thoroughly. He didn't see nothing in the UDO that says that they can't say that they don't want the sidewalks. As he read the UDO it says that the City has a lot of movement when it comes to that. He does not think that it is fair on them when they are trying to help themselves and then all of sudden we want to abide by the UDO to deny them from helping themselves. He does not understand it. Are you going to continue to read the UDO and try to find out if that is possible? He read it back and forward and he didn't see where it wasn't possible.

Mr. Olson said that you are asking the City Manager for more of a legal opinion which is something that the City Attorney needs to do. The only thing that he can tell you is this City Council or previous City Council approved the second Phase of Summerfield which included a cross section that included sidewalks. We are required to basically build that subdivision based on what the City Council approved at that particular time. He will yield to the City Attorney for his legal opinion on that.

Mr. Morgan said that is correct. He first learned of this two weeks ago tonight and he is just asking for some extra time to research it. This is not a problem that rose over night and he is just asking for additional time to make sure that he advises Council properly. That is all he is asking.

Mr. Brooks said that he read it thoroughly and he didn't go with the legality of it. Their concerns were if they could help them with the drainage problems they want to make sure that it is use in the area for drainage. He didn't see anything that would prevent that.

Mr. Morgan said that as he sees the situation the answer may not be in the UDO. You have a body of law out there that says when you buy property in a subdivision a plat is recorded that essentially advertises certain aspects of that subdivision to you. He is not sure that it is within our authority legally to come back after the fact and change something that was held out as being done one way. It is certainly it is not good that so much time has passed between the

time that the plat was recorded and now and here we are several years later and no sidewalks were built. He can not answer why it happened that way. All he can do is to advise you as to the proper way to handle this as legally as we can.

Mr. Brooks said that the developers had one year to get those sidewalks in and it seems like after that he would be in default. What were we doing up to this point before.

Mr. Stallings said that he has two questions pertaining to the Summerfield. On Phase II of the Summerfield how many lots are we speaking about for the sidewalks?

Mr. Morgan replied that it is approximately 25 in the second phase.

Mr. Olson said that he is not sure. We had that discussion two and a half years ago and we had a problem with 14 lots in Phase I that were never annexed. He wants to say that there are 228 total lots within both sections of Summerfield, but he will have to get you that information as it is easily obtainable.

Mr. Stallings asked if there was an estimated cost for those sidewalks.

Mr. Olson said no but he could provide an estimated cost.

Mr. Brooks stated that it was also a concern of the residents that the developers might leave their lawns torn up if they have to install sidewalks.

k} Roanoke Avenue

Mayor Foster called upon Councilman Stallings for comments.

Mr. Stallings asked for an update on the DOT meeting.

Mr. Olson replied that we had thought that we had located funds to go ahead and do that section of Roanoke Avenue from the Health Department down to South Road Street however those funds were basically utilized because there are some issues associated with Southern Avenue. Anthony Roper did take those funds and earmarked them for that project because it ended up with a \$200,000 change order. We are in the process right now of trying to find additional funds to do the milling and overlay of Roanoke Avenue.

Mr. Stallings asked what the estimated cost was.

Mr. Olson replied roughly \$250-\$275,000.

Mr. Stallings said that since you took our money and move it from Roanoke Avenue to Southern Avenue are we going to be in the 2008 Budget for Power Bill Money.

Mr. Olsen replied that we cannot use Power Bill Money for Roanoke Avenue.

Mr. Stallings asked couldn't we loan it to the State.

Mr. Olson replied that under NC Law that is criminal. We have had some discussion with the State on doing something similar to what we did with Southern Avenue. The issue that the State has is they cannot guarantee funds to repay us within the same calendar year. That is the problem. The State is supposed to reimburse all funds by June 30<sup>th</sup> of this year. Now what we are doing is we are taking money out of the General Fund and that is what Council authorized to front the money before the construction of that project knowing that we will get it back before the end of the fiscal year and when the LGC looks at our fund balance it will be where it should be. The problem incurs if we have money that is not reimbursed in the same fiscal year that it was spent does cause us some major financial issues that concern himself and the Finance Director.

Mr. Brooks asked if he was hearing him correctly. The money that you had earmarked for Roanoke Avenue has been diverted to Southern Avenue.

Mr. Olson replied that there is a section of Roanoke Avenue from the railroad tracks to Halstead Boulevard that was a capital improvement project. It was scheduled to be done this year. The money was approved and we had budget authority. Because of the shortfall of the money associated with Southern Avenue to do the project the right way those funds were diverted from that section of Roanoke Avenue to Southern Avenue. He has requested the State utilize those funds to do the milling and overlay of that area that needs to be done on Roanoke Avenue. They didn't take the money that was earmarked for our project as it was never given for our project. They took it from another project that was a DOT approved project which has been an approved project for three years now and used it on Southern Avenue.

Mr. Walton said that next year we can take some of the storm water money and move it from Oak Grove to your place, so it kind of equals itself out.

Mr. Olson said that we are looking at some storm water improvements along the Roanoke Avenue area. It is going to be a struggle to find money to do the milling and overlay of Roanoke Avenue right now and we have had several discussion with Anthony Roper, Gretchen Byrum concerning that issue and it is

just a matter of seeing what we can do to make sure that project gets done as quickly as possible.

**7} COMMENTS AND INQUIRES ON NON-AGENDA ITEMS:**

Mayor Foster advised that he would go around the table to receive comments from the Manager and Members of Council.

City Manager Olson

Mr. Olson replied that he had no further comments.

Mayor Pro Tem Hummer

Ms. Hummer said that she would like to know how to do we get the money for the cameras. Seriously, she would like to thank Mrs. Stefanowich for researching the origin of how Sawyertown came about and she is absolutely right about Pennsylvania Avenue. There is a lot of history in those two neighborhoods. A lot of beautiful historic architecture.

Councilman Brooks

Mr. Brooks stated that he had no further comments.

Councilman Rivers

Mr. Rivers said that he would like to bring up that he would like an update on the selection of a police chief.

Mr. Olson replied that it would be probably within two weeks.

Mr. Rivers said that the second item that he would like to bring up is can you give an update on Southern Avenue. He has seen the curbing being placed on certain sections but how are we looking.

Public Utilities Director P. Fredette stated that the project is moving along basically on the original schedule. From the time that they did the original milling of the street, the contractor told us that it would take 75 days of work to do before they would put the final paving down. The change that the City Manager spoke about is with the first 2000 feet of the road. They are coming in this week to mill another 4 inches. He expects that will cause at least a weeks delay on the project. Other than that we are moving along with the curbing and all the structures have been removed. They will be reset as soon as the binder is down. There was a sewer line that had to be repaired and that has been done.

The project is basically on schedule and he would say at this point that the final completion day will be within 60-days.

Mr. Olson said that will be around May 15<sup>th</sup>. The other issue is we are working with DOT to basically look at what can be done to lowering the overall cost. We have been able to save roughly about \$50,000 by having NCDOT to come in and do the striping instead of having a private contractor. We have agreed on that. He did execute a change order in the amount of a little over \$200,000. That project by itself is about \$700,000.

Mr. Rivers said that he has one last thing. When can we get the information on Road Street? That is a State street. About three or four years before Rich came here, City Council did a letter to Representative Owens for assistance in beautifying this street. Can we look at improving that street? We need to follow up on this.

#### Councilman Stimatz

Mr. Stimatz stated that was his question two weeks ago for the record. He asked that you bring back a resolution to the State to reduce the speed limit to 25 mph. It wasn't on the agenda this week and he hopes that we will see it within the next two weeks. He also asked about the potential of changing Road Street from a State street to a City street. Obviously, we don't want to do that until the State cleans it up real pretty. Let's hold off on that one.

#### Councilman Walton

Mr. Walton said that you know that decisions should be data driven. He got a call from Bob Montgomery and he asked him if he knew that we are moving \$1 million from the Electric Fund to another fund. He wanted to know who started that and who put that worm out there because it does open up a can of worms for him because isn't that the same fund that you have designated as the undesignated fund.

Mr. Olson said no. That is basically rolled into the operating fund of the electrical utility. It is part of the Fund Balance but it is not part of what we consider the Reserves.

Mr. Walton asked how much should our Fund Balance be to be sufficient according to the State.

Finance Director Blanchard replied the percentage is 8%. This year we expect to have 12% if everything goes as anticipated. If the revenue comes in and the

expenditures stay where they should be. That is just the General Fund and the Utility Fund is different.

Mr. Walton said that we need to look at those figures that we need to get too because \$7 million is not the number if he is calculating it right.

Mr. Olson said what the deal is the General Fund has different requirements by the LGC than our Utilities Fund has. The Utility Funds or enterprise funds are completely different than the General Fund which is a tax revenue driven fund.

Mr. Walton said that he wants to suggest before we start our budget session because he has been on board for two terms and he is becoming more knowledgeable and some people have only been on board one term and he knows that they are becoming more knowledgeable. There are people, the audience and the residents; they haven't been on any terms so they need to know more of what we are doing with their money. If we could have something like a small class before our budget sessions begin and tell us information, he thinks that it will help all of us. Tied into that re-evaluation-he has talked about that many times and if you don't follow him you will miss it. If you do follow him you probably won't like it because he is in the Forth Ward and they put a tax levy on the Forth Ward of 140%. That is a lot of tax levy. He is going to show you how this could work. This time they said that they are only going to tack on \$.40 on the \$100. New people might come in and say let's vote it back up to \$.67 on the \$100. You are going to be surprised how much money that is going to require because there are different levels of how a person wants to live, quality of life. You have got homeless, low income, low and moderate income, moderate income and high income. A person that builds a \$100,000 home 15 years ago shouldn't be paying the same amount of the person that built a home for \$50,000 15 years ago, but this is how this thing is going to play itself around. It could easily play itself around that way because his tax bill is much higher than it was last year and from what they told him as a council member, they said that they were not going to make your property taxes go up any higher. Did anyone else hear that besides him? That was an easy fix. All you had to do was put the numbers in the computers. You just talked about software and it was going to equal to the same thing that he paid last year. But we did it a different way. We said ok your house is worth \$150,000. He said no it is not. Now who is going to buy that house from me if I want to sell it? Nobody. What he wants Sarah to do if she will? Rich can help you with it. He wants you to give us and it is not going to be equitable to everybody, but he does not think the moderate people should move down to the Low and moderate and he doesn't think the low and moderate should move down to the low and the low to move to the homeless. We are not trying to promote homelessness, are we? We are supposed to be trying to elevate people not trying to cut them back. What he wants you to do is fix him a case scenario ten year model. This ward is affected the most because

it is a ward he lives in. 140% increase in his tax elevation where some wards were only increasing 33% and some 18%. He said that some of you all might miss it but you put it on paper and you can see it looks differently. He wants you to give him a case scenario of each ward starting off at \$50,000 for the moderate income person on. He wants the tax ratio to be \$.67 and the County \$.84. Ours this year is \$.40 and he is going to show you how it can happen. We are talking about increasing it this year. It is enough. The next board could come along and say let's increase it 10% and you all would have money coming from everywhere. That is not fair, but let's be equitable with it. Do you understand what he is asking for Sarah? Let the next one be for \$.40 what it is now. Let the next one be for \$.41 and then on that ten year let it be \$.80 for the City and \$.90 for the County. You will be surprised at the numbers that are going to show up.

#### Councilwoman Meggs

Ms. Meggs said that she has one thing. She knows the reason why you didn't pave all of Church Street but from Road Street to Water Street there are some bad holes there. She knows that we can't pave it but at least maybe we can fill in the holes.

#### Councilman Stallings

Mr. Stallings said at the last meeting he asked for a report on the guns. Can we have that on our next meeting?

Also, on the next work session agenda can we add a week of amnesty for trash for the whole City?

#### Mayor Foster

Mayor Foster said that he would like for his comments be concerning the Celebration of Champions. He agrees with Councilman Walton that we should do more for our young people who have had an outstanding year and he thinks that it shouldn't be just the City to finance this. He thinks that the County should assist us. He is going to ask the City Manager to consult the County because Pasquotank County High School is part of this. He is sure that the County would not mind supporting Elizabeth City State University who will be honored here. He thinks it should be a joint thing. Between the County and the City we should be able to come up with enough money to make our young people feel good about the activities they are going to be a part of. He thinks that we can make this a very wonderful occasion that they will remember for a lifetime. He thinks that the County should help. Be sure to talk with the County and let them know that Pasquotank County High School is a part of this, just like Northeastern High

School and the University. He is sure that both City and County should be happy to do something.

Mr. Stimatz said that possibly the School Board because they are their students.

Mayor Foster continued by saying that he wanted to thank our people who have been very patient here tonight because this has been a long drawn out night and he wants to thank you and for those that are watching we certainly thank you and we want you to know that we always appreciate your presence and your support.

**8} ADJOURNMENT:**

Mayor Foster called for a motion to adjourn.

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

Mayor Foster adjourned the meeting at 10:15 p. m.

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

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Charles L. Foster  
Mayor