

**MONDAY-7:00 P.M.**

**JULY 9, 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. Others attending were: J. M. Baker, M. E. Brooks, L. A. Hummer, B. S. Meggs, E. K. Rivers, D. K. Stallings, J. A. Stimatz, J. B. Walton, City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Public Utilities Director P. A. Fredette, Inspections Director S. E. Ward, Parks and Recreation Director J. D. Overman, Electric Superintendent K. F. Clow, Fire Chief W. C. Pritchard, Finance Director S. E. Blanchard, Human Resource Director K. W. Felton and Police Chief C. E. Crudup.

Mayor Foster opened the meeting by welcoming those attending as well as the listening audience. He gave the invocation after which Councilwoman J. M. Baker led the Pledge of Allegiance to the Flag of the United States of America.

**1} AGENDA APPROVAL:**

Mayor Foster called for approval of the prepared agenda.

Councilman J. A. Stimatz asked to add, ***Discussion of the Purchasing Manual.***

***A motion was made by Councilwoman B. S. Meggs, seconded by Councilwoman J. M. Baker to approve the prepared agenda to include the item noted above. Those voting in favor of the motion were: Meggs, Baker, Brooks, Hummer, Rivers, Stallings, Stimatz and Walton. Against: None. Motion carried.***

**2} APPROVAL OF THE MINUTES:**

Mayor Foster called for approval of the Regular Meeting of June 12, 2007.

***A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. A. Hummer to approve the minutes of the June 12, 2007 Regular Meeting. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Meggs, Rivers, Stallings and Walton. Against: None. Motion carried.***

**3} COMMENTS FROM THE PUBLIC:**

Mayor Foster called upon the Deputy Clerk to call the names of those individuals that had signed up to address City Council on non-agenda items.

Mr. John Krider, 1804 Providence Road, spoke regarding flooding in Oxford Heights, time, money to do over Lexington and Providence, speeding/stop signs, lowering taxes for residents of Oxford Heights and gave thanks for the installation of the gate on Halstead Boulevard Extension.

Mr. Paul Hilliard, 105 Green Run Court, spoke regarding some concerns that he has regarding the Grandview Development.

Mr. Barry Gallatin, 102 Center Cross, spoke regarding the cities utility rates and asked that he be notified as to what the City is going to do with the surplus in the electric fund.

Ms. Patty Chappell, 1801 Providence Road, spoke regarding high taxes and the inability to sell the property in Oxford Heights because of the flooding issues.

Ms. Pattie Ollis, 1823 Providence Road, spoke regarding her concerns about the flooding in Oxford Heights as well as the request to grant them a tax rate decrease.

Ms Indy Kelly, 701 Harney Street, spoke regarding the need for affordable housing, jobs and community policing.

Mr. Norman Dorsey, 500 Bonner Drive, spoke regarding Oxford Heights. His home has dropped \$20K in appraised value since Oxford Heights flooded. The ponds are dry. He feels that Council should lower their tax rates. He also was disappointed that the Third Ward Counselors did not attend their meetings.

Don McCabe read a letter asking that a Task Force be formed to look at high crime areas.

Ms. Paula Crawford, 1715 Providence Road, spoke regarding the weight limit on the bridge. The ponds are on her property and she will give permission to the City to go in there and clean them out.

Mr. Darrell McKinley, 1716 Providence Road, expressed appreciation for the gate that was installed on Halstead Boulevard. He is also concerned about the bridge and flood waters dumping on Oxford Heights from the new Walgreens site and the 170 condos that are right behind Big Lots.

Ms. Nancy Patrick, 215 E. Broad Street spoke regarding the drive by shooting that sent four bullets in her home. She asked where the cameras and the mobile units were.

Ms. Pam Stefanowich spoke regarding Pennsylvania Crime Watch and thanked Council for obtaining the mobile units as well as placing cameras in the upcoming budget cycle.

**4} APPROVAL OF THE CONSENT AGENDA:**

Mayor Foster called for action regarding the prepared Consent Agenda.

***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, Rivers, Stallings and Walton. Against: None. Motion carried.***

Consent Agenda:

a} Approved the following budget amendments:

**BUDGET AMENDMENT  
NUMBER 07-05  
JULY 9, 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, 2008:

Section I. That the Waterfront Access Program Grant (103490.6208) be increased by \$337,500, the Private Donation Revenue (103490.6209) be increased by \$112,500 and the Parks and Recreation Water Street Land Acquisition (106200.7304) be increased by \$450,000.

(To record purchase of property at Water and Elizabeth Streets.)

Section II. That the Paddle Trail Grant (103490.6209) and the Parks and Recreation Paddle Trail Expenditure (106200.7303) be increased by \$4,840.

(To record paddle trail grant.)

**ADOPTED**, this 9<sup>th</sup> day of July 2007.

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Charles L. Foster  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

b} Approved submission and acceptance of a FY 2007 Justice Assistance Grant in the amount of \$18,542.00 and called for a public hearing to be held on Monday, August 13, 2007 beginning at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building.

End of Consent Agenda:

**5} UPDATE ON TRAFFIC CALMING:**

Mayor Foster called upon City Manager Olson for comments. Mr. Olson called upon Public Utilities Director P. A. Fredette for comments.

Mr. Fredette stated that we have talked about three traffic calming devices. There is a speed hump, speed table and a speed cushion that are all made of the same material and all module configurations of the same material. A speed hump is 7 feet long and 3 inches high and 24 feet wide. A speed table is what we talked about at the last meeting. It is 14-21 feet long, 3 inches high and has a 7-14 flat top area. The costs for a speed table are \$6,325 plus \$1800 cost for installation. A speed cushion allows for the driver of an emergency vehicle to withstand the cushion. It is 7-feet long, 6 feet wide. He showed slides that showed each item that he was speaking about. The recommendation for effective speed control is to put a speed table every 500 feet (or less). In the pilot project recommended last meeting the speed tables were approximately 2000 feet apart. Staff's recommendation if we go with traffic calming and want it to be effective would be to shorten the pilot area on Church Street and install them in closer proximity of each other. It would be less effective if we only installed one.

Councilman Stimatz stated that he is interested in knowing the costs of the speed humps and cushions so that he could compare that with the speed tables.

Mr. Fredette replied that a speed cushion would be less because they are modular. A speed hump is only 7-feet long instead of the 21-feet so therefore they would be less also.

Councilwoman J. M. Baker stated that she has received a lot of comments recently and many have said how wonderful the brick pavement looks on Church Street. They are milling the street in preparation for repaving. The suggestion was made that the brick would look wonderful and would solve the speeding problems. It is probably not the most popular thing to maintain.

Mr. Fredette stated that he has had no experience with brick streets therefore he can make no comment on the maintenance.

Councilman J. B. Walton stated that at the last meeting Councilman Stallings asked to bring back some data on how many tickets were written up since the last meeting. What is the data that has been accumulated since then?

Mr. Fredette said that he has not asked the Chief for the data.

Mr. Walton said that if we don't have information then it is hard for us to make decisions like this because if we haven't written anybody up then there must not be a problem. He feels that we should match our resources with the citizens concerns. If it works over on Church it is only going to make the people on Main come and complain. He just heard someone from Oxford Heights say that there is speeding over there also. It can be contagious. If the City puts all their resources in one location the other people are going to want the same thing. He just doesn't think that we can afford to start a pilot program if we are not going to continue it.

Mr. Olson said that is one thing that we included in our traffic calming policy. We would judge whether the neighborhood or street warranted traffic calming devices. Every individual that he has talked to about speeding believes that all vehicles in front of their house go too fast. He has had conversations with members of Council concerning people speeding down their streets. There is a public perception that people go too fast. However, the analytical data indicates that yes there are one or two citizens out of thousands that may go 50-60 miles down the street, but in most cases 90-95% of the people are within 5 miles of the speed limit. It is very hard for us to develop a policy and procedure without having analytical data to back up what we are trying to accomplish. Everyone and their brother will be here requesting speed tables, elevated intersections, etc. It is contagious. We are only proposing at this particular time a pilot program to see whether or not it is an effective way to lower speed limits on certain streets. There are a number of things that we look at. Main Street is a very narrow street because we allow parking on the north side of the street so

when another vehicle comes the natural reflex is to slow down a little bit. That is one way that you can do traffic calming by narrowing the cross section of the street. That is something that has occurred on Main Street. There are other streets throughout the community that we have done the same thing. Concerning brick intersections, to do that within a street you need a concrete base. He just wanted to tell you that the costs for the brick sidewalks that we put downtown were astronomical. He would easily say that it was \$15,000 per cut across the street.

Mr. Walton said that following his train of thoughts he still feels that until we get some info on tickets to be sure that there is a problem he doesn't think that we should go forward with prioritizing this issue because to him there is an issue when a person's home is shot at through a drive-by. That is a problem. Now there are people that are concerned about speed tables and we don't even have any tickets written up. That is not a problem to him.

Councilwoman Meggs said that she took a ride down Roanoke Avenue this past week and she guarantees you would not speed on that street. She also went down Park Street and she guarantees you will not speed on that street either. She knows that when the streets are not in good condition that you are not going to speed, however, we would love for all the streets to be passable. Didn't Norfolk or some city that she has read about have cameras? These cameras will find out how fast a person is going and then take a picture of it.

Mr. Olson said that there are issues in the State of North Carolina with those cameras. There have been some recent court rulings regarding them. You have to remember if you take a picture and give a ticket; the City doesn't get the money to pay for the cameras as it goes directly to the school district. We spend \$100 thousand to do that we would have no way of recovering out cost for that high tech equipment because we don't get the revenue that is generated.

Ms. Meggs said then how are we going to pay for the speed bumps. She wants something to be done on Church Street, it is not that she is trying to get out of it, but she is trying to think of something that we can do.

Mr. Olson said that what staff is bringing to City Council is if you want to go with the traffic calming, these are most cost effective ways of doing it. First we need to determine if you are interested in traffic calming and what is the appropriated method or device that you would like to consider and finally are you willing to do a pilot program to see whether or not that does satisfy the goals of traffic calming.

Mr. Stimatz said that we had a presentation by Mr. Rick Boyd two or three months ago and he gave the data that he got from Captain Koch. It showed that we were not having 5% of the people going over the speed limit but we were having a significant amount over the 80% percentile in excess of the 40 mph on that street. The data is there and it has been captured. We have the data that shows speeding on Church Street is an issue. If we had people that would write tickets it would be great. How many policemen are we short right now? We are now nine short. We have a growing crime problem and we can't afford to put the policemen out there and that is why the residents wanted a non-personnel solution. They were looking for a physical means to slow people down that did not require us to take an officer and put them out there which we can't afford and don't have to put there. They just want a solution of how we settle these people down. People get upset when you point a radar gun at them. The residents are tired of it. Don't speed on our streets. They were happy with the stop signs but suddenly that is not a good solution.

Mayor Pro Tem Hummer stated that in our package it says that staff's recommendation is to use the modular solutions offered by Traffic Logics. It also says because Traffic Logics is such a young company that there is not data on the life cycle of the products. Their claim is that it will last forever so she does not know how we could vote on this tonight. She is not willing to vote for something that doesn't have any statistics to back up what they sell. It is true that a lot of other streets are like that too. We have got a lot of critical priorities that we are not addressing and she thinks that the drive by shooting is number one. We are not really discussing that issue.

Ms. Baker said that the company is so young that they do not have data and you can't set and wait for them to establish data before you do something to alleviate speeding problems. Yes, it is expensive but speed kills. This is a test solution for all our neighborhoods, so she does not see why we should wait any longer to implement a test. Is it going to stop drive-by shooting, no? There are other avenues to work on for that. The cameras and the substations we will talk about those in a few minutes. She thinks that we should perform this test and see if it works on Church Street and then implement where we need it if it does work.

***A motion was made by Councilwoman J. M. Baker that we do implement the test of the speed tables on Church Street and then go from there and see where else we need it. Councilwoman B. S. Meggs seconded the motion.***

Mr. Olson said that last week the city staff brought forward a traffic calming policy. He takes it by the motion that you have approved the policy that we have brought forward and now you are just looking at whether or not you are

going to authorize the pilot program. Is that correct? The traffic calming policy needs to be approved and then we look at what type of traffic calming solution we want.

***Councilwoman Baker said that she would like to amend her motion to say that we approve the traffic calming policy as presented and to implement the test pilot program on Church Street. Councilwoman Meggs seconded the amended motion.***

Councilman Rivers said that he believes that would come to \$16,000. Where are we going to get that money from?

Mr. Olson said that this would be an expenditure from the street budget or the Powell Bill Fund since it is a city street that we are putting these on. Those are the two areas that staff would take the money from at this particular time. Neither one of these were specifically budgeted as council is well aware of, but as Council is aware of there is money in line items in those respective budgets to pay for some of these devices.

Mr. Rivers said that the follow-up question would be we just came out of budget and today is the eighth day out of budget. If we go to every community as we do have problems in all of them and we have heard from every organization and individual that have come before us tonight with individual problems that we do need to address. He thinks that we need to put a priority just like when we set forth before and we need to try to address. Right now, he goes back to when we were petitioned for the cameras and when we went to the budget session we included some of them in the budget where we didn't take it out of the electric fund. He is glad that we didn't take it out of the electric fund because that is expenditure that he felt would not be warranted out of the electric fund. Now, we have cameras and it went through the proper channels and was budgeted and we all had the opportunity to put and to see what we would like in the budget. We have flood areas, we have areas that are being flooded and we hear stories that we have drive-by shootings and he sees where we have to make a decision on how we are going to spend these funds. We are going to have to make amendments to our budget. He thinks that we need to before we go forward and put \$16 thousand into a pilot program. We have houses that were flooded that are going to need to be rehab. Oak Grove has issues with the draining. We all have Sawyertown area and there are other areas that the citizens have make implementations on how to solve some of the problems that we need to address. He just can't go with a test right now. He believes that we should implement a traffic calming procedure because we do have that problem and to show that we are going forth. If we can put stop signs like councilman Stimatz said earlier at \$45 and that helps us and then we are able to have a meeting and set aside some funds to address these problems. The mobile



trailers we have on the program tonight. We need to make sure that we can get them up and implemented. Things do work out and he thinks that we should implement the traffic calming procedures right now and then come back with a solution before we just put out \$16,000. He needs to see what the funds will be used for. He just doesn't think that we are ready to put \$16,000 on a test pilot right now without further study.

Mr. Walton said that it was good that Rich brought up the policy situation because policy is policy. At one time we had an ordinance about the rooster crowing at certain times in the morning and if that rooster crows in Sawyertown at six o'clock and you write a policy that will stop him from crowing he wants to know. If a rooster starts crowing over in his neighborhood he wants that same thing to happen for him. Policy is policy and it should happen for everybody. If we start in one location it is going to have to go over all the whole city.

Ms. Baker said that the other issues that Kirk talked about are all good. Drive by, flooding, drainage issues, etc the money can not be used to solve those issues. It can not come from the Powell Bill Fund or the street funds. The implementation of this program can come from those. That is exactly the kind of expenditure that we are looking for out of those.

Mayor Pro Tem Hummer said that it might be a justification to spend the Powell Bill money on that but we had to eliminate some of the road work that we were going to do. Crescent Drive that floods and is caving in and all kind of things. She would be willing to vote for a traffic calming study alone to include all the areas that have speeding problems. We are jumping from one thing to another. Like she said, we need a meeting to prioritize everything as we have so many serious needs.

Councilman Brooks said that to clean out some of these ditches, where would that money come from and Mr. Olson replied that it would come from the Stormwater fund.

Mr. Brooks continued by saying that we know that it took Southern Avenue a decade and a half to get it paved. Roanoke is as bad as Southern Avenue ever was. We need to prioritize. When people in other wards start talking about the street that you live on it is bad. That is what happened with Southern Avenue. We keep talking about the money that we don't have. It is always good to hear the people come up here and tell us what their issues are. That is always good. We know that there is a problem with flooding in Oxford Heights. When he talks with the residents over there they seem to say that they always knew that they had a water problem over there. The overall issue seems to have been that it has increased since they have built subdivisions on a higher level. He does not know what to do with that but we seem to keep approving subdivisions. He has

no problem with trying to find ways to slow down traffic. We use to have police officers handing out traffic tickets on Southern Avenue and it was very effective, so effective that they stopped it. They started giving out tickets to well known people in Elizabeth City and it was stopped almost instantly. His concern is not with just slowing down the traffic on West Church Street because Roanoke has a bigger problem. If we can include the city as a whole and start just dealing with the ones from the different wards that come up here and fight. That is good, don't ever stop coming up here fighting for the area that you are in. We have to look at what is happening with the City as a whole. Summerville residents are so frustrated that they don't come up here anymore. He went out there over the weekend and the Stormwater pond that is holding the water doesn't even have anywhere to go. They are just full of water. If it rains more than six hours hard, it is going to be flowing through the streets anyhow. It seems like if you would have somewhere the water could drain out into the ditches it would be a little better. He has no objections to the speed bumps but we have to look at priorities.

Councilman Stimatz said that he is not prepared to vote on the motion because he does not have the traffic calming policy in front of him. We were given it three weeks ago and we were told that it was going to be an agenda item but we were not told that we were going to have to vote on that before we discuss the traffic calming issue. We have had three presentations on traffic calming solutions and this is the first time that he has been told that we need the policy before we do the calming. He goes back to the people on Church Street. They were very happy to have a few stop signs and some 4-way stops. That is a real cheap pilot program. There is nothing in the statutes that says that we can't put stop signs. It says that you shouldn't use that as your primary means for stopping people. But, if you don't have the other means then that is a way of stopping them. We are going to beat this thing to death. He has a problem with people dragging in red herrings. Stormwater drainage, electric bills have nothing to do with this. This has to do with traffic calming Powell Bill monies. That is it. It doesn't come out of the City's General Fund. It doesn't come out of Water and Sewer, it doesn't come out of Stormwater Utilities, and it doesn't come out of Electric. Let's stay focused. If we are going to prioritize, let's look at the fund that we have to deal with. He feels sorry for people on Church Street. We are at almost eighteen months now and all that they wanted was a few stop signs. We are going to beat this thing to death.

Mayor Foster called for action regarding the previously stated motion.

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

**6} MOBILE POLICE UNITS:**

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson stated that what we have in front of City Council tonight is an update by Chief Crudup concerning the mobile crime unit. He will give an update on this issue.

Chief Crudup stated that currently, one of the trailers has been completely striped and looks consistent with Elizabeth City Police Department patrol cars. It has the colors green and yellow, the Harbor of Hospitality seal and the words, "Elizabeth City Police Department Mobile Police Unit" painted on it. The second trailer had many more decals on it and it is taking additional time to remove those decals in order to prepare it for striping and painting. We will then remove the bedroom furniture from the master bedroom and that is to become offices that we can work out of. Those trailers, once they are completed, will be placed at Harney and Factory Street and the second location will be at Blackwell Memorial Church. These units will be mobile and we can move them around as needed. We plan to staff those units with our current community police officers and he plans to have hours that he will work out of them. His captain will also be working out of those units some time during the day. We also want to open up the sub-station on Road Street as well. We are going to staff that as well. We hope to have them ready within the next two-three weeks.

**7} UPDATE ON PUBLIC PARTICIPATION POLICY:**

Mayor Foster called upon City Attorney Morgan for comments.

Mr. Morgan stated that during the last meeting he was asked to bring back some proposed changes in our public participation rules to insure that the wording would withstand challenge. He did not see any problems basically with the entire policy except for three words primarily that were in Paragraph Three of the existing policy where it says, "impertinent, slanderous or boisterous". What he did was to propose leaving Paragraph One and Two just as they are. Paragraph Three he has revised to read as follows:

**ADDRESSING THE COUNCIL:** At the appropriate time, please step up to the podium and speak into the microphone in order that your comments may be heard by all present and by the viewing public. Please state your name and physical address for the record. It is hoped that all of a citizen's comments will be addressed to the City Council as an entire body and not to individual Council members or other City Staff. In keeping with Council's right to maintain order and decorum during its meetings, no person will be allowed to willfully disrupt, disturb or interrupt

a Council meeting. If a person does so, and he or she then refuses to leave the meeting after being ordered to do so by the presiding officer, he or she may be charged with a misdemeanor under N.C.G.S. §143-318.7.

He did include a Paragraph Four that reads:

**RESPONSES FROM COUNCIL:** Typically the presiding officer and other members of City Council will not respond specifically to a speaker's comments during the public participation portion of a Council meeting other than to express thanks for the speaker's comments.

And, finally he rewrote very slightly the appellate procedures paragraph that is listed in the current policy and it reads as follows:

**APPEALS FROM COUNCIL DECISIONS:** Any person who wishes to appeal a decision of the City Council must ensure that a verbatim record of the meeting is produced. The City neither produces nor provides such a record.

***A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to approve the amended Public Participation Policy as presented.***

Mayor Pro Tem Hummer said that she thinks that we also need to have a policy for Council attacking each other. She is serious as we are starting to look bad.

Councilman Walton said that she made a statement and now he wants to discuss the policy. He thinks the problem came up a few months ago. So what you are saying now is the presiding officer who will be the Mayor, if he thinks someone is disrupting the meeting, he can ask that person to leave council and if they don't do it then it will be a misdemeanor.

Mr. Morgan said that is right. That is actually included in the Statutes of our State. As he understands it, Mr. Walton, what would happen would be the presiding officer determines that the person in question is willfully disrupting, disturbing or interrupting the council meeting, he is first asked to stop. If they persist in doing so he is asked to leave and if he refuses to leave then he can be ordered to be police escorted.

Mr. Walton said that he does think that it is getting better but you know for a person to come up and use profanity in front of a council and it may not be that way to another presiding person. He thinks that we are going to have a problem with that. He knows a person has all the rights and all of those things but profanity should be in there somewhere. That can not happen.

Mr. Morgan said that he agrees with him but let him make this comment. It is certainly not proper for a person to use profanity at this kind of setting but unless the language involved rises to the fighting words level that is speech that is protected.

Mr. Walton said from the perspective of a child, you know you tell them to do so many things in school that is right then for them to come up here and hear somebody cursing in front of the mic that tells them that they should be able to do that too. We don't make rules and stand by them. Things can go out of hand for no reason. He knows that this is a faith based community but profanity should not be a part of our meetings. He doesn't know other people's background and where they are from and all of that. To him that is up to them, but when they come up here in front of the public and in front of kids, we should not have profanity.

Mayor Foster called for the vote on the previously motion.

***Those voting in favor of the motion were: Baker, Stimatz, Brooks, Hummer, Meggs, Rivers, Stallings and Walton. Against: None. Motion carried.***

## **9} PURCHASING MANUAL:**

Mayor Foster called upon Councilman Stimatz for comments on the item that he added to the agenda.

Mr. Stimatz stated that he would like to apologize for his confusion over the last few months on what was written in the Purchasing Manual. It appears that there is new version of the Purchasing Manual that was not approved by the Council nor distributed to council members even though they are, as elected appointed officials, responsible for what is in the manual. Having found that there is a new version and that there were revisions to it regarding the staff's ability to dispose of properties under \$5,000. He still does not dispute that. What he did was in a couple of e-mails outlined what he thinks are suggested changes to correct in essence what David Lawrence has told us that we should be doing. So, the one that you have in front of you he knows of no simpler way to say it. He is disturbed that a manual that he is personally responsible for following was revised in July of last year and was never given to us. Every other manual and policy that the City has as far as he knows come before this body. He is concerned that the manual was revised in July of last year and it didn't come to us for approval and we didn't have a chance to revise it then to reflect more accurately what we have been told we should be doing by David Lawrence which is, "we do have the authority to dispose of items by donations." He does

not dispute that. It is not written in our manual. He would also say that is one of the trigger items that he said to us should come to Council. So, all he is asking is that we make those two minor changes in that particular section. He did go to David Lawrence and ask him the question about the first paragraph and he agrees that our purchasing manual does not apply to our employees as written. It only applies to elected and appointed officials. Stimatz suggested that we need to make that change as well. It is rather minor and he has asked for it before and he does not know what the resistance to it is. He is only trying to make sure that we have in the manual what we said that we need to be doing so people will know what to do if we get hit by a bus one day in Raleigh.

Councilman Rivers said that he does not have a problem with this. He asked the Manager if staff looked at the changes that have been proposed.

Mr. Olson said that he thinks that there are some misunderstandings. Of course we respect David Lawrence completely but he has reviewed four or five purchasing manual during the last few weeks and we say, "appointed officials". That means to us, all city employees because you all are appointed to a certain degree. That is the opinion of the City Attorney, city staff and a number of other individuals. When we hire you, you are appointed to fill a position rather you are in public works or the city manager appointed by the City Council. He appoints people to fill certain positions. That is the understanding of the HR Department and that is the understanding that we have with the City Attorney. We believe that the purchasing manual is all inclusive of all city employees. If you want to add, appointed officials and all city employees, we don't have any problem with that. That just adds another level of protection.

Mr. Rivers said that with what has been proposed adding what you just brought forward or are you just saying it.

Mr. Olson said that we can add that as we have no problem with adding it.

Finance Director Blanchard stated that as far as the donation we can add a section that states that all donations come before the Council.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman B. S. Meggs to approve the amendments to the Purchasing Manual as stated above. Those voting in favor of the motion were: Stimatz, Meggs, Baker, Brooks, Hummer, Rivers, Stallings and Walton. Against: None. Motion carried.***

#### **10} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

Mayor Foster advised that he would go around the table for comments.

City Manager R. C. Olson asked to provide Council with some very quick updates. Concerning the cameras, city staff is still in the process of determining whether or not we are going to have to put that item out for bid. It is staff's opinion that item will have to be placed out for bid. The existing bids that we had in we have alter them to a great degree that we need to take it out. We are requesting an opinion from David Lawrence at the Institute of Government. Once we receive that opinion we will go ahead and do that. If we have to put this item out on bid then we will do that by Monday so that we can get this item behind us.

He will be sending memos to City Council regarding the different items that individuals spoke regarding tonight.

Councilman E. K. Rivers asked if staff could look at the grassy area right beside the fish court and see to it that whoever is suppose to take care of that they do. That area is being monitored.

Councilwoman J. M. Baker said that she has a comment that she would like to see us start getting along more as a Council. Do what is best for all of the citizens in Elizabeth City and not just one particular ward or one particular issue. When we bring up an issue there is always someone that throws up some smoke screen that tries to cloud an issue. It just always gets worse and worse the closer we get to an election. She just wishes that we could get personal interest out of our vocabulary and start thinking what is best for all the citizens of Elizabeth City. If it is just one ward one night, then vote on it, don't take it out on a particular council person or a particular ward because you think it should be spread throughout the entire city. Sometimes that is not the case. We just need to get along better for the good of the whole city as well as for the future of the whole city. We are excelling in spite of ourselves. We are making progress in wonderful areas and we are getting better jobs and we are getting more developments that make sense. We can't second guess everything and keep throwing out smoke screens.

Councilman M. E. Brooks asked that Mr. Fredette look at Franklin, Harding and Celeste as we are supposed to be getting those streets ready to turn over to the City.

On Sanford and Lexington there is a hole back there that needs repaired? That is one of the concerns that they have over there.

He said that the residents of Summerville haven't come to him with any thing major. He did look at that new subdivision by Briarwood to see how the ditches are draining.

He concluded that he feels that City Council works well together even though we have a lot of differences. We all have different personalities and he thinks that to make it look like this Council is so undivided is a bad thing because we have done a lot of good things for the City and for the employees. He thinks that when you address issues and give the Daily Advance a chance to stab you and bring it down it makes us look bad. It is an issue that doesn't have to be addressed. We don't have to address it in front of the cameras. When we get out here we need to be on one accord. That is why people think that the county commissioners operate at a smoother pace because they are not in front of the cameras and when they come out in the open they don't try to shoot each other down and try to be that great savior of the whole council.

Mayor Pro Tem L. A. Hummer said that she has two things that she wants to address. Most of the people from Oxford Heights have left but she has been told that she is against development but she is for development that will bring good jobs for our local people. She just feels that we are starting to get a glut of residential development and the engineers stood here a couple of weeks ago with their power point presentation and everything does flow past Oxford Heights into Knobbs Creek. It is like a four lane highway merging into a one lane highway. She has voted against everything that has come before us unless it was something that we were going to see some revenue right of way and the main reason that she did it was because of the drainage issues. She is the person who is so famous for having the site plans brought before Council for that very reason to see if the drainage problems were addressed in the site plans. In years past it wasn't and that is why we have areas like Summerville and Oak Grove because the drainage wasn't addressed.

She would like to thank the Chief for meeting with her and the Manager this morning and for talking to Mrs. Patrick. This is a very serious problem and we don't any have the answers nor the manpower. The Chief walked into this and the key thing is that we have two strong community watch groups in this area. We feel like we are all in the same group and she knows Pennsylvania Avenue is feeling like they are being left out because they don't live in Sawyertown but we have fought this fight for both of these areas. To experience what Ms. Patrick and her son experience is horrifying. She was talking with them at almost midnight that night. It is unbelievable that it has come to this. We have to tried to gather the resources to do whatever we have to not have this happen all over town. It can happen anywhere. It can happen in this very room. We have to take it seriously. She does not know why we keep losing police officers. Maybe we should have some exit interviews. That troubles her. A few weeks ago we were up to staff and now we are back down by nine. She thinks people just don't want to be in law enforcement these days and you can hardly blame them. It is not very safe. She thanks these two watch groups for coming up here and all the other people that come up here. She thinks that Council is listening. She



had asked in years past that a police car be parked near some of these areas and she knows that the car will probably get shot up but is it better to lose a car than a person. You really have to look at it as it will take a while to get the cameras and mobile units in place. We talk about talking about a long time to do something we have waited about two years for all this. Sawyertown has been fighting since 1993. It takes courage but at the same time you need to be cautious. She does hope that they catch the person that was doing the drive-by shooting. Another thing that a lot of people ask her about is the windows in these cars are tinted so that you can't see in them. She knows that is illegal and you have to be able to enforce it and we have a shortage. We have so many things that we need to prioritize but this one thing here is very serious and it is not something that you want to happen to you. She just wants you to know that she thinks that council is taking all of it seriously.

Councilman D. K. Stallings said that the Oxford Heights group came up here and were talking about two ponds out there, what can we do with those ponds.

Mr. Olson replied that he is not sure that we can do anything with those ponds. They really won't have any positive impact on the community. He will have the city engineer to take a look at them. He believes that those ponds were barrow pits for other homes near them when they were dug. He does not believe they were ever intended to be retention ponds for that subdivision. We will take a look at it to see what can be done but the issues with Oxford Heights is a lot greater than these storm water ponds.

Mr. Stallings continued by asking how we were coming along with the gun buy back program.

Chief Crudup stated that we did buy a couple of guns but it is not as good as it has been in the past.

Mr. Stallings said that at the end of Ray Street in the past we put a fence in the ball park to separate city property from our citizens in Laura Park. We need to look at putting a fence at the end of ballpark across Ray Street. Ray Street is a dead end street.

Councilwoman B. S. Meggs said that she has several items. Bob she is so glad that you stayed because she has also called the Daily Advance and maybe if she had been through what Ms. Patrick has been through she wouldn't have felt so positive about it. All she could think of when she read this Sunday was how many people that we need to say thank you to for making this town as pretty and the downtown the things that Council has done to make this town as attractive and a place where she just can't image where she would rather live than Elizabeth City.

Another thing she wanted to mention is that the Coast Guard on August 3<sup>rd</sup> will be having their picnic and we have been asked that the Council members and staff that would like to volunteer to serve food for their picnic to let him know.

Councilman J. B. Walton said that this is not Mayberry but this is Elizabeth City. This is his home and he has seen the worse of times and he has seen the best of times. We are improving and we haven't gotten there yet. Some of us might think that we have but we are not there yet. When we get a chance to talk about an issue and then we vote on it. Everybody has that right and you only have one vote. Whichever way you go that is up to you. He is about like Mike and if a person votes against you it is not that it is a dark cloud on the whole rest of council but just that you didn't win this time, but you might win the next issue. But he is going to tell you how he is. If he brings an issue out in Council and he doesn't care what the process is the next time he comes to council he is going to bring that issue out again. He is not attacking anybody. Somebody said that Bob came back and every time Mike starts to talk Bob gets up to leave. A couple of weeks ago Bob was very rudely attacking him but that is the way that it goes. In that same article Mike you and the Mayor were attacked. Don't expect somebody to treat you any better than you treat them. We are turning the whole commandment around. If you want to be treated right then treat other people right too. Himself, he has two sides to him and it is not his fought. His Daddy is a real quiet man and he is 88. You could step on his foot and he would probably say excuse me. But, his Mom on the other side and especially if she has the gout and if you got ten feet with her she would grab that hand and get ready to hit you because she has got to say what she has to say. She is going to do that. He has both parts of his mother and his father and he loves them dearly. So when the attacking side comes out sometimes it is not him but it is his mother. He said all that to say that we have got to get along, treat each other right and God will bless all of us.

Councilman J. A. Stimatz said he wanted to mention on the follow up on the Oxford Heights issue he would still like an answer to the question about the ditch behind Big Lots which as far as he knows still has a large amount of trash in it. Who is responsible for keeping that ditch cleaned? We all need to do our part.

He would like to echo what Ms. Hummer said about the police chief. He was very glad to vote for him and he has been very impressed with him. He thinks what he is doing as far as providing leadership and direction to the staff is a way that benefits the community the most.

We need to be fighting a war on terror here in our neighborhoods. It is the terror of crime. That is what the men and women who go in the war zones protect us from. We owe them the spunk and gumpson to say that we are not

going to live in bad neighborhoods and we are not going to be terrorized here and abroad by foreign terrorist or neighborhood terrorists.

Mayor C. L. Foster said that he wanted to thank those who are present here tonight and he has noticed your patience and he just wants you to know that he thanks God for your presence and your patience. Another thing that he sees in you and he teaches it every day at Elizabeth City State University and he believes you are the type of citizens who are involved in your community and he tells his students to get involved in your community. Be concerned about trying to help to improve your community. This is what he sees you doing. Continue to do that and don't forget we love to see you here and we love to hear your comments and we are here to be responsive to your needs because you see many things that we don't see. He just wants to commend you for what you are doing and ask that you continue to do it. We thank God for you and for those watching from home, he wants them to understand that we would love to see them who are sitting at home to come to some of the meetings. They too need to get more involved with their community happenings. Hold us accountable because this is what we are all about. Again, he wants to thank all of them. He also wants to thank his council and it may seem that we don't get along but we are determined that we are going to work together and he prays that we learn how to love each other a little more because this is something that God wants all of us to do. This is what our community and our world need more. Where there is love you will find less problems.

**11} ADJOURNMENT:**

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

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

Mayor Foster adjourned the meeting at 9:10 p.m.

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

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Charles L. Foster  
Mayor