

MONDAY-7:00 P.M.

AUGUST 23, 2004

CITY COUNCIL

The City Council of the City of Elizabeth City held its second regular meeting of the month on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor J. H. Bell, Jr. presiding. Council members attending were: C. C. Austin, J. M. Baker, L. A. Hummer, R. E. King, W. A. Lehmann, E. K. Rivers, D. K. Stallings, Sr. and J. B. Walton. Others attending were: City Manager R. C. Olson, City Clerk D. S. Pierce, Finance Director S. E. Blanchard, Fire Chief G. R. Baccus, Police Captain G. F. Koch, Parks and Recreation Director J. D. Overman, Human Resource Director K. W. Felton, Inspections Director S. E. Ward, Public Works Director C. Grant, III, Planning Director R. R. Mack and Electric Superintendent K. F. Clow.

Mayor J. H. Bell, Jr. opened the meeting and welcomed those attending. He called upon Pastor Regional Edlow, Highland Fellowship Church for the invocation after which Mayor Bell led the Pledge of Allegiance to the Flag of the United States of America.

Mayor Bell called for approval of the prepared agenda. Councilman D. K. Stallings, Sr. asked to remove Tab 3, Item 8 (d) from the agenda due to the fact that he would like to have an appraisal before considering it. Mayor Bell asked to add to Tab 2, Item 7 – Consent Agenda a call for a public hearing on September 13, 2004 at 7:30 p.m. regarding the FEMA Flood Zone Ordinance Revisions. He also added an announcement of a scholarship opportunity provided by Mayor Pro Tem Kirk Rivers. Hearing no other additions and/or deletions, Mayor Bell called for a motion to approve the agenda as amended. Councilman W. A. Lehmann so moved and Councilwoman J. M. Baker seconded the motion. Those voting in favor of the motion were: Lehmann, Baker, Austin, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called for approval of the June 28, 2004, Work Session minutes. A motion was made by Councilman W. A. Lehmann, seconded by Councilwoman L. A. Hummer to approve the June 28, 2004, Work Session minutes as written. Those voting in favor of the motion were: Lehmann, Hummer, Austin, Baker, King, Rivers, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called for approval of the June 28, 2004, Regular Meeting minutes. A motion was made by Councilman W. A. Lehmann, seconded by Councilwoman J. M. Baker to approve the June 28, 2004, Regular Meeting minutes as written. Those voting in favor of the motion were: Lehmann, Baker, Austin, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called for approval of the August 9, 2004, Regular Meeting minutes. A motion was made by Councilman W. A. Lehmann, seconded by Mayor Pro Tem E. K. Rivers to approve the August 9, 2004, Regular Meeting minutes as written. Those voting

in favor of the motion were: Lehmann, Rivers, Austin, Baker, Hummer, King, Stallings and Walton. Against: None. Motion carried.

Mayor Bell asked City Clerk D. S. Pierce the number of persons signing up to speak to City Council under the "Comments from the Public" section of the Agenda. City Clerk Pierce replied that no one had signed up to speak.

Mayor Bell asked the pleasure of Council regarding the Consent Agenda. A motion was made by Mayor Pro Tem E. K. Rivers, seconded by Councilman D. K. Stallings, Sr. to approve the following Consent Agenda as presented. Those voting in favor of the motion were: Rivers, Stallings, Austin, Baker, Hummer, King, Lehmann and Walton. Against: None. Motion carried.

Consent Agenda

- 1} Called for a public hearing for each of the following to be held on Monday, September 13, 2004 beginning at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building located at 306 E. Colonial Avenue, Elizabeth City, NC.
 - a} Consideration of a Conditional Use Permit (CP-02-04) application by Morrisette & Saunders to permit a condominium development on the former BP gasoline supply station property on Water Street.
 - b} Consideration of Application RZ-09-04 to rezone two parcels consisting of 84+/- acres off River Road from Residential District, R-15 and Office and Institutional District, O & I to Residential District, R-10.
 - c} Consideration of the 2004 Local Law Enforcement Block Grant and the proposed use of funds.
 - d} Consideration of the revisions to the FEMA Flood Zone Ordinance
- 2} Adopt the following resolution directing the City Clerk to investigate the sufficiency of the Petition for Voluntary Annexation of the Page Development Corporation property:

**RESOLUTION #04082
DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G. S. 160A-31
PAGE DEVELOPMENT CORPORATION SUBDIVISION**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on August 23, 2004 by the City Council; and

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

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

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

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

ADOPTED, this the 23rd day of August 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

- 3} Accept the Clerk's Certification of the Sufficiency for the Petition for Voluntary Annexation of 1710 River Road and adopt the following resolution calling for a public hearing to be held on Monday, September 13, 2004 beginning at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building located at 306 E. Colonial, Elizabeth City, NC:

**RESOLUTION #04083
FIXING PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED
JAMES AND FRANCES COLLINS
1710 RIVER ROAD**

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

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

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

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

SECTION 1. That a public hearing on the question of annexation of the area described herein will be held at the Municipal Administration Building in the City Council Chambers at 7:30 PM on the 13th day of September 2004.

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

BEING all of Lot 2, as shown and delineated on plat entitled in part, "J. A. Byrum Heirs", which map or plat is recorded in Deed Book 289, Page 210, of the Pasquotank County Registry, and being the same tract of land conveyed to James S. Collins and wife, Frances J. Collins by Correction Deed recorded in Deed Book 465, Page 663, of the Pasquotank County Registry.

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

ADOPTED, this the 23rd day of August 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

- 4} Accept the Clerk's Certification of the Sufficiency for the Petition for Voluntary Annexation of certain lots located in Summerfield Phase I and II; and adopt the following resolution calling for a public hearing to be held on Monday, September 13, 2004 beginning at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building located at 306 E. Colonial, Elizabeth City, NC:

**RESOLUTION #04084
FIXING PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED**

**SUMMERFIELD SUBDIVISION
LOTS 93-106 – PHASE I AND LOTS 107-237 – PHASE II**

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

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

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

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

SECTION 1. That a public hearing on the question of annexation of the area described herein will be held at the Municipal Administration Building in the City Council Chambers at 7:30 PM on the 13th day of September, 2004.

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

All Lots 93-106 of Phase I of the Summerfield Subdivision as shown on map recorded in Map Book 24, Pages 44-47 in the office of the Registry of Deeds of Pasquotank County.

All Lots 107-237 of Phase II of the Summerfield Subdivision as shown on map recorded in Map Book 34, Pages 10-13 in the office of the Registry of Deeds of Pasquotank County.

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

ADOPTED, this the 23rd day of August 2004.

John H. Bell, Jr.
Mayor

Dianne S. Pierce, MMC
City Clerk

- 5} Approved the amendment to the Hobbs and Upchurch contract to delete the Construction Administration section of the Contract

End of Consent Agenda

Mayor Bell submitted the names of Lenora Jarvis-Mackey and Debbie Henderson for consideration as appointees to the Historic Preservation Commission. Ms. Mackey would fill the un-expired term of Ms. Bettie Lyons and her term would be a three-year term ending June, 2007 and Ms. Henderson would fill the un-expired term of Mr. Jimmy Anderson. Her term would end June, 2006. Mayor Bell asked to note as per the Elizabeth City UDO, Section 3.7, Historic Preservation Commission, a majority of the Commission members shall meet the following criteria: (i) be an owner, have a lease hold interest or reside in the Historic Districts so designated at the time of the appointment. A motion was made by Councilman D. K. Stallings, Sr., seconded by Councilman W. A. Lehmann to confirm the appointments of Lenora Jarvis-Mackey and Debbie Henderson as members of the Historic Preservation Commission with terms as stated above. Those voting in favor of the motion were: Stallings, Lehmann, Austin, Baker, Hummer, King, Rivers and Walton. Against: None. Motion carried.

Mayor Bell recognized Mayor Pro Tem Kirk Rivers for presentation of a \$500.00 scholarship to Ms. Keisha Lewis, a student at Elizabeth City State University. Mayor Pro Tem Rivers stated that he offered this scholarship and worked diligently with Ms. Ethel Lyons, Vice Chancellor of Institution Advancement at ECSU in the selection of the recipient of this scholarship. The Mayor and Council offered congratulations to Ms. Lewis.

A request to close Elliott Street was the next item for consideration. After discussion regarding the lack of data concerning this closing, a motion was made by Mayor Pro Tem E. K. Rivers, seconded by Councilman D. K. Stallings, Sr. to table this item until further information is gathered. Those voting in favor of the motion were: Rivers, Stallings, Austin, Baker, Hummer, King, Lehmann and Walton. Against: None. Motion carried.

Mayor Bell recognized City Manager R. C. Olson for comments regarding the resolution supporting the Eastern NC Element of the Strategic Highway Plan. Mr. Olson stated that contact had been made with Mr. David Wasserman of the NCDOT Planning Board. The DOT is anticipating approving the Strategic Highway Corridor concept and the related maps in September of this year. NCDOT will not release a draft copy of the maps until the Board of Transportation approves them and the change in definitions. He has invited Mr. Wasserman to a City Council meeting and we have tentatively scheduled his appearance for September 27, 2004. During the last Council meeting, he informed the Council that US Highway 158 would be four-laned from Highway 168 to I-95. In addition, US 17 would be built to freeway standards under the plan from Virginia to South Carolina. A motion was made by Councilman W. A. Lehmann, seconded by Mayor Pro Tem E. K. Rivers to delay action regarding the Resolution of Support until after Mr. Wasserman appears before City Council. Those voting in favor of the motion

were: Lehmann, Rivers, Austin, Baker, Hummer, King, Stallings and Walton. Against: None. Motion carried.

Mayor Bell called upon City Manager R. C. Olson for comments regarding the Sanitary Sewer System Rehabilitation and Water System Upgrade Projects. Mr. Olson referred to Public Works Director C. Grant, III. Mr. Grant advised that the City of Elizabeth City accepted bids for engineering services associated with the design and preparation of plans and specifications for the rehabilitation of the sanitary sewer and water distribution systems from the following firms:

Buck, Seifert & Jost
C. Allen Bamforth, Jr.
Clark/Nexsen
Gannett Fleming
Hassell & Folkes, PC
Hobbs, Upchurch & Associates, PA
McKim & Creed
Municipal Engineering Services Company, PA
Peirson & Whitman
URS
Withers & Ravenel
Woolpert

In these firms there are eight (8) proposals from the Tidewater area and four (4) from North Carolina. An evaluation matrix was developed in an effort to rank each firm based on the following criteria: experience with similar projects, ability to perform in a timely fashion, innovative thinking/design, project manager experience qualifications, project team experience qualifications and past performances. Based on the evaluation team's collective ranking, the following three (3) firms were selected for the following projects:

URS Corporation	W. Church Street Project (Road St. to Hughes Blvd) Baxter Street Project (Westover St. to Pritchard St.) W. Elizabeth Street Project (Road St. to Hughes Blvd.)
Gannett Fleming, Inc.	Pearl Street Project (Road St. to Poindexter St.) S. Road Street Project (Ehringhaus St. to Herrington Rd) Roanoke Avenue Project (Road St. to Halstead Blvd.)
Hobbs, Upchurch & Associates, PA	Crescent Drive Project (Parkview Dr. to River Rd.)
Human & Robey, PC	Southern Avenue Project (City has already entered in contract for engineering services. However, contract had to be revised to include additional services not included.)

The proposed costs of engineering services for each project are as follows:

W. Church Street	\$135,797.00	URS Corp.
Baxter Street	38,235.00	URS Corp.
W. Elizabeth Street	87,523.00	URS Corp.
Peal Street	\$ 31,500.00	Gannett Fleming, Inc.
South Road Street	34,000.00	Gannett Fleming, Inc.
Roanoke Avenue	55,400.00	Gannett Fleming, Inc.
Crescent Drive	\$ 13,000.00	Hobbs & Upchurch, PA
Southern Avenue	\$ 51,500.00	Hyman & Robey, PC

Following discussion, a motion was made by Mayor Pro Tem E. K. Rivers, seconded by Councilman W. A. Lehmann to authorize the City to enter into engineering agreements with the referenced firms to provide the scope of services for the City's Water and Sewer Rehabilitation projects. Those voting in favor of the motion were: Rivers, Lehmann, Austin, Baker, Hummer, King, Stallings and Walton. Against: None. Motion carried.

There being no public hearings scheduled for this meeting, Mayor Bell entered into the comments and inquiries on non-agenda items. He recognized City Manager R. C. Olson for comments.

Mr. Olson replied that he would like to follow up on several items that were brought up at the last meeting. Gosnold Park's fence will be put up this week and we are still looking for the banners for the University's homecoming. We do have a joint City and County meeting scheduled for Monday, August 30, 2004 at 6:00 p.m. at the Quality Inn. The Mayor will be meeting with Chairman of the Commissioners, Bill Trueblood to determine the agenda for that meeting. There were some questions concerning limbs at 907 Bartlett and they will be taken care of tomorrow.

Mayor Bell called for Council comments and asked each counselor to report on their respective committee that they serve on.

Councilman W. A. Lehmann: He deferred to Vice-Chairwoman of the AEDC for a report from that committee. He advised from the Airport Authority that he had little to report other than Tamsco is moving along and they are in the engineering phase right now but they will be in the construction phase very soon. The ILS is moving along as well. A consultant has been hired to assist with that. They will be meeting this Wednesday night and he can update you more after that meeting. As to his comments, the one item that he wanted to bring up in the Work Session was that he has had numerous requests from business people downtown and also constituents concerning signage. In our last meeting we agreed to help our retailers downtown with ads and that type of things. The real way of helping them as far as that is concern is to get the tourist, the shoppers back downtown. The recommendation made by Representative Owens would be that we as a council have a letter sent to both he and Senator Basnight to let

them talk with the DOT. DOT is not easy to work with at times he has heard from other bodies. If we were to do that, he thinks we would get the best results. The reason that he wanted to talk about this is that he also recommends that the County does the same thing or maybe endorse our letter or do a joint letter between the City and County. He thinks what we should address is signage and we need input from the Chamber of Commerce and the merchants to promote historic Elizabeth City, downtown waterfront/Mariners Wharf, Museum of the Albemarle, ECSU, the US Coast Guard Support Center and those kinds of things. If we could get adequate signage on the bypass and the sooner the better, that is really going to help our merchants.

Councilman J. B. Walton: He thought that the format had been changed whereby we made comments after Closed Session but he guess it hasn't been. He wanted to thank Karl Clow for getting the lights installed. Spaulding Park has a lot of kids and as he has mentioned before, they need a "Children at Play" sign in that area.

Councilwoman J. M. Baker: As far as the Albemarle Economic Development Commission we have hired Bruce A. Drahos as our new Economic Developer. We had last Wednesday night a nice event introducing our new logo and introducing our new tab line "Discover the Good Life Daily" Elizabeth City. Many of you have seen our flyer and in it you will see all of our economic pieces. We have already got two businesses coming on board to help support this by coming forth with dollars. Albemarle Hospital and the Gateway Bank have both already stepped up to the plate. We have community people going out canvassing other businesses to come on board as well. It is a nice marketing approach. As to her comments, in our minutes of June 28, 2004 there was a note about the no parking signs on the 500 block of McMorrine Street. We were going to take them off after a period of sixty (60) days and keep watch on what transpired after that to see if we need to put the signs back up and we were going to get a report from the police chief. She just wanted to remind him of this report as that would be for our next meeting.

Councilman D. K. Stallings, Sr. He reported that there was a meeting of the Central Communications Committee this past Tuesday. There is a new program being considered using the 911 dollars. As to his comments, he asked that Oak Grove be placed on the work session to talk about some property that belongs to George Cooper.

Councilman R. E. King: He stated that he had one item that he would like to have the information reported back on and that is the employee pay study that is being done. He would like to know exactly where the City is at on this project. He is still waiting to hear about Road Street becoming a part of the Historic District.

Councilwoman C. C. Austin: Ms. Austin reported that she attended the ElectriCities Conference and received a lot of good information. Out of that came a meeting of the Rate Committee and the bad part about that is the ElectriCities Board of Directors met on August 6th to review their recommendation and they recommended a rate change for the All Requirements Rate Schedule AR-17-A to be effective March the first, 2005. That is a one percent raise. It was 2.655 and it is going up to 2.771 per wk hour. She will keep the

Council informed if she finds out anything else. Under her comments she asked to check on was she knew that the City Manager met with the Griffin family about what they were going to do about the shipyard, but some of her constituents want to know if there was a time line involved because nothing seems to have been done to date.

Mayor Pro Tem E. K. Rivers: Mr. Rivers reported that the Joint Land Use Committee will have a meeting tomorrow. They also have a meeting scheduled with the Planning Director next week. It will be coming up to adopt the names. If you have any comments, please let him know as soon as possible. In turns of comments he would like congratulate our City Clerk, Ms. Dianne Pierce, who two weeks ago, passed the gavel as the NC President of the Municipal Clerks Association. That was an honor that we had our City Clerk to serve as the President and it is his understanding that she did an outstanding job and they presented her with a plaque for her outstanding leadership for last year. He also questioned the Oak Grove drainage problem and would like a report regarding it by the next meeting.

Councilwoman L. A. Hummer: Ms. Hummer reported from the Solid Waste Committee that at last weeks meeting, the City Manager, Ms. Brothers and she expressed the City's concern and frustrations about the large items that are continuously left on the sidewalks and sometimes in the street and the fact that we have a problem picking all those things up, so the County has offered to assist the City in purchasing a truck. Also, she has received several calls about two areas that have critical drainage problems. The areas are Summerfield and Charles Street. She has discussed these with the City Manager and he is working on both of them. She received a letter from a gentleman that lives in Spaulding Park and he has some concern that there is no code enforcement concerning high weeds and there are several lots whereby the weeds are so high that snakes are coming out in the street where the children are playing. She was wondering if someone could go out and take a look at that. She asked if anyone was monitoring political signs. She knows there is a time frame for putting them out and she thinks it is too early. The last thing is Road Street. She gave Mr. Olson the only copy of the research on the suggestions and possible solutions from the Institute of Government and we don't even have to do any research as they have done it for us. She asked if Council could get a print out on the Revitalization Fund as to how much has been spent, how much is in there now, who has borrowed from the fund and who has paid it all back.

Mayor Bell welcomed former Councilwoman Myrtle Rivers to the meeting.

A motion was made by Councilwoman C. C. Austin, seconded by Councilman W. A. Lehmann to retire into Closed Session for consultation with the City Attorney as per NCGS 143-318.11(a) (3). Those voting in favor of the motion were: Austin, Lehmann, Baker, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried.

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

Mayor Bell declared the meeting back into full session.

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

Mayor Bell adjourned the meeting at 9:00 p.m.

Dianne S. Pierce, MMC
City Clerk

John H. Bell, Jr.
Mayor