

The City Council of the City of Elizabeth City held a regular monthly 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, L. A. Hummer, R. E. King, W. A. Lehmann, E. K. Rivers, D. K. Stallings, Sr. and J. B. Walton. Councilwoman J. M. Baker was absent. Others attending were: City Manager R. C. Olson, Deputy City Clerk V. White, City Attorney W. H. Morgan, Public Works Director C. Grant, III, Interim Planning Director S. Cox, Finance Director S. 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 and called on Pastor Phil Dowdy of New Life Family Center to give the invocation. Mayor Bell called on Public Works Director C. Grant, III to lead the Pledge of Allegiance to the Flag of the United States of America.

Mayor Bell called for approval of the prepared agenda. Councilman J. B. Walton asked that a discussion of the agenda be added. Mayor Bell pointed out the addendum items, which had been distributed earlier, to add a proclamation honoring the Elizabeth City AAU Basketball Team's accomplishment in winning the NC State Tournament as Tab 2 Item 6(d) and to delete the item Appointments to Various Committees and Boards [Tab 4 Item 9(b)], as no appointments were entered for consideration. Councilman W. A. Lehmann made a motion to accept the agenda as amended, which was seconded by Councilwoman C. C. Austin. Those voting in favor of the motion were: Austin, Hummer, King, Lehmann, Rivers, Stallings and Walton. Against: None. Motion passed.

Mayor Bell called upon Councilman J. B. Walton for his comments about the agenda. Councilman Walton expressed his desire to have an opportunity to express his feelings about matters after closed sessions are held, rather than just taking action on matters without any further discussion. City Attorney Morgan indicated that doing so would be perfectly legitimate as long as the comments were based on generalities and were not specific to closed session discussion. After discussion, Mayor Bell agreed that going forward an opportunity would be given after closed sessions for Councilors to make any comments in open session they wished to make.

Mayor Bell asked for the approval of the minutes of the City Council Meeting held on May 10, 2004. Mayor Pro Tem E. K. Rivers made a motion, seconded by

Councilman W. A. Lehmann to approve the minutes as presented. Those voting in favor were: Austin, Hummer, King, Lehmann, Rivers, Stallings and Walton. Against: None. Motion passed.

Mayor Bell next introduced Chief G. R. Baccus to make an introduction and presentation. Chief Baccus introduced the Fire Department's newest member, Sheba the Arson Dog. The dog was made possible by a \$25,000 scholarship grant from State Farm Insurance Company and is the only dog awarded to a North Carolina Fire Department this year. Fire Marshal Barry Overman and Sheba trained together in Maine for five weeks. Sheba is a certified arson dog, which means she can be used in court cases as an arson canine.

Mayor Bell next presented City Manager R. C. Olson with a proclamation in observance of June 2004 as *National Safety Month* in the City of Elizabeth City.

Mayor Bell called upon William S. Sawyer of Boss Sawyer, Inc. for his comments. Mr. Sawyer spoke regarding his frustration over recent inspection fees assessed for his new storage facility on Mill Street.

Mayor Bell presented a proclamation honoring the Elizabeth City "Blazers" 16 and Under AAU Basketball Team for their accomplishment in winning the North Carolina Amateur Athletic Union Basketball Tournament in Raleigh, NC. He presented a copy of the proclamation to each team member and their coaches. Assistant Coach Erskine Morgan, II made comments regarding the team's many accomplishments.

Mayor Bell next called upon Deputy Clerk V. White who stated that five individuals had signed up to speak during "Comments From the Public," however two persons had indicated their time in favor of one of the other speakers. Mayor Bell advised that it was customary for speakers to be given three minutes in which to speak.

Ms. White then called upon Ms. Maria Gibbs to come to the podium. Ms. Gibbs told Council of her frustrations in not being able to secure a place to live due to an excessive utility bill from her former residence. She asked for any help Council could suggest in helping her find a place to live.

Next to speak was Peggy Langley, Executive Director of Elizabeth City Downtown, Inc. Ms. Langley spoke on behalf of the Albemarle Potato Festival to thank the Council and City staff for their efforts in making this year's festival one of the best and most successful ever.

The last speaker was Michael Brooks representing the Elizabeth City Peoples' Coalition. Mr. Brooks implored Council to continue to explore any and all avenues to help the people of Elizabeth City with their utility bills.

The next item presented for consideration was the Consent Agenda. A motion was made by Councilman W. A. Lehmann, seconded by Councilman R. E. King to accept all items on the consent agenda. Those voting in favor of the motion were: Austin, Hummer, King, Lehmann, Rivers, Stallings and Walton. Against: None. Motion passed.

Consent Agenda:

1. Approved the following resolution directing the City Clerk to investigate the sufficiency of a Petition for Voluntary Annexation for the Breheny Annexation.

**Resolution #05052
Directing the Clerk to Investigate
A Petition Received Under G. S. 160A-31
Breheny Annexation**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on May 24, 2004 by the City Council; and

WHEREAS, G. S. 160A-31 provided that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Elizabeth City deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City:

THAT the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

ADOPTED, this the 24th day of May 2004.

John H. Bell, Jr.

Mayor

Vivian D. White
Deputy City Clerk

2. Approved the following Budget Amendments:

**Budget Amendment
Amendments to Fiscal Year 2003-2004 Budget**

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, 2004:

Section I. That the General Fund Occupancy Tax (103180.0000) and the Jaycees Fireworks Contribution (106600.4593) be increased by \$1,000.00.

(To record contribution to the Jaycees for the Fourth of July Fireworks.)

Section II. That the General Fund Insurance Reimbursement (103350.8300) and the Human Resources OSHA Expenses (106800.5870) be increased by \$12,000.00.

(To record insurance reimbursement for physical examinations required for police officer and fire fighters.)

ADOPTED, this the 24th day of May 2004.

John H. Bell, Jr.
Mayor

Vivian D. White
Deputy City Clerk

3. Approval of renewal of the lease agreement with the SPCA for the property located adjacent to the City of Elizabeth City's Water Treatment Plant on Wilson Street for an additional five-year period.
4. Call for a public hearing for consideration of Application RZ-08-4 for the parcel located on the north side of Ehringhaus Street between Shirley Street and Griffin Street from I-2, Industrial District to GB, General Business District.
5. Approval of an Appliance and Tire Amnesty Week for June 7, 2004 through June 11, 2004.

End of Consent Agenda.

The next item on the agenda was the consideration of the regular agenda items. Mayor Bell called upon City Manager Olson for an explanation of the requests.

City Manager Olson first explained that in February 2004, the search process began for a new Planning Director. The City had eight candidates to apply for the position. An assessment center was held on May 14, 2004 for three of the candidates. As a result of this assessment center, the overwhelming choice for the directorship is Rhonda Russell Mack. Ms. Mack has over twelve years of planning experience, having worked for the City of Hampton from 1989 to 2001 then as an Assistant Professor at Hampton University since 2001. Mr. Olson requested Council's confirmation of the appointment of Ms. Mack as the City of Elizabeth City's Planning and Community Development Department Director. Upon a motion made by Mayor Pro Tem Rivers, seconded by Councilman Lehmann, the motion passed unanimously with Councilors Austin, Hummer, King, Lehmann, Rivers, Stallings and Walton voting in the affirmative.

The next item for consideration was the acceptance of the apparent low bidder for the force main extension for the Glade Street Pump Station. City Manager Olson called upon Public Works Director C. Grant, III to explain the request in detail. Mr. Grant stated that this project is a force main re-route, which will aid toward the ultimate goal of redirecting flow away from the Water Street Pump Station. Councilors expressed concern that only one bid was received from George Raper & Son and that that bid was 50% higher than the estimate provided by the engineering firm of C. Allan Bamforth, Jr. of Norfolk, VA. Mr. Olson explained that the request was to approve the project and not necessarily the low bid. Councilman W. A. Lehmann made a motion, which was seconded by Councilwoman C. C. Austin to approve the project. After additional discussion regarding the necessity to re-negotiate the bid amount, Councilman Lehmann withdrew his motion. It was the consensus of Council that staff should renegotiate the bid and bring it back to Council for consideration.

Mayor Bell declared the meeting in Public Hearing at 8:15 pm for the consideration of application RZ-06-04, the request to rezone property on the south side of US HWY 17 between Pro Gro Drive and Forest Park Road from HB, Highway Business and R-15 Residential to O & I, Office and Institutional. This request is being made by George Wilkins, representing Carolina Conference of Seven Day Adventists, Inc. and Tullock Management Company. He called upon Interim Planning Director S. Cox who gave a brief background and the planning staff's recommendation to approve the request as presented. There being no one present to speak either for or against the proposed rezoning, Mayor Bell declared the Public Hearing closed. A motion was made by Council W. A. Lehmann, seconded by Councilwoman C. C. Austin to approve the request. Those voting in favor of the motion were: Austin, Hummer, King, Lehmann, Rivers, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called upon City Manager Olson to discuss the last regular agenda item, which was a request from the Elizabeth City-Pasquotank Tourism Board to consider a name change for the board to the "Elizabeth City Area Convention & Visitors Bureau." The Tourism Board feels this change would better reflect its mission to attract tourists and conferences to the area.

Mr. Olson advised Council that the Commissioners did not take action on this request at their meeting held on May 17, 2004; rather the matter was referred to their Special Projects Committee for further discussion.

After considerable discussion, it was the consensus of Council to defer a decision regarding this request until a discussion is held regarding this matter with the County Commissioners during the next Joint City/ County meeting.

During the discussion of non-agenda items, City Manager Olson provided an explanation regarding Mr. William Sawyer's comments. He indicated that Mr. Sawyer was apparently confused by thinking that the fees imposed by the construction inspector for visits made to inspect his site were actually fines. The construction inspection fees were previously approved by Council.

Mayor Bell called upon Councilors for their comments.

Councilwoman Hummer inquired as to whether an additional meeting will be held for citizens to discuss their concerns regarding high utility bills. Mayor Bell responded that he felt every effort is being made regarding this matter and that Council is aware of the citizens concerns. Councilwoman Hummer reiterated her concern regarding high utility charge-offs and indicated she felt that this should be further investigated.

Councilman Lehmann – No comments.

Mayor Pro Tem Rivers voiced his desire to hear again from the citizens regarding high utility bills and indicated that he felt there are things such as regionalization that could be explored. He also indicated that he felt that the City had an excellent opportunity to assist a wonderful program financially by helping the Elizabeth City Blazers with their trip to New Orleans.

Councilman Walton indicated that the Spaulding Park community needed some "Children At Play" signs.

Councilwoman Austin stated that she had been asked by constituents in her ward to ask if there was something that could be done about the industrial site on Riverside Avenue. She suggested that better fences could be constructed to hide what is termed an "eyesore."

Councilman Stallings requested that the City Manager explore grant opportunities for the widening of Ray Street. Also he indicated that the Oxford Heights drainage situation needed additional attention and that the Oak Grove Community needed drainage assistance as well.

Councilman King – No Comments.

Mayor Bell welcomed Sheba the Arson Dog and gave a special welcome to Rhonda Mack as the City's new Planning Director. He also announced that he attended a meeting today with Mayor Ward and Congressman Forbes in Chesapeake regarding the "liquid highway" (the Dismal Swamp). He felt the situation looked very positive for continued funding.

A motion was made by Councilman W. A. Lehmann, seconded by Councilman D. K. Stallings, Sr. to retire into closed sessions as per NCGS 143-318.11(a)(3), Consultation with City Attorney. The motion passed unanimously with Councilors Austin, Hummer, King, Lehmann, Rivers, Stallings and Walton voting in the affirmative.

A motion was made by Councilman C. C. Austin, seconded by Councilman W. A. Lehmann to return to regular session. The motion passed unanimously. Mayor Bell declared the meeting back into regular session.

A motion was made by Councilman W. A. Lehmann, seconded by Councilman R. E. King to adjourn. The motion passed unanimously. Mayor J. H. Bell, Jr. adjourned the meeting at 9:35 pm.

Vivian D. White
Deputy City Clerk

John H. Bell, Jr.
Mayor