

MONDAY-7:00 P.M.

SEPTEMBER 10, 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. Council members in attendance were: J. M. Baker, L. A. Hummer, B. S. Meggs, E. K. Rivers, D. K. Stallings, J. A. Stimatz and J. B. Walton. M. E. Brooks was absent. Staff members attending were: City Manager R. C. Olson, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Planning Director J. C. Brooks, Inspections Director S. E. Ward, Public Utilities Director P. A. Fredette, Finance Director S. E. Blanchard, Fire Chief W. C. Pritchard, Police Chief C. E. Crudup, Human Resource Director K. W. Felton and Electric Superintendent K. F. Clow.

Mayor Foster opened the meeting by welcoming those attending. He gave the invocation after which City Manager R. C. Olson led the Pledge of Allegiance to the Flag of the United States of America.

1} AGENDA APPROVAL:

Mayor Foster called for action regarding the prepared agenda.

Mayor Pro Tem L. A. Hummer asked to add ***consideration of an award of a taxi franchise*** and to remove ***Item 9-c – Consideration – Preliminary Subdivision Plat for Savin Woods-Don Williams.***

Councilman J. A. Stimatz asked to add ***consideration of a canine program for body armor for dogs.***

Hearing no other addition or deletion, Mayor Foster called for approval of the agenda.

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

2} COMMENTS FROM THE PUBLIC:

Mayor Foster called upon Deputy Clerk White for those having signed up to speak under this section of the agenda.

Ms. White advised that two individuals had signed up to speak. She called Cedric Seymour to the podium.

Mr. Cedric Seymour, 1305 Parkview Drive, spoke regarding a community meeting that he is sponsoring called the solution to the teen ballot. He would like to know if he could receive Council's support. He explained what this entailed. The meeting will be held on Thursday, September 20th in Courtroom C.

Mr. Don McCabe spoke regarding the candidates forums that the Informed Voters are sponsoring for each ward. These forums will be held at the Courthouse Courtroom C.

3} PROCLAMATIONS:

Mayor Foster called Ms. Shirley Spaeth to the podium to accept a proclamation proclaiming the week of September 17-23, 2007 as Constitution Week. Ms. Spaeth gave a few remarks. As a veteran this is very important to her. She gave a brief history of how the Constitution came about.

4} CONSENT AGENDA:

Mayor Foster called upon City Manager R. C. Olson to read the Consent Agenda after which Mayor Foster called for action from the Council.

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

Consent Agenda:

a} Accepted the Certification of Sufficiency of Petition for Annexation for 85.88 acres and owned by Tanglewood Development, LLC and 17 South Developments, LLC; and adopted the following resolution calling for a public hearing to be held on Monday, September 24, 2007 at 7:30 p.m. in the City Council Chambers:

RESOLUTION #07091 FIXING PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED TANGLEWOOD DEVELOPMENT, LLC

**AND
17 SOUTH DEVELOPMENTS, LLC
85.88 ACRES LOCATED ADJACENT TO HALSTEAD BOULEVARD
EXTENSION**

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 24th day of September 2007.

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

BEGINNING at a calculated point, which calculated point is located North 07° 38' 44" East 10,374.42 feet from NCGS Monument "CAMA" (Grid Coordinates N – 924910.4402' and E 2795739.9830'); thence from said Point of Beginning and running South 79° 19' 28" West 1,470.58 feet to a calculated point set in the eastern right-of-way margin of U. S. Highway 17 (R/W by Monuments): thence cornering and running along the eastern right of way margin of U. S. Highway 17 and the northbound exit ramp to Halstead Boulevard in the following courses and distances: running north-northwest along a curve (Curve Data: Radius is 7,754.25' Delta is 00° 19' 59"; bearing is North 17° 42' 36" West; and Chord Distance is 45.08 feet) a distance of 45.08 feet to an existing right-of-way monument; thence running North 17° 52' 35" West 62.77 feet to an existing right-of-way monument; thence running North 13° 03' 29" West 318.12 feet to an existing right of way monument; thence running North 00° 59' 43" West 118.92 feet to an existing right-of-way monument; thence running North 11° 06' 01" East 285.27 feet to an existing right-of-way monument; thence running North 18° 02' 47" East 350.98 feet to an existing right-of-way monument; thence running North 09° 57' 37" East 197.49 feet to an existing right-of-way monument, which marks the point of intersection of the northbound exit ramp to Halstead Boulevard and the southern right-

of-way margin of Halstead Boulevard Extended (N.C. 344 – R/W by Monuments); thence cornering and running along the southern right-of-way margin of Halstead Boulevard Extended the following courses and distances: North 76° 54' 31" East 157.62 feet to an existing right-of-way monument thence running North 67° 59' 48" East 100.38 feet to an existing right-of-way monument; thence running North 79° 19' 28" East 1,714.74 feet to an existing iron rod; thence running North 79° 19' 28" East 1,114.66 feet to a calculated point; thence cornering and running away from Halstead Boulevard Extended South 10° 40' 32" East 983.52 feet to a calculated point; thence cornering and running South 79° 19' 28" West 1,952.20 feet to a calculated point and running South 10° 40' 32" East 342.46 feet to the calculated point and **POINT OF BEGINNING**, containing 85.88 acres, and being that same property described and delineated on that plat entitled in part, "Annexation Map For Tanglewood Development, LLC" dated July 5, 2007, prepared by Paul J. Toti, professional land surveyor.

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 10th day of September 2007.

Charles L. Foster
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Accepted Certificate of Sufficiency of Petition for Voluntary Annexation of 180.27 acres and owned by Tanglewood Development, LLC; and adopted the following resolution calling for a public hearing to be held on Monday, September 24, 2007 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building.

**RESOLUTION #07092
FIXING PUBLIC HEARING ON QUESTION**

**OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED
TANGLEWOOD DEVELOPMENT, LLC
180.27 ACRES LOCATED ADJACENT TO HALSTEAD BOULEVARD
EXTENSION**

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 24th day of September 2007.

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

BEGINNING AT A POINT marked by a calculated point set in the northern right-of-way margin of Halstead Blvd Extended (NC 344 – R/W by Monuments), which point is located South 84° 34' 19" West 790.29 feet from "Tanglewood Control Monument 3" (Grid Coordinates N – 936716.2635'; and E – 2797655.1499'); thence from said calculated point and **POINT OF BEGINNING** and running away from Halstead Extended North 10° 40' 48" West 904.34 feet to a calculated point; thence cornering and running South 79° 19' 22" West 100 feet to a calculated point; thence cornering and running North 10° 40' 48" West 201.76 feet to a calculated point; thence running north-northwest along a curve (Curve Data: Radius is 530.00'; Delta is 80° 27' 43"; Bearing is North 50° 54' 39" West; Tangent is 448.38'; and Chord Distance is 684.62 feet) a distance of 744.29 feet to a calculated point; thence cornering and running South 10° 40' 44" East 22.68 feet to a point; thence cornering and running South 79° 19' 35" West 587.61 feet to an existing iron rod; thence running north-northwest along a curve (Curve Data: Radius is 479.33'; Delta is 37° 58' 51"; Bearing is North 81° 40' 59" West; Tangent is 164.96'; and Chord Distance is 311.96 feet) a distance of 317.74 feet to a calculated point; thence cornering and running South 71° 50' 37" West 479.32 feet to a calculated point set in the eastern right-of-way margin of

U. S. Highway 17 – Bypass (R/W by monuments); thence cornering and running along the eastern right-of-way margin of U. S. Highway 17 - Bypass North 18° 09' 29" West 509.85 feet to a R/W Monument; thence running north-northwest along a curve (Curve Data: Radius is 12,906.61'; Delta is 04° 14' 07"; Bearing is North 16° 02' 25" West; Tangent is 477.25'; and Chord Distance is 953.85 feet) a distance of 954.07 feet to a calculated point; thence cornering and running away from U. S. Highway 17- Bypass North 79° 41' 08" East 508.71 feet to a calculated point; thence cornering and running South 10° 18' 52" East 312.11 feet to a calculated point; thence cornering and running North 77° 25' 45" East 702.39 feet to a calculated point; thence running North 81° 01' 45" East 1,248.56 feet to a calculated point; thence running North 80° 18' 16" East 1,479.84 feet to a calculated point, which calculated point marks the northeast corner of that property, now or formerly, owned by Tanglewood Development, LLC (Deed Book 960, Page 707, in the Pasquotank County Public Registry); thence cornering and running South 07° 41' 07" East 738.38 feet to a calculated point; thence cornering and running south-southeast along a curve (Curve Data: Radius is 856.30'; Delta is 06° 05' 08"; Bearing is South 89° 17' 40" East; Tangent is 45.52'; and Chord Distance is 90.91 feet) a distance of 90.95 feet to a calculated point; thence cornering and running South 10° 40' 32" East 1,940.39 feet to a calculated point; thence cornering and running South 55° 40' 40" East 70.71 feet to a calculated point set in the northern right-of-way margin of Halstead Boulevard Extended, which calculated point is located South 79° 09' 30" West 1,642.00 feet from "Tanglewood Control Monument 2" (Grid Coordinates N – 937317.5312' and E – 2800428.0487'); thence cornering and running along the northern right-of-way margin of Halstead Blvd Extended South 79° 19' 12" West 1,981.27 feet to the calculated point and **POINT OF BEGINNING**, containing 180.27 acres and being a portion of that property described and delineated on that plat entitled in part, "Annexation Map for Tanglewood Development, LLC," dated July 31, 2007, revised August 3, 2007 and revised August 10, 2007, prepared by Paul J. Toti, professional land surveyor.

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 10th day of September 2007.

Charles L. Foster

Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

End of Consent Agenda:

5} REGULAR AGENDA:

a} Cancellation of September 24, 2007 Work Section.

Mayor Foster announced that the September 24, 2007 Work Session meeting would be cancelled in order that members of Council may attend a Community Day Reception in honor of Chancellor Willie Gilchrist.

b} Request for a waiver from Section 10-7.3 (l) of the Subdivision Ordinance which limits the maximum length of a cul-de-sac to 500 feet.

Mayor Foster called upon Planning Director J. C. Brooks for comments.

Ms. Brooks stated that Jon Crouse proposed to subdivide 85.88 acres on the south side of Halstead Boulevard and Route 17 into 19 parcels for commercial development. Because Halstead Boulevard Extension is a limited access road, the distance between the intersection of Route 17 and Halstead Boulevard Extension and the closest access point is approximately 1100 feet. In order to make the site more marketable to larger retailers, the proposed parcel will average between 2.5 acres and 7.4 acres with lot widths averaging more than 200 feet. Without having the option of creating a subdivision design which would allow a street design which promotes connecting several streets together, the developer is locked into creating a cul-de-sac design for the westernmost portion of the development. In this case, the limited access off Halstead Boulevard creates an unusual physical hardship where the developer can not comply with the maximum length requirements of 500 feet. The developer proposes the cul-de-sac length of 840 feet with a 150 foot paved diameter of the cul-de-sac. The Planning Commission recommends approval.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to approve the granting of a waiver of extending the maximum length of the cul-de-sac based on the unusual physical hardship of the property. Those voting in favor of the motion were: Baker, Stimatz, Hummer, Meggs, Rivers, Stallings and Walton. Against: None. Motion carried.

c} Award of Taxi Franchise:

Councilman D. K. Stallings asked to be excused from discussion and vote on this item.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to excuse Councilman D. K. Stallings from discussion and vote on this item. Those voting in favor of the motion were: Baker, Stimatz, Hummer, Meggs, Rivers, Stallings and Walton. Against: None. Motion carried.

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson advised that pursuant to the City Code, the EC Police Department held a taxicab lottery on Tuesday, August 28, 2007 at 11:00 a.m. in the main lobby of the A. Parker Midgette Municipal Building. A total of twelve applicants names were placed in the drawing. Each applicant was notified of the date and time of the lottery, but did not have to be present to win. Mrs. Naomi Stallings' name was drawn from the lottery by a citizen unrelated to the event who was performing business in City Hall. Upon winning the lottery, Mrs. Stallings is eligible to receive the franchise that was relinquished by Mr. Thomas Reid.

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman B. S. Meggs to award the taxi franchise vacated by Mr. Thomas Reid to Mrs. Naomi Stallings pursuant to Article II "Taxicabs" of Chapter 86 of the City's Code of Ordinances. Those voting in favor of the motion were: Baker, Meggs, Hummer, Rivers, Stimatz and Walton. Against: None. Abstain: Stallings. Motion carried.

d} Canine Program – Body Armor for Dogs:

Mayor Foster called upon Councilman J. A. Stimatz for comments on this item.

Councilman Stimatz stated that this is an item that he has brought up before and it has to do with body armor for the canine dogs used in the police department. He asked the Chief what his plans are regarding this issue.

Chief Crudup stated that we are currently in the stages right now of getting both canine officers trained and the dogs. After that we will consider looking at some other possibilities as to what else the dogs will need. A vest would be very beneficial to our canine program as well as other training equipment that we

currently do not have in the budget and did not budget for in this particular budget year.

City Manager Olson stated that we usually receive a grant from the Department of Justice and we usually buy bullet proof vests and can that money be used or is there any restrictions place on it.

Chief Crudup said that he has never used it for this but we might be able to purchase vests for the canine and he would look into it.

Mr. Stimatz said that he would ask for our next meeting to have this on the agenda. He would like to have a budget that we can consider to provide body armor and any upgrade or replacement equipment and any training that can be provided. He would hope that it is in a line item in the police department's budget what the canine program costs us annually.

6} COMMENTS AND INQUIRES ON NON-AGAENDA ITEMS:

Mayor Foster advised that he would go around the table and asked the manager and each member of council for comments and inquires on non-agenda items.

City Manager Olson stated that he had nothing further to comment on.

Mayor Pro Tem Hummer said that she would like to take the opportunity to thank the Informed Voter's League for allowing each member of Council as well as all the candidates to speak in an open forum. She thinks that it is a great idea and she hopes that everyone will participate.

Councilwoman Baker said that she has no further comments at this time.

Councilman Rivers stated that he had no further comments.

Councilman Stallings said that at our last crime watch meeting for Oxford Heights they had some concerns and he wants to know if Rich has had time to address those concerns. He knows that they were talking about the drainage.

Mr. Olson said that he has not had time to do that yet. We had the tropical storm to come through here and he was busy with that.

Councilwoman Meggs said that she wanted to announce that we are having a Community Image meeting Wednesday afternoon at 4:00 p.m. at the Chamber. Our guest speaker is Debbie Sauls. She is going to talk about trying to see that Elizabeth City gets to be a Tree City. She will talk about all the things that we need to know about that.

Another thing she wanted to say is a big thank you to Ricky Albertson for his presentation at their crime watch meeting Tuesday night a couple of weeks ago. He did an excellent job. There were a lot of comments.

Mrs. Hummer and the City Manager took us out to the Coast Guard Base when they had the life saving ceremony for those brave people that did all the life saving and it was a great treat to see these guys receiving these awards. They were very appreciative that we went and showed our appreciation from the City.

Councilman Walton said that he guess everybody knows that it is an election season and he wishes everyone the best. This time of the year there is a lot of dirty pool being shot and he doesn't mind going to these meetings to be asked questions. He would hope at these meetings that he will be asked the same type of questions that everybody else is asked. When you start asking those tricky questions sometimes he can't hear too good and he doesn't answer real well. If those dirty pool shooters are out there please be nice and you all be nice to them. He wishes all the best.

Councilman Stimatz said that he rode with Mr. Fredette on Tuesday and went out and looked at a couple of drainage issues. Both the ditches on Mill Street and the one behind Farm Fresh have been cleaned out. We also talked about the ditch that goes through the Fairground property.

He would ask that the traffic calming policy be put on the next agenda as we still need to pass that. The citizens are still asking what they can do.

When we asked the State about putting in the crosswalk their response was that they were concerned about citizens hitting it. They were concerned about the interference with the snow removal on Water Street. He guess that is a problem in Raleigh but we don't see that much snow here. Maybe we can go back to them and remind them that it is a litter warmer here than in Raleigh.

Mr. Stimatz continued by saying that Ms. Hummer asked that the curfew issue be put back on the agenda and he would like to have the at-risk youth issue be put on the agenda as well.

Mayor Foster stated that as the Mayor he would like to piggyback concerning the young man that came before us tonight and he agrees with the others that spoke concerning him. That was a very excellent presentation he made. He hopes those young people that are watching on television will know that we want other teens to get involved and come before us and share your concerns with us.

7} CLOSED SESSION:

Mayor Foster stated that at this time, the City Council needs to retire into Closed Session for discussion of the acquisition of property and consultation with the City Attorney.

A motion was made by Councilman D. K. Stallings, seconded by Councilwoman B. S. Meggs to retire into Closed Session for discussion of acquisition of property as per NCGS 143-318.11 (a) (5) and consultation with the City Attorney as per NCGS 143-318.11 (a) (3). Those voting in favor of the motion were: Stallings, Meggs, Baker, Hummer, Rivers, Stimatz and Walton. Against: None. Motion carried.

Upon the end of Closed Session:

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

Mayor Foster declared the meeting back into regular session.

8} ADJOURNMENT:

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

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

Mayor Foster adjourned the meeting at 8:30 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Charles L. Foster
Mayor