

MONDAY-7:00 P.M.

APRIL 23, 2007

CITY COUNCIL

The City Council of the City of Elizabeth City held its second 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: J. M. Baker, M. E. Brooks, L. A. Hummer, B. S. Meggs, E. K. Rivers, D. K. Stallings, J. A. Stimatz and J. B. Walton. City Staff attending were: City Manager R. C. Olson, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Planning Director J. C. Brooks, Public Utilities Director P. Fredette, Finance Director S. E. Blanchard, Parks and Recreation Director J. D. Overman, Fire Chief W. C. Pritchard, Interim Police Chief G. F. Koch, Inspections Director S. E. Ward and Electric Superintendent K. F. Clow.

Mayor Foster opened the meeting and welcomed 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} AGENDA APPROVAL:

Mayor Foster called for action on the prepared agenda.

Mayor Pro Tem L. A. Hummer asked to add, *Closed Session for Discussion of Personnel as per NCGS 143-318.11 (a) (6)*. She said that she would like to have this Closed Session immediately following the Consent Agenda.

Councilman M. E. Brooks asked to add, *Discussion of Roanoke Avenue*.

Councilman E. K. Rivers asked to add, *Discussion of Electricity*.

There being no further additions or deletions, Mayor Foster called for a motion.

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

2} COMMENTS FROM THE PUBLIC:

Mayor Foster asked the Deputy Clerk the number of citizens that had signed up to speak. Upon a reply of ten, she called Mrs. Pam Stefanowich to the podium.

Ms. Stefanowich spoke regarding the recent Sawyertown Community Transformation. It was wonderful to see so many individuals to come together for a common cause. Unfortunately, Blackwell Memorial Baptist Church was retaliated against. This church has a daycare center and children play in the playground.

Rick Boyd was the next speak and he had a total of six minutes as Mr. Jack Frost gave his three minutes to Mr. Boyd. He spoke regarding the Historic Neighborhood Watch. He expressed his concern and those of the Historic Neighborhood Watch regarding speeding on Church Street. His Group would like to propose adding three new traffic lights to Church Street, one at Simpson, Perse and Dyer.

Mr. Keith Overstreet was the next speaker. He also spoke regarding the cars speeding on Church Street and to endorse Mr. Boyd's request for three new traffic lights.

Mr. Tom Roman also encouraged Council to consider installing the three traffic signals on Church Street.

Mr. Ronnie Long stated that Oxford Heights is having a water problem which he is sure everyone knows about. He is not against growth but if the proposed condos are built in that area it is bound to cause more water to come down on those residents in Oxford Heights. He asked that Council consider holding off on approving the rezoning on the condos until a solution to the water problems is found.

Ms. Traci Dusenbury spoke regarding rezoning application for 8.29 acres of property adjacent to US 17 South. She wanted Council to know that Douglas Development did follow your advice and met with the various organizations and some of the residents of Oxford Heights. We all agreed on some minimum standards that they would adhere too.

Mr. James Overton spoke regarding the rezoning. He feels that we can move forward with the development of this property if Council elects to move forward with it. The calculations have been made and it shows that this would not affect the Oxford Heights area.

Mr. Norman Dorsey spoke regarding the effect that the water is causing him as he lives in Oxford Heights. He also encouraged Council to consider not approving the rezoning until a solution to the high water problem is resolved.

Ms. Donna Seymour spoke in favor of the proposed rezoning of the 8.9 acres.

3} PRESENTATION/PROCLAMATION:

Mayor Foster read a proclamation proclaiming Thursday, May 3, 2007 as National Day of Prayer. Comments were made.

4} APPROVAL OF MINUTES:

Mayor Foster called for approval of the April 9, 2007 Regular Meeting minutes.

A motion was made by Councilwoman J. M. Baker, seconded by Mayor Pro Tem L. A. Hummer to approve the minutes of the Regular Meeting held on April 9, 2007 as presented. Those voting in favor of the motion were Baker, Hummer, Brooks, Meggs, Rivers, Stallings, Stimatz and Walton. Against: None. Motion carried.

5} CONSENT AGENDA:

Mayor Foster asked City Manager to read the Consent Agenda items. He then called for a motion of approval.

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

Consent Agenda:

a} Approved the 5% match or \$38,025.00 for a Homeland Security Grant of \$760,500.00.

b} Award of Bid for the Contract for Well Field Expansion to A. C. Schultes in the amount of \$1,481,409.00 and further authorized the City Manager, City Clerk and the Public Utilities Director to so notify A. C. Schultes and to execute a contract and other related document in support of this project.

c} Approved the following Resolution requesting that NCDOT conduct a traffic study of North Road Street between Elizabeth Street and Hughes Boulevard for the purpose of lowering the speed limit to 25 mph.

**RESOLUTION #07-04-1
REQUESTING NC DEPARTMENT OF TRANSPORTATION
TO CONDUCT A SPEED LIMIT DECREASE FEASIBILITY STUDY
NORTH ROAD STREET
BETWEEN ELIZABETH STREET AND HUGHES BOULEVARD**

WHEREAS, traffic flow on North Road Street between Elizabeth Street and Hughes Boulevard is very busy, as this street is one of the City's main arteries; and

WHEREAS, this section of road is heavily residential containing young families with children and older residents who frequently walk; and

WHEREAS, residents of North Road Street have requested that the speed limit on this section of road be decreased from 35 mph to 25 mph for safety's sake;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Elizabeth City, North Carolina request that the North Carolina Department of Transportation perform a speed limit feasibility study to determine if traffic volume on North Road Street between Elizabeth Street and Hughes Boulevard warrants a decrease to 25 miles per hour.

ADOPTED, this the 23rd day of April, 2007

Charles L. Foster
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

d} Award of Bid for the Charles Creek Bridge Engineering Services to URS Corporation in the amount of \$1,281,409.00.

e} Approved four separate easements associated with the Weeksville Crossing Shopping Center

End of Consent Agenda:

6} **CLOSED SESSION:**

Mayor Foster called for a motion to retire into Closed Session as per Mayor Pro Tem Hummer's request.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman B. S. Meggs to retire into Closed Session for discussion of Personnel as per NCGS 143-318.11(a) (6). Those voting in favor of the motion were: Hummer, Meggs, Baker, Brooks, Rivers, Stallings, Stimatz and Walton. Against: None. Motion carried.

Mayor Foster declared the meeting into Closed Session.

Upon the end of Closed Session,

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman B. S. Meggs to return to regular session of Council. Those voting in favor of the motion were: Hummer, Meggs, Baker, Brooks, Rivers, Stallings, Stimatz and Walton. Against: None. Motion carried.

Mayor Foster declared the meeting back into full session of Council.

7} **REGULAR AGENDA:**

a} Rezoning Application RZ-01-07 for 8.29 acres of property on the North side of US 17 South at Oak Stump Road from R-15 to Highway Business.

City Manager Olson stated that this particular item had a public hearing on it at City Council's last meeting. It was tabled and you asked that City Staff get with the developer and their engineers. Paul Fredette will discuss with Council what took place in those discussions and what the developers are willing to do.

Mr. Fredette stated that last week he received the report from Albemarle Engineers on behalf of the developers regarding the preliminary Stormwater calculations for the proposed Douglas Development. Base on the information submitted and a follow-up- conversation with the project engineer, it appears that they will be able to incorporate into the project site storm water management plan they would be able to keep the 25 year 24 hour storm event post development flows from the property very close to or below the predevelopment 10 year – 24 hour storm event flow levels.

On Wednesday, April 18, 2007 there was an informational meeting with representatives of Oxford Heights neighborhood. After the discussions at the meeting other opportunities were discussed. It was the conclusion of that meeting including those present from the neighborhood, they would not object to the rezoning of the land as requested by the developer clearing the way for the developer to prepare a detailed site plan for the proposed project showing the design of a storm water management plan that would, at a minimum, comply with a standard of no net increase in flows from a 25 year preconstruction site to a 25 year post construction site. This requirement would hold the developer to a much higher standard than the no net increase between the 10 year pre and post conditions currently required by the City's UDO.

Councilman Brooks said you met with the engineers for development and the resident of Oxford Heights. They did not object to it.

Mr. Fredette said that is correct. There were two residents representing Oxford Heights at the meeting. At the conclusion of the meeting and understanding all the technical discussions that were had between himself, the engineers as well as Mr. Johnson of the County it would be appropriate to move forward to the next step.

Mr. Brooks said that he was of the mind set that we should go ahead and rezone it. Last time there was no opposition. You say you talked to how many people in Oxford Heights.

Mr. Fredette said that two persons spoke at the meeting. These are the two individuals that represent the storm water committee for Oxford Heights.

Mr. Brooks said that last time we did not have any opposition. Can you have them come forward and speak? He wants to rezone the Murphy property because we can't stop progress but what happens is that we have to make sure that there is zero water dumped on Oxford Heights. He wanted the Douglas Engineers and Mr. Fredette to be on one accord and that would make it easy for Council to make a decision. He understands that you had two residents that spoke against it and you had two that were on the Storm Water Committee that spoke for it. Is the Oxford Heights community divided?

Mr. Olson said that the issue here is that these individuals spoke during the public comment period. If you allow anyone to speak on this issue you are opening up everyone to speak on this issue and in essence you are having another public hearing. If that is the Council's desire then that is fine. Let me just state this and hopefully the Oxford Heights residents that were at the meeting were provided detailed engineering calculations, site plans and everything else that was gone over with them by the City Engineer and Greg

Johnson, the County Engineer. They discussed the ways to minimize the impact and what the overall impact would be on the Oxford Heights area. That information was provided to the citizens that were there.

Mr. Brooks asked if he brings a motion up to give them the opportunity to speak would that be ok.

Mr. Morgan stated that it certainly would not be illegal but as Mr. Olson indicated if you give one person the opportunity to speak you essentially open the door to anyone that wishes to speak on the topic.

A motion was made by Councilman M. E. Brooks, seconded by Councilman J. A. Stimatz to allow those wishing to speak on this item. Those voting in favor of the motion were: Brooks, Stimatz, Baker, Hummer, Meggs, Rivers, Stallings and Walton. Against: None. Motion carried.

Ms. Frances Long, 1701 Providence Road stated that she was in the dark about any meeting and she does not know what is going on. Ms. Rogers did not want to be involved a whole lot because she was after getting a job with the City. She hasn't called any of us for any kind of meeting.

Mr. Norman Dorsey stated that there are more than two people on that committee. Mr. Krider is on the committee and he did not get a phone call. He is the President of the Crime Watch and when he found out about the meeting it was over with. No one that was flooded out was at that meeting.

Mr. John Krider, 1804 Providence Road, stated that he has been in Oxford Heights for 34 years. Until last September the water had never come across the street. He was flooded with \$15,000 damage and no flood insurance. He doesn't think it is fair to keep building around us until you do something about the flooding. The two individuals that went to the meeting did not get flooded. He did and he is a member of that committee and he was not notified. He spent 17 years in the Coast Guard and when he got transferred in here he liked the town. He loves where he lives. He does believe in growth but he believes in taking care of the citizens that are here before you bring someone else in.

Mr. John Overton stated as we look at what he recollects from last meeting we needed to work out the details as we move forward with this making sure that everybody was involved. We first had to determine what those perimeters were. What you asked was that the developers engineers, city manager, city engineer, consultant Johnson, County Manager to get together and look at the perimeters. What are we talking about, what are we trying to move forward here. How are we trying to work with this issue that we have at hand. What we did was that

we came together and looked at the technical engineering issues as you had asked us to do. Also, based upon some interaction that was already going on between the City and Oxford Heights they have a storm water committee. We approached that storm water committee to bring them into the mix to set this perimeter. We are talking about a rezoning. We talked about this quite extensively a couple of weeks ago. This is a rezoning to be able to help establish what those guidelines will be. What we are dealing with regard to moving this forward. One of the things that we are talking about was having a limit on the coverage of 50%. Looking at storm water plans not ten years but twenty five years. These were perimeters that were established to give this Council a base for a decision to raise the bar. It doesn't approve the development. You are absolutely right in what the City Manager was talking about. He wanted those perimeters so that we could then go back and do the details and we could have further meetings with the folks and be able to assure them in the same way that you all want to be assured that we are addressing these things. It is kind of hard to move this forward and work out the details because we may miss in the details something that you all would want because we haven't established those perimeters as we move forward. As we are here tonight we are asking your consideration not to build this facility but we are asking your consideration to rezone this property and annex it into the corporate limits. We have established some perimeters for storm water management control that goes beyond what has been going on in the past in the city. This could be a benchmark project to be able to look at some other things. Once we get those perimeters put together within the proper zoning and other proper aspects, then we need to include the whole community. Now, the full community sometimes does not attend the meetings. We had a meeting a few weeks ago and no one from the community attended. That didn't stop us for us through the manager extending that olive branch and saying hey storm water community come and let's talk. We have had a brief discussion with the members that are here tonight. He does not understand what went on within the inner workings of their community. That is beyond what we had control over, but at the same time that is what you want and that is what we want but we need to get the rezoning so that we can move forward. He is appealing to you again to consider approving the rezoning.

A motion was made by Councilman M. E. Brooks, seconded by Councilwoman J. M. Baker to approve Application RZ-01-07 for 8.29 acres of property on the north side of US 17 South at Oak Stump Road from R-15 to Highway Business, HB. Those voting in favor of the motion were: Brooks, Baker, Meggs and Stimatz. Against: Hummer, Stallings, Rivers and Walton. Mayor Foster voting yea thereby carrying the motion.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to bring back the site plan for

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

Councilman Walton said that as he has said in the past, we need to do this on all projects because all we have been doing is approving the re-zonings. As he said last time that we met you do not have to approve re-zonings. Zones can stay the way they have been zoned in the first place. If we have to bring back one for this project we need to bring them back for every project.

Mayor Pro Tem Hummer said that the people in Oxford Heights can't sell their homes and replace them. The State could condemn them and give whatever they want too. We do need to look out for those in that area. That is not the only area. She is not convinced yet that they can contain the runoff.

Councilman Brooks stated that when we were talking about Halstead corridor and we brought up Oxford Heights again, the guy was saying how he can slow down the water dumping on Oxford Heights or even decreasing it. We approved that. We can't tell these people that they can't do anything with their land. He thinks approving the zoning and letting them bring back a site plan is the appropriate thing for us to do.

Mayor Pro Tem Hummer advised Council that they have the right to see any site plan that goes through the process. You have the perfect right to see it.

b} Petition for Voluntary Annexation of 8.29 acres of property on the north side of US 17 south at Oak Stump Road and owned by Bettye L. Wood Murphy.

Mayor Foster called upon City Manager Olson who brought Council up to date on this proposed voluntary annexation.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman E. K. Rivers to approve the following Ordinance incorporating the 8.29 acres of property on the north side of US 17 South. Those voting in favor of the motion were: Stimatz, Rivers, Baker, Brooks, Hummer, Meggs, Stallings and Walton. Against: None. Motion carried.

**ORDINANCE #07-04-2
TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF ELIZABETH CITY, NORTH CAROLINA
LOU W. WOOD ESTATE – BETTYE LOU W. MURPHY
8.29± ACRES
US HIGHWAY 17 SOUTH**

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:30 p.m. on the 9th day of April 2007 after due notice by publication on the Friday, March 30th and Sunday, April 1, 2007; and

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

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

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

Lying and being in Mount Hermon Township, Pasquotank County, North Carolina, and being more particularly described as follows:

BEGINNING at a point, the northwesterly property corner of M. M. Fowler, Inc. now or formerly, recorded in Deed Book 696 Page 769; thence with the old City Limits N 35° 57' 26" W 334.50 feet to a point, the north easterly property corner of the Edward W. Murphy and wife, Brenda Murphy, now or formerly, recorded in Deed Book 455 Page 16; thence with the new City Limits N 09° 15' 34" W 586.09 feet to a point; thence cornering N 80° 44' 26" E Length: 422.20 feet to a point in the westerly property line of an easement area shown on Map Book 20 Page 41, thence with said westerly easement line and with the common line of Elizabeth City Associates, LLC, now or formerly, recoded in Deed Book 821 Page 171, S 10° 43' 34" E 885.36 feet to a point in the old City Limits; thence cornering with the old City Limits S 80° 46' 02" W 94.66 feet to a point; the northeasterly property corner of the M. M. Fowler, Inc. property, recorded in Deed Book 696 Page 769; thence with the common property line of M. M. Fowler and the Old City Limits S 80° 46' 02" W 199.91 feet to the point and place of beginning, containing 8.29 acres more or less and being a portion of the Lou W. Wood Estate Property, Betty Lou W. Murphy, Trustee and shown on an Annexation and

Rezoning Map prepared by Rivers and Associates, Inc. dated January 31, 2007, drawing number Z-2396.

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

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

ADOPTED this the 23rd day of April 2007.

Charles L. Foster
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

c} Text Amendment TA-01-07 to amend Parks and Recreation space requirements.

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson said this is a zoning text amendment to amend the City's Parks and Recreation Space Requirements. This item was tabled from your last meeting. City staff has revised the text. He called upon Planning Director J. C. Brooks for comments.

Ms. Brooks stated that you may recall at the last meeting there was opposition to instituting a \$500 flat fee per dwelling unit for use of those coming in that do not want to provide recreational space in new subdivisions. Staff re-evaluated the section that we had proposed that when a developer wants to provide some

recreation space that is to be control through a home owners association that they get a credit of \$250.00 per lot and they would end up paying the city \$250.00 for each lot. Jim Overman and she went back over the proposed language and we are presenting to you a small modification where if there is recreation space to be maintain by the home owners association that the amount of the improvement must be the value of what they would pay if they were just paying the recreation fee. We are still recommending that you give them a \$250.00 credit and \$250.00 fee per each lot. The reason behind this is when recreation space is maintained by a home owners association it is only for those residents in those neighborhoods. However, recreation space is for the City as a whole and everyone and those residents in those neighborhoods that do have private recreation space also uses city recreation spaces. They need to pay their fair share of using other city facilities.

Councilman Rivers asked Ms. Brooks to explain to him if they put \$40,000 into a playground area then that \$40,000 would be divided by a hundred lots. They would not have to pay, if they chose, to put their own playground in the subdivision.

Ms. Brooks replied that they would be given \$250.00 per unit credit for installing recreational space inside their subdivision. They would still owe the City \$250.00 per unit.

Mr. Rivers said that is the same thing that you brought to Council last meeting. Last time it was that you paid \$500 if you don't put in a play area and if you do you have to pay \$250.00 per lot. Is that not the same thing that was brought to us last time?

Mr. Olson said that he took it that we brought to you last time a little different than what he sees here. Maybe just because we work with this it makes more sense because we are the ones that have to go through the calculations. He thinks that the issue was, charging the \$500 fee on affordable housing. It was one of the issues that you raised and if a developer wants to put amenities within their subdivision that they should get some type of credit for it. That is what we did. The only thing that we did here is require the developer at least put the value and they can't put in a space that is less than the amount they would have to pay if they pay the fee. They have to make the improvements that they put in their subdivision equal to the fee that they are getting a credit on. You can't win by getting the credit.

Mr. Rivers said at the last meeting he had a problem with the \$250 because when you talk about giving up a lot that is going for \$60-\$75,000. That is a \$60,000 credit. Then people say playground equipment and you have \$100,000. If you have a 100-lot subdivision it would be to his incentive to not put up a lot

as a playground in the subdivision. When this statute was written and he agrees that we need to make the change. The reason being that we were getting subdivisions coming to Elizabeth City and not putting playground areas or not creating green space for persons within their development to have a place to go and play or have recreation. We need to encourage a developer to put in a playground in their subdivision and not have to pay the City. If someone is going to put in \$100,000 we are still going to put \$250.00 per lot fee on them. Once again, it will be passed on to the homeowner. It is just not affordable.

Councilman Stimatz said that if he reads this correctly if he dedicates the open space then he pays nothing.

Mr. Rivers said no if he dedicates the open space he still has to pay the \$250.00.

Mr. Stimatz said that it says that he can accept dedication or pay in lieu of dedications. That sounds to him like if he dedicates it, he does not have to make the payments. If he gives you the 0.0025 per acre per person times 100 and he dedicates that land and he does nothing else he is ok.

Mr. Olson said that he thinks that you need to go up to "E" and read what is in the highlighted area because it further defines it. "Any open/recreation space to be maintained through the homeowners association shall be approved by the City. In instances where the developer provides indoor recreation facilities to be maintained by a homeowners association."

Mr. Stimatz said then he hasn't dedicated the space. Now he is putting in an indoor facility and he is not dedicating land. Now he is donating space and you are in a different place. Once he does that he is out of the dedicated open space. That is how he read that. If he puts something on there in additional to what he dedicates he should get some credit. He could read it that way and if he could so could others. He guesses the Attorney should re-read this.

Councilwoman Meggs asked if this could be tabled until this is all worded out.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman B. S. Meggs to table discussion on this item until all the details are worked out. Those voting in favor of the motion were: Stimatz, Meggs, Baker, Brooks, Hummer, Rivers, Stallings and Walton. Against: None. Motion carried.

d} Consideration – Due process hearing regarding revoked and denied cab drivers license for Mr. Winfred W. Melson.

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson said that this item was placed on the agenda sometime in February. This is a denial of a taxicab license for Mr. Winfred W. Melson. He called Chief Koch to come up and explain this to the members of City Council.

Chief Koch stated that Mr. Melson was arrested by the Pasquotank County Sheriff's office on March 26, 2004 and charged with four felonies: procession with intent to sell and deliver cocaine, maintain a vehicle/dwelling place for controlled substance, conspire to sell cocaine and conspire to deliver cocaine. Three of the charges were dropped and on July 27, 2004 Melson was found guilty of conspiracy to deliver cocaine and sentenced to 24 months of supervised probation, along with monies seized in the amount of \$30 from the defendant to be forfeited to the ECPC School Board.

Mr. Melson came by the Chief of Police office and spoke with former Chief William Anderson after he was initially charged with the above mentioned felony charges. At the time of the visit, the charges had not been disposed of by the court system; therefore, his permit was not revoked at that time. Former Chief William Anderson allowed Mr. Melson to keep driving his taxicab. His conviction was not revealed until he tried to re-new his license. At that time a background check was performed by our current taxicab inspector and it revealed that Mr. Melson had a felony drug conviction. He was then denied a permit to drive a taxicab pursuant to City Ordinance Sec. 86-30 (a) (5) which states, "The inspector may, at any time after approval, revoke any permit to drive issued by authority of this article for any one or more of the following causes....conviction of a felony.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to deny Mr. Winfred M. Melson a permit to drive a taxicab.

Councilman M. E. Brooks asked if any drugs were found on Mr. Melson or was it in the vehicle that he was driving. Was it found on his person?

Chief Koch replied that the Sheriff's Department made the arrest. Mr. Melson admitted to his guilt and pled guilty to a felony in Pasquotank County Superior Court or was found guilty by a jury of his peers. One or the other of those things occurred. He was operating a taxicab when he was arrested for the offense.

Mr. Winfred M. Melson stated that no, they did not find any drugs on his person. He was only the driver of the cab. They stopped him and that is all that they said. He was convicted of possession but they did not find any on him.

Mr. Olson stated that Chief Anderson came to him and what exactly happened was that an individual came up to his vehicle. He passed money from the passenger to the drug dealer. The drug dealer gave him the cocaine and he gave it to the passenger in the back seat. That is what transpired in this arrest.

Mr. Brooks said then the answer to his question is that he made bad judgment in passing a control substance. That is what you are saying. He asked Mr. Melson if he knew what he was passing.

Mr. Melson replied no, he did not. All he did was, do what they asked him to do and then he dropped him off.

Mr. Brooks continued by asking him where he was working at now.

Mr. Melson replied that he was not working. He has been driving a taxicab for the last fourteen years.

Councilman Rivers asked when he went to court and three of the four charges were dropped and the fourth one didn't. Did you settle by a plea agreement?

Mr. Melson said yes. He didn't have a lawyer to fight it.

Councilman Stimatz asked if there was anything else in his background that we should know.

Chief Koch replied not that he can get into in a public forum unless Mr. Melson waives it. All that we are doing is following the City's ordinance. He can provide you an address record on the items that he can.

City Attorney W. H. Morgan stated that the Manager and he discussed this issue today and we apparently uncovered for the first time that he is aware of that our ordinance does not speak to the issue of giving council the right to reinstate a person's taxicab permit. We can certainly put the wheels in motion to amend the ordinance to allow such action to take place but as he discussed with Mr. Olson today we found nowhere in our ordinance that allows council to reinstate the permit.

Mr. Stimatz said then we can't legally take any action on this.

Mr. Brooks said it is on our agenda and we can't deny or approve it, is that what you are saying?

Mr. Morgan stated that it has been denied but we find nothing in our ordinance that gives Council the right to reinstate the permit.

Mr. Olson said that if the City Council has some concern about this it may be worth our time and effort to readdress this and rewrite this ordinance to give the Council the latitude because right now we are of the opinion that you do not have the right to reinstate the permit.

A substitute motion was made by Councilman J. A. Stimatz, seconded by Councilwoman B. S. Meggs to table this item until we can do two things. One is a thorough background check on the individual and secondly research by our attorney on whether or not we have the ability to do this or not do this.

Mr. Brooks said he recalls that a while back we had two individuals to come up here with the same sense and we reinstated theirs. Now, all of a sudden it comes up that we can't reinstate.

Mr. Morgan said that those two had to do with the inappropriate drawing of the permits as he recalls. He doesn't believe that we have ever had anything to come before us regarding a reinstatement due to a felony.

Mr. Olson injected that those two issues involved the issuance of franchises.

Mr. Rivers said that one of the two was a franchise issue but the one involving Mr. Hinton was a drivers permit. He has no problem with tabling this but he feels that we should allow Mr. Melson continue to drive his cab until this is resolved. We can't keep letting a gentleman that wants to work from being able to work and make a living. He can't table it unless he has the right to drive.

Mayor Pro Tem Hummer said that it is her understanding that it is up to the Chief of Police to deny or award taxicab franchises. That is a law enforcement matter and Council shouldn't even be involved with it.

Councilwoman Baker stated that she agrees and she feels that we don't have the right to give something back that has been decided in a Court of Law. That is not our position at all. He passed the money and then passed the cocaine. He made a back judgment call.

Councilman Walton stated that this happened in 2004. He has been on probation since that time.

Chief Koch said that he received 24 months of supervised probation. We don't monitor that type of supervision.

Mayor Foster called for a vote on the substitute motion.

Those voting in favor of the motion were Stimatz, Meggs, Baker and Hummer. Against the motion to table were Brooks, Rivers, Stallings and Walton. Mayor Foster voting yea to carry the motion.

- e} Resolution and Authorization supporting removal of the navigation hazard in Knobbs Creek and proceed with grant application.

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson replied that this is a request for us to submit a grant application for removal of an underwater obstacle within the Knobbs Creek area. He would like to have our Parks and Recreation Director J. D. Overman to come forward and explain it to the Council.

Mr. Overman stated that last summer the Manager was notified of a navigational hazard in the mouth of Knobbs Creek. At that time he asked to investigate it. He did and he found that this hazard had been the site of a number of accidents causing personal property damage. This occurred from the removal of the old turnstile that supported the bridge was marked with pipe that has long since been removed or destroyed. He met with Mr. John Morris who is the Director of the Division of Water Resources to discuss the removal of this navigational hazard. He suggested that the City apply for grant funds (80% State and 20% Local Match) to remove this structure.

He has prepared a grant application to request funds from the State Division of Water Resources. J. W. Jones has offered to pay \$15,000 toward the match for this project. With an in-kind match of \$3,000 from the City, we can provide the 20% match necessary to fund the grant.

A motion was made by Councilman E. K. Rivers, seconded by Councilman J. B. Walton to adopt the following resolution that supports the removal of the navigational hazard located in Knobbs Creek and authorize the City staff to proceed with the prepared grant application. Those voting in favor of the motion were: Rivers, Walton, Baker, Brooks, Hummer, Meggs, Stallings and Stimatz. Against: None. Motion carried.

**RESOLUTION #07-04-2
SUPPORTING THE REMOVAL OF THE
NAVIGATIONAL HAZARD LOCATED IN
KNOBBS CREEK**

WHEREAS, the City of Elizabeth City desires to remove a navigational hazard located near the mouth of Knobbs Creek. The hazard is the remains of the old railroad bridge that once crossed Knobbs Creek. The base of the old turnstile is just below the normal tide level and located in a portion of the creek used by commercial and recreational boaters. Several boaters hit the structure each year with many causing severe damage to their boat or watercraft. Commercial barges and tugboats have hit the structure causing major damages to their equipment. Removal of this old turnstile from Knobbs Creek will benefit navigation for both commercial and recreational boaters.

NOW, THEREFORE, BE IT RESOLVED that:

1} The Elizabeth City Council requests the State of North Carolina to provide financial assistance to the City of Elizabeth City for the Knobbs Creek Obstruction Removal Project in the amount of \$74,400 or 80% of project construction costs, whichever is the lesser amount;

2} The Elizabeth City Council assumes full obligation for payment of the balance of project costs;

3} The Elizabeth City Council will obtain all necessary State and Federal Permits;

4} The Elizabeth City Council will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;

5} The Elisabeth City Council will supervise demolition of the structure to assure compliance with permit conditions and to assure safe and proper demolition according to approved plans and specifications

6} The Elizabeth City Council will obtain rights-of-ways easements that may be necessary for the demolition without cost or obligation to the State;

7} The Elizabeth City Council will hold the State harmless from any damage that may result from the demolition of this structure.

ADOPTED, this 23rd day of April 2007.

Charles L. Foster
Mayor – City of Elizabeth City

Dianne S. Pierce-Tamplen
City Clerk – City of Elizabeth City

f} Report – Summerfield Sidewalks.

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson replied that the City Attorney was requested to get back with the City Council concerning the sidewalks within the Summerfield Subdivision. He would like to yield to him on that.

City Attorney Morgan stated that first he would like to give Council a brief overview. Our UDO does require that all new subdivisions created in the City after the passage of the UDO include sidewalks. In Section 10-7.3, Sub-Section S goes on to specify the width and the thickness that are required. In December of 2000 Phase II of the Summerfield Subdivision was approved by the City and the plat was recorded. The plat does call for four foot wide sidewalks. There are one hundred thirty-one lots in Phase II and for whatever reason the sidewalks were never installed. The developer did through a local bank, provided the letter of credit to the City which spelled out that the costs to construct the sidewalks was \$38,090.00 and in accordance with our UDO the Letter of Credit was one and half times that which made it \$57,135.00. That Letter of Credit was for a period of twelve months and it expired and the sidewalks weren't installed. The question was whether or not the City could authorize the developer to offer the residents some type of agreement whereby the sidewalks would not be installed. According to Councilman Brooks over 90% of the residents do not want the sidewalks. As he interprets the UDO and the General Statutes we do not have the authority to go against our own UDO. With that said, however, he has spoken to Mr. Olson and Ms. Brooks and they are comfortable and he is equally comfortable that if 100% of the property owners in Phase II which would involved all 131 lots and the developer would reach some agreement whereby that sum of money that was originally allocated for sidewalk construction is to be spent in some other way, we would endorse such a plan. He thinks for us to be on firm ground legally we should require that a recordable document much in the vein of an amendment to a set of restricted covenants be prepared and signed by all of the property owners and the developer before that could happen. Certainly one of the ten residents that did not sign the petition or the document that was circulated could make the argument later that he or she bought his or her home in Summerfield with the understanding that sidewalks would be installed. The only way that he would feel comfortable with our not requiring that the sidewalks are installed and that the money be spent some other way would be for every property owner there to agree with that.

Mr. Brooks said that you said that Summerfield was in two phases. The ones that signed that petition were Phase Two. He is telling you and he is not asking you this. He knows Phase One does not have anything to do with Phase Two. Why have you got to worry about 100%?

Mr. Morgan said that is 100% of the property owners in Phase Two is what he is saying.

Mr. Brooks said that is not in the DUO and that is only what you feel comfortable with.

Mr. Morgan said that the only thing that the UDO says Mr. Brooks is that the sidewalks have to be installed. The UDO goes so far as to impose penalties for not installing sidewalks.

Mr. Brooks said calm down, calm down you are talking about default. It says upon default the surety bond and that is what you are talking about. First of all, let him let those that do not understand a surety bond is a contract among three parties. Let's talk about the default. It says upon default the surety bond company or the financial institution holding the escrow account shall if requested by the City pay all or any portion of the bond or escrow fund to the City. He will stop right there. What they are asking is and it is very simple if you find it not necessary where you can't or you don't feel comfortable with as far as not putting the sidewalks, maybe we can use that \$57,000 to help with the drainage. He was talking with the Homeowners Association and they said that if it can't be done to go ahead with the sidewalks. If it can be done and he hasn't been convinced that it can't be done because the 100% is what you feel comfortable with is not what the UDO says. Now, if the UDO says 100% then he agrees with you. What you feel comfortable with and what the UDO actually says is two different things. Now, if you and Mr. Olson have come to the conclusion that it can't be done, then they want the sidewalks. If it can be done they do not want the money to go to any other project besides getting that water off of them in Summerfield. That is where everything is.

Mr. Morgan said that the issue of 100% is not in the UDO as he indicated. The only thing that the UDO says is that the sidewalks have to be installed. The only way a default can occur is for the City to declare him in default. We have not declared him in default. We have three years that have passed and no default has been declared. The UDO says that the Zoning Administrator has to give the developer the right to complete the improvements and if he does not do so within a reasonable time then the Zoning Administrator can declare him in default. The Letter of Credit has expired.

Mayor Foster said that he would like to let the City Attorney know that we appreciate the report on the Summerfield sidewalks.

Mr. Brooks said point of order. He was trying to clarify because the people in Summerfield asked him for this. We were having a discussion of what can and can't be done. It is on the agenda and we are right where it was when it was put on the agenda. We don't need to keep having it on the agenda and having a discussion and they are right where they were supposed to be. What he is asking is what do we do now?

Mr. Morgan said that he would suggest that maybe if the owners of the properties in Phase II believe that they can get signatures from 100% of the property owners in Phase II then the money could be spent in some other way. In the event that doesn't occur, he thinks that the City's only option is to require that the developer put in the sidewalks.

Mr. Brooks said then go ahead and look at the feasibility of having the developer put in the sidewalks because there is no need to keep begging for something like this if they can't use the money to help the drainage problem. Just straighten it out so that they can get the sidewalks. They do not want their yards torn up in the process. If the yards are torn up make sure that they are repaired.

g} Confirmation of the Police Chief:

Mayor Foster called upon Mr. Olson for comments.

Mr. Olson replied that pursuant to the City Charter he would like to submit the name of Charles Crudup to be our next Chief of Police for the City of Elizabeth City. Mr. Crudup has over twenty-five years in law enforcement experience and he is presently the Chief of Police in Ayden, North Carolina. He has served as Chief of Police for the Capitol Police Department. He started his law enforcement career in Henderson, North Carolina. He has received a Bachelor of Science Degree from Mount Olive College. He has numerous certifications. Most of you have had a chance to meet with him when he was here last Thursday. He feels that he is the best qualified applicant to fill this position at this time.

A motion was made by Councilman D. K. Stallings, seconded by Councilman M. E. Brooks to confirm the appointment of Charles Crudup as the Chief of Police with a salary of \$85,000.

Under discussion Mayor Pro Tem Hummer stated that she met with the candidate that the City Manager has presented. She had a very long honest conversation with him. Her first allegiance is to the community, Second Ward and all over the City. For months she has gotten letters, phone calls, e-mails,

people from Sawyertown Crime Watch and Pennsylvania Crime Watch expressing their desire to hire within our police department. The two crime watch groups are very active groups. They have been very orderly and freely in their concerns and asking us to help them. Her biggest concern is that someone new may not be as inclined to continue with the community policing and things that are already in place. And, incidentally the current law enforcement administration did not place those things on the shelf. Her next allegiance is to the police department. They are doing an outstanding job. The community policing officers work hard. Everybody knows everybody's name in the neighborhoods. They are on the street with the canine units. Now, they have started having prayer marches. She just has big concerns that someone that doesn't even know where Sawyertown is or Pennsylvania Avenue is and that is the only objection that she has. She thinks that most of all we have told the police department that you don't have anything to work toward once you make lieutenant. If you get that far you are probably not going anywhere else. They must really love Elizabeth City or they wouldn't get out there everyday and risk their lives. One was shot at the other day. She was told that one of the gang members went into one of the churches and went to the alter, confessed to turn his life around. If you turn one young life around then that is a victory. She thinks that we should hire from within to show these young men and women that they do have something to work toward. She is being very honest and she is very disappointed. Since she has been on Council she thinks we have been through five chiefs. It seems like they just come and build on their resume and then they leave. You have officers who have been loyal through all these chiefs that have come here. She told this candidate that these men and women will be loyal to him and they will work hard for them. It is something for Council to think about for the future. We are making progress.

Councilman Walton said that he wants to make the record the way that it should be because when he read in the newspaper an editorial and you know in different locations some of the writings that have been written about this position. Even at the point one time it said that council members were going to the city manager and trying to influence him to vote for a black man. Trust him and you can put this on record; he was not one of those people. He doesn't think that are many people on this council that did this, but it was written up in the newspaper that way. That is wrong. He does not know whose story that is, but it is not his story. He did not do that. He also read in the newspaper it stated that this person was chosen because he is the best fit for the community. To him, qualifications should have been in that article somewhere. If qualifications were not involved he should not be getting the position. What is a good fit for Elizabeth City? That is not good enough. Those types of statements should not be made because this man is going to come here with his twenty-five years of experience. To him he has to be qualified. He will tell him the same thing that he told Paul. If there is anything that he can help him do while you

are here, ask him and it will be given. He thinks everybody in this City around this platform should give 100% support. He does confirm.

Mr. Brooks said that he had a chance to talk with Mr. Crudup and he was impressed with him. When you are talking about hiring within he finds it amazing because then you are talking about all the councils since Chief Owens have been wrong. He refuses to believe that. He thinks he is very qualified and so was Chief Anderson. He thinks it was really based on qualifications. He listens when you talk about how well the police officers love Elizabeth City and if he recalls correctly, we gave them a \$3,000 raise to keep them from leaving and going to other areas. Maybe there is something that he forgot in the minutes. He is sure that is why we gave them that \$3,000 raise. He comes up here all the time and the police officers talk to him because he will listen to them. He does not think that it is all straight and narrow and we have turmoil for a year and all of a sudden we get a new chief everything is glued together. You can't call for that. He is 100% behind hiring Chief Crudup because the reason why we didn't go on the outside is because we know that the turmoil on the inside in the police department. We can't act like it don't exists because we have got favors or people on the inside that we are going to bat for, we can't do that. Somebody wants to control and we can't do that.

City Manager Olson asked if he could address a couple of comments here because he thinks that the record needs to be set straight. Johnnie, for your information he gave the laundry list of items to the newspaper. One of those was his excellent qualifications. It is unfortunate that they grabbed that one statement. The other issue is he would like to assure all members of the City Council that he did not hire this gentleman because he is an African-American. He was the best candidate. He will not hire anyone to a department director's job who is not the best candidate no matter what their race is.

Mayor Foster called for the vote on the motion.

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

h} Roanoke Avenue:

Mayor Foster called upon Councilman Brooks for comments.

Mr. Brooks stated that at the last meeting or so the City Manager stated that money was taken off of Roanoke Avenue and placed on Southern Avenue. That is disturbing to him. For almost three years the money was allocated for Roanoke Avenue not the part that the sewer line has been taken up from the

Railroad Tracks coming back. After you come out of Elizabeth Manor the road narrows twenty feet. You have children coming from Elizabeth Manor that sometimes walk in the street because the road has narrowed twenty feet. The money has been allocated and the process has supposed to be started to get the work done. Basically what we did was to rob Peter to pay Paul. When we made the contract out for the ones that are doing Southern Avenue, what he doesn't understand is that if the contract was written was a monetary amount put on the contract. What it would take to do to complete the job.

Mr. Olson replied that yes there was.

Mr. Brooks said then he goes in and finds extra stuff that he didn't see so we take it from one area and put it in another.

Mr. Olson said that we did nothing. DOT did that to balance the budget. Roanoke Avenue and Southern Avenue are not city streets and we do not control them and we do not control how the money is spent on those projects. We rely on NCDOT to make those types of decisions and that is the decision that they made and City staff had no input in that decision.

Mr. Brooks said that he understands that they do not just do that and that they do talk with the City. We had to request that and they didn't just do that. That is very troubling to him. We go through all the process and yet we don't abide by them. He thinks that is very unacceptable. We need to find monies to complete that project to insure the safety of our children. He thinks that is a very necessary thing to do because we are sending the wrong message. When one of those children gets hit because we compromised their safety it will be too late to say that you are sorry. He gets a sour taste in his mouth when it happens like that because it is unacceptable. If we can find a million dollars for Streetscape we should be able to find the funds for Roanoke Avenue. It is wrong and it is definitely out of order.

Councilman Stallings stated that at our next Council meeting he would like to have a resolution that would seek a request for funds from our representatives and our friends that set on the DOT board.

Mr. Olson stated that he feels like there is a lot of confusion concerning Roanoke Avenue. There are two separate projects. The project that was funded by DOT and spent over three years is the improvement of Roanoke Avenue from the Railroad tracks to Halstead. There was \$150,000 put in DOT's budget to do that project this year. City staff did have discussions with DOT utilizing that money to go and pave the section of road from North Road Street to Social Services building where the sewer line project ended. DOT pushed back the other improvement for a couple of years because we thought that it was a higher

priority to get that section and that is what the City Council has told him that they needed to get that section repaved. When Anthony Raper came up here and visited Southern Avenue he realized that we were roughly a half million dollars short on the project costs. The project has never been fully funded by DOT and that is why the City has had to advance the money for the project. Now, Representative Owens has requested some discretionally funds in the amount of \$83,000 and Senator Basnight has requested the same amount if he is not mistaken and we have asked Stan White for the same \$83,000 to help make that project fully funded. Once the money is transferred from Roanoke over to the Southern and they can handle the change order of \$200,000.

i} Electricity:

Mayor Foster called upon Councilman Rivers for comments.

Mr. Rivers stated that he needs some information for our next budget session. Somehow, we need to make sure that we are reading our meters. He is hearing that we are estimating some of them. He would like for that to be brought back to us in order that everyone can hear it. How do we read our meters? Did our payment to ElectriCities increase during those three months of January, February and March? February bills were the highest that he has ever seen. What caused that? We have not had an increase since last year and he wants to make sure that we are not overcharging our citizens. As a Council he is concerned over the residents in the Fourth Ward when their bill jumps up two or three hundred dollars in one month. He wants to hear what caused that to happen. Those are the types of questions that he is concerned about and would like to have the answers too.

Councilwoman Meggs asked if we got the meters where they pay for it as they use it, wouldn't this solved a lot of the misbelieving? If so, how far are we along on doing this?

Mr. Olson stated that he received correspondence last week from ElectriCities saying that they are dropping the pre-pay meter program because of the vendor that we had targeted has basically informed us that they are going to be discontinuing the meters we were looking at. They are looking at other types of vendors now and seeing if we can go with a different type meter. We have identified another meter but the upfront costs instead of being \$5,000 is \$25,000. It is considerably higher.

Mr. Brooks said that he is very fearful of the prepaid meters. In February everyone had their high bills. You said that it was three weeks of cold weather. His problem is what if we have five months of real winter, what are these people going to do? He is very concerned about this situation.

Mr. Stimatz said that he appreciates Kirk bringing up those points. He would like to see a couple of things on a graph and as he thinks of some more he will let you know. One is the usage verses the degree days. What he would really like to see is regression model of usage verses degree days and see how closely they correlate. He would also like some sense on what the average and it can be by ward. What is the average electric bill in the residential areas? Then, how have we been this year. Are we above or below it? He tracks his kilowatt usage. His usage the past year was 1500 KW and the year before only 1100. That is a big drop. What is going on? It gets back to Michael's question of what is going on. Those are a couple and if he can think of anything else he will get back to you.

Councilman Stallings said that while you are fixing the graphs for the months of February and March he would like to see the numbers for the cutoff days. How many was on the cutoff list as opposed to how many came into your office and asked for an extension. If you can do that by Ward it will help him too.

Mr. Rivers said one last comment he has. With the high bills he feels that Rich was more lenient working with individuals. He did hear that. He is glad to see that you all are working with people to try to bring the people out of that until we can find out what is going on. He thanks you for that.

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Mayor Foster advised that he would go around the table for comments and inquires.

Mr. Olson stated that he had no further comments.

Councilman Stimatz said that he had one quick note. The Prayer Walk was very well attended. He had his professional crowd counter with him and he had five or six hundred people attending. Secondly, it was very interesting because we talked about the separation of church and state. The walk showed that we do not have to separate spiritual authority from civil authority. There is a difference in those two terms. The walk showed us the power when we bring those two together. Some house keeping things now. What do the residents on Church Street need to do to get the signs put up?

Mr. Olson replied that we will take a look at it and see whether or not the city engineer believes the engineering analysis would be in order. Just quick comment. He sees the sign on Dyer Street is probably not needed because you have a stop sign at Road and Church right now and it is only 300 feet away. The

other two signs may warrant a closer look. We may also look at some type of speed hump or something down that line.

Mr. Stimatz said the show time on the web site. He asked the question of why it is not on there and he was told that it was on the web site. He looked at the web site and it is not there. The show times of the replay of the City Council meetings. We should be able to put it on the web site and say here is the time that we will be showing it. It keeps disappearing.

Mr. Stimatz said zones verses meters. You responded that you talked with the taxicab guys and if he remembers correctly from the meeting we had about zones verses meters, the issue was to talk with the stakeholders including the taxicab guys and the citizens because we passed that \$8.00 charge to Wal Mart with the understanding that was the thing to get us through it so that we would have a rate so that they wouldn't be overcharged. But, the long term was that we wanted to look at the zones or the meters. We didn't like the zone system that came in and he goes back to this. The people that have to pay absorbent taxi rates to get from A to Z shouldn't have to keep doing that. He expects to see something coming back on whether we are going to do some kind of zones or meters. If meters are easier and is quicker then let's just do meters.

Mr. Olson said that we did bring this back and there was no desire by this Council that anyone wanted to act on that.

Mr. Stimatz said what we said when you brought it back was that it wasn't sufficient. That is what was passed to you and you haven't talked with the taxicab drivers. He would like to have it brought back. He would like something better, either better zones or the meters. He does not think that it is a dead issue.

Councilman Walton stated that he didn't have a lot to say. Sarah are you clear on something that he may want for the next meeting.

Ms. Blanchard said that the information can be obtained but we are not certain that we can get it by ward. If we can get it then we will.

Mr. Walton said that he knows that they pay it by wards and we should be able to get that information. Also, Ms. Felton were you clear on what he wanted concerning the pay plan. He wants some graphs, either a bar graph or pie graph showing the different ranges of who is getting that pay.

He is also glad that Rich made something clear to him and he appreciates him doing that because that paper sometimes will do you the same way they do him.

Anytime something is unclear to you all about what he says in the paper he will try to bring it back. It is more clear to him what you did now.

The only other thing was he was not able to make the celebration of the parade of the Champions. He hears that it was a unique situation and he wants to comment Jim Overman for doing a good job. He heard that a lot of people helped to put it together and keep on doing a good job.

Councilwoman Meggs said that she just wanted to also say that she feels Jim did a very good job and she appreciates it. It was really a nice celebration.

Councilman Stallings said that he wanted to echo what Betty said and Johnnie too. He thought he did an outstanding job and all the citizens that came out and attended felt that it was a very good celebration.

The only other thing that he has is where are we on the Amnesty Week for trash?

Mr. Olson said that we have not set a date because we have open amnesty now. He did include that in his FYI explaining what our policy was and how it had changed about two years ago. For anyone that wants us to pick up anything we will pick it up now. They only have to call Public Works.

He also asked where we are on the gun buy program.

Mr. Olson replied that eight guns were purchased and that was in the FDY this past Friday.

Mayor Pro Tem Hummer asked that at the next budget meeting she would like to know how much infrastructure work has been done in the Second Ward in the past four years. She sat here and voted with former Councilman Jimmie Sutton to start that fund for Roanoke Avenue. She voted for Southern Avenue, Walker Avenue and the State backed out of fixing Elizabeth Street and she understands why they don't move on Road Street and what more do we have to do there. What does what ward Blackwell Church is located in has to do with them being able to get some signs put up? They have Queen Street where children are on the playground and drugs are being passed on right there and she just doesn't understand the sign thing. First she is told that it is no longer any caution children at plan signs but she still sees them around town. There has to be something that can be done about this.

She would like to commend the police department, especially Captain Koch and Lieutenant Young on the Prayer Walk and the speech that each one of them made.

She wanted to ask the City Manager that it is her understanding that employee's salaries are public records, is that true.

Mr. Olson said that is correct.

Ms. Hummer continued by saying that she thinks that the public needs to know how much the new Chief of Police will be making.

Mr. Olson replied that he will be paid \$85,000 a year.

Ms. Hummer said that every time that we hire someone they make a whole lot more money than the men and women who have been here for twenty-five years.

Councilman Brooks stated that he just has three things. He asked Mr. Morgan to get back with us on Summerfield as soon as possible. We also need to continue to be mindful about the residents in Oxford Heights. At the corner of Peartree and Roanoke Avenue the people are complaining that they have to pull out in the street before they can see.

On Franklin Street off of Roanoke Avenue the corridor he sat there today and watched the trash trucks trying to move around those cars to pick up the trash. He does not know whose responsibility it is to make sure that corner is clear when it is time for the trash truck but this needs to be done.

Councilwoman Baker stated that she would like to say that on Thursday the ceremony was very gratifying. A lot of people came up to her and thanked her for coming forward as a City to present these awards.

On Thursday she was in Raleigh attending the Legislative Action Committee meeting on which she is a member. She didn't get to meet the police chief because of that meeting. She would like to say that this committee is probably one of the best ones that she has been on in a while. We meet with the lobbying group for the League of Municipalities. They support things that will help cities to do a better job. They lobby against certain bills that would harm cities. For instance they are in supporting the Street Gang Prevention Act that is House Vote 274. There is a Dilapidated Structure Bill that is House Bill 871 that they are trying to get an ordinance enforcing more strict minimum standards in non-residential buildings. They are also arguing against a bill somebody proposed for DOT that will take the negotiations process of DOT turning the State streets over to the Municipality. DOT will be able to say that they will take this street and we would have no say in it. That would affect our Power Bill

monies. It is a very worthwhile trip to Raleigh every couple of months. It is important for us to keep in touch with our representatives in Raleigh as well.

Councilman Rivers said first of all once again to Mr. Overman and every City Council member for the medallions for the players. The ones that were given out if we could put their pictures on Channel 11 so that way we can encourage more for that to occur every year. He would like to thank all those who made it happen.

Second of all, he asked Mr. Fredette for an update on Southern Avenue. He saw the Barnhill trucks running today. When can we start driving down Southern Avenue again?

Mr. Fredette replied that Barnhill is ahead of schedule right now. They are about half done replacing all of the castings. They are more than half way of having everything done. The projection for paving is mid-May. This is contingent on having good weather.

Mr. Rivers continued by saying that he appreciated Rich getting the information on the electric out. He felt that what Mr. Gordon said at the work session it might not be a bad idea if he could do a tape and run that on Channel 11 also. That is another way to get it out to the community to help cut these electric bills down.

Mayor Foster stated that his comments were that he would agree with Councilman Stimatz and Betty for their remarks about the Prayer March this past Saturday. He wants to thank God for giving him the opportunity to open that event with prayer. It was the biggest marching event that he has ever seen in Elizabeth City. It was very impressive. The Daily Advance, he doesn't know how they could make a mistake like that about the estimated people that were attending. The people were there. The thing that was so outstanding about it there were people of all races, all denominations and we seem to be all on one accord. You had to have gotten a very positive feeling. We need more things like that in Elizabeth City. It just shows that when God's Children get together we can really be heard. He hopes that another one is coming up so that all of you will be able to make.

He also would like to say that he would like to send our condolences to the families who lost their love ones at Virginia Tech. It is a very sad time in the history of our nation that things like this happen. Right here in our beautiful city we had a little problem when somebody called and had to lock down three schools last Friday. Things like this can happen anywhere. It is very regretful. Let's us not try to second guess if this had happen or why this happen as we all need to pray for those families. Prayer is needed for those families.

He continued by saying he had the opportunity to meet the new Police Chief. He wants him to know as Brother Walton has indicated that he will do everything in his power to support him and be supportive. Whoever, he is going to be supported of. He is a person like this, he is going to support you no matter who you are or what you are. When you are brought in as our new police chief and it doesn't matter about your race or anything, you are going to get his support. He just thanks God that we have a Chief now and let us go forward in support of him.

He concluded by thanking those attending our meetings. We want you to know that this is your city and we are going to be determined to do what we can to make this a better city. He prays that God will bless you all.

8} ADJOURNMENT:

Mayor Foster advised that the above item concluded the agenda for tonight's meeting. He entertained a motion for adjournment.

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

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

Dianne S. Pierce-Tamplen, MMC
City Clerk

Charles L. Foster
Mayor