

MONDAY – 7:00 P.M.

JUNE 14, 2004

CITY COUNCIL

The City Council of the City of Elizabeth City held a City Council 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 attending were: C. C. Austin, J. M. Baker, L. A. Hummer, R. E. King, W. A. Lehmann, E. K. Rivers, D. K. Stallings, Sr. and J. B. Walton. Others attending were: City Manager R. C. Olson, City Clerk D. S. Pierce, City Attorney W. H. Morgan, Finance Director S. E. Blanchard, Inspections Director S. E. Ward, Parks and Recreation Director J. D. Overman, Fire Chief G. R. Baccus, Police Chief W. J. Anderson, Human Resource Director K. W. Felton, Planning Director R. Mack, Public Works Director C. Grant and Electric Superintendent K. F. Clow.

Mayor J. H. Bell, Jr. opened the meeting by welcoming those attending. He called upon Pastor Arnold Sykes, Living Word Victory Center Church for the invocation after which P. Langley, ECDI Director led the Pledge of Allegiance to the Flag of the United States of America.

Mayor Bell called for approval of the prepared agenda. Mayor Bell informed the Council that Items 6 (a & b) – Presentations; and 9 (e)-Consideration of an Offer to Purchase two lots on Perry Street would be removed. Hearing no other deletions and/or additions, Councilwoman L. A. Hummer made a motion, seconded by Councilman D. K. Stallings, Sr. to approve the prepared agenda as presented with the above stated deletions. Those voting in favor of the motion were: Hummer, Stallings, Austin, Baker, King, Lehmann, Rivers and Walton. Against: None. Motion carried.

Mayor Bell called for action regarding the minutes of the May 17th Budget Work Session. A motion was made by Councilman W. A. Lehmann, seconded by Councilwoman J. M. Baker to approve the minutes as prepared. Those voting in favor of the motion were: Lehmann, Baker, Austin, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called for comments from the public. City Clerk D. S. Pierce advised that no one had signed up to speak.

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

Consent Agenda

1} Approval of sale of property located at 408 W. Main Street to Ralph Beardsworth in the amount of \$12,000.

2} Approval of the following Budget Amendments:

BUDGET AMENDMENTS
JUNE 14, 2004

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 Safety Grant Revenue (103350.6802) be increased by \$500, the Water and Sewer Fund Safety Grant Revenue (313350.6802) be increased by \$500, the Fire Department Expenses (105300.3300) be increased by \$500 and the Water Treatment Plant Department Expenses (318100.3300) be increased by \$500.

(To record Safety Grant Funding of \$500 for electric eyes for Fire Department truck bays and \$500 for Water Plant security camera.)

SECTION II. That the General Fund Contingency (106600.0600) be decreased by \$3,000 and the Planning Department Land Use Plan (104900.5800) be increased by \$3,000.

(To record City's portion of Land Use Plan.)

SECTION III. That the General Fund Contingency (103990.0000) be decreased by \$1,500 and the Contribution to AAU 16 & Under EC Blazers (106600.4594) be increased by \$1,500.

(To record contribution to EC Blazers.)

SECTION IV. That the Streetscape Grant – Phase II (533920.1200) and the Streetscape Improvements (539002.1000) be increased by \$180,000.

(To record additional Streetscape Grant Funding in the amount of \$150,000 and contribution from property owners in the amount of \$30,000.

ADOPTED, this the 14th day of June, 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

3} Adopt the following resolution directing the City Clerk to investigate the sufficiency of Voluntary Annexation Petition:

**RESOLUTION #04061
DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G. S. 160A-31
SUMMERFIELD PHASE II ANNEXATION**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on June 14, 2004 by the City Council; and

WHEREAS, G. S. 160A-31 provides 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 14th day of June 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

4} Acceptance of Bids for chemicals used at the Water Treatment and Wastewater Treatment Facilities. The following is the bid tabulation:

<u>Bidder</u>	<u>Hydrate Lime</u>	<u>Polymer-Bags</u>	<u>Liquid Polymer</u>	<u>Sulfate</u>
Geo Specialty				\$181.52/ton
Joy's Pollution		\$60.00/bag	\$255.50/drum	
Chemical Lime	\$103.66/ton			

Chemtreat		\$1.60/lb	\$1.52/lb		
Univar	\$105.00/ton	\$66.15/bag	\$604.17/drum	\$239.00/ton	
Sludge Process		\$62.50/bag	\$382.80		
General Chemical				\$187.00/ton	
Brenntag Southeast					
Suffolk Sales					
Air Gas Carbonic					
Water Guard					
	Hydrofluosilic	Sodium	Carbon	Aqua	Sulfur
<u>Bidder</u>	<u>Acid</u>	<u>Hex</u>	<u>Dioxide</u>	<u>Ammonia</u>	<u>Dioxide</u>
Geo Specialty					
Joy's Pollution					
Chemical Lime					
Chemtreat					
Univar	\$57.75/drum	\$32.50/bag		\$280.00/ton	\$97.50/ton
Sludge Process					
General Chemical					
Brenntag Southeast	\$64.40/drum	\$26.00/bag			
Calciquest		\$28.50/bag			
Suffolk Sales				\$306.89/ton	
Air Gas Carbonic			\$135.00/ton		
Water Guard	\$59.50/drum	\$29.82/bag			\$65.00/cyl

Award of bids as follows:

<u>Chemical</u>	<u>Price</u>	<u>Vendor</u>
Hydrofluosilic Acid	\$57.75 Drum	Univar
Aqua Ammonia	\$280.00 Ton	Univar
Sodium Hexametaphosphate	\$26.00 Bag	Brenntag Southeast
Polymer	\$60.00 Bag	Joy's Pollution Solution
Liquid Polymer	\$355.50 Drum	Joy's Pollution Solution
Liquid Sulfur Dioxide	\$65.00 Cylinder	Water Guard
Liquid Aluminum Sulfate	\$181.52 Ton	GEO Specialty
Liquid Carbon Dioxide	\$135.00 Ton	Air Gas Carbonic

End of Consent Agenda

Mayor J. H. Bell presented the name of James Turner of Rhode Island Avenue for consideration as a member of the Elizabeth City Planning Commission. Mr. Turner would be completing an un-expired term of a former member. A motion was made by Mayor Pro Tem E. K. Rivers, seconded by Councilman R. E. King to approve the appointment of Mr. James Turner to the Planning Commission. Those voting in favor of the motion were: Rivers, King, Austin, Baker, Hummer, Lehmann, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called for consideration of the Sufficiency of a Petition for Voluntary Annexation and call for a public hearing regarding the Breheny Annexation. This is a 53.84 contiguous parcel located on River Road. The City Clerk is certifying to the sufficiency of the Petition. A motion was made by Mayor Pro Tem E. K. Rivers, seconded by Councilman W. A. Lehmann to accept the Certificate of Sufficiency and adopt the following resolution calling for a public hearing to be held on Monday, June 28, 2004 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for consideration of the Petition for Voluntary Annexation of the Breheny Subdivision. Those voting in favor of the motion were: Rivers, Lehmann, Austin, Baker, Hummer, King, Stallings and Walton. Against: None. Motion carried.

**RESOLUTION #04062
FIXING PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED
BREHENY ANNEXATION**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

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

SECTION 1. That a public hearing on the question of annexation of the area described herein will be held at the Municipal Administration Building in the City Council Chambers at 7:30 PM on the 28th day of June 2004.

SECTION 2. The area proposed for annexation is described as follows:

Bounded on the North by Asbury Lane, bounded on the West by River Road, Bounded on the East by James H. Winslow Land and bounded on the South by Pasquotank County Land.

BEGINNING at a nail in the intersection of Asbury Lane and River Road North 03° 23' 48" East 62.96' to the point of beginning on the South side of Asbury Lane, which point is at the South side of River Road South 44° 20' 12" East 1987.56 to a ditch, which ditch is the line of division between the tract of land herein described and the James H. Winslow Lands; thence South 50° 12' 08" West 443.66' to an iron rod, thence South 62° 09' 33" West 1301.56' to an iron rod, thence North 54° 12' 13" West to an

iron rod, thence North 23° 19' 26" East 607.62" to a point, thence North 66° 09' 54" West 639.67' to an iron road, thence North 45° 41' 24" East 81.47' to a point, thence North 49° 28' 28" West 367.42' to a point, thence North 30° 44' 31" East 195.48" along the East side of River Road to a point, thence North 36° 18' 15" East 965.14' along the East side of River Road to a point, thence North 35° 40' 39" East 120.71' along the East side of River Road to a point, thence North 31° 48' 38" East 80.34' along the East side of River Road to the Point of Beginning. Parcel contains 53.84 acres.

SECTION 3. Notice of said public hearing shall be published in the Daily Advance, a newspaper having general circulation in the City of Elizabeth City, at least ten (10) days prior to the date of said public hearing.

ADOPTED, this the 14th day of June 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

Mayor Bell called for discussion on the Glade Street Pump Station-Force Main Extension Project. City Manager R. C. Olson advised that this item was brought before City Council on May 24th, 2004. Staff was directed to renegotiate the only bid that was received from George Raper and Sons, Incorporated. The renegotiated bid was reduced to \$120,576.00. Also, staff obtained a revised engineer's estimate from C. Allan Bamforth, Jr. of Norfolk, Virginia in the amount of \$125,000.00. The work will consist of extending the existing force main serving the Glade Street pumping station which flows to the City's force main that serves the main pumping station which flows to the City's wastewater treatment facility. This project also will consist of the installation of a stationary emergency pump, which will also serve as a bypass for the Glade Street station. Additional pump and control upgrades will have to be performed to complete the sewer re-route project, however, this phase of the project will hopefully be completed in the next fiscal budget year.

Following discussion, a motion was made by Mayor Pro Tem E. K. Rivers, seconded by Councilwoman C. C. Austin to authorize the City to accept the renegotiated bid submitted by George Raper and Sons, Incorporated in the amount of \$120,576.00 for this project. Those voting in favor of the motion were: Rivers, Austin, Baker, Hummer, King, Lehmann, Stallings and Walton. Against: None. Motion carried.

City Manager R. C. Olson stated that a request has been received from Mr. Thomas A. Reid, owner of the Amusement Parlor located at 516 S McMorrine Street that the “No Parking After 10 PM” signs on South McMorrine Street be removed. Police Chief W J. Anderson stated that he sees no problem with taking the signs down and his department will monitor the area. A motion was made by Mayor Pro Tem E. K. Rivers, seconded by Councilman D. K. Stallings, Sr. to authorize the removal of the “No Parking After 10PM” signs located in the 500 block of South Martin Street. Those voting in favor of the motion were: Rivers, Stallings, Austin, Baker, Hummer, King, Lehmann and Walton. Against: None. Motion carried.

Mayor J. H. Bell, Jr. declared the meeting into public hearing for consideration of Fiscal Year 2004-2005 Budget. Keith Rivers and Conrad Mollenkopt spoke to Council regarding their opinions on the proposed budget. There being no one else present who wished to speak for or against the proposed budget, Mayor Bell declared the public hearing closed. A motion was made by Councilwoman J. M. Baker, seconded by Councilman W. A. Lehmann to approve the FY 2004-05 Budget without funding for all non-profit organizations excluding the Elizabeth City Downtown, Inc., EC Neighborhood Corporation, Albemarle Economic Development Commission, Tourism Board, Airport Authority and Hopeline. These organizations were all created by Ordinance by City Council and therefore should remain in the budget; reduce the tax rate by one cent and reduce the weatherization from \$64,000 to \$36,000. Members of City Council all discussed the various items in the budget. Following discussion, a motion was made by Councilman D. K. Stallings, Sr., seconded by Mayor Pro Tem E. K. Rivers to table the approval of the FY04-05 Budget and to hold an additional budget work session in order to answer some budgetary questions. Those voting in favor of the motion were: Stallings, Rivers, Austin, King, Hummer and Walton. Against: Baker and Lehmann. Motion carried.

A motion was then made by Mayor Pro Tem E. K. Rivers, seconded by Councilman D. K. Stallings, Sr. to hold a budget work session on Monday, June 21st at 6:00 p.m. in the City Council Chambers of the Municipal Administration Building. Those voting in favor of the motion were: Rivers, Stallings, Austin, Hummer, King, Lehmann and Walton. Against: Baker. Motion carried.

Mayor J. H. Bell, Jr. declared the meeting into public hearing for consideration of Application RZ-08-04 for the real property sought to be rezoned and located on the north side of Ehringhaus Street between Shirley Street and Griffin Street. Since no one wanted to speak for or against the proposed rezoning, Mayor Bell declared the public hearing closed. A motion was made by Councilman D. K. Stallings, Sr., seconded by Councilman R. E. King to adopt the following ordinance approving the rezoning request RZ-08-04. Those voting in favor of the motion were: Stallings, King, Austin, Baker, Hummer, Lehmann, Rivers and Walton. Against: None. Motion carried.

ORDINANCE #04061
APPROVING REZONING REQUEST RZ-08-04

**EHRINGHAUS STREET
BETWEEN
SHIRLEY STREET AND GRIFFIN STREET**

WHEREAS, on May 4, 2004 the Elizabeth City Planning Commission reviewed the proposed amendment of the Official Zoning Map contained on Application RZ-08-04 by the City of Elizabeth City; and

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

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

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

ADOPTED, this the 14th day of June 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

Mayor Bell called for City Council comments:

Councilman Lehmann had no comments.

Councilman Walton had no comments.

Councilwoman J. M. Baker had no comments.

Councilman D. K. Stallings, Sr. asked that consideration be given to placing a stop light at Davis Avenue and Cale Street.

Councilman R. E. King asked for consideration of another exit from Oxford Heights and asked to call attention to the fire plug on Lexington Drive. He also expressed concerned over the speeders on Perry Street.

Councilwoman Austin had no comments.

Mayor Pro Tem Rivers asked that we look at the alley on Butler Lane and Shannon Street. He also asked the Planning Director to ride the Oak Grove area and he expressed concerns on the delay from Pat McDowell regarding the flood plan.

Councilwoman Hummer thanked Mayor Bell for the representation of the City on a recent trip to Raleigh. She asked that Council work together with the City Manager and staff on the proposed FY04-05 Budget.

A motion was made by Councilman D. K. Stallings, Sr., seconded by Councilwoman J. M. Baker to retire into Closed Session to establish or instruct the public body's staff concerning the position to be taken in acquiring real property as per NCGS 143-318.11(a)(5). Those voting in favor of the motion were: Stallings, Baker, Austin, Hummer, King, Lehmann, Rivers and Walton, Against: None. Motion carried.

A motion was made by Councilman D. K. Stallings, Sr., seconded by Councilwoman C. C. Austin to return to regular session of Council. Those voting in favor of the motion were: Stallings, Austin, Baker, Hummer, King, Lehmann, Rivers and Walton. Against: None. Motion carried.

Mayor Bell declared the meeting back in full session.

A motion was made by Councilman D. K. Stallings, Sr., seconded by Mayor Pro Tem E. K. Rivers to authorize the City Manager as instructed in Closed Session. Those voting in favor of the motion were: Stallings, Rivers, Austin, Baker, Hummer, King, Lehmann and Walton. Against: None. Motion carried.

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

Mayor J. H. Bell, Jr. adjourned the meeting at 9:00 p.m.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk