

TUESDAY-7:00 P.M.

MAY 29, 2007

CITY COUNCIL

The City Council of the City of Elizabeth City held its second regular meeting for the month of May on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor C. L. Foster presiding. Members of Council attending were: J. M. Baker, M. E. Brooks, L. A. Hummer, B. S. Meggs, D. K. Stallings, J. A. Stimatz and J. B. Walton. Councilman E. K. Rivers was absent. City Staff Members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, Deputy Clerk V. D. White, Finance Director S. E. Blanchard, Inspections Director S. E. Ward, Planning Director J. C. Brooks, Fire Chief W. C. Pritchard, Parks and Recreation Director J. D. Overman, Electric Superintendent K. F. Clow and Interim Chief of Police G. F. Koch.

Mayor Foster opened the meeting by welcoming those attending as well as the television audience. He called upon Reverend Tony Henderson to give the invocation after which Councilman J. B. Walton 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 M. E. Brooks asked to remove discussion of the curfew.

Councilman J. A. Stimatz asked to add discussion of at-risk youth in our community.

Councilman Brooks stated that this item pertains to the curfew and it can not be brought up unless you were on the winning side.

Mr. Stimatz stated that he feels like what he wishes to speak on is not the curfew but the at risk youth and some things that perhaps we could do to help them

Councilman Walton said that he could clear it up. If it is not a full body you cannot add something to the agenda. It has to be a unanimous vote to add an addition to the agenda.

Mr. Morgan replied that he believes that once you have a required quorum then an item could be added.

Mr. Walton said trust him it is in here in the Elizabeth City Council rules. This is what Dianne gave him.

Mr. Stimatz stated that Council voted any rules and procedures down therefore we have no rules and procedures. We go by Roberts Rule of Order and it says that if you have a majority we can add an item to the agenda.

Mr. Walton said that he can prove it right here. In this document it states that unless all people give you permission to add something to the agenda you cannot do that. Everybody is not here. Do you want to read it?

Mr. Morgan said that he can truthfully say that he has never seen the document that you are referring too.

Mr. Walton asked why you all were passing out literature that isn't legal. Here it is Dianne right there.

Mr. Stimatz stated that under Roberts Rule of Order which is what the Council appears to follow we do not have a written procedure of this Council. In Roberts Rule of Order when the point of order is called by a member, the Chair is to respond. Under Parliamentary Procedures we are allowed to add to the agenda. It does not require everyone to be present. It only requires a quorum. He is stunned because he has sat here in this meeting place and seen it when Ms. Baker was absent and had people add to the agenda. We have no written rules and procedures. When it was offered to this council it was voted down.

Mayor Foster said that he would allow the item to be added to the prepared agenda.

Councilman Walton asked City Clerk D. S. Pierce-Tamplen why did you give us this document if there is no validity to it. It states right here that no item can be added to the agenda unless everyone is present. We didn't approve what Tony brought to us as this here was already in place. No we did not approve what Tony brought to us because we said that we already have a set of rules. Find it in the minutes because it is there. We said that we would continue to go along with what we had so Tony take yours and put it back on the shelf.

Ms. Pierce-Tamplen stated, Councilman Walton that was a draft of the rules and procedures and Council did not adopt them.

Mr. Walton said that we said that we would go along with what we already had.

Ms. Pierce-Tamplen replied that the paper that you have is the draft that she presented to Council and Council did not approve it.

Mr. Walton said well prove it.

Ms. Pierce-Tamplen replied that she would be glad to, no problem.

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

2} COMMENTS FROM THE PUBLIC:

Mayor Foster asked Ms. White if we had anyone to sign up for the comments from the public.

Ms. White replied that we had one individual and called Mr. Tom Roman to the podium.

Mr. Roman asked for consideration of putting the additional stop signs on Church Street. He also stated that he felt that Council should reconsider holding a public hearing on the curfew issue.

3} PROCLAMATION:

Mayor Foster presented a proclamation proclaiming the week of May 29, 2007 thru June 3, 2007 as Senior Citizens Week to Reverend Tony Henderson, Hezekiah Brown and Wilson Bryant who spoke briefly.

4} CONSENT AGENDA:

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

Following the reading, Mayor Foster called for the pleasure of City Council.

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

Consent Agenda:

a} Approved the following Budget Amendments:

**BUDGET AMENDMENT
NUMBER 07-3
MAY 29, 2007**

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, 2007:

SECTION I. That the General Fund Balance Appropriated (1039900.0000) be increased by \$17,738, the General Fund Tourism Revenue (103180.0000) be increased by \$30,000, the Pasquotank County Master Plan Revenue (103490.6303) be increased by \$17,238, and the Parks & Recreation Comprehensive Master Plan Expenditure (106200.4501) be increased by \$64,976.

(To record Master Plan costs).

SECTION II. That the General Fund Tourism Revenue (103180.000) be increased by \$5,000, The Carolina Cup Regatta Revenue (103350.0000) be increased by \$1,000 and the Parks and Recreation Contracted Services (105200.4500) be increased by \$6,000.

(To record revenue received for piling removal).

SECTION III. Gen Fund Balance Appropriated (103990.000) \$417,323

General Fund Salaries & Wages:	
Administrative (104200.0200)	8,400
Finance (104400.0200)	14,600
Planning (104900.0200)	8,800
Public Buildings (105000.0200)	4,658
Police (105100.0200)	120,236
Fire (105300.0200)	100,895
Fire Prevention (105310.0200)	9,459
Inspections (105400.0200)	8,908
Public Works Administration (105450.0200)	567
Garage (105550.0200)	11,567
Street (105600.0200)	38,966
Sanitation (105800.0200)	41,304
Parks and Recreation (106200.0200)	36,658
Senior Center (106300.0200)	5,350
Elizabeth City Downtown (106700.0200)	1,500
Human Resources (106800.0200)	5,454

Electric Retained Earning Appropriated (303990.0000) \$ 78,523

Electric Fund Salaries & Wages:

Information Technologies (304430.0200)	2,250
Purchasing (304500.0200)	6,900
Customer Service (307200.0200)	17,600
Distribution (30830.0200)	39,674
Energy Management (308400.0200)	12,099

Water & Sewer Retained Earning Appropriated (313990.0000) \$100,216

Water & Sewer Fund Salaries & Wages:

Information Technologies (3144300.0200)	2,300
Customer Services (317200.0200)	17,600
Water Treatment (313100.0200)	22,985
Wastewater Treatment (318200.0200)	19,262
Water & Sewer Maintenance (318280.0200)	38,069

(To record salary increase given this fiscal year).

ADOPTED, this the 29th of May 2007.

Charles L. Foster
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

End of Consent Agenda.

5} PUBLIC HEARING

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson stated that at the last meeting, Council called for a public hearing concerning whether or not taxicabs should have meters installed in them. Captain Koch is here and he will handle this item.

Captain Koch stated that at the February 12th meeting three options were presented for consideration. The first option divided the City into a zone system to regulate fares, the second was a recommendation of tamper proof meters and the third option was to let the taxi franchise operate under the current

ordinances. On February 22nd we invited all of the taxicab franchise owners to a meeting. Of the forty taxicab franchises invited, eight owners representing 19 franchises attended the meeting. The owners in attendance did not wish to make any changes to the current taxicab system and indicated that they had no problems with the existing shuttle operating within the city as long as they were operating as shuttles. Staff is recommending that the taxi ordinance be amended to mandate the installation and use of tamper proof meters. Also, recommended is the owners be required to install the meters within one year and that the owners be allowed to charge the sum \$.50 per fare to defray the cost of the meter.

Mayor Foster declared the meeting into public hearing and called upon Deputy Clerk V. D. White for the names of those signing up to speak for or against the proposed meters.

Mr. Donald Smith spoke in opposition to the proposed meters.

Since no one else wished to speak for or against the meters, Mayor Foster declared the public hearing closed.

Councilman Stimatz stated that he understood from Mr. Smith that he negotiated with some of his customers.

Mr. Smith replied that we make concessions from time to time to help them out.

Councilman Stimatz said then you are adjusting the rates from customer to customer. That raises an issue. If there was a meter in the vehicle, then the meter would adjust the rate that would be fair to everyone.

Councilman Brooks said that he didn't get a chance to talk with the ones that ride in the cab nor the drivers. He understands perfectly what Mr. Smith is saying. At the beginning he was thinking that meters were the way to go, but as he talked with the drivers he now thinks that is the wrong way to go. When you are dealing with senior citizens and you are talking about fixed income he does not think that Council understands that a lot of them do not drive. They are dependent upon taxis to take to here and there if they can't get another means of travel to get out there. He really liked what Mr. Smith was saying when he said that some times he makes concessions. He is in the cab business. If you can't get \$10 then get \$8. They can make that concession with the riders. That is his choice. With the meter he does not understand that it goes like that. There is no doubt in his mind when he talked with the customers and the customers want it to stay as it is and the drivers want it to stay as it is, that is a no brainer. He is with Mr. Smith 100%.

There being no one else who wished to speak for or against the proposed meters, Mayor Foster declared the public hearing closed. He called for action from Council.

A motion was made by Councilman M. E. Brooks, seconded by Councilman J. A. Stimatz to stay with the current policy regarding the rate charged for taxicabs. Those voting in favor of the motion were: Brooks, Stimatz, Baker, Hummer, Meggs, Stallings and Walton. Against: None. Motion carried.

6} REGULAR AGENDA:

- a} Resolution approving execution of Funding Agreement with Southeastern Power Administration.

Mayor Foster called upon the City Manager for comments.

Mr. Olson advised that the City receives a small share of its power requirement from the Southeastern Power Administration (SEPA). They have forwarded a Funding Agreement which would allow participating customers to fund specific, agreed upon work items by the Corp of Engineers in the Kerr-Philpott System and receive an off setting credit on the rate the City pays SEPA. The funding agreement is intended to insure and improve reliability of the generator facilities. The agreement establishes a monetary fund from a portion of the existing SEPA rate revenue and earmarks it to allow the Corp to make repairs, renewals and rehabilitation of the designated hydro facilities. This agreement will not affect our SEPA rates.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to adopt the following resolution authorizing Mayor Charles L. Foster to execute the SEPA Agreement. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Hummer, Meggs, Stallings and Walton. Against: None. Motion carried.

**RESOLUTION #07-05-3
SEPA FUNDING AGREEMENT
MAY 29, 2007**

WHEREAS, the funding Agreement (the "Funding Agreement") among the Southeastern Power Association, Southeastern Power LLC and participating customers is hereby ratified, affirmed and approved; and

WHEREAS, Mayor Charles L. Foster is authorized on behalf of the City of Elizabeth City Council to execute the Funding Agreement.

ADOPTED, this the 29th day of May 2007.

Charles L. Foster
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

- b} Call for a public hearing to receive comments on proposed fiscal year 2007-2008 budget.

Mayor Foster called upon City Manager R. C. Olson for comments.

Mr. Olson stated that the fiscal year 2007-2008 budget includes a \$.01 increase in the property tax rate, which will bring the effective rate to \$.41 per \$100 valuation. The budget includes a 2% COLA for all City employees and an additional two police officers. An installment purchase agreement will be used to purchase two pick-ups, five police cars, surveillance cameras and a grappler truck. Powell Bill funds will be utilized to pay the City's share of the Charles Creek Bridge Replacement Project. The Stormwater Utility Fund rate will be \$36.00 per residential lot, while commercial property will be charged \$.01 square foot of imperious area with a minimum charge of \$36.00 per parcel. Funds will be used for drainage projects on Roanoke Avenue and within the Oak Grove subdivision. No rate increases are authorized within the Water and Sewer Fund. Capital projects will include the Hughes interceptor sewer line, the Hughes waterline extension and the construction of the Knobbs Creek lift station. In staff's proposed budget, we had requested a 7.5% increase in electrical rates. With changes in several city policies, that increase has been lowered to a 4% increase. The policy changes that allowed the lowering of the electrical increase include: 1) ending the credit of \$4.00 per month for hot water heaters; 2} ending the \$6.00 monthly credit for four months for air conditioning units; 3} requiring all residential properties to have load management switches installed at no cost to the customer and 4} requiring developers to pay for the cost of installing underground electric service within new subdivisions. Developers will be given the option of hiring an outside contractor to do the work to City standards or pay the City the cost of installation. City staff is working on the budget ordinance which will be distributed prior to the public hearing.

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman B. S. Meggs to call for a public hearing on Monday, June 12, 2007 beginning at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for consideration of the proposed budget as presented.

Councilman J. B. Walton stated that he felt that Council needed one more budget meeting as he had some things that he would like to have more information on before he votes on the budget. You said that you were going to do a bare bone budget and bring it back to us.

Mr. Olson replied that everything that the Council had agreed to was put into the budget. We have still not run the final numbers pending on the outcome of this meeting but once we get direction from the Council we can have the actual budget ordinance by Friday. The big issue from staff's opinion is electrical. He believes there was a consensus reached on everything but the electric rate increase. We lowered it from 7.5% to 4%.

Mr. Walton said that we did make a statement that if there was going to be any increase that possibly we could go and take any increase from property tax that would be better for the citizens of Elizabeth City than electric rates. He would like to see those numbers.

Councilman Stallings stated that he must have missed a meeting because the last one he was at he thought that we had scheduled another work session. He also thought that you were going to bring some more material back. He knows that he has asked you to come back with an option on 0% increase on the electric. You said that we could call for the public hearing and finalize it at our last budget meeting.

Mr. Olson said that in the original budget calendar, Council agreed to the public hearing being held on the June 12th meeting. That is what has been published in the newspaper and that was done back in March. If Council wants another meeting then we will have another meeting and we can bring back two separate budget ordinances. One reflecting one way to go and the other reflecting another way to go. We have no problem with that if that is what the Council wants.

Councilman Brooks said that he was in total agreement with Councilman Stallings because if it went the way that the city manager was saying he thought he was sitting at a different meeting. He is sure that we said that we were going to have another meeting. He would like to see the numbers. Rather we adopt it or not we need to abide by the wishes of the Council.

Councilwoman Baker said that she remembers the last meeting as well which several council people said that they were not going to vote for any thing but a zero increase in the electric. She repeats here motion that we take it to public hearing as presented.

Mayor Pro Tem Hummer said that she has stated a number of times that she couldn't vote for the 7.5% increase because we were spending several million dollars on the installation of underground electric service. That was cut out of the budget and she appreciates that. She has several questions and in her opinion by having done this she would like to ask the Manager if this would make our electric revenue increase next year. We should be in much better position next year.

Mr. Olson said what we are trying to do is to maintain the \$7 million reserve and that will give us the \$7 million reserve which is the targeted balance that Council had informed staff that they wanted to go to last year when we were discussing the 10% increase that Electricities had passed along to us.

Ms. Hummer asked if Council doesn't vote for a rate increase what does that put our fund balance at in the electric fund next year.

Mr. Olson said that if you don't vote for the rate increase your fund balance will most likely be around \$5 million or under. It all depends on if the City Council still wants to go with those policies related changes. They will also have an impact on that.

Ms. Hummer asked if \$5 million would carry us in an emergency like a hurricane.

Mr. Olson said that \$5 million is roughly 60 days operating expenses. During the winter and summer we have utility bills in the \$2.5 or \$2.6 million per month. That is just our purchase power cost and part of the equation does not deal with the operating costs associated with the department which is a few hundred thousand dollars more each month.

Mayor Pro Tem Hummer said what figure does the Local Government Commission require that we have in our budget.

Mr. Olson said that he believes that it is 8% for the General Fund but there is no cash balance required into the utilities.

Councilwoman Meggs said that she agrees with Jean and she remembers that there were those that ask Rich to bring us back a zero but she does not know if that was a consensus. She thought that it was a consensus that we were supposed to call for a public hearing on June 12th. She is glad that it was

recommended or says why we need this increase. She is not raising it because she likes to pay a higher electric bill. She doesn't think anybody else does either. If the Council last year had raised it a little last year, then we would be in a better financial place now. If we don't we are going to be in a little bit deeper and she believes in paying a little all along and we would be better off than having to do a lot of catch up at one time.

Councilman Stimatz said that it is strongly recommended that you have at least three months operating funds. People don't look at that we saved you 10% last year. This year we are saving you 6%.

Mr. Brooks said that he thinks that Councilman Stallings requested and he didn't say we would go for that. What he said was that he would like to take a look at it and see what has to be done in the process. If he was in the audience he would be under the impression as Jean Baker said that they wouldn't vote for it unless there was a 0% increase. He remembers that Councilman Stallings asked what it would look like if he brought back a zero balance. What you are saying is that a request of a council member doesn't matter. We understand numbers just like everyone else. We understand that there should be enough money to keep the City afloat for three months if something drastic happens. We understand that also. But, that don't mean that you are supposed to push the wishes of a council member aside like they don't even exist. He disagrees with that whole heartedly.

Mayor Pro Tem Hummer said that it really is a tough situation for Council to be in and for our customers to be in. It would be awfully hard to leave office and leave the electric fund insufficient. The Local Government Commission will come in and run the City. We are getting some things done. We are getting ready to pave some streets in all the wards. We have gotten a lot of things for the police department and she just does not see anything else that we can do. Hopefully, by us taking out all of these costs that we have been providing to these developers that will build our electric fund and hopefully growth will pick up. We have had rate decreases and she is hoping that coal rider will come off soon.

Councilman Walton said that it still does not break down the fact that a council person along with himself, we act like it is June or July or something. You want to rush into it now because he knows the reasons and to him it is not fair to the council person that asked for another look at something different. Whatever Rich put into the computer might come out looking a little different next time. At least give him that much time to see what they can put out to make it possibly look different.

Councilman Stallings asked if we were going to still have the public hearing.

Mr. Olson replied that just because you have the public hearing does not mean that you have to adopt it that night. What he is saying to you is that the City Council had already previously approved that a public hearing would be held on June 12th. You did that back in March. So, we are following the previous wishes of the City Council. Just because you have a public hearing does not mean you have to approve the budget.

Mayor Foster called for a vote on the motion by Councilwoman Baker to call for a public hearing on the budget.

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

A motion was made by Councilman J. B. Walton, seconded by Councilman D. K. Stallings to schedule an addition Budget Work Session to be held on Monday, June 4, 2007 in the City Council Chambers of the Municipal Administration Building. Those voting in favor of the motion were: Walton, Stallings, Brooks, and Stimatz. Against: Baker, Hummer and Meggs. Motion carried.

c} Placement of Stop Signs on Church Street:

Mayor Foster called upon the City Manager for comments.

Mr. Olson replied that this particular item concerns stop signs along Church Street. Staff was requested to come back to Council with an opinion whether or not by adding three stop signs on Church Street that would effectively handle some of their speed issues. This request was brought forward by the United Community Crime Watch which has renamed them selves as the Historic District Neighborhood Watch Group. The City's engineer is not able to be here tonight but he did provide a memo addressing this issue. He has informed Council that he believes that the stop signs are not warranted pursuant to NCGS 136-30 that requires that we follow the Uniform Control Devices and specifically section 2B.0203. Stop signs should not be used for speed control. In staff's opinion that is the only reason to put in additional stop signs is to control speed. There may be other avenues that we could possibly explore to control speed if that is what the Council wishes us to do.

Councilman Stimatz said that he brought this issue up six or eight months ago and he knows that representatives from the Neighborhood Watch have been to speak with the City Manager. Their impression was that the City Manager told them that the stop signs were the way to go and if they wanted them to come and ask for them. He has had to ask over a six week period what have we done

or what do the citizens have to do to fix their problem. Now the City Manager has done an about face. He has a problem with this as these people have been bringing this up time and time again and it is no different than the parking over on Paxton Street. They are looking for a resolution to this problem. They know that traffic calming isn't cheap. People are tired of people speeding down their streets fifteen or twenty miles faster than the limit. They want to live in a calm environment.

Mr. Brooks said that he feels that Tony has a strong point there. He has driven down Church Street himself and the thing about Church Street is that you have cars that park on the side of the road with those cars that are speeding that put the residents in the area in a very dangerous situation. You are right and he understands the frustration with a seven month battle. He understands the statutes that you read but this issue is compromising the people. We can say anything and then make it sound good as far as regulations that we don't want to follow. The bottom line is that somewhere down the line we can't continue to tell the citizens no, no, no and don't give them any solutions that could possibly work. That is what we are running with there.

Councilman Walton said that Church Street is 25mph and we already have an ordinance in place. It is just like the curfew, if you have something in place and you don't write tickets it is not the people that are living there fault or those traveling down the street. We are not doing what we are supposed to be doing and that is writing tickets up. All of a sudden those riding down there will say they aren't going down there because they write tickets on that road. If we set a precedent then every street in the City is going to want the same thing. If you want to check how many cars come down a road check Herrington Road to see how fast they travel. If we start putting signs one place we will have to put them all around town. You need to think about that.

Mayor Pro Tem Hummer said that some good points have been brought up and she sympathizes with those on Church Street. For years we fought Main Street and got nowhere. We asked for speed bumps and then we found out that those would not work and the other streets, Colonial, Cedar, Maple are all shortcuts to the boulevard or to downtown. Road Street she hears at every Community Meeting. Rather than voting on it tonight can it be looked at in another way. Is there something else that can be done?

Councilwoman Meggs said that her concern is that if we put the stop signs up how many rear end collisions are we going to have. She is serious and she knows she has a heavy foot and she puts her speed control on her car because she does not want a speeding ticket, but she does know that when they started giving tickets on that street the traffic did slow down. She knows that it is her ward and if they don't want to vote her in or out then she doesn't care. There

was one woman talking about she had lived on Church Street so many years and she reared four children, had two dogs, one cat and nobody got hurt. But, she looked after her children and made sure that they walked on the sidewalk and didn't use the street to walk in. She is sorry but she thinks that we are putting rule after rule on our citizens and she doesn't see it.

Councilman Stallings said that since we have our new chief on board is it possible that we pick up the patrolling on Church Street and give us a report at our meeting in June.

Mr. Olson stated that he would like to caution the City Council because we only have so many officers that can only do so much. They are down officers and the ones that we have are spread thin. He hopes that the Council doesn't have false expectations of what we are really going to accomplish here. He asked if he could clear up one thing. He has always told the citizens on Church Street that he was afraid of the precedent that the additional stop signs being put up would have on Church Street.

Mr. Stimatz said that they do not need to have it studied to death. What they are asking all along is traffic calming solutions. No costs, no personnel related. They are looking for some solutions. They don't want to hear that there is a problem there, they already know that. They are tired for asking for a solution.

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman B. S. Meggs to table this issue until more data is put together but in the meantime increase the patrolling. Those voting in favor of the motion were: Baker, Meggs, Brooks, Hummer, Stallings, Stimatz and Walton. Against: None. Motion carried.

d} Summerfield:

Mayor Foster recognized Councilman Brooks for comments.

Councilman Brooks said that he put Summerfield back on the agenda because we still haven't gotten any head way with basically what to do over there. Two Council meetings ago before we started working on the budget the residents on the second half of Summerfield was still talking about the drainage and being able to compromise the sidewalks for the drainage. The last that he talked with them what they said was if you can get the engineer, Mr. Fredette over there and even if the amount of money in escrow couldn't put a dent in trying to do the drainage they don't have any problems with the sidewalks. In that process though they want to make sure that their yards are put back like they are now.

e} Oxford Heights:

Mayor Foster recognized Councilman Brooks for comments.

Mr. Brooks said that it was disturbing when FEMA approved \$1.5 million to tear down the Perry building because it was in the water zone.

Mr. Olson stated that it is located within what is classified as a Coastal Surge area and if it wasn't in the Coastal Surge area it would probably be in the Flood Way. It is classified as in the Coastal Surge area because of it being so close to the river. The deal with Oxford Heights is that the Perry building has shown over the years numerous FEMA claims because of flood damage to their structures. To his knowledge this is the first time anyone in Oxford Heights ever had a flood claim that required FEMA to pay the insurance claim. Perry has had two or four flood claims just since he has been here. When they plug the numbers into the computer they just met the minimum requirement that FEMA requires. Oxford Heights residents did not.

f} At-Risk Youth in the Community:

Mayor Foster recognized Councilman Stimatz for comments.

Mr. Stimatz said that he wanted to bring this up because the discussion last week sparked a lot of discussion in people around town. In stepping back from the issue of the curfew a lot of issues came out. There were some very good articles in the paper. There were some great points made. He wants to know what the real problem is. What is it that we talk about a lot around this table? What does Michael talk about a lot and what is the issue we are concerned about with gangs –youth at risk? What is the issue that Councilman Stallings has when he wants to make sure that the Boys and Girls Club is in operation? It is youth at risks. He feels that we are not serving our youth very well. If we don't serve them well and when we are seventy-five and setting on the front porch they are not going to be serving us well. He would like to suggest that Mayor Foster approach the County and the School Board and the Community to create a task force to look at this issue. He sees a lot of kids walking around when they should be in school. Why!

Mayor Foster stated that he too was very concerned about our youth. He has always been concerned because we have neglected them here in our City for years. That is one of the reasons that he ran for Mayor. He has no problem with creating such a committee. He will bring it back to you.

Councilwoman Baker stated that she agrees with Tony that something needs to be done. She would like to go one step further and ask that we call a community

meeting to get citizens input on this. Let the people speak out. Give them a forum to address these issues. You can't make parents be good parents. There are other ways that you can get them to be responsible for their children. You have other avenues of making parents be responsible. It is crazy to see children out in the street at 9 or 10 o'clock at night. What are 13 year old kids being on the street corner during the day? They all can't be home schooled. If you can't make the kids accountable you certain can their parents.

Mayor Pro Tem Hummer stated that she thinks there are some members of this council and previous councils that have fought for years for the youth. Councilman Stallings has taken up for the Boys and Girls Club for years. They need some place to go that doesn't cost any money that they can have some recreation. There are a lot of problems at the schools and that is not for the City to deal with but she just has to point out that the Teen Center use to be funded by Pasquotank County, Camden County and Elizabeth City. The two counties backed out and then the City backed out until last year. These children were never charged anything to go there. It operates on a very limited basis but it is still free and it is for at-risk children too. It is for latch key children. There are five from one family that goes there. Their Mother is a single parent. She doesn't think all of us have failed. She would like to say something since we are talking about the curfew. The police are not going to lock children up that are going to the movies or McDonalds afterwards or a birthday party or dance or prom or even to work. They want to make the parents responsible for the children that are out there from 11:00 to 1:00 o'clock. It doesn't matter who they are they need to be at home and their parents need to find a way to make them responsible.

7} 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 Council for comments.

Mr. Olson replied that he had no further comments.

Councilman Stimatz stated that he attended the Memorial Day celebration at West Lawn and it was very moving. It makes you think about all the people that have sacrificed their lives for us. He was very disappointed that attendance was low.

Councilman Walton stated that he would like to welcome Chief Crudup. If there is anything that he can help you with please feel free to call upon him. We will be talking more. Paul you are doing a good job on Southern Avenue, please continue until it is finished. It is going to be really nice once it is completed. Keep the good work up.

Councilwoman Meggs said that she just wanted to say well done to the Public Works last week for the lunch. It was a wonderful affair. If you weren't there you missed some good food and good fellowship. The speeches and talks were very good. She also wants to thank Peggy Langley for the Potato Festival. She knows you had a lot of good helpers but she thinks it was a job well done.

Councilman Stallings stated that he would like to say welcome to the City's Chief and if there is anything that he can help you with for the Third Ward to feel free to call on him. Rich, we are still looking for some patrolling in the Third Ward especially foot patrol.

Mayor Pro Tem Hummer said that she also wanted to thank Public Works for the special occasion. It was really nice and she enjoyed herself. She too thinks the Potato Festival was a very good festival. Our Economic Developer was in town last week for four days. He has to go back to Florida and get ready to move here. He is working even though he is in Florida. He will be reporting around the middle of June and she will introduce him to Council when he gets back. She has seen a lot of police patrol in her neighborhood and all over and she does appreciate it. Even if she gets up during the night she sometime sees a police car going by. She would like to thank the police department for searching for and finding two really nice mobile units. She is sure that once they are retrofitted we will find a suitable place for them. She believes that the church has water, sewer and electricity all ready and she doesn't think it will be a problem as they have the space. They certainly need it in that particular spot.

Councilman Brooks said that he has been waiting for this for four days. He read the editorial by Mayor Pro Tem's husband Bob Hummer and one written by the Editor of the Daily Advance that called the vote that Councilmen Walton, Stallings, Rivers and himself as racially motivated. It kind of bothers him because he thought that we had gotten pass the racial thing from previous council. This is the first time that it has raised its ugly head. He was really very upset to hear Councilman Rivers and his name dragged through the mud because of a vote trying to defend our children. Tony knows that he is all about protection of our kids. Whenever he ran for Council for several times he ran on children and senior citizens. He will never let anyone do anything to upset their safety and their well being. He thinks what happen here with the editorials that were written instead of trying to stab those in the back that really have a concern for the kids we need to try to find solutions. He tells Dianne what he has to say and he is going to say it. He wanted to put in on the regular agenda but he didn't want it to come back for a vote and discussion. He didn't want any crooked stuff to happen because he is still definitely opposed to a 9:00 p.m. curfew. After hearing and reading about blatant and what could be considered as racist remarks written by the Editor of the Daily Advance on May 19th and the

ludicrous and unwarranted statements by Mayor Pro Tem's husband "Bob" Hummer on May 25th through an editorial of the Daily Advance continuing to be silent would be betrayal to the public. Saying most victims of a 9:00 p.m. curfew would be black was not a racist statement but a reality that would address an economically disadvantage pointed at at-risk youth. Most children from economically disadvantage homes don't have a car. So, they are most likely to be stopped by the police for walking home from work, the library, the Boys and Girls Club or other activities.

When the Editor of the Daily Advance use racial overtones referring to white elected officials as "Council Members" and black elected officials as ("Four Others"). How can one keep silent? When the Daily Advance used racial innuendoes in referring to the belief that blacks would most likely be victims of a 9:00 p.m. curfew saying. Do Councilors know something that the police don't know about who is likelier not to care about late night whereabouts of their children? How can one be silent? This blatant, vicious, twisted and racial statement not only was a slap in the face of black Americans but should be an embarrassment to every American who believes that the Civil War is over.

If the Editor of the Daily Advance or Mayor Pro Tem's husband, Bob Hummer can receive the truth from Councilman Brooks or Rivers maybe they can receive the truth from the Superintendent of Public School, Tony Stewart. He read this article a couple of councils ago. He thinks people just brushed it off as him venting. Tony Stewart was right in line with what is happening now and why he voted adamantly against the 9:00 p.m. curfew. Tony Stewart in an article written by the Daily Advance on March 11th on E.C. Suspension Rate tops chart. He said that blacks are suspended more often than whites. He went on to say suspensions were high in that sub-group. National statistics say that one out of every 10 black males would have been incarcerated by the time he is forty years old. It was our duty to protect our children from a 9:00 p.m. curfew allowing more statistics as horrifying as statements made by the Superintendent of Public Schools, Tony Stewart on school suspensions and statistics on incarcerations. The woes of a 9 o'clock curfew would have been devastation to our children.

In reference to Councilwoman's Hummer husband, Bob Hummer's article to the Editor which he had reported written on May 25th attacking Councilman Rivers, Brooks and Mayor Foster as a child throwing a temper tantrum because things didn't go the way he wanted it to go. First of all, he submits to Bob Hummer never try to use words that he doesn't know the meaning of. Slander is a false statement that deliberately damages someone's reputation. True statements can never be considered as slanderous and demand no apology. Councilman Brooks was right there are good cops and bad cops. Sometimes you have to stop crying and wipe the tears out of your eyes to see what everyone else already see. There is nothing worse than to see a grown man crying.

Councilman Brooks was right the Police Department does have internal issues. There are internal issues when this council found a need to give money to keep officers from going to other law enforcement agencies. There are internal issues when someone can steal a shotgun from a parked police car. There are internal issues when a fabricated threat of gang violence causes you to purchase eight assault weapons to supposedly combat 1% of the crime. Internal issues are why the previous Councils have also found the need to hire outside. True statements demand no apology.

A heartfelt gratitude is given to Councilman Walton, Stallings, Rivers and especially Mayor Foster in keeping the issue where it is supposed to be. The issue was not race as the Editor of the Daily Advance had said. The issue was defending our children against what would have been an unjust nine o'clock curfew and an unjust law. Dr. Martin Luther King said, "There are just laws and unjust laws." He goes on to say any law that uplifts the human personality is a just law and any law that degrades the human personality is an unjust law. A just law is saneness made legal. An unjust law is like having no law at all.

The attempt to have the curfew changed from 11:00 p.m. to 9:00 p.m. may have had good intentions but it degrades the human personality of our children and would have been an unjust law. Those most affected would have been those from economically disadvantage families. Families that can't afford to pay membership to the YMCA. The alternative for them is a Boys and Girls Club in need of repair and up for sale, where a child walks home after closing time at 9:00 p.m., because their family can't afford a car nor taxi fare. The very fiber of his faith tells him to defend the poor and fatherless, feed the hungry, clothe the naked and look out for those who are widows indeed. It's wrong to tell a young adult they can get a job as an adult but have to be in the house by 9:00 p.m. like a child. It is wrong to tell a young adult they can get a learner's permit, learn to drive like an adult but can't stop to get a burger at a fast food restaurant that closes at 9:00 p.m. because they must be at home like a child. It is wrong to treat a young person as a child until they commit a crime then you want to try them as an adult. It is wrong to tell parents that can barely keep their lights on because of high electric bills they must come and pay up to \$500 because a child broke an unjust law. It is wrong for the Editor of the Daily Advance to talk race when the residents of Oxford Heights live in a shameful condition every time it rains with water overflowing from the swamp causing sewerage, poisonous snakes and who knows what else to go out into the streets. When Summerfield gets so backed up with rain that they tried to compromised putting sidewalks to help with their own drainage problems. When Roanoke Avenue is like driving on the rugged trails of the west with flooding conditions existing so long the residences almost consider it norm. When Oak Grove has pipes lying out in the woods.

He always thought in life that you don't address a problem without solutions. He read the article also in the Daily Advance on May 20th of 2007 and he loves this article because it talked about solutions. It says that school weighs options as lawmakers mull drop out rate. The local education officials believe a proposal to raise the compulsory school attendance age in North Carolina could place more pressure on local schools to reach out to at-risk students from 16 to 17. It was funded by the Gates Foundation the Gateway Program allows at-risk high school students to finish their high school education while also earning college credit. Also he thinks that the promotion of the PTA (Parent Teacher Association) is another solution. If we can get the teachers and the parents involved then we don't have to worry about our kids being associated with the court system, judges, police officers and the like. He did read in Sunday's paper where they asked what did they think about the curfew and he was more interested in the young people's response. He didn't read where any young person said that a 9:00 p.m. curfew would be justified. One guy made sense when he said that if you put a nine o'clock curfew on a sixteen or seventeen year old they are not going to be in at nine. It is just not going to happen. He thinks that we have gotten so focus and so out of whack that we have forgotten what it is like to be a teenager. We have to keep in touch and there is nothing to fear as we probably had the same fears. He thinks it doesn't make sense for a councilmember or even the Daily Advance to bring that nasty head of racism into a statement that was really focused on our youth and at-risk. He didn't intent to take this much time but it needed to be said and the disadvantage youth was the problem. The issue at hand was not race. It was defending our children against an unjust ordinance.

Councilwoman Baker stated that this Council voted at the last meeting to hold no public hearing on the curfew. We went to great length tonight to make sure that nobody got to say anything about the curfew or to bring it back on the agenda to rear its ugly head. Yet, it is ok to spend five minutes based on articles that were written about the curfew and it is ok for a council person to debate that. We can't debate a person that comes to the podium and accuses one of us with something, yet we can spend this amount of time defending ourselves from something that was written in the newspaper. She just felt again about why we don't hear from the public except when it is convenient for us. She feels that this is just double standards here. She is not sure that we want to enforce the curfew issue but we have forgotten the First Amendment Rights and the right of free speech and the right for the people to voice their concerns. She would like to see us get back to that. She does not know what the answer is but she does know it is not sitting here and debating something that upsets you or not letting people come up and speak on an issue. She is still for a curfew rather it is 9:00 or 10:00 or what. She hopes that comes back up and we are able to give the public a chance to have their say.

Mayor Foster stated that he wanted to thank Councilman Stimatz for mentioning the Memorial Day celebration. He wants the world to know that he never misses their program on Memorial Day. He is a disable veteran and he was twice wounded in the Korean War. He knows what solders sacrifice as almost his entire outfit was killed in Korea. He is always supportive of the Veterans Program and he will continue to be.

He would like to say this because he received a couple of calls and even the newspaper thing that labeled him wrong. He is glad that he saw Bob walk in and he wants Bob to make sure that he writes what he is going to say. When he voted to break that tie, you see he is a teacher and he has taught in this City in high school for eight years. He knows that many school activities and other organizations evening activities are not over until after nine. Nine o'clock would be very unfair to young people to come up with a curfew of nine o'clock, that would be unfair and there was no way he was going to support a nine o'clock curfew on our young citizens. He knows that it would be wrong. You know that it would be wrong. As he has stated, many of the school activities and other activities are not over at nine o'clock. Even in the summer time it is hardly dark at nine. It would be unfair to our youth. He is not opposed to a curfew, he is not opposed. Let him share something else with you. Curfew has nothing to do with race. Curfew concerns all and it doesn't discriminate. It has nothing to do with race. So race shouldn't come up with the Council about this. Race shouldn't even be mentioned. He just wanted it to be known how Charles Foster feels. He loves young people and he has taught young people and he still teaches the young people in our area. He knows that it would be unfair for a nine o'clock curfew. Again, he is not against a curfew because in a community where there maybe like gang activity he can understand a curfew. He just wanted everyone to know where Charles Foster stands on this issue.

8} CLOSED SESSION:

Mayor Foster stated that he would entertain a motion for the Council to retire into Closed Session for consideration of a personnel matter as per NCGS 143-318.11 (a) (6).

A motion was made by Councilman D. K. Stallings, seconded by Councilman J. A. Stimatz to retire into Closed Session of per NCGS 143-318.11 (a) (6). Those voting in favor of the motion were: Stallings, Stimatz, Baker, Brooks, Hummer, Meggs and Walton. Against: None. Motion carried.

Upon the end of the Closed Session.

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

Mayor Foster declared the meeting back into full session.

9} ADJOURNMENT:

Mayor Foster advised that the above item concluded the meeting of the Council and he entertained a motion for adjournment.

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

Mayor Foster adjourned the meeting at 9:15 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Charles L. Foster
Mayor