

The City Council of the City of Elizabeth City held its second regular meeting of the month on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor R. A. McLean presiding. Councilors attending were: L. A. Hummer, J. M. Baker, M. E. Brooks, L. M. Hill-Lawrence, R. E. King, B. S. Meggs and J. B. Walton. Councilman J. A. Stimatz was absent. City Staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, Deputy City Clerk V. D. White, Human Resource Director K. W. Felton, Planning Director J. C. Brooks, Parks and Recreation Director B. V. White, Finance Director S. E. Blanchard and Electric Director K. F. Clow.

Mayor McLean established a quorum was present and called the meeting to order at 7:00 p.m. He called upon Reverend Barbania Houston-Black for the invocation after which he led the Pledge of Allegiance to the Flag of the United States of America.

1} APPROVAL OF THE AGENDA:

Mayor McLean called for approval of the prepared agenda.

Mayor Pro Tem L. A. Hummer asked to remove **Item #11 – Closed Session** from the agenda. She stated since the City Attorney was absent she would like to reschedule the Closed Session to a time when he would be present.

Councilman M. E. Brooks asked to add: ***Ms. Barclift's home on US 17 South; and the Farmer Property on Jackson Lane.***

Mayor R. A. McLean asked to **remove Item # 8-C-2 Appointment to Parks and Recreation Advisory Board.**

A motion was made by Councilwoman J. M. Baker, seconded by Mayor Pro Tem L. A. Hummer to approve the prepared agenda to include the above noted items. Those voting in favor of motion were: Baker, Hummer, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

2} COMMENTS FROM THE PUBLIC:

Mr. Darrell McKinley, 1716 Providence Road, Elizabeth City expressed his concerns over the proposed Splash Park. He feels that the City should put the funds toward improving the streets and infrastructure of the City.

3} APPROVAL OF THE MINUTES:

a} Work Session – March 28, 2011:

Mayor McLean called for approval of the March 28, 2011 Work Session minutes.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman R. E. King to approve the minutes of the Work Session held on March 28, 2011. Those voting in favor of the motion were: Baker, King, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

b} Regular Session – March 28, 2011:

Mayor McLean called for approval of the March 28, 2011 Regular meeting minutes.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the March 28, 2011 Regular Meeting minutes. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

c} Regular Session – April 11, 2011:

Mayor McLean called for a motion to approve the minutes of the April 11, 2011 Regular Meeting.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the April 11, 2011 Regular Meeting. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

4} PRESENTATIONS:

a} Proclamation – National Day of Prayer:

Councilwoman Meggs read and presented a Proclamation proclaiming Thursday, May 5, 2011 as National Day of Prayer to Reverend Jeffrey Russell.

Reverend Russell made brief remarks.

b} Proclamation – National Public Works Week

Councilwoman Hill-Lawrence read and presented a Proclamation proclaiming the week of May 15-21, 2011 as National Public Works Week to Karl Clow.

Mr. Clow accepted the proclamation on behalf of the Public Works Department and made brief remarks.

5} **CONSENT AGENDA:**

Mayor McLean called upon City Manager R. C. Olson to read the items listed on the Consent Agenda.

A motion was made by Councilman R. E. King, seconded by Councilwoman J. M. Baker to approve the following Consent Agenda. Those voting in favor of the motion were: King, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

CONSENT AGENDA:

a} Approved the following Budget Amendment.

**BUDGET AMENDMENT
NUMBER 2011-09
APRIL 25, 2011**

BE IT ORDAINED, by the City Council of the City of Elizabeth City that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2011:

SECTION I. That the Electric Fund Retained Earnings (103990.0000) and the Electric Distribution Professional Services (308300.0400) be increased by \$12,500.

(To record Duke/Progress intervention expenses.)

SECTION II. That the Transfer from Capital Reserve (103970-3030) and the Building Capital Outlay Improvements (105000.7300) be increased by \$6,550. That the Capital Reserve Fund Balance Appropriated (533990.0000) and the Transfer to General Fund (536600.0000) be increased by \$6,550.

(To record bathroom renovation.)

SECTION III. That the Miscellaneous Sewer Revenue (313350.0010) be increased by \$21,000, Halstead Sewer Service Fees (313930.0031) be increased by \$38,157 and Debt Service Well Improvements-Stimulus (316600.8103) be increased by \$59,157.

(To record annual debt payment for City's match of Wellfield Stimulus Funds.)

ADOPTED, this 25th day of April 2011.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Called for a public hearing to be held on Monday, May 9, 2011 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for each of the following:

- 1} To notify the citizens that the City received \$950,000 in CDBG-ER Funds for infrastructure.
- 2} Consideration – Text Amendment (TA-01-11) to amend Section 11-4.44.1 of the UDO to define separation distances from main entrance and to amend the hours of operation for establishments.
- 3} Consideration – Rezoning Request (RZ-02-11) to rezone 1425 North Road Street from Residential R-15 to General Business GB.
- 4} Consideration – Conditional Use Permit (CUP-01-11) for a pawn shop to be located at 900 W Ehringhaus Street, Suite C.

c} Appointed Richard Boyd, 313 West Main Street to a three year term ending April 31, 2014 to the Historic Preservation Commission.

END OF CONSENT AGENDA:

6} REGULAR AGENDA:

- a} Call for a public hearing – Redistricting:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson advised that staff is asking that the City Council cancel the scheduled Budget Meeting for Monday, May 2, 2011 and to schedule a Special Meeting to hold a public hearing for consideration of the proposed Redistricting Map at 7:00 p.m.

A motion was made by Councilman R. E. King, seconded by Councilwoman J. M. Baker to cancel the May 2, 2011 Budget Meeting and hold a Special Meeting in order to hold a public hearing on the City's proposed Redistricting Plan. Those voting in favor of the motion were: King, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

- b} Barclift property located at 1165 US 17 South:

Councilman Brooks stated he received a call from Mrs. Jessie Barclift who lives at 1165 US 17 South to aid her with drainage at her address. She has experienced an erosion of her property due to the drainage ditch that is located on the south side of her property. Most of the water is conveyed via the ditches adjacent to US 17 South. Ronnie Sawyer has reviewed the problem and has determined the most cost effective way to address the problem is to rifferaff alongside Mrs. Barclift's property to stabilize the ditch bank.

City Manager Olson stated that the City is investigating the option and has been working with NCDOT to see the amount they will help financially in the repair of this site.

A motion was made by Councilman M. E. Brooks, seconded by Councilman R. E. King to budget money to construct rifferaff beside the home located at 1165 Hwy 17 South. Those voting in favor of the motion were: Brooks, King, Baker, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

- c} Farmer Property:

Mayor McLean called upon Councilman M. E. Brooks for comments.

Councilman Brooks stated Mrs. Farmer's property has become an issue. Many of the residents are coming up in support of Mrs. Farmer and whenever you have that abundance of people coming up to support a cause we as a Council he believes should take it under consideration. He thinks instead of going through a whole lot of talk he wanted to make the following motion.

A motion was made by Councilman M. E. Brooks, seconded by Mayor Pro Tem L. A. Hummer for the City to look for property other than Ms. Farmer's for construction of the proposed delivery point substation.

Councilwoman Baker said she believes the City is looking for other options and has always been looking at other options. She doesn't think we need a motion from Council to tell Rich to do his job. He sees the people and he hears what is going on. She doesn't think we need a separate motion from Council.

Councilwoman Hill-Lawrence said it was her understanding we do have another site or you had investigated another one.

Mr. Olson stated that to date he has explored 17 different options throughout the area but the Farmer property is the most cost effective by a considerable amount of money. He shared that information to the City Council in a Closed Session several weeks ago that the Farmer's site is roughly \$400,000 to \$1.2 million less than the other options that we have. We continue to look at other options and explore other alternatives. It doesn't matter where the City wants to put the second delivery point; it also has to be signed off by Dominion Power as we are going to have to tap into their lines. They have approved the Farmer's site as a location. They have also approved another site as well.

Ms. Hill-Lawrence asked at what point that we as a Council say that we are going to take Mrs. Farmer's property off the agenda. She thinks that is what everybody is looking for and listening for.

Mr. Olson said until we have an individual property under contract that is the only time that we should take the Farmer property off the table. It is one of many options. We have provided to you in Closed Session the cost estimates of the number of sites as well as the problems with the other sites. None of those other sites is as good as the Farmer site. Staff will continue to look for other pieces of property and if we narrow it down we will bring it back to City Council.

Councilman Walton said he thought this was a Closed Session item. We need to say the same things in Closed Session.

Councilman King said he concurs with Councilman Walton. This is a Closed Session item. Our Attorney is not here tonight and he doesn't think we can go in Closed Session about it. He doesn't want to see Mrs. Farmer's property taken either.

Mr. Brooks said he has been hearing the word transparency over the last couple of months. What made it an open session item was when the citizens came up here in open session with a concern about their neighbor's property being taken. That takes it out of the Closed Session. The motion was to look at other areas. He didn't go into the numbers or anything that we discussed in Closed Session. He addressed the citizens that came up in support of their neighbor.

7} CLOSED SESSION:

A motion was made by Councilman J. B. Walton, seconded by Councilman R. E. King to retire into Closed Session as per NCGS 143-318.11 (a) (5) for discussion of land acquisition. Those voting in favor of the motion were: Walton, King, Baker, Brooks, Hill-Lawrence, Hummer and Meggs. Against: None. Motion carried.

8} RETURN FROM 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, Hill-Lawrence, King and Walton. Against: None. Motion carried.

Mayor McLean declared the meeting back into full Session.

Councilwoman Baker said she wanted to say that she didn't want to take Mrs. Farmer's property either but she thinks the best thing for the City is to have another property in hand before we give up on the one that was already offered to us to buy. She thinks it is in the best interest of the whole City in her opinion to have another option on the table before we take our best option off the table.

Mayor McLean stated there was a motion on the floor for the City to look at property other than Ms. Farmer's for construction of the proposed delivery point substation. He called for a roll call vote on this motion.

Roll Call Vote

Brooks

Yes

Meggs	Yes
Hummer	Yes
Walton	Yes
Baker	No
King	Yes
Hill-Lawrence	Yes

Motion carried.

9} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

City Manager Olson stated he had no further comments.

Councilman Brooks stated he had no further comments.

Councilwoman Meggs said she loves Elizabeth City and she doesn't want the City to have a bad name.

Mayor Pro Tem Hummer stated she has gotten a lot of calls about boarded up properties that stay that way for a long time. She realizes that while the UDO might say that they are structurally sound, she doesn't think anybody wants a boarded up property next to their home. She would like to have the City Manager bring back what we can do about it under neighborhood blight. It really is an issue.

Councilwoman Hill-Lawrence stated she wanted to ask if Mr. Olson had ever sent Paul Fredette out to Oak Grove to look at the ditches. The same scenario that we were talking about tonight is going to happen out there and we don't want that to happen. We need to do some preventative maintenance.

Mr. Olson replied that Mr. Fredette has been out there and he is pretty sure that Doug Davis accompanied him. He is not sure what the outcome is but he will talk with Doug and Paul when they get back.

Ms. Hill-Lawrence asked when they go will you let Councilman Walton and she know so that they can go out there as well. She said that she knows we have talked about the parks in the City before and there is a park that is in her Ward. The one on Hopkins Drive and she was over there a few days ago and the equipment in there is in really bad shape. There is no enclosure there and even though it is not a heavily travelled area it is still dangerous. She was wondering if we could put a fence around it. Parents are really concerned about it. Can you investigate that for her?

Councilman King stated Councilwoman Lawrence asked him to ride through Oak Grove to look at the ditches. They need cleaning. The water is not flowing and people are now cutting grass and it is lying in the ditches. We have the ditches out there and we need to do something to maintain them. His next thing is the Manager gave him some information this afternoon about Southern Avenue and it will be on the next agenda. Has any contact been made about the logo? We need to find a place to put the logo. The fences around the two ponds look really great. The light has gone out in the one on Road Street and it is taking the beauty out of the park.

Mr. Olson said we have not had chance to talk with Sean Lamont at this time.

Councilwoman Baker said she would just comment that she loves Elizabeth City too. It has been her home for 16 years and she doesn't want to see it have a bad name either. She has been on this Council for 10 years and she thinks she has always tried to do the right thing for the whole City and it is not always easy. It is not easy to make that unpopular decision but in her heart she thinks we ought to do the right thing for the City as a whole.

Councilman Walton said at the Fish Court area it use to be one of the most popular courts in town. Now there is just so much blight with an ugly background. We need to do something about that. Would you put it on the next agenda, maybe fencing and putting some flowers out front of that? The other thing he was out near Oak Grove and DOT was out there trimming branches and limbs from close to where the wires are. So there is an entrance in there you ought to go check it out and see if there is any way we can remove some of the things from under that bridge that crosses over.

Mayor McLean said he wants to thank the staff and all of you that have come out tonight to witness the kind of work that we are attempting to do for the good of Elizabeth City. He also echoes the fact that he loves Elizabeth City. He has been here going on 35 years now. He wasn't born here but sometimes he thinks he was. He had a chance to attend the COA Honors Program last week. They have a guy in that program that he can remember everything you say. He is the Secretary for the organization and you can talk and talk and he can remember everything you have said. He has received all kinds of awards. We will have our commencement exercises for ECSU on May 8th. He hopes that most of you will plan to attend. It is a good affair and it is good for the students to see that we appreciate the fact that they were here and we are going to miss them when they leave. On May 4th, during Town Hall Day we have a luncheon meeting with Senator Stan White in the Legislative Building. If you are there he would like to invite you to attend that meeting with us. He has agreed to meet with us and at that time we are going to talk with him about various issues that we feel are

necessary to Elizabeth City. Mr. Olson, North Street, north and south he would like for you to put together a plan that will outline for the City Council and the citizens as to when we expect to have Road Street repaired or upgraded. It is in real bad shape and that is a comment he gets every time he goes to a meeting or every time he talks with a group of people. We need a plan of action in terms of time frames that can be established to take care of this project. He would say to those citizens that are concerned about the splash park. If you go to other cities and towns you will see what these areas are doing for their youth. The splash park is going to be a tremendous addition to this City which he strongly supports and will defend because he knows what it can do for a city like Elizabeth City. We need this type of activity for our youth. He will say to anyone that has any doubts about it is to come to our office or meet with the staff or members of Council and we can explain to you the costs and the positive effects that the splash park will have on this community.

Mayor McLean said as you know we have one map that is going to public hearing on Monday night. He wants to thank the Committee because Mayor Pro Tem Hummer, Councilman Brooks, Councilwoman Meggs and Councilman Walton did a super job and you deserve a lot of credit. The map that he has seen is a good map. Staff also worked extremely hard on this map. He wanted to let you know that the work that you did has been very much appreciated.

10} ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor McLean entertained a motion for adjournment.

A motion was made by Councilwoman B. S. Meggs, seconded by Councilman R. E. King to adjourn the meeting. Those voting in favor of the motion were: Meggs, King, Baker, Brooks, Hill-Lawrence, Hummer and Walton. Against: None. Motion carried.

Mayor McLean adjourned the meeting at 8:25 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor