

MONDAY-7:00 P.M.

AUGUST 9, 2010

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 R. A. McLean presiding. City Council members attending were: J. M. Baker, M. E. Brooks, L. Hill-Lawrence, L. A. Hummer, R. E. King, B. S. Meggs, J. A. Stimatz and J. B. Walton. City Staff members attending were: City Manager R. C. Olson, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Police Chief C. E. Crudup, Fire Chief L. M. Mackey, Human Resource Director K. W. Felton, Inspections Director S. E. Ward, Planning Director J. C. Brooks, Finance Director S. E. Blanchard, Parks and Recreation Director B. V. White and Public Utilities Director P. A. Fredette.

Mayor R. A. McLean established a quorum was present and opened the meeting at 7:15 p.m. Mayor McLean welcomed those attending as well as the TV listeners. He called upon Reverend Rondell Munden for the invocation after which the Pledge of Allegiance to the Flag of the United States of America was given.

1} APPROVAL OF THE AGENDA:

Mayor Pro Tem L. A. Hummer said that we have several revisions to the agenda. The first one is under **Tab 1 #6 – Presentations and Recognitions. We would like to move it to follow the Approval of the Agenda – Item #4.** She would like to **add an item to the Consent Agenda – Call for a public hearing to be held on August 23, 2010 to pass a re-written ordinance on peddlers - Ordinance #14-129; and to add a Closed Session per NCGS 143-318.11 (a) (3) consultation with the City Attorney.**

Councilman J. A. Stimatz asked **to remove from the Consent Agenda, Item #8 D-1-Consideration of CUP-02-10 and Item #8 D-3 Consideration Change in Activity/Facility Fees; and place these two items on the Regular Agenda for consideration.**

Councilman J. B. Walton asked to **remove from the Consent Agenda, Item # 8-G – Consideration – Triangle Park Playground Equipment and place on the Regular Agenda for consideration.** He would also like **to add – Oak Grove to the Regular Agenda.**

A motion was made by Councilwoman J. M. Baker, seconded by Mayor Pro Tem L. A. Hummer to approve the prepared agenda to include the above noted items. Those voting in favor of the

motion were: Baker, Hummer, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

2} PRESENTATION/RECOGNITION:

Mayor McLean introduced Joseph J. Battaglia, CEO of Telephonics Corporation along with Thomas Barber. He presented Mr. Battaglia a key to the City. Mr. Battaglia made brief remarks.

Mayor McLean called upon Human Resource Director K. W. Felton for remarks regarding the "Biggest Losers". He stated that the City's Wellness Committee sponsored a "biggest losers" contest. Mr. David Lewis won the contest. Almost 1,000 pounds were lost by employees participating in this program. That resulted in reduced costs in our medical costs. We also received a 3% reduction in our medical costs for the year.

Ms. Felton stated that she appreciated the opportunity to bring this program to our employees. We had lots of fun competing with one another. In addition to the healthy habits that we end up having it brings a lot of comradeship among the employees. David Lewis was our male winner and Connie Williams was our female winner.

Mayor Pro Tem Hummer asked to mention that our City Clerk, Dianne Pierce-Tamplen is ill. She is in a hospital in Virginia and we wish her well and miss her tonight.

Mayor McLean said he hopes that each and every one of you will pray for her and her family because when Dianne is not here she is truly missed.

3} PUBLIC PARTICIPATION:

Deputy Clerk White announced that we have five speakers that have signed up to speak tonight.

Mr. Ronnie Long, 1701 Providence, Elizabeth City spoke regarding the culverts that are needed on Main Street Extended. He lives in Oxford Heights and that area is prone to flood. He asked that members of Council write a letter to our State Representatives.

Mr. Rondell Munden, Oak Grove resident, stated as the City has stated the project in Oak Grove is completed. The citizens of Oak Grove have come out tonight to say otherwise. They do not feel that the project is finished. They feel that the project will not be finished until the Oak Grove Community accomplishes

what they set out to do these last ten years. The still want to have the ditches closed. He expressed his concerns over how the project was handled.

Ms. Tymiko Gordon, 805 Newby Street, Elizabeth City spoke regarding the employees in the Customer Service Department. She was concerned that the City Manager looked on while the employee talked to her the way that they did.

Ms. Cynthia Pierce, 4002 Apollo Court, Elizabeth City spoke regarding her opinion on the Oak Grove project. The residents are not satisfied with the drainage system that was put in.

Ms. Andrea Williams, 1308 Halstead Boulevard, Elizabeth City stated the residents of Oak Grove have had a very bad experience with this project. She expressed her concerns regarding this project.

4} APPROVAL OF MINUTES:

a} February 22, 2010 – Work Session

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of February 22, 2010 Work Session as written. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

b} March 29, 2010 – Special Council Meeting

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of March 29, 2010 Special Meeting as written. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

c} May 10, 2010 – Regular Meeting

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the May 10, 2010 Regular Meeting as written. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

d} May 24, 2010 Work Session

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the May 24, 2010 Work Session as written. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

e} May 24, 2010 Regular Meeting

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the May 24, 2010 Regular Meeting as written. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

f} June 28, 2010 Regular Meeting

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the June 28, 2010 Regular Meeting as written. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

g} July 12, 2010 Regular Meeting

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the July 12, 2010 Regular Meeting as written. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

5} CONSENT AGENDA:

Mayor McLean called upon City Manager R. C. Olson to read the Consent Agenda Items.

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

Consent Agenda:

a} Adopted the following Budget Amendment:

**BUDGET AMENDMENT
NUMBER 2010 – 11
AUGUST 9, 2010**

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, 2011:

SECTION I. That the Non-Department Contingency (106620.6000) be decreased by \$20,000 and the following be increased:

Pasquotank-Camden Library	\$1,000
River City CDC	\$2,500
Food Bank of the Albemarle	\$5,000
Port Discover	\$5,000
Healthy Carolinians of the Albemarle	\$ 500
Northeast Coalition to End Homelessness	\$5,000
Ocean Potion AAU Basketball	\$ 500
Elizabeth City Blazers AAU Basketball	\$ 500

(To record contributions for FY 2010-11.)

SECTION II. That the Program Income (693590.1000) and Rehabilitation (699002.4950) be increased by \$3,000.

(To record reimbursement for construction repair costs at 515 South Road Street.)

SECTION III. That the Small Business Administration Aviation Grant Revenue (633500.3000)

(To record Aviation Research and Development Grant.)

ADOPTED, this 9th day of August 2010.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor

- b} Approved the Workforce Investment Act Agreement Weatherization retrofits.
- c} Renewed the Lease for property located on Wilson Street to the SPCA.
- d} Called for a public hearing to be held on Monday, August 23, 2010 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for Consideration of RZ-02-10 to rezone 34.58 acres of property owned by the City of Elizabeth City located off Wellfield Road from R-15 to I-2, and, consideration of modification to the City's ordinance on peddlers - Ordinance #14-129.
- e} Accepted pump station located at Stockbridge at Tanglewood.
- f} Confirmed contribution of \$500 to EC Blazers AAU Basketball Team and Ocean Potion AAU Basketball Team

End of Consent Agenda

6} PUBLIC HEARINGS:

- a} Redesign of City's Electric Rate Structure:

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

Mr. Olson stated at your July 12th Council meeting Council asked that a public hearing be held on an issue that would establish seasonal rates for the City of Elizabeth City. Those rates would consist of the following: The billing months of December, January and February there should be an 8% reduction. The current rate would drop from 12.68 cents per kWh in the RS-1 rate class to 11.67 cents. The billing months of March, April, May, June, July, August, September, October and November those rates would raise 3% to 13.06 cents per kWh. The proposed seasonal rate is revenue neutral. The City will continue to make the same amount of money as we did under the existing rate structure. However, we are establishing a two tier rate system to lower the overall bills for the high usage months for heating in December, January and February; and to offset that lost of revenue we increase it in the other nine months of the year.

Mayor McLean declared the meeting into public hearing. Alice Althaws, Tama Glover and Debbie Regel spoke in opposition to the proposed seasonal rates.

There being no one else who wished to speak for or against the proposed seasonal rates, Mayor McLean declared the public hearing closed.

A motion was made by Councilman J. A. Stimatz before Council takes any action that we direct the City Manager to contract for a comprehensive residential and commercial rate revision study to be brought back before we consider this issue again. Councilman R. E. King seconded the motion.

Councilwoman Hill-Lawrence said she wishes we would stop putting band aids on situations that require more than that. She does not think the problem is seasonal in terms of whether we can pay the electric rates or not. She thinks it is resources. People do not have the resources. For people that have children the summer is the hardest months. That is not a buy out for them. That will cost families more to operate. She thinks what we should do is utilize the level payment plan. To raise it for nine months and lower it for three is not going to make any difference at all. We need to just leave it alone. It is what it is and it is not going to change. We need to find how to operate without trying to fool the people.

Councilman Walton stated it was good that so many representatives from different parts of the country that move to Elizabeth City are here. You have Illinois, Florida, Maryland and no one from Elizabeth City showed up to express how they felt about it. If you don't want to try change then stop complaining. He hears more complaints in the winter time than the summer time. You can cut your air conditioner off and survive. He would rather cut his air conditioner off than to put on four or five coats in the wintertime. He still thinks that we should try it and if it doesn't work we can always go back. If you don't want to change you won't change.

Councilman Brooks said his main concern that he has with this is the ones that came up here and spoke are the ones from out of state. They did take the time to come up here and talk about the advantages in having this stay as it is. You can't help those that won't even speak up for themselves. The ones that show up he will vote in favor of them because they took the time to show up and present their case. The time to show up is now. You cannot help people that will not make an effort to help themselves.

Councilwoman J. M. Baker stated she has never been in favor of this redesign. She has said that she does not want to charge the people that want to be cool more than we charge the people that want to be warm. She is still not in favor of the redesign.

Mayor Pro Tem Hummer said she is not in favor of changing this either. She thinks the level pay is there for people who need it. As she pointed out in a previous meeting this would be imposed on you as it would not be an option. She thinks that we need to take action on this tonight. She doesn't think we

need to keep people in suspense on this issue since so many of us are not in favor of it.

Councilman King stated he agrees with Mayor Pro Tem Hummer. He is not in favor of this redesign either. He believes that we can do the same thing on level pay. He is on level pay and it is much easier to have the same amount each month. He will encourage everyone to try level pay.

Councilman Stimatz said that the people that talked with him most were long term or natives of North Carolina. He feels that we should leave it alone for now. The motion he made covers two things. It covers both residential and commercial rates. The study should look at both. Then we can come back and look at how we proportion our electric rate structure between commercial businesses and residents to be equitable to all. We need to attract business but at the same time we don't want to put an undue burden on our residents. That is why his motion is to contract a study that looks at the entire rate structure and comes back with something that will help.

Councilwoman Hill-Lawrence said she does not disagree with Stimatz but we spend X amount of dollars in studies. Some things are just common sense kind of answers that you don't need to do studies for everything. We look at the ratio here on the board and you can see that doesn't require a study. It is going to cost us money and we will probably come up with the same concluding idea. This is not a good idea.

Mayor McLean said that he has a few comments that he would like to make. He was the one that brought this to the attention of the Council and he appreciates you discussing it. We looked at a system that was being used by every other city in the 32 cities system that we are in. They all have seasonal rates. When we talk about level pay he gets concerned when we have councilors who compare their salaries to a lot of the people that live in the City. There are a lot of people that are making minimum wage that work in places like the new Cook Out and McDonalds and those places. They are making \$8.00 an hour. If you add that up per month that is around \$1,000 a month if they get the hours that they are looking for. We can't compare ourselves to a lot of people that live in the City. He was really surprised at the number of people that had their lights cut off during the winter months because they couldn't pay their bills. When he talks with cities such as Greenville, Rocky Mount and Wilson based on their experience they saw a reduction in the number of cutoffs. We celebrate the 4th of July with a bang and the week prior to the 4th of July we had 157 homes cut off. We are talking about an 8% reduction for a three month period that will give some relief that will hopefully eliminate some of the cutoffs that we have during the winter months. The 3% in the summer will work itself out. We talked about this benefiting seven thousand homes in Elizabeth City. He doesn't

know if we sit here and try to do the same thing that we have been doing over and over again the results will be the same. We have people in this City who needs relief. Let's do a study and compare our rates to those of other cities. Let's make sure we are benefiting. If we expect the citizens to do our job then we need to change places.

Mr. Brooks said that he understands what we are confronted with but his thing is citizen participation. This council reduced the electric rates by 1.5%. We found \$625,000 and the problem is we have to find the money before we can reduce it. This is a change but he doesn't think it will turn out to be that much of a benefit.

Ms. Hummer stated when we first started talking about this we were told by the City Manager that we would have no way of knowing who it would help or who it would hurt. Second point, if we already know it is going to help people why do we need to spend \$30,000 for a study?

Councilman Walton said he thinks Tony made a good motion but the minds are already made up. That is not going to change so he called for the question.

Ms. Hill-Lawrence stated that the issue we have been talking about is totally different. It might sound like it was but it was a different situation. We are talking about how customers and citizens who are paying more or less during seasonal concerns and that is different. Don't try to lump it in together because it was not the same thing. Her concern is she is careful how she spends her own money and she is extra careful how she spends taxpayer's dollars. All of these studies, studies, studies that cost \$30-\$40,000 and if we are really serious about helping people to control their light bill why don't you put it in a General Fund downstairs and when people come and can't pay their bill they can dip into the funds.

Councilman Stimatz said he made a motion to include residential and commercial. If you don't like all of that it is fine. The reason we should look at both of them is because of the marginal costs. You still have the opportunity to make a motion to implement this rate change. He hasn't discussed that. His motion is only about the study. It doesn't say that we can't take action on what is proposed. He is not lumping it.

Ms. Baker said that she will make a motion after the vote is taken on the motion on the floor. She doesn't mind having one more study if it is going to help overall rates for our residents twelve months of the year. She will not vote for some thing that is going to be a redesign for three months verses nine months.

Mayor McLean called for the vote on the motion.

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

A motion was made by Councilwoman J. M. Baker, seconded by Mayor Pro Tem L. A. Hummer that we do not implement the three months rate redesign for our electric customers. Those voting in favor of the motion were: Baker, Hummer, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

b} Application RZ-01-10:

Mayor McLean called upon Planning Director Brooks for comments.

Ms. Brooks stated that the applicant, Edenton Construction Company, once again has made application to rezone 403 North Road Street from R-6, Residential to O & I, Office and Institutional. The applicant proposes to use the first floor of this structure for offices and keep the second floor as residential units. The rezoning request was made in 2008 to rezone the property to O & I but was denied at that time. Surrounding zoning is R-6; however, land use is a mix of multi-family units and single family units. Sheep Harney playground backs up to this property. The R-6 Zoning District is primarily for residential use however, limited commercial uses such as day care centers, fire stations, convenient stores and emergency health are permitted. The O & I Zoning District would allow for uses such as medical and law offices, banks, hair salons, computer services, veterinary services and limited sales. While some could argue that this would be spot zoning, spot zoning is not illegal in North Carolina. The Institute of Government states that a local government should consider the size of the tract, compatibility with the plan, benefits and detriments and relationship of uses. The rezoning of this tract is supported by the future Land Use Plan and the general land uses along this section of North Road Street. Moreover, the O & I Zoning District is more appropriate transitional zoning from the high density residential uses and the commercial activities in Central Business District. This application was heard at the June Planning Commission meeting and they are recommending approval of this rezoning.

Mayor McLean declared the meeting into Public Hearing.

Mr. Donald Faircloth, 111 Kimberly Drive, Edenton stated he was here representing Double L Corporation. He gave a brief overview of what they were trying to do with this piece of property. Currently it is a vacant building that is in a less than desirable state. Their intention is to renovate the outside and inside of the building bringing it up to NC Building Code. The office part will be

an accounting service for his medical practice only. There will not be any customers coming up to the building. The upstairs will be turned into one apartment.

There being no one else who wished to speak for or against the proposed rezoning, Mayor McLean declared the Public Hearing closed.

A motion was made by Councilman J. B. Walton, seconded by Councilman R. E. King to take the recommendation from Staff and approve Application RZ-02-10 to rezone 403 North Road Street from Residential R-6 to Office and Institutional O & I. Those voting in favor of the motion were: Walton, King, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Stimatz. Motion carried.

7} REGULAR AGENDA:

a} Consideration – CUP-02-10 – Internet Sweepstakes at 110 East Ehringhaus Street:

Mayor McLean called upon Councilman Stimatz for comments.

Mr. Stimatz stated he asked that this item be removed for two reasons. One, this is exactly the use that he thought that we talked about wouldn't be permitted. He specifically remembers discussing this and being assured that this would not be permitted. He will not vote for a CUP to go into a convenience store. The second one is the public hearing isn't until August 23rd. We approve it and 1 September the guy puts the machine in and 1 December he has to take it out. Why are we wasting staff's time on this? It is a complete waste of staff's time.

City Attorney Morgan said he would like to address your second concern. The machines are already at this location and staff discovered they were there and that is what prompted the application from the property owner. The ordinance does make mention to the machines being used as either a principal or accessory use. That is where staff has relied in bringing this matter before Council. We all read the newspaper and are aware that the General Assembly has outlawed all of these machines as of December 1st. He is not trying to predict the future here but it is certainly his belief and his understanding that there will be wide spread litigation to enjoin the enforcement of that law effective December 1. If a property owner wants to go through the application process, pay the necessary fees for doing so, pay the fee associated with having the machines, then it is incumbent upon City Staff to process the application. Regarding the first part of

your comment, he has to frankly say that he doesn't remember those discussions.

Mr. Stimatz said that he could see having a bar in a restaurant as an accessory function or a dining room, a dance hall but putting two computers in a convenience store is no more an accessory function than putting in a cigarette machine. He can't say it is an accessory function. He has a real problem with this being called an accessory. Since he gets to define it in his mind accessory is more than two machines in a convenience store. He was adamant that people couldn't just put these machines anywhere they wanted to. He was assured no it is every 1,000 feet and it has to be a sweepstakes café. A convenience store is not a café. Just because this guy is in violation of City Code doesn't mean he has to make it right on his behalf for the next three months. If he wants to litigate then he can do ahead and litigate but he doesn't see a reason to provide this.

A motion was made by Councilman J. A. Stimatz to take Application CUP-02-10 to have a Internet Sweepstakes at 110 East Ehringhaus Street to public hearing to be held on Monday, August 23, 2010 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building. Councilwoman B. S. Meggs seconded the motion. Those voting in favor of the motion were: Stimatz, Meggs, Baker, Brooks, Hill-Lawrence, Hummer, King and Walton. Against: None. Motion carried.

Mr. Olson stated this is the former Red Apple gas station. What we are experiencing right now is there is one brand of gasoline stations that have in our opinion put these in with no authority to put them in and we are questioning legally how can we have them removed based on the injunction that is presently in place. When the new law comes into affect on December 1 is a separate issue. We have had discussions with the City Attorney concerning this. We have talked to the Institute of Government, the League of Municipalities and we really don't know how to handle these things.

Mr. Stimatz said he can tell you how and it has been a problem in this City since before he got on City Council. Nobody wants to enforce the Code. We require a CUP before you put it in. Everyday that he has it in there he is in violation of City Code. You should send him a cease and desist order and you should fine him everyday he has had it in there. That is what should happen. It goes on and on, dumpsters, salvage yards, pick an issue. He doesn't know why staff, the attorney and you are so reticent to stand up for what is in our ordinances and enforce it. It is pretty simple. Every day you are in violation it is fifty dollars fine. He would say for each one of the things so the guy owes us \$100 a day for

every day that we can prove he had it in there without a CUP because we require a CUP. We need to enforce what we have.

Mr. Olson said we will be glad to discuss this issue in Closed Session because it is a legal issue.

b} Consideration – Change in activity/facility fees:

Mayor McLean called upon Councilman Stimatz for comments.

Mr. Stimatz stated that the problem that he has is we signed an agreement with the County about how we were going to operate the joint recreation thing and who was going to pay what. They have decided that they are not going to pay so now we, the City, is going to jack the rates up on everybody and granted some of those people will be County people but we are asking our citizens to pick up the freight because the County didn't live up to its written obligations. Written obligation and he has a problem even considering it at all. He has not been provided enough information on how we are going to take the County to task to abide by an agreement that they signed. We have a written agreement and the County thumbs their noses at us and say they are not going to fund it. He is sorry but when people have a contract they are supposed to abide by it. Before he is even willing to consider raising the fees on our citizens he wants to know what we have done to force the County to comply. In his mind this is not ready for prime time.

A motion was made Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. A. Hummer to table action on this item until the Manager can come back to Council and explain how we are going to get our money out of the County. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

c} Triangle Park Playground Equipment:

Mayor McLean called upon Councilman Walton for comments.

Mr. Walton stated he thought that we were going to prioritize the parks as to the worst shape. To put that much money into one park and leave all the other parks out is not right without even a plan to upgrade the other parks he doesn't think is fair. We need to have a plan to do something for all of them.

Mayor Pro Tem Hummer stated it was discussed at length that this park has absolutely no equipment in it and as far as she knows there is no other park for small children close by. There is one at the school and one at Parks and Rec but

there is nothing within walking distance for the children. This is one of the oldest parks in town. As she said in a conversation when the City Manager called her and told her the equipment was going to have to be removed. He did say he would look for something to replace it. Now there is nothing.

Mr. Stimatz said that there was equipment there but due to neglect this equipment was not maintained. It became unsafe and we had to remove it. His feelings is that one of our main priorities should be restoring functionality of those places that had it to be no different than someone ripping down the basketball poles at one of the courts. It was an existing facility that was already serving a function and we have an expectation of service by our citizens that it would be there and that makes it a higher priority than improving any other thing.

Councilman King said he agrees with both councilors. That park has been there for a long time. The stuff was old and worn out and we didn't take care of it like we should. Dawson Street has the same problem. Swings have been there for over thirty years. We need to do the same thing on Dawson Street when we get the money. He supports Triangle Park 100%.

Councilman Brooks stated he also agrees that Triangle Park needs the equipment but the other parks need equipment also. Let's go across the board and see to it that all our parks have equipment for our children.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to allow the Parks and Recreation Department to purchase the 704-S033 playground equipment from Miracle Recreation Equipment Company and install it at Triangle Park for a total of \$20,234; and further moved to look for the money for the Dawson Street Park. Those voting in favor of the motion were: Hummer, Rickey, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

d} Award of Bid – Improvements to the Municipal Administration Building:

Mayor McLean called upon Manager Olson for comments.

Mr. Olson said this particular item came before the Council in January 2009. Staff brought a number of different alternatives to the Council for improvements to City Hall. The primary purpose at that particular time was to add a handicapped accessible restroom that could be utilized by individuals coming to the Council meetings because of the existing restroom we had available prior to January 2009. Staff brought two proposals to Council. One was to install a

handicapped restroom downstairs which Council elected to do. The second option was to go ahead and cover the outside area and it also included a handicapped restroom. He has been asked by the Mayor to bring this particular item back to the Council. We did receive quotes back in 2009 and we have contacted the individual who was the lowest bidder and he is willing to honor his bid. That quote was for \$63,165.60. There would be an additional charge of roughly \$2500 to do some structural engineering. In addition staff is requesting some money to install carpet in the downstairs area.

A motion was made by Councilman J. B. Walton that we award the bid to Edward Winslow for improvements to the Municipal Administration Building in the amount of \$63,165.60. Motion was denied due to the lack of a second.

Councilwoman Hill-Lawrence said she knows that we need additional space because we are running out of space but she thinks things needs to be planned and not just haphazardly thought through because someone thinks it is not a good idea. We are in office for two years and someone might come on that doesn't want it closed in. To invest money like this for a short period of time we are here she thinks is a waste of money right now. She thinks if we want to do this we should put it in the budget next year.

Councilman Stimatz said we do need to see a plan. The HVAC issue concerns him a lot. It is not included in the construction costs and that could be anywhere from \$5 to \$5,000 depending on what we find. If you want to bring it back with a better hand on what the total costs will be then we will look at it.

Councilwoman Meggs stated that she agrees with Tony. She feels like we do need some improvements in that bathroom but she thinks there are so many other places that we could use the money at this time.

Mr. Walton said that is what he is talking about. We have got \$267,000 and we can spend \$63,000 of that to make a better change. We act like we shouldn't do that. Then we don't have \$20,000 and we can find that from somewhere else to put playground equipment out there. Compare having something and using some of it to having nothing and finding it somewhere. The buzz didn't go off on that for him. We have got the money there Ms. Lawrence. If we use \$63,000 we would have \$204,000 left.

Mr. King said he is a member of the Customer Service Task Force and from what he has been hearing and seeing we need to do some improvements downstairs before we do improvements upstairs. The issue is downstairs and they need some privacy. Before he will vote to do anything upstairs he will make sure the downstairs is properly taken care of. That is his take on it.

Mayor Pro Tem Hummer said what some members may not be aware of there is a large bathroom just down the back stairs when there is a line up here. All you have to do is run down the back steps. They have been there forever. She feels like there are too many unknowns. No matter how small a project is it is never going to come in as bid.

Mr. Walton said these are some of the same things that were being said when they wanted to renovate the Human Resource Department. That is one of the best moves that have ever been made this year for this Council. We made it better.

Mr. Brooks said where the Human Resource Department is concerned he commends the Mayor because he did spearhead it in getting HR on the third floor. He commends him for that. He was one of the main pushers behind that move. It turned out to be a very great idea. When you talk about closing it in and Councilman Stimatz had the right idea. This building was designed for a certain air flow and it could come to a lot more than what we are talking about. Yes, the money might be there but we have issues that need money. There is no telling what kind of rabbit that Rich can pull out of the hat. When we were talking about moving Human Resources over there we were talking about \$10,000. They basically did that with free labor. They didn't touch that \$267,000 that we didn't know existed at that time. When you talk about closing in that area we have to be very careful. We don't just spend money because we have it. We are still in bad economic times. He agrees with Councilwoman Lawrence again. We have issues over in Oak Grove. He is proud that the residents come here consistently talking about upgrading the area. They have a valid argument in his viewpoint. All they have been saying is that they didn't have a drainage problem over there now. Before they did the project there wasn't a drainage problem. They were talking about upgrading the area. He finds this amazing. Is there a way that we can write grants to find some kind of funds to close those ditches up?

Mr. Stimatz called point of order. We have an agenda item for Oak Grove.

Mr. Brooks stated he would tell Mr. Stimatz that he needs to stay out of the way and let him go ahead and finish what he was going to say. When ever someone is talking about an issue that you don't want to hear you have to put in your input. Leave it alone because you don't want him to start being Brooks up here. We need to find a way to appease those residents over there. We have other issues.

Mayor McLean stated he chose to support the staff on this issue. Since he has been up here on a number of occasions you don't have a handicapped bathroom

on the second floor that will accommodate wheel chairs or people who need assistance. We have an elevator that comes up here and we are asking people in wheelchairs to go downstairs to use the bathroom. When people come to the office there is no place to sit. He has been to several other offices and we all go to offices when people walk in there are places to sit and wait. He has the same thoughts with what is happening with the staff on the second floor that he had with Human Resources. You have a bathroom here that is men and women use. The worst thing that he can see is when he comes out there is a woman waiting for him to come out of the bathroom. He is not saying this is something that should supplant anything that is needed in the City. He would like to ask the City Manager to go back and if it is ok with the Council to come up with a plan that will address the footprint and also look at the electric, HVAC system that we need to have in place. We don't have enough room to do city business. If you come up with a new business there is no place to wait or do anything. He thinks if we continue to improve our image we have to improve the way in which we are doing business by making it more convenient for people to do business with us. That is why he chose to support the staff on this initiative. He doesn't know how many of you have gone to the bathroom but this is not reflected of a city with a \$68 million budget.

Councilwoman Baker asked what our facility study showed the future use of this building. This building was designed for a bank initially.

Mr. Olson stated the building was originally designed for a bank. When we purchased the property we renovated the building but you must remember our staff was smaller twelve years ago. The facility study show an addition being added on out back, another addition that would include a catwalk that would be put where the fire annex building and the third option was to find another location. The elevator in the other building has been replaced.

Ms. Hill-Lawrence said that she is not saying this is not a good thing. She is only saying that it should be budgeted and it should be planned out. A structural engineer may cost more than we anticipate because the area in question was not designed to be closed in.

Mr. McLean asked that we look at the first and second floors in terms of renovations. With the additions to the second floor it will give staff additional space which will provide additional space on the first floor. He would like to have the City Manager to go back and come up with a set of plans that can be reviewed by each member of Council.

e} Development of an Elizabeth City Hotel Conference Center:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson stated this particular item has been discussed numerous times. The idea of a hotel conference center started about 2000. At that time the AEDC was the lead agency that commission a feasibility study be done. It was also reflected in the Allison Platt study that was done about that time. Over the years there have been numerous committees, task forces and discussions concerning locating a hotel conference center in the downtown area. A number of years ago staff even drafted a RFP that could be used to put on the market place to secure an outside hotel entrepreneur to come in here and run both the conference and also the hotel. The problem that we have always faced is that the City has no money to acquire the necessary property needed. There have been a number of layouts. He went over the various layouts. The last layout that was made public included an indoor marina basically digging out the Tiber Creek area and putting a hotel conference center on the new basin. It was going to be a mixed use development with hotel and conference center. The next one is we took the footprint of the conference center that a number of us visited in Suffolk and placed that on some of the property that we do control or that we believe we can purchase. This particular layout would require the City to purchase three parcels of property and would also entail some type of parking structure being created. Then we looked at moving the whole conference center closer to the water and that would entail securing property from about seven different property owners. The problem that we have always faced is where you come up with the money to secure these properties and/or option them so that we have control of those before we put them out for a RFP. This was a stumbling block for the last city council and it is an issue that is still outstanding. What staff is trying to determine is how much time and effort does this city council want us to put into the development of a hotel conference center realizing we are to a point now that we will have to write a check to do much more. He won't discuss in open session what we believe the values of the properties are. It could range anywhere from \$1.5 million to \$5 million. Before we can be serious about the hotel conference center we must control some of the property in the downtown area and offer that to a developer and see if they would be willing to spend their money to develop the site.

Councilwoman Baker said she has always been a proponent of a conference center, not a convention center. She has never been a proponent of us footing the bill for it. We would certainly have to buy into it but not at this day and time. She has also been a proponent of opening up Tiber Creek because that will alleviate a lot of our flooding problems. She would love to open up Poindexter Creek and building Elizabeth Street as a bridge. She doesn't think this is the time for a conference center unless some magic person has come to us with a pound of thousand dollar bills. She thinks we have the perfect waterfront park and she thinks it will pay for itself down the road. Anybody that has a river in their downtown is already three steps ahead of the rest of the pack. It is something that we want to pursue when somebody else brings it to the table.

Mayor McLean said that a group made the trip to Suffolk, Virginia and how this came about is we have a developer who is going to build a Comfort Suite Hotel in Elizabeth City. Right now they are looking to build out by Wal-Mart. As he was talking to the individuals or developers he asked them why not build a hotel down town. That is the cost of the hotel. The trip to Suffolk was a real good trip because it told us how they did it with their hotel. Tonight this is just a discussion. On this trip we had Charlotte Underwood with TDA, Rebecca Cross with ECDI, Ann Hoffman with Chamber and the thing that we wanted to do tonight was to more or less look at the discussion in terms of not where we go from here, but the fact if we had a hotel downtown what would it do for our downtown. That is what we have to look at first. We have talked about eliminating the boat marina and that is about \$3-\$4 million. We have got someone that is going to build the hotel, so what we have to do is come up with the land for which we had money for it at one time that was given to us through a grant but we could not use it because we could not get the owners to sell the property at that time. It is a discussion to more or less to inform the community and the various areas who are concerned about our downtown. We need to take time to review what is going on and to listen to people in terms of what they think that they can do. We are not talking about spending \$30 million. We are not talking about anything near that.

f} Update on Brooks Avenue and Road Street:

Mayor McLean called upon Public Utilities Director P. A. Fredette for comments.

Mr. Fredette stated the update on Brooks Avenue and Road Street goes back two or three years because it has been a priority for the City Councils to resurface those roads because of the conditions of the roads surface. Preliminary engineering work for the sewer lines has been completed. The conclusion without doubt is that repairing the sewer line is a prerequisite to resurfacing the road surfaces. What we did we had a firm to come in and TV the lines so that we could see what was down there and what the problems were. In both cases we found there was a lot of misalignment of the joints. The joints of the pipes had dislodged and large gaps that allowed ground water to get into the system but worst than that there were a lot of sand that was also getting into the system. Brooks Avenue is relatively easy to fix. We do not have to dig up Brooks Avenue in its entirety. We can use a slip lined method. The alignment of the pipes is fairly good. There may be some spot repairs that we will have to do. The estimated cost for the sewer repair on Brooks Avenue is estimated to be \$200,000. That cost does not include the repair of the road surface which is estimated to be \$50,000 - \$80,000. The news on Road Street is not quite as good. On Road Street we have some serious problems in terms of trying to run sewerage uphill. The pipes are either laid in the wrong direction or there is

evidence that we may have tried to redirect it when the Glade Street Pump Station was built. We have some repairs that the evidence tells us some very poor repair techniques were used over the years under Road Street. The estimated cost for Elizabeth Street North to Ward Street is \$492,000; and between Elizabeth Street and Ehringhaus Street is \$260,000. The sewer that is in the worst misalignment is the line that goes downtown from Elizabeth Street to Ehringhaus Street. The good news is that we don't have the street resurfacing costs.

Mr. Olson said the reason he put this on the agenda is that staff needs some general direction from the city council on what should our priorities should be on this.

Mr. King said this is a no brainer, Brooks Avenue. We have \$350,000 and it is a total of \$280,000 to fix Brooks Avenue and take the other \$70,000 and earmark it for North Road Street.

A motion was made by Councilman R. E. King that we take the \$350,000 that we got from Time Warner and put on Brooks Avenue which will be \$280,000; and further put the rest of the money in the Powell Bill Account. Councilman M. E. Brooks seconded the motion.

Councilman Stimatz stated, "Councilman King you remind me of someone who recently passed on, who was famous for doing great service." That is the late Senator Byrd from West Virginia who is known for his ability to bring the bacon home. He thinks before he makes a decision on that he would like to know which streets are most heavily traveled and therefore which street will most benefit most of our citizens. He would like some traffic data before he makes a decision. He is not saying that Brooks Avenue isn't an issue. How does this interact with the Elizabeth Street project and what are we going to be doing there.

Mr. Fredette said the only comment he disagrees with Councilman King on is that it is a no brainer. He understands the funds are available to Brooks Avenue and we can repave it with Power Bill Funds. Road Street on the other hand plays tightly with the Elizabeth Street reconstruction and the current estimate is about \$6 to \$7 million worth of utility improvements in that area which touches Road Street in several locations. In fact it will become part of the detour for Elizabeth Street for two years. If he were to pick based on technical merit only and sharing the costs with the State he would pick Road Street.

Ms. Hill-Lawrence stated she has got to go with Road Street on this. Road Street really needs it. Road Street is a main throughway of our City.

Mr. Brooks said that he has talked with the Manager about Brooks Avenue and it is heavily traveled. He will agree technically it should be Road Street because it has been bad for a while. Brooks Avenue is full of potholes and sink holes. If you can fix Brooks Avenue with slip lining and get it paved it doesn't make any sense to not do it. Let's complete something. We don't have the money to complete Road Street.

Ms. Hummer asked if he was saying that we should turn down the State's ability to work some of this in the Elizabeth Street project and take some of that cost off of us. You want us to just turn that down, right. This is one of the major arteries for the Fire Department, Police Department and EMS to travel to get any response in town. They go up through Road Street to get to the hospital.

A motion was made by Councilman J. A. Stimatz to table action on this item until our first meeting in September when you can come back with some better information regarding what the trade offs are and also the potential sources. Mayor Pro Tem L. A. Hummer seconded the motion.

Mr. Olson asked to remind Council that when we sold the piece of property to Time Warner we were requesting how to use this money and at that particular time we said that we would use it for North Road Street. We will be happy to provide traffic counts on North Road Street for the Council but it does concern staff especially with the Elizabeth Street project and the fact that Road Street cannot handle the additional traffic of a detour route during that two-year period. Something needs to be done there as soon as possible. He agrees that Brooks Avenue does need repair and we will see what we can do within our operating budget to maybe free up some money or find other sources. Road Street should be repaired before July 2011 as that is when the Elizabeth Street project is scheduled to begin.

Those voting in favor of the motion to table were: Stimatz, Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

g} Oak Grove:

Mayor McLean called upon Councilman Walton for comments.

Councilman Walton stated when a number of people come up to the podium and speak about how they feel is the reason he put this on the agenda. He was not going to do it at first but so many people have showed up. He thinks it belongs on the agenda. For some strange reason every time he puts it on the agenda he

is the only person talking, but then when we are talking about other issues like Triangle Park, Human Resource Building and bring up Oak Grove in our discussions everybody gets quiet. He would like for people to discuss Oak Grove. What are we going to do about Oak Grove? He has heard three council members mention Oak Grove over and over when we are discussing something else. At this time he would like to open discussion about Oak Grove. Council members Oak Grove is still not satisfied with how their neighborhood looks. If he is the only one preaching to the choir there will be no changes. He needs help. It seems like he can't persuade you to change your thoughts about Oak Grove. You think we have done enough until you start talking about something else and we use Oak Grove to prove your point. It is time to talk about Oak Grove now.

Ms. Hill-Lawrence stated she has said it before and she will say it again. She thinks last month she said to City Manager Olson to tell the people what you are going to do. Is that not what she said? She knows she said that and it is somewhere in the minutes. She regrets she was not here at the last meeting when there was another discussion about Oak Grove. It is apparent that the citizens are not happy. Therefore, she understands the project is complete. So where do we go from here.

Mr. Olson stated that the contractor has completed all the work that was called for and agreed to by the City Council. We are still waiting for the final invoice and we will then pay him in full. The project is 100% complete and we have no issues as far as he knows with any of the workmanship that he has done. He has built the project pursuant to the plans and specifications that were provided to us by Hobbs & UpChurch subject to the changes that the City Council has approved at city council meetings. From staff's opinion, the project is concluded and is over with. If Council wants to direct staff to do something differently then we will be happy to consider it. We have already spent \$412,000 within the subdivision. The previous Council made the decision what the scope of work would be within the Oak Grove Subdivision and that is what was done. Four years ago a number of alternatives were presented to the City Council ranging anywhere from \$400,000-\$500,000 up to \$2.5 million. At that particular time, Council elected to go forward with the project that we have in essence today. It was originally designed as a closed loop system and the engineer could not certify that the system would work as a closed system. DOT would not approve the project because it requires that a certification be given by the engineer on those particular projects. That is how the system migrated to an open system. That was a modification that was made in January 2009. The Council at that time paid the engineer \$7,000 to do a redesign making it an open ditch system. He did that. We have had several meetings with the community along the way. He has participated in at least a dozen meetings over the last five years

concerning Oak Grove. Staff realizes it is not the project that the citizens ultimately want but it is a project that is functional as a drainage project. Ms. Hill-Lawrence said that she heard tonight that the water is not moving through the pipes which will eventually become an environmental issue. Someone may just call in the environment agency.

Mr. Fredette said he had a meeting out there with Ms. Williams and she characterized the water that was in the bottom of the ditch as a problem. He told her that it was not a problem from his perspective. You have a very flat area and the ditches are flat and within the tolerance a contractor can work what he has observed out there is water that was sitting in sections of the ditch anywhere from a quarter inch deep to maybe as much as an inch in very few locations. It will evaporate. She said it is worse than it was before. He categorically disagrees with that. You had an open ditch and the ditch did not have a smooth bottom and the pipes were filled. So it filled the ditch and could not get through the pipes. As far as he is concerned it doesn't present a problem. We can get another agency to render an opinion on that. Ms. Williams did take pictures to DOT and asked the Assistant Division Engineer Maintenance if he saw a problem there and he told her he did not see a problem either.

Ms. Hill-Lawrence said but water shouldn't be standing.

Mr. Fredette said you are talking about a puddle. We have a ditch line that is several hundred feet long and you have a drop of two to three inches. Imagine trying to get something so level over two or three hundred feet that you maintain a flowing slope over that two or three hundred feet. He thinks the contractor did a remarkable job doing what he could do to move the water in the direction it is supposed to move. There are areas that are slightly more depressed. He doesn't know that anybody could have constructed that ditch at the grade they were given with the conditions that existed there and what we had to work with. We didn't create the conditions. He doesn't consider it a problem.

Ms. Hill-Lawrence said she doesn't see the citizens wanting water standing in their ditches. He doesn't foresee them wanting that to happen. She wouldn't want water to stand in her ditches in front of her house either. You are saying that there is nothing that can be done about it.

Ms. Stimatz said at our last meeting we asked that NCDOT and DENR sign off on the change order that we did when we covered the ditch. Did they do that?

Mr. Olson replied that yes they did and Paul has the documentation concerning Newby Street and their approval. We did get an email from Sterling Baker concerning that.

Mr. Stimatz said the issue is controlled by DOT and one thing that the citizens could do is to petition DOT and your State representatives to have DOT take the action require to improve the outfall drainage from Peartree Road to Charles Creek. We have done everything that we have been told that we can do. We can't do anything more. If you have an issue with the closed system then you need to be addressing it to DOT and DENR. They are the controlling entities. We would have done a closed system but they would not certify it.

Mr. Fredette stated in reference to Mr. Baker's reply back to Ms. Williams there are three striking comments. One is: NCDOT funds cannot be used to pipe these ditches. He almost repeats that later on when he says, he was comfortable with the project as designed and he offered an opportunity to Ms. Williams to pipe the ditch if he would not compromise the hydraulic characteristics of the ditch that NCDOT would allow her at her expense to pipe the ditch in front of her property. Remember, after we are done and we spent \$412,000 minus \$120,000 which is the State's share. That is not a city road nor is it a city drainage area. It is NCDOT. Any permission granted for an improvement to that ditch has to be secured through DOT.

Mr. Walton asked that Mr. Fredette bring back at the next meeting the percentage of closed in pipes. Look and see how many other locations have that three foot depth.

Ms. Hill-Lawrence said we are just wasting Mr. Fredette's time if we can't do anything about it. These people want to know tonight are you through with them. He has said that he is. Community did you hear but you have said that you are not through but you have to do what you have to do. He is telling you what he can do.

8} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Mayor Pro Tem Hummer said she would like to speak to National Night Out. She touched on the history of National Night Out in Elizabeth City and she was disappointed that none of that got into the newspaper. In the mid 90's the first National Night Out was held in Elizabeth City with only a handful of officials and police officers and citizens. Just prior to that a group of 75 citizens from the Second Ward formed what was the first Crime Watch Group in Elizabeth City recognized by the City Council. At that time the Chief of Police appointed the first Crime Prevention Officer in his department to work with Community Watch citizens. Now, every Ward in the City has their own Crime Prevention Officer and every Community Watch group has an officer assigned to them. When she looked around the waterfront and saw the magnitude of that event last Tuesday night she wanted to convey City Council's pride and gratitude to the Chief

Crudup and his department. Just as importantly all the citizens and volunteers who work in crime prevention throughout the year and then help put on this wonderful event for our community. It just shows how successful crime prevention and community watch are. It is a lifetime effort and it gets larger every year and it makes her very proud.

Councilman Stimatz stated he had no further comments.

Councilman Brooks said he needs to find out more about the young lady that came up about Customer Service and the way she was treated. He will report back at the next meeting what he finds out.

Councilwoman Meggs said the National Night Out and everything that was done in the City for the Coast Guard this past week she appreciates it. She knows they did too.

Councilwoman Hill-Lawrence said she came out for National Night Out and she went out and served the Coast Guard food and that was fun. She came out Friday night for the band. She enjoyed the whole week of festivities.

Councilman King said he wanted to thank our Public Works for coming out and doing some things in Oxford Heights.

Councilwoman Baker said she was surprised there wasn't a dunking booth at the National Night Out. She has been dunked two years in a row. She also helped serve on Coast Guard Day and that was very good. We have finished the Focus Groups for the Customer Service Task Force. They were very successful. Some things that we didn't want to hear but it is what we expected to hear and we will be giving a report in the near future from the facilitator. We will go from there and have some advice and suggestions from there.

Councilman Walton stated he would like to recognize the Bailey family. This past weekend, the father of 196 offspring had his 100th birthday. He thinks that was an amazing task. A neighbor of his, Thildon Whitehurst, Jr. told the story that Mr. Henry and Ms. Ellie Mae tried to have siblings early and could not have children. The doctor told them they could not have kids. That tells you what man tells you sometime you know you can surpass it because it is not man's call sometimes. You leave it in God's hands and anything may work out. Press forward and they had nine girls and four boys and twelve are still living. It goes to show that if you honor your mother and father you might have a long life also.

City Manager Olson stated he had no further comments.

Mayor McLean said he wanted to thank Mayor Pro Tem Hummer for pinch hitting for him on National Night Out. He got there but he got there late. It was a great night and the police department should be commended for the job that was done. He also wants to thank Councilman Walton who pinched hit for him at COSMO. He was told when they opened up they had over three hundred kids there. That shows how starved our kids are to have something to do. He presented a proclamation on Friday for Coast Guard Day. He thought that turned out very well also. He also wants to thank those that went to Suffolk. He wants to say that we still have a lot to do in terms of getting to the point that we want to be. He wants to thank everybody for your assistance. He wants to thank the staff for all that you do on a day by day basis. He knows it has been touched on as we have been here for 5½ hours. He wants to say to the people from Oak Grove that there is a challenge ahead of us. He is not making promises that he doesn't think that he can keep but he is saying we have to do something to address the issues. We will work together to try to get it resolved.

9} CLOSED SESSION:

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to retire into Closed Session as per NCGS 143-318.11(a) (3), Consultation with City Attorney. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

10} RETURN TO REGULAR SESSION:

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

Mayor McLean declared the meeting back into regular session.

11} ADJOURNMENT:

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

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to adjourn the meeting. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Hill-

***Lawrence, Hummer, King, Meggs and Walton. Against: None.
Motion carried.***

Mayor McLean adjourned the meeting at 10:59 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor