

MONDAY-7:00 P.M.

MAY 14, 2007

CITY COUNCIL

The City Council of the City of Elizabeth City held its first meeting of the month on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor C. L. Foster presiding. Those members of Council that were present 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. Members of the City Staff were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Fire Chief W. C. Pritchard, Public Utilities Director P. Fredette, Planning Director J. C. Brooks, Parks and Recreation Director J. D. Overman, Finance Director S. E. Blanchard, Human Resource Director K. W. Felton and Interim Police Chief G. F. Koch.

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

1} AGENDA APPROVAL:

Mayor Foster called for action regarding the prepared agenda.

Councilman D. K. Stallings asked to remove ***Item 10A –Council Request: Additional Information on Winfred W. Melson.***

Councilwoman J. M. Baker asked to add to the Closed Session ***Consultation with the City Attorney as per NCGS 143-318.11 (a) (3).***

A motion was made by Councilwoman B. S. Meggs, seconded by Councilman D. K. Stallings to approve the prepared agenda with the above noted additions and/or deletions. Those voting in favor of the motion were: Meggs, Stallings, Baker, Brooks, Hummer, Rivers, Stimatz and Walton. Against: None. Motion carried.

2} APPROVAL OF MINUTES:

Mayor Foster called for action regarding the written minutes of April 23, 2007 Work Session meeting.

A motion was made by Councilman E. K. Rivers, seconded by Councilwoman J. M. Baker to approve the minutes of April 23, 2007 Work Session as presented. Those voting in favor of the

motion were: Rivers, Baker, Brooks, Hummer, Meggs, Stallings, Stimatz and Walton. Against: None. Motion carried.

3} COMMENTS FROM THE PUBLIC:

Mayor Foster called upon the Deputy City Clerk for those names wishing to address City Council.

Deputy Clerk V. D. White advised that we had two individuals that had signed up to speak. She called Ms. Joyce Cooper to the podium.

Ms. Cooper spoke regarding her concerns on representation from the elected officials for their respective wards.

Ms. Ramona Gilbert spoke regarding her concerns on Oak Grove and Spaulding Park. She presented a list of items that she would like to request a copy.

4} PRESENTATION/PROCLAMATIONS:

Mayor Foster presented a proclamation proclaiming the week of May 20-26, 2007 as Public Works Week.

5} CONSENT AGENDA:

Mayor Foster asked City Manager R. C. Olson to read the Consent Agenda.

Following the reading, Mayor Foster called for action on the Consent Agenda as presented.

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

Consent Agenda

- a} Referred TA-01-07 back to the Planning Commissioner for further consideration.
- b} Authorized Mayor Foster to execute documents associated with Grant Contract #S07089 – 222 North Water Street
- c} Adopted following resolution supporting the Clean Water Act of 2007.

**RESOLUTION #07-05-01
SUPPORT FOR THE
CLEAN WATER ACT OF 2007**

WHEREAS, North Carolina's continued prosperity depends on protecting the State's water resources for current use and future generations; and

WHEREAS, North Carolina is expected to grow by 3.5 million people to exceed 12 million by the year 2030, placing pressures on the State's water resources and local water providers; and

WHEREAS, North Carolina's businesses, traditional and emerging industries all depend on reliable supplies of clean water, reasonable utility costs, well maintained water infrastructure and an attractive natural environment; and

WHEREAS, the 1998 Clean Water Bonds delivered significant benefits to North Carolina communities and citizens, supporting 1,103 projects in 97 counties, which

- Helped create or retain 42,000 jobs
- Corrected major regulatory violations in 97 communities
- Addressed failing septic systems and contaminated wells in 59 counties
- Resulted in 50 communities receiving sewer service for the first time
- Encouraged regional efficiencies, sound planning and conservation practices; and

WHEREAS, North Carolina's public water, sewer and storm water utilities will require investments totaling \$16,63 billion to keep pace with necessary improvements and population growth over the next 25 years, including \$6,85 billion in investments within the next five years;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Elizabeth City urges the North Carolina General Assembly to enact the "Clean Water Act of 2007", which provides for a \$500 million bond issue to be expended over the next five years, and an annual appropriation of \$50 million in recurring funding to address urgent needs.

ADOPTED, this 14th day of May 2007.

Charles L. Foster
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

- d} Approved Bid Award for the purchase of four emergency generators for new wells to Covington Diesel in the amount of \$92,081.00.

BID LIST

Gregory Poole	\$185,990.00
Covington	\$ 92,081.00
Nixon Power	\$111,127.00

- e} Approved the Bid Award for the purchase of a generator for the Albemarle District Jail to Cummins Atlantic in the amount of \$212,155.00.

BID LIST

Gregory Poole	\$278,650.00
Covington	\$295,892.00
Nixon Power	\$231,379.00
Cummins Atlantic	\$212,155.00

End of Consent Agenda

6} PUBLIC HEARING:

Mayor Foster called upon the City Manager for comments.

Mr. Olson stated that on February 12, 2007, City Council approved a resolution authorizing the filing of an application for approval of financing for water and sewer improvements. Due to an advertising error, the public hearing was rescheduled to be held tonight. To provide funding for this project, proposals for installment purchase financing have been received from the following:

\$2,000,000 (5 years)

	<u>Interest</u> <u>Rate</u>	<u>Total Payments</u> <u>including fees</u>
Bank of America	3.88%	\$2,209,990
BB&T	3.84%	\$2,201,329
RBC Centura	3.53%	\$2,184,191
Wachovia	3.54%	\$2,185,160

Mayor Foster declared the meeting into public hearing for consideration of the financing for water and sewer improvement. Since no one wished to speak for or against the proposed financing, Mayor Foster declared the public hearing closed. He called for action from the Council.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to approve the following resolution approving the financing terms with RBC Centura at an interest rate of 3.53% with a total payment including fees of \$2,184,191. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Hummer, Meggs, Rivers, Stallings and Walton. Against: None. Motion carried.

**RESOLUTION #07-05-2
AUTHORIZING THE EXECUTION AND DELIVERY OF AN
INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF
\$2,000,000.00 WITH RBC CENTURA BANK TO FINANCE
THE EXPANSION OF CERTAIN REAL PROPERTY FOR USE
BY THE CITY OF ELIZABETH CITY, NC, AUTHORIZING
THAT EXECUTION AND DELIVERY OF RELATED
INSTRUMENTS AND DETERMING OTHER MATTERS
IN CONNECTION THEREWITH**

BE IT RESOLVED, by the governing body for the City of Elizabeth City, North Carolina (the "Unit"):

Section 1. The governing body of the Unit does hereby find and determine:

- a} The Unit proposes the expansion of the Project, as more fully described in the hereinafter mentioned Contract (collectively, the "Project");
- b} After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;
- c} Pursuant to Section 160A-20, the Unit is authorized to finance the renovations of the Project, by entering into an installment contract and a deed of trust or other security instrument that creates a security interest in the property financed to secure repayment of the financing;
- d} As required by Section 160A-20, on May 14, 2007, the Unit held a public hearing with respect to the financing of the Project through the Contract, after such hearing was published at least ten (10) days prior to the hearing; and

e} RBC Centura ("RBC Centura") has proposed that RBC Centura enter into an Installment Financing Contract with the Unit to finance the Project pursuant to which RBC Centura will lend the Unit the amount of \$2,000,000.00 (the "Contract") and a related Escrow Agreement between the Unit and RBC Centura (the "Escrow Agreement"), to be secured by a Deed of Trust and Security Agreement with respect to the Project for the benefit of RBC Centura (the "Deed of Trust").

Section 2. The governing body hereby authorizes and directs the Finance Director, to execute, acknowledge and deliver the Contract, the Deed of Trust and the Escrow Agreement on behalf of the Unit in such form and substance as the person executing and delivering such instruments on behalf of the Unit shall find acceptable. The Clerk is hereby authorized to affix the official seal of the City of Elizabeth City to the Contract, the Deed of Trust and the Escrow Agreement and attest the same.

Section 3. The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavit and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution, the Contract, the Deed of Trust and the Escrow Agreement.

Section 4. Notwithstanding any provision of the Contract, the Deed of Trust or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract, the Deed of Trust or the Escrow Agreement and the taxing power of the Unit is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract and the Deed of Trust being the sole security for RBC Centura in such instance.

Section 5. The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the Unit's obligations under the Contract will not be included in the gross income of RBC Centura.

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501 (c) (3) bonds as defined in the Code) during calendar year 2007. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a "qualified tax-exempt obligation" for the purpose of the Code.

Section 7. This resolution shall take effect immediately upon its passage.

ADOPTED, this 14th day of May 2007.

Charles L. Foster
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

10} REGULAR AGENDA:

- a} Appointment to the Elizabeth City Planning Commission.

Mayor Foster presented the name of Suzanne Stallings for confirmation as a member of the Planning Commission. Ms. Stallings would be filling the position vacated by Harry Monds who resigned. Ms. Stallings resides at 417 Seldon Street. She owns Plant Park and currently serves on the State Licensing Board for North Carolina Landscape Contractors.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman D. K. Stallings to approve the appointment of Ms. Suzanne Stallings as a member of the Planning Commission. Those voting in favor of the motion were: Baker, Stallings, Brooks, Hummer, Meggs, Rivers, Stimatz and Walton. Against: None. Motion carried.

- b} Taxicab Fees.

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson stated that this item deals with fees for taxicabs. This particular item was brought up originally before City Council at the February 26th 2007 meeting. Council took no action on it at that particular time. Councilman Stimatz requested that the item be brought back up so that action could be taken on it. In the memo that has been provided by staff we have identified three different options – zones, meters and just stay with what we have. It is whatever Council's pleasure is.

Councilman Stimatz said that the reason that he brought this item back was because there was some confusion regarding the zones. All cities that he knows of except Washington, DC utilizes meters. They are tamper proof and it is fair to everyone. The city or municipality sets the rate and the rate is then set in the machine. We need to do whatever it takes to meet the needs of our citizens.

Councilman Rivers said that he is looking at what the taxicab owners has to say. They would like for it to stay the way that it is currently. The upfront fee of \$350 is steep. We don't need to impose a \$350 surcharge on taxicab franchises. At the February 12th meeting, this Council asked that management go talk with the cab owners and it is the owners whose livelihood will be affected. At the direction of City Council, council invited all taxicab franchise owners to a meeting held to obtain any recommendations or suggestions from the owners of the 40 taxicab franchises. Eight owners attended the meeting and the owners in attendance did not wish to make any changes to the current taxicab system. They indicated that they had no problem with the existing shuttle service operating in the City as long as they are operating only a shuttle. Before we make a decision we asked them to give their input and they gave their input and at the present time they said leave it as it is. If this City Council is willing to invest the \$350.00 for the meters then we would be willing to give it a trial run. But, we are not willing and we are going to make the owners eat the \$350.00 once again we would be making it hard for the small business man.

Mr. Stimatz said that we did say to talk with the owners but we also said go talk with the passengers. The issue was that the zones were not adequately addressed. That was the discussion that we had. Unfortunately staff didn't talk with those stakeholders. He would like to see a public hearing be held in order that the public might have a chance to come out and say how they feel.

Following further discussion from each member of Council,

A motion was made by Councilwoman B. S. Meggs, seconded by Councilwoman J. M. Baker to call for a public hearing to be held on May 29, 2007 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building to receive input from the public on taxicab fees. Those voting in favor of the motion were: Meggs, Baker, Brooks, Hummer and Stimatz. Against: Rivers, Stallings and Walton. Motion carried.

- c} Call for a public hearing to amend Section 50 of the City's Code of Ordinances as it relates to the curfew for minors.

Mayor Foster called upon the City Manager for comments.

Mr. Olson stated that staff is asking for a public hearing to amend Chapter 50 of the City's Code of Ordinances as it relates to the curfew for minors. A number of cities within the state have been very successful in curtailing crime and problems associated with juveniles by lowering the curfew from 11:00 to 9:00. He asked the Chief to comment on this.

Chief Koch stated basically they have been analyzing state wide trends in law enforcement and the methodologies of how law enforcement are effectively responding to gangs operating within there communities. The City of Knightdale, NC instituted a 9:00 p.m. curfew for anyone under 18. The enforcement efforts were concentrated at the parent and guardian level with a succession of penalties. The first infraction was a written warning followed by a \$200 fine and up to a \$500 fine for the third offense. In an effort to reduce the victimization of our youth and to prevent greater opportunities for gang members to recruit the cities youth, staff is recommending the following amendments to Section 50 of the City's Ordinances. Staff recommends that under Section 50-91 under restricted hours #1 and #2 that the times that appear be changed from 11:00 p.m. and 12:00 a.m. to 9:00 p.m. Staff is also recommending that under Section 50-92 (a) that the word **punishment** be stricken and that it be replaced with the following text, **a fine of up to \$500.00**. It is staff's recommendation that a public hearing be held to receive input from the public and that the curfew ordinance be amended as stated above.

Mayor Pro Tem Hummer stated that essentially the only change in our current ordinance would be the curfew would begin at 9:00 p.m. In other words if there were special events and they were accompanied by a parent or guardian that would be an exception.

Councilman J. B. Walton asked why did you pick Knightdale? To him it is so much different in Knightdale that it is night and day. He use to ride through Knightdale on his way to Raleigh until the new by-pass was put in and you didn't even know that there were people there. The population in 2000 was like 8000 people. It is so much different than Elizabeth City. If you don't give a good sample he can't compare apples and oranges. The medium age range in Knightdale is 31 years of age and those graduating from high school are 91.7%, those with a Bachelor Degree or higher is 33%. They only have an operating budget of 7 million dollars. We are much bigger than Knightdale and he can't see how we can compare them with Elizabeth City. The average family income is \$62,000.

Chief Koch said that he wasn't comparing Elizabeth City to Knightdale but was only saying that they had implemented a 9:00 p.m. curfew and it had been highly successful.

Mr. Walton said that at nine o'clock it is not even dark and 16 year old kids are driving so we are trying to put something into effect that is really not realistic to him.

A motion was made by Councilman J. B. Walton, seconded by Councilman D. K. Stallings to deny the request for a public hearing to receive public input on the proposed amendment to

the City's Code of Ordinances to change the curfew from 11:00 p.m. to 9:00 p.m.

Councilman Stallings asked if it would be an increase in citations in certain areas of the City.

Chief Koch replied that he would say that it would be an increase in citations where we are having problems now, wherever it was.

Mr. Stallings asked couldn't he come up with another solution like more officers on the streets or bike patrolling or foot patrolling. He knows that we have talked about that before.

Chief Koch said that we do have some foot patrol now. It will take some time before we can utilize the bike patrol.

Mr. Stallings said that he feels that we should use some of our other resources before you start pushing back the curfew to 9:00 p.m.

Mayor Pro Tem Hummer said that this ordinance was worked on for years and we have a good ordinance and she does not see why we should worry about what some other city has. We need to worry about what we have. We know what we have and we know that children are on the streets and the children that are out there are subject to be caught in crossfire if there is any activity. If they are home at 9:00 p.m. there is less danger of that because the elements aren't out there at that time. She has talked with a lot of parents who would feel much better with this curfew and it can be changed again when the problems are reduced. This is for the protection of the children and it also places more responsibility on the parents. When you go to church this is what they say, that you have to put the responsibility on the parents. Parents have a fine to pay if they don't abide by it. She thinks that we have the responsibility to give the police department this tool.

Councilwoman J. M. Baker stated that she agrees with Mayor Pro Tem Hummer. The ordinance allows for those children that are driving to and from work, school functions, church functions or with parents or guardians permission to be out after the curfew. What we are talking about is the number of kids that are subject to be approached by gang members. She feels that we would be trying to be a little stricter on them. All of the normal things that are exceptions now would still be exceptions. She feels that we should hear from the parents and the public as a whole. We need to protect the youth of our city.

Councilman E. K. Rivers stated that six years ago when this was inactive and he is glad that Councilman Stallings brought it up about certain sections and he understands that when you are talking about drug elements, gang elements. Six

years ago this tool was utilized when a parent had a party right down here at Fun Factory and the police came and issued citations for a birthday party. The parents dropped off the kids and they came in and it was past the curfew law. After consideration, we found out that the curfew ordinance had only been used that one time. The second time that he is familiar with this curfew violation was approximately one year ago and it was dealing with the Microtel incident. The police officers used the violation of the curfew to arrest individuals that had the parent's permission to be there. Citations were issued to honor roll students that the parents had a room for the youth to celebrate that they had the A honor roll and to stay overnight. We give our police department tools and when they are not properly used, we receive a call. This ordinance right here has up to a \$500 fine on the first offense. The police department says up too. The magistrate once again can fine a parent up to \$500. Have we forgotten where we are at 9:00 p.m.? People come down from different areas to this area. In the summer time our ball parks would need to be changed. What time does Waterfront Park closed? Once again we are going through to put something in on certain people and utilize to only affect certain people. Three weeks ago right here at Levels, they had an event for the young people. It was from nine to twelve. When it was over the police department showed up and made sure that the people went home. But the event was from nine to twelve. You can talk with anyone that is sixteen or juniors or seniors in high school they say that there is nothing to do here. Now, we are proposing something that would affect that during the summer for them to have something to do. What time does the Teen Center closed? What time were their dances?

City Clerk D. S. Pierce-Tamplen replied they were held from seven to ten.

Mr. Rivers said then they would be in violation. He doesn't have a problem with the ordinance but if as a City we can't even give our youth something to do but yet we are getting ready to limit them then that is where he stops. So, he is in favor of not holding a public hearing. He can't go along with issuing a public hearing where he has been affected by this tremendously. He feels that it will be used to target certain students or certain people and he cannot be part of anything that targets certain people. The intent right now may be good but there are other things and he has been affected by that, he can't go with it.

Councilman M. E. Brooks stated that this is very interesting. He knows that we have some children out there that have a tendency to get into trouble more so than others but he thinks to let the police use nine o'clock curfew and he understands what the overall effect is supposed to be. But, he will tell you right now that being a black male they have a different standard and it is something different that happens to our young black males. When you talk about targeting certain groups he will say it because he knows it from the time he came back here in 1988. He can't imagine being a white male middle class going through what you have just gone through. He would be highly upset and hurt because at

nine o'clock some of those kids their parents are working around the clock and they have to go from one point to another. He has seen people get arrested too often and when you couldn't find a charge on them so you fabricate one like obstructing a police officer in the performance of duty. That always will send you to court. There is no way in the world that he will vote on the curfew going to nine o'clock. He understands the intent but there is no way in the world that he can vote on that knowing that our kids are going to go through that. He knows that you don't have all good cops. You don't have all bad cops either but someone will take it to the extreme. He is confronted with that with the experience in life that he has. A kid that is underage or whatever might say something that they don't intend to say. Then there they go having to go through the court system. He understands the intent but there is no way in the world that he will let that be inflicted upon our kids. He does understand that we have to put the responsibility on the parents. We don't want the police officers to continue to give our kids a police record because the parents aren't doing what they are supposed to be doing. We can't punish the kids for that.

Councilman Stimatz said that he would like to clarify something that Councilman Rivers said. The fine for the first offense is not \$500. It starts out with a warning. The second offense is \$200 and the third offense could be up to \$500. That is up to the magistrate. He got a call twenty minutes before this meeting from a lady in his ward who said that she hopes the vote on the curfew is 8-0 to impose the curfew. He is not asking to impose the curfew. All he is asking is that we go with a public hearing. You talk about signs, taxicab fees and you say take this to the community to get their input. A public hearing is nothing but a big community meeting. All we are saying is lets' take it to the community and see what they have to say. If nobody shows up then nobody wants it changed and we don't have to do anything. Let's take it to the community. The people want us to do something. He can understand the issue of abuse and those are things that we clearly don't want to happen. Let's take it to public hearing and if we don't get any action on it then it becomes a dead issue. It costs us nothing to have a public hearing and it is in line with what we should be doing. Mr. Rivers has all along been an advocate of involving the community in issues.

Mr. Walton said that as Mike said it doesn't affect everybody the same way but we know how it affects the people that we know about. A kid doing their homework and everybody does not have a computer but still they have homework and then you have to go to Point A to Point B. After 9:00 p.m. the police can easily write you up for a first time citation. You still have homework for next week there you go again trying to get some computer skills. They are written up again. The same people end up on Thursdays at the court house most of the time. They can't afford that. Nine o'clock is just too early.

Mayor Pro Tem Hummer said that she would like to point out that the children no matter what color they are or their home situation is those that are on the

streets late at night when their parents are working are the ones that these gang members are looking to recruit because that is what a gang is all about. These kids are easy to recruit. It is true that there are a lot of working parents and that is a bad situation but this is for their protection. That is what she is looking for.

Mayor Foster called for the vote on the motion to deny a public hearing.

Those voting in favor of the motion were: Meggs, Baker, Hummer and Stimatz. Against: Brooks, Rivers, Stallings and Walton. Mayor Foster voting nay thereby denying the motion.

d} Preliminary Plat for the Reserve at Heron's Ridge:

Councilwoman Baker asked to be excused from the discussion of this item.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman E. K. Rivers to excuse Councilwoman J. M. Baker from discussion and vote on this item. Those voting in favor of the motion were: Stimatz, Rivers, Brooks, Hummer, Meggs, Stallings and Walton. Against: None. Abstained: Baker. Motion carried.

Mayor Foster called upon Mr. Olson for comments.

Mr. Olson advised that this item was consideration of the preliminary subdivision plat submitted by Bay Island Residential, LLC and the Reserve at Heron's Ridge for 106 lots. He called upon Planning Director J. C. Brooks for comments.

Ms. Brooks stated that this is a preliminary subdivision plat for The Reserve at Heron's Ridge, a proposed 106 lot subdivision on 47.13 acres. The site is located at the west side of River Road at Ashbury Lane. The property is currently zoned R-10 and R-15. A traffic study on River Road recommended that a north bound turn lane along this area be constructed to accommodate the additional traffic.

The NC Department of Environment and Natural Resources has issued approvals for the subdivisions filled and drainage will be accommodated via three detention ponds located within the development, which will be built to NCDNR and the City standards. It is anticipated that 106 new homes will generate a demand of 42,400 gallons of water and 33,900 gallons of sewage a day. The anticipated demand will not tax the City's utility system.

Pasquotank County School Officials have previously indicated their satisfaction with their current projections for capacity/accommodation and offer no additional comment to this application.

The applicant chose to pay a recreational fee in lieu of providing on-site recreation.

Councilman Stimatz stated that he had some concerns regarding flooding. What does this do to the ten year plan?

Mr. Olson said that it meets the ten year plan. Basically we are probably fifteen hundred feet from the river. The drainage from the subdivision dumps into the canal that surrounds it.

Mayor Pro Tem Hummer stated that at our last budget meeting we asked the Manager to bring us back some information pertaining to the installation of underground electric service. Because of that there may be a change in our current ordinance. With that in mind she thinks that there needs to be a stipulation that the developer pays for the cost of installing the underground electric. We are in the process of looking at that. That needs to be pointed out.

Councilman Stimatz said that we discussed River Road before regarding the number of homes in that area. This is a minor road but once we put an additional seven hundred homes in there won't that change that road.

Mr. Olson said that is up to the developer because he is the one that is involved in all the developments in that particular area and he was a party to the traffic impact study that DOT has approved. The plans that were submitted by The Reserve do reflect all the changes that DOT has requested.

A motion was made by Councilman E. K. Rivers, seconded by Councilman J. A. Stimatz to approve the preliminary subdivision plat (SUB-09-06) submitted by Bay Island Residential, LLC and The Reserve at Heron's Ridge, LLC subject to the conditions indicated . Those voting in favor of the motion were: Stallings, Meggs, Brooks, Hummer, Rivers, Stimatz and Walton. Against: None. Abstained: Baker. Motion carried.

e} Roanoke Avenue Drainage.

Mayor Foster called upon Mr. Pat McDowell, McDowell and Associates for the design of piping a Stormwater ditch which runs adjacent to Roanoke Avenue.

Mr. McDowell provided an overview of the Roanoke Avenue drainage project including an updated cost estimate for all phases of the project.

11} COMMENTS AND INQUIRES ON NON-AGENDA ITEMS:

Mayor Foster advised that he would go around the table and call upon the Manager and each Member of City Council for comments.

City Manager Olson replied that he had no further comments for tonight.

Councilman Rivers stated that he had no further comments for tonight.

Councilwoman Baker stated she wanted to say how much she enjoyed the aircraft that came to the Coast Guard Base last week. She hoped everybody had the opportunity to go out and see it. It was really informative and very exciting to have that plane here. She had no idea that we had two hurricane hunter types of planes.

Councilman Brooks said that Franklin Street off of Roanoke Avenue the road is kind of narrow and he asked what we can do because service is going on or something else happening down there, emergency equipment cannot get through there. They also have a difficult time picking up the trash. Almost everyone down there has mentioned it to him. The first chance you get for someone to go there and see what can be done as far as easing some of their pain.

The residents of Oxford Heights came to him last Thursday and said that there are some dead fish out there in the water.

He asked the Attorney if he had a chance to work on the situation at Summerfield yet.

Mr. Morgan said that he spoke week before last with the attorney for the developer who promised that he would speak with the developer and then get back with him.

Mayor Pro Tem Hummer stated that our new Economical Developer will be in town next week. He will be on the payroll starting next week. The week after that he has to go back to Florida to move and his actual start date is June 18th.

She said that she would like to thank Bob Montgomery of the Daily Advance for writing how we purchase electricity and how we pay it back. She knows that it is very complicated. She thinks he did a very good job with that report.

Councilman Stallings stated that last week he went to Town Hall Day and it was very interesting. Last year when we were at Town Hall Day we made some promises that we need to try to fulfill. He thinks that we should get in touch with our representatives and see if he can help us with this.

He continue by saying to him it looks like we are going to pump more water downstream to Roanoke Avenue instead of off of them.

Mr. Olson said that we will discuss some of that when we go into Closed Session. What is happening now is that we will be able to slow down the amount of water going down there by utilizing the pipes that we have there.

Councilwoman Meggs stated that she hopes that all of you saw about the Potato Festival. It is this weekend and it is going to be a big event. We hope to have a team of potato peelers that consists of Chief Pritchard, Tony Stimatz, Interim Chief Koch and also Jim Overman. She paid the fees for them so if we win then they will pay her back. Another thing she would like to mention and that is last week we had a Community Image Meeting and we had Interim Chief Koch to speak. She can say without a doubt it was very interesting and with the people that were at that meeting they said thank you for having him to come and speak to them.

Councilman Walton asked when would the new Police Chief be here.

Mr. Olson replied that he will start May 28th.

Mr. Walton said that the reason that he is saying that is because we don't need to do a lot of changing of ordinances and things that are going to reflect the police department until he gets here. If we do a lot of things before he gets here he is not going to have the full impact that he could have. You need to give him a chance to get here and he may have some ideas that we can use. He knows that he is coming from a small city but he worked in Durham so he may have some ideas for us. Let's give him a chance to put some things into motion.

Contrary to what Mayor Pro Tem Hummer said about the Daily Advance, how does the process work because we get an agenda and to him some of the issues come out before we even get a chance to discuss it and to him that is not fair to us because the paper has a big influence. It influences a lot of people. It influences people before we even get a chance to get it to the podium and talk about it. That is not fair to us.

Mr. Olson stated that by law we are required to give a copy of the agenda on Friday after the agenda goes out on Thursday evening. We are required to give them a copy because they have a request on file.

Mr. Walton said does it say when we have to give it to them. Can't we give it to them on Tuesday after our meeting on Monday?

Mr. Walton continued by saying that there was a person that came up to the mic earlier and the Daily Advance stated where he did not go to a meeting at Oak

Grove. He has been trying to get people from Oak Grove to come to the mic because the more influence they show when they come to the mic might help us out. He doesn't know but he got his flyer in the door at three o'clock on Tuesday. There meeting was two o'clock on Wednesday. Less than twenty-four hours. When people invite him, like when you go to a prom, he is not sure he would show up at the prom twenty-four hours later. If you want me to go to the prom with you, you need to ask me if I will go with you and don't tell him that he needs to be there twenty-four hours away.

Mayor Foster said that he wasn't notified either. Mr. Rivers say he wasn't either.

Mr. Walton continue by telling Mr. Fredette to continue doing what he is doing because it seems like the sidewalks are being fixed pretty good, the manholes are fixed and soon the project will be finished. Keep on doing the good work and we will move forward in the Fourth Ward.

Councilman Stimatz stated that he had a couple of items. He suggested two changes to the purchasing manual over a year ago. Following up on several e-mails, he asked for the change status again on March 26, 2007. He received no answer. The first change was paragraph one section one of our purchasing manual to make it apply to "all employees, as well as, elected and appointed officials of the City.....", and change our purchasing manual to reflect giving away equipment to non-profits as an accepted disposal method. These are simple administrative changes that reflect current practices, thus they should be within your purview to make, so why haven't we made them?

Your answer on the taxi franchise fee change to the ordinances was not responsive to council direction. The fact that you met with the franchise owners and they don't want to pay \$10 more is interesting but that's not the issue. City action was prompted by the problem with one franchise owner's failure to pay franchise fee which is same (\$15) as the driver's fee. You noted that we can't track this in our bookkeeping system and it dropped between the cracks. This resulted in a lost franchise and finally required intervention by council to rectify the matter. You suggested and council indicated consensus to adding \$10 to the franchise fee to help differentiate from driver's fee and thus prevent future occurrence of problem, which cost us and the franchise owner a significant amount of time and money, worth more than \$10. Please put on Council agenda next month to take for action.

Signage for drug free zones: fed/state. He has been asked by his constituents and have asked for over 1 year for information and action on this issue. Again, after several emails, He asked for the record on 26 March - Where are we with this item? His question still has not been answered. The 2nd ward's crime watches see this as another tool to disrupt and dismay drug dealers, and to bring bigger guns to bear on the problem. As we have heard on numerous occasions in this chamber, they are tired of being put off and patronized. By our next

regular meeting, he would like three things: 1) a map of the city showing all drug free zones (fed/state) to be created and put on the city web site, 2) a list of the location of signs currently in place and 3) a timetable for installation of the remaining drug free zone signs.

When do you anticipate we will see proposed new ordinance to address election sign placement?

When is the City Attorney going to present us with a legally conforming public participation policy for our approval?

Sent E-mail re: flooding observations from Apr 15th. In particular, he is interested in addressing the drainage issues he noted along Mill St, at Knobbs Creek behind Ulster Heights, at the Oxford Heights Bridge, along Savin Road and in Oak Grove. What actions, if any, has the city taken to correct or refer these problems to appropriate authority?

To follow up, he would like to have a June meeting presentation and discussion that specifically addresses where the responsibility (local, state, fed) for Knobbs Creek flow monitoring and maintenance lies.

Finally, he asked for a crosswalk right of way sign in the right of way on Water Street at Fearing Street. That is the kind of thing that we need at Church and Fearing. We also discussed about placing one on Main where the library is located.

Mayor Foster stated that he would like to thank our public for their attendance and their patience and being here with us for so long tonight. He wants them to know that we always appreciate you attending and even sharing and having remarks. This is your city and we are your council persons and mayor and he is determine to be responsive to your needs. Again, we want you to know that we appreciate you and for the persons by the way of television we want them to know that we appreciate them also. At this time it is time for the Council to retire into Closed Session.

12} CLOSED SESSION:

Mayor Foster advised that the City Council needed to retire into Closed Session for further discussion of acquisition of property as per NCGS 143-318.11 (a) (5).

A motion was made by Councilman E. K. Rivers, seconded by Councilman M. E. Brooks to retire into Closed Session for further discussion of acquisition of property as per NCGS 143-318.11 (a) (5). Those voting in favor of the motion were: Rivers, Brooks, Baker, Hummer, Meggs, Stallings, Stimatz and Walton. Against: None. Motion carried.

Upon the end of the Closed Session.

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

Mayor Foster declared the meeting back into full session.

13} CLOSED SESSION ITEM:

Mayor Foster called for action regarding the closed session item that was discussed.

A motion was made by Councilman E. K. Rivers, seconded by Councilman J. A. Stimatz to authorize the Mayor to execute the contract as discussed in Closed Session. Those voting in favor of the motion were: Rivers, Stimatz, Baker, Brooks, Hummer, Meggs, Stallings and Walton. Against: None. Motion carried.

14} ADJOURNMENT:

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

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

Mayor Foster adjourned the meeting at 10:25 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Charles L. Foster
Mayor