

MONDAY – 7:00 P.M.

MAY 10, 2004

CITY COUNCIL

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

Mayor J. H. Bell, Jr. opened the meeting by welcoming those attending. He called upon Elder T. J. Etheridge to give the invocation after which Mayor Pro Tem E. K. Rivers led the Pledge of Allegiance to the Flag of the United States of America.

Mayor Bell called for approval of the prepared agenda. He asked that Item 9-b – Appointments to various Committees/Boards be deleted. City Manager R. C. Olson asked to add an appearance by Russ Haddah on the East Coast Greenway. Hearing no other deletions and/or additions Mayor Pro Tem E. K. Rivers made a motion, seconded by Councilman R. E. King to approve the prepared agenda with the noted deletions/additions. Those voting in favor of the motion were: Rivers, King, Austin, Baker, Hummer, Lehmann, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called for action regarding the written minutes of April 19, 2004 Budget Work Session. A motion was made by Mayor Pro Tem E. K. Rivers, seconded by Councilwoman J. M. Baker to approve the minutes of the April 19, 2004 Budget Work Session as presented. Those voting in favor of the motion were Rivers, Baker, Austin, Hummer, King, Lehmann, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called for action regarding the written minutes of April 26, 2004 Work Session. A motion was made by Councilwoman L. A. Hummer, seconded by Councilman R. E. King to approve the April 26, 2004 Work Session minutes as presented. Those voting in favor of the motion were: Hummer, King, Austin, Baker, Lehmann, Rivers, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called for action regarding the written minutes of April 26, 2004 Council meeting. A motion was made by Councilwoman J. M. Baker, seconded by Councilman R. E. King to approve the minutes to include one minor typographical error. Councilman J. B. Walton asked for clarification for future voting. He questioned the writing of minutes when a member of Council wished to abstain from voting. It was noted that a member of Council can not legally abstain from voting unless there is a conflict of interest or a monetary gain to themselves. Mr. Walton stated he realized that if he abstained from voting that it would be a yes vote, but he would like for the record to

show that he did not vote on an item. City Clerk D. S. Pierce advised that if he would asked that the record show he neither voted yea or nay, she would be glad to include that in the minutes. Those voting in favor of the motion were: Baker, King, Austin, Hummer, Lehmann, Rivers, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called for action regarding the written minutes of May 3, 2004 Budget Work Session. A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman L. A. Hummer to approve the minutes of May 3, 2004 Budget Work Session as written. Those voting in favor of the motion were: Baker, Hummer, Austin, King, Lehmann, Rivers, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called upon Molly Brite, the Executive Director of the Elizabeth City/Pasquotank County Public Schools Foundation. She shared information regarding the ECPPSF and how our community might become more involved with their efforts. The Foundation has been an active partner with the Elizabeth City Public Schools by raising funds and developing and sponsoring programs that supplement and enhance the efforts of our educators and students. Some of their programs are S.C.O.R.E., Teacher Mini-Grants, Educational Summit, Teacher Resource Center, School Notebook Page, Library Fund, Robert P. Cullen Fund, James R. Grant Fund and Qualified Zone Academy Bond. This Foundation is a key organization in our community. The Foundation Board and its donors/partners support, and promote the educational opportunities provided to six thousand children. The work of the Foundation is that extra incentive, grant, gift or event that goes beyond our normal routine. Together, with the work of the Foundation, our public schools today ensure a bright future for students, as well as provide the most essential ingredient of our community: prosperity.

Mayor Bell presented to Fire Chief G. R. Baccus a proclamation proclaiming May 19, 2004 as ***“National Employee Health & Fitness Day”***.

Mayor Bell recognized Mr. Russ Haddah who spoke regarding the Perquimans County East Coast Cyclists. Perquimans County came up with a trail and they are in the process of submitting an application for funding of a greenway trail. Tourism in North Carolina shows that we are the 6th most visited area. The East Coast Greenways are located from Florida to Maine and Northeast North Carolina will be on that corridor. This trail is being marketing nationally and we are hoping to become part of that magnet. The goal is for northeast North Carolina to become a destination for this type of project. All he is saying tonight is that he is really looking for support on this project. No funds are being requested at this time.

The next item presented for consideration was the Consent Agenda. A motion was made by Councilwoman J. M. Baker, seconded by Councilman W. A. Lehmann to approve the following Consent Agenda. Those voting in favor of the motion were: Baker, Lehmann, Austin, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried.

Consent Agenda.

- 1} Approved request from the Elizabeth City Jaycees to partner with them in the amount of \$1,000 in presenting the 4th of July Fireworks for 2004.
- 2} Confirm the adoption of the following ordinances:

**ORDINANCE #04051
APPROVING REZONING REQUEST RZ-04-04
MACK & JULIAN NIXON
1110 TO 1116 PARK STREET BETWEEN
WAREHAM AND RALEIGH STREETS**

WHEREAS, on March 2, 2004 the Elizabeth City Planning Commission reviewed the proposed amendment of the Official Zoning Map contained on Application RZ-04-04 by the City of Elizabeth City; and

WHEREAS, the Planning Commission opened the floor for public comments in regards to this request; and

WHEREAS, based on evidence support by the City's Land Use Plan, the Planning Department staff believes that the proposed amendment of the Official Zoning Map will be in keeping with growth policies for this area and in line with the Land Use Plan;

NOW, THEREFORE, BE IT ORDAINED, that the City Council of the City of Elizabeth City does hereby approve this request to amend the Official Zoning Map to show the above-referenced parcel as AD, Apartment District.

ADOPTED, this the 10th day of May, 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

**ORDINANCE #04052
APPROVING REZONING REQUEST RZ-05-04
MARK & JULIAN NIXON
1005 RALEIGH STREET BETWEEN
PARK STREET AND PERQUIMANS AVENUE**

WHEREAS, on March 2, 2004 the Elizabeth City Planning Commission reviewed the proposed amendment of the Official Zoning Map contained on Application RZ-05-04 by the City of Elizabeth City; and

WHEREAS, the Planning Commission opened the floor for public comments in regards to this request; and

WHEREAS, based on evidence support by the City's Land Use Plan, the Planning Department Staff believes that the proposed amendment of the Official Zoning Map will be in keeping with the growth policies for this area and in line with the Land Use Plan;

NOW, THEREFORE, BE IT ORDAINED, that the City Council of the City of Elizabeth City does hereby approve this request to amend the Official Zoning Map to show the above-referenced parcel as AD, Apartment District.

ADOPTED, this the 10th day of May 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

**ORDINANCE #04053
APPROVING CONDITIONAL USE PERMIT CUP-01-04
ALBEMARLE HOSPITAL FOUNDATION**

WHEREAS, on March 2, 2004 the Elizabeth City Planning Commission reviewed the proposed amendment of the Official Zoning Map contained on Application CUP-01-04 by the City of Elizabeth City; and

WHEREAS, the Planning Commission opened the floor for public comments in regards to this request; and

WHEREAS, based on evidence support by the City's Land Use Plan, the Planning Department staff believes that the proposed amendment of the Official Zoning Map will be in keeping with growth policies for this area and in line with the Land Use Plan;

NOW, THEREFORE, BE IT ORDAINED, that the City Council of the City of Elizabeth City does hereby approve this request to amend the Official Zoning Map to show the above-referenced parcel as R-6 (CUD), Residential-6 Conditional Use District.

ADOPTED, this the 10th day of May 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

End of Consent Agenda

Mayor Bell called for a motion to call for a public hearing for consideration to rezone property located on the south side of US Highway 17 (South Hughes Boulevard) between Pro Gro Drive and Forest Park Drive adjacent to Central Elementary School. A motion was made by Councilman W. A. Lehmann, seconded by Councilwoman J. M. Baker to call for a public hearing for consideration of Application RZ-06-04 to be held on Monday, May 24, 2004 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building. Those voting in favor of the motion were: Lehmann, Baker, Austin, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called upon City Manager R. C. Olson for comments on the next item for consideration. Mr. Olson stated that under the CDBG guidelines, any industry requesting funding must sign a Legally Binding Commitment letter. In that letter, it must guarantee the number of jobs (51%) called for in its application and a majority of the jobs must benefit individuals of low and moderate income. If the 51% threshold is not met, the entire grant is payable back to the Federal Government. Tamsco will be submitting an application to the State calling for the creation of 100 new jobs. If Tamsco meets the Federal requirements but not the State requirements, Tamsco must reimburse the State \$10,000 for every job fewer than 60 but above 51. Tamsco has requested to share in some of the liability associated with the Legally Binding Commitment letter. The total estimated cost of the sewer improvements is \$1,400,000. Of that cost, \$512,000 can be directly attributed to sewer improvements for which Tamsco is the sole beneficiary at this time. The remaining \$900,000 is for system improvements that the City was proposing to make within the next few years. Under Tamsco's proposal, the City and Tamsco would share equally in the liability if it does not meet its LMI requirements. The City's liability would be \$500,000 but it would receive \$1,400,000 in improvements to its sewer system. If Tamsco meets its LMI requirements, the City would have no liability to the State or the

Federal Government. Following discussion, a motion was made by Mayor Pro Tem E. K. Rivers, seconded by Councilman D. K. Stallings, Sr. to authorize Mayor J. H. Bell, Jr. to execute the Legally Binding Commitment letter on behalf of the City of Elizabeth City. Those voting in favor of the motion were: Rivers, Stallings, Austin, Baker, Hummer, King, Lehmann and Walton. Against: None. Motion carried.

City Manager R. C. Olson advised that the City has received a request from Mr. Ralph Beardsworth of 301 West Main Street to purchase a lot that the City foreclosed on in 2001. A fire in 1998 at this location left the house uninhabitable. When the owners failed to demolish the unsafe structure, the City foreclosed on the property due to lot clearing and demolition charges in the amount of \$13,497.74 and past due property taxes for a total owe the City in the amount of \$21,388.72. Since that time the City has maintained the property. Mr. Beardsworth has made an offer to purchase in the amount of \$12,000. The tax value of the property is \$9,000. The sale would be subject to NCGS 160A-269 requiring a ten-day advertisement period for an upset bid. Following discussion, a motion was made by Mayor Pro Tem E. K. Rivers, seconded by Councilman R. E. King to adopt the following resolution accepting the offer tendered in the amount of \$12,000 from Mr. Ralph Beardsworth for the lot located at 408 W. Main Street and further instruct the City Clerk to advertise for the proposed sale as required by State Statute. Those voting in favor of the motion were: Rivers, King, Austin, Baker, Hummer, Lehmann, Stallings and Walton. Against: None. Motion carried.

**RESOLUTION #04051
AUTHORIZING THE ADVERTISEMENT
OF AN OFFER TO PURCHASE CERTAIN PROPERTY**

WHEREAS, the City Council of the City of Elizabeth City desires to dispose of certain property of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

1} The City Council has received an offer to purchase for the sum of \$12,000 the property described as:

THAT certain parcel of land delineated in the Pasquotank County Tax Assessor's Office as Parcel ID 891307698729 and further identified on Map No. 33-Lot A-19 as a 6,000 square foot lot (more or less), more particularly known as 408 W. Main Street and belonging to the City of Elizabeth City as shown in the records of the Pasquotank County Register of Deeds Office in Deed Book 712, Page 345.

2} The City Council proposes to accept the offer unless an upset bid shall be made.

3} The person making the offer must deposit with the City Clerk a sum equal to five percent (5%) of his or her offer.

- 4) The City Clerk shall cause a notice of such offer to be published in accordance with GS 161A-269.
- 5) The City Clerk is directed, should a qualifying upset bid and deposit be received within ten (10) days from the publication of said notice in accordance with GS 160A-269, to re-advertise the offer at the increased upset bid amount.

ADOPTED, this the 10th day of May, 2004

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

Mayor Bell called upon the City Manager for comments:

Mr. Olson reminded members of Council of the Budget Work Session on Monday, May 17, 2004 from five to eight. He advised that the non-profit organizations have been invited to come before Council and speak. He will be providing answers to the questions from the last budget work session. We have also had some requests from some other individuals who are not included in the non-profits book that we have already handed out, but they will be included in the material we send out on Thursday. At the next City Council Work Session which is scheduled at 6:00 p.m. on May 24th we will be discussing the new Flood Plan which is a very complicated and detailed document.

Council Comments were next.

Councilwoman L. A. Hummer stated that she appreciates that there are so many people here tonight that are concerned about their electric bills. This is a most serious item and she knows it isn't the Mayor's protocol to answer or comment but however she thinks before going into Monday's night budget session that we really need to touch on it again. She asked before that the tape of the Special Meeting where we talked about the utility rates be shown again on Channel 11. This is a very complicated issue and we need to address it again to the point of having input from our citizens. Council has been so divided over the Mayor Pro Tem issue and then we had an issue at our last meeting. Half the council meets before the meeting when any controversial issue is coming up and she just doesn't want the Council to be divided on the issue of trying to find a way to help people with their electric rates. We need to have a little more time for our public hearing on the budget instead of having it at our last budget meeting. She thinks it is important

that we hear whether or not people want us to raise their taxes or provide sewer improvements or if they want us to go on as we are. We need that input. It is hard to get to a large majority. The sooner we have the public hearing on our budget and get some public input from our citizens the better it would be. There is major concern not only on the electric rates but the way our streets look and how hard they are to even drive down.

Councilman W. A. Lehmann stated he had no comments.

Mayor Pro Tem E. K. Rivers stated that he wanted to make sure that we have talked about that we would get together and have a forum so that way the citizens would be able to come forth and have input. We have not yet put that in place. He asked that the City Manager go ahead and set this up in order to give the citizens an opportunity to hear what we heard and then at the same time, give them an explanation because we need to give our citizens the knowledge that we have. At the same time we need to continue to work to lower the electric rates. We discussed this at that meeting and he has heard nothing more about looking at merging some departments and that has been since February. We cannot not come together and talk about these unless we are only going to talk about it every three or four months. He also thanked the public for coming forth and keeping our feet to the fire. This is a very touchy issue and as soon as possible that we can have that open meeting would be better. He urges that we have that meeting within the next thirty days.

Councilman J. B. Walton said that we need to educate the public but the public needs to be able to voice their opinion as well. This is what the public wants us to do also. This is a big issue. We talk about economic development and we put the right things on the Web site. He is saying put the truth out there. Don't put on there that we are losing teachers because we are not graduating kids. We are losing teachers because they can't pay their utility bills. Who would want to bring their children here? We have got to get serious about what we are doing.

Councilwoman C. C. Austin stated she had no comments.

Councilwoman J. M. Baker stated that she had a couple of comments. She has been getting some complaints from people in the Third Ward about ATV's being on the streets. She thinks that is probably something that should go to the police department. She also wanted to mention that she made a presentation in Virginia and their Board did a roll call vote and she felt that was very interesting. There was a vocal call on each vote so that the people would see who voted which way on each subject. She would perhaps like to talk about this in a work session. People could really see how each member voted which they can't see on TV or in the minutes.

Councilman R. E. King said that he too was interested in having the Special Meeting tape concerning the electric rates shown again on Channel 11. He would like to request to have it run several times within the next 30-days. It was very helpful to Council and he feels it would also be beneficial to the public.

Councilman D. K. Stallings, Sr. stated that he would like to ask the City Manager to contact the Housing Authority to see why there are people having to live on the streets. The other thing he would like to say is to our citizens. He likes the idea that they came down and expressed their concerns to Council. You also need to remember to hold your council representative accountable for the way they vote. We can bring all the issues up to the front but if your councilman or councilwoman does not vote to change it, you need to pick up the phone and call your council representative and let them know how you feel. Several times we have put issues on the agenda and some of your representatives go against it. So you can keep them up here all you want to but you need to put pressure on some of my colleagues and let them know that Elizabeth City can be better than what it is. I think you can get a better idea if you will look at how the council has voted for the last six months.

Mayor J. H. Bell, Jr. stated that he is working on having Elizabeth City declared as a “Tree City” and will be bringing it back for further consideration at our next meeting. It will have a lot of benefits to us.

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

Mayor J. H. Bell, Jr. adjourned the meeting at 8:05 p.m.

Dianne S. Pierce, MMC
City Clerk

John H. Bell, Jr.
Mayor