

MONDAY-7:00 P.M.

NOVEMBER 8, 2010

CITY COUNCIL

The City Council of the City of Elizabeth City held its first regular 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 and council members 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 in attendance. City staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Finance Director S. E. Blanchard, Police Chief C. E. Crudup, Parks and Recreation Director B. V. White, Deputy City Clerk V. D. White, Electric Director K. F. Clow and Public Utilities Director P. A. Fredette.

Mayor McLean established a quorum was present and called the meeting to order. He called upon Reverend Bonzia Caison for the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

1} APPROVAL OF THE AGENDA:

Mayor McLean called for approval of the prepared agenda.

Councilman J. A. Stimatz asked to ***add to the Closed Session Agenda consultation with the City Attorney as per NCGS 143-318.11 (a) (3).***

Councilman M. E. Brooks asked to ***add to the regular agenda discussion of City Council term limits; and discussion of the Code Enforcement Software Program.***

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman B. S. Meggs to approve the prepared agenda as presented and include the items as noted above. Those voting in favor of the motion were: Baker, Meggs, Brooks, Hill-Lawrence, Hummer, King, Stimatz and Walton. Against: None. Motion carried.

2} COMMENTS FROM THE PUBLIC:

Ms. Susan Neal Matousek, 403 Princess Ann, Elizabeth City addressed City Council stated she was a college educated woman with a Master's Degree in Education and Human Development from George Washington University. She is also an All American Athlete from Bradford University. She played field hockey there. She is also a recipient of the All Tidewater Award for helping to win the

State Championship in her high school in field hockey. She is telling this because she is also a citizen who happens to be living with bipolar disorder. She has had it since she was twenty-eight years old. She is an educated mental health consumer. The state in this area is guilty of violating HIPPA and the ADA of 1990. She has rights afforded to her by the ADA that have been violated when she was beat up by a sheriff deputy and a police officer in this jurisdiction. She did not deserve to be beaten for speeding. She is sorry that she has trouble sometimes with speeding but she always pays her fine. She did not deserve to be assaulted by a sheriff deputy by being hysterical when she was subpoena. Her public defender refused to acquire to defend her honor. She is on probation for five years for speeding. Why? She was charged with reckless driving, she was not. She is here demanding a full bloom investigation into the charges and the manner in which she has been treated by the probation office. She has been violated two times recently for not taking injectables. She has a brain tumor and her neurosurgeon told her that she could not take injectables. There is no problem with her ability to communicate to you her feelings and her rights. Her probation officer is not a psychiatrist and she is offended by her going to Port Human Services invading her privacy with her therapist as well as her psychiatrist. She has had good psychiatrists her whole life since she accepted the fact, her fate and her cross to bare the bipolar disorder. Her grandfather was a doctor and he had it too. He was brilliant and he drank himself to death. He was not treated. She does not drink and she takes her medication. She likes group therapy and she likes talking about problems and she wants to make sure that what happened to her does not happen to other people. She has turned this over to Senator Basnight and Congressman Butterfield so we can make State and Federal legislation to make sure that people like her is protected. There are a lot of people in this area that don't have the articulation that she has and they cannot stand up for themselves. She will have to file civil suit to make sure that all people with disabilities in this area are protected. She doesn't want to sue you but you have left her no choice. She wants to compliment Lt. Etheridge for his on going investigations and Chief Crudup. She really trusts them. Many kids in our schools are going to have disabilities and many kids in this community will grow up with disabilities. She does not want her son who has been diagnosed with ADD to grow up and be treated in this manner. The time she was in jail for changing her medication in July she was there for 40-days because she almost died. It was her right to change that medication and she did so under the care of her doctor. She was given 40-days in jail because she would not take injectables by a probation officer. She was away from her son for that time and that time is irreplaceable. She can't take back the summer vacation she missed. She can't take back the \$750.00 when she violated her again the other day. She can't do it and she is really angry about it. She is in counseling for what has happened to her and she does have PTSD and angry issues which are all articulate to you. You need to know that is what she is going through right now. She will agree to continue her therapy but she does not deserve to be on

probation. She deserves to be exonerated, expunged and she wants her life back. She can either be your allied or she can fight you and sue you. No one is going to shut her up. God bless American and God bless people like her who is standing up for their rights.

Mrs. Myrtle Rivers, 512 Magnolia Street, Elizabeth City stated she stands before Council tonight to ask for clarification on a matter which was brought to her attention. A matter that concerns her greatly. During a meeting in October, it is her understanding that her name was submitted to be on the Recreation Board by Mayor Roger McLean. She believes there was a slight disagreement voiced by Councilwoman Jean Baker about the recommendation. Her concern is directed to Councilwoman Baker. During this meeting she stated that, "a grandmother was not an appropriate selection for the Recreation Committee." This comment really distresses her on two fronts. Let's start with the first concern. Is she to interpret that you are saying that if you are a grandmother, such as yourself as well as Councilwoman Meggs, Mayor Pro Tem Hummer and Councilwoman Hill-Lawrence that you are incompetent to serve on a public committee. Are there grandmothers such as Sarah Palin and Barbara Bush who both serve as public servants on various committees ill equipped to do an adequate job because of their statute as a grandmother? Surely, you don't truly believe that a person cannot be worth their duties based on classification label which is bestowed upon them without their efforts such as becoming grandparents. Was the source of your comment based on some statistical data or national poll which proves that if a person is a grandparent then they are left to successfully perform the duties of the position? If it was, then she is requesting to see this report. Councilwoman Baker if you believe your comment then surely all the grandparents and she used this term because she would like to think that you are referring to both grandfathers and grandmothers. That is why she said grandparents. Or are you just referring to women who are grandmothers. If that is true she is sure that all the grandmothers in Elizabeth City, North Carolina and the USA should be aware of your beliefs. During the next election the grandmothers should know that you do not see the value of their votes. Not to mention that your thoughts and comments actually set the women movement and AARP back twenty years with such outdated beliefs. Secondly, if by chance the context of your comment was referring to her age then she is sure as a civic leader representing and employed by Elizabeth City you are aware of the Federal Law, "Age Discrimination Employment Laws" which states that Age Discrimination Employment Act of 1967 protects individuals that are 40 years of age or older from employment discrimination based on age. Under the ADEA it is unlawful to discriminate against a person because of his or her age. The ADEA applied to employers with 20 or more employees including State and Local Governments. It also applied to employment agencies and Labor Organizations as well as the Federal Government. Now, although the Committee which her name was recommended for was strictly voluntarily she is sure that our laws imply that we

live by the spirit of the law. Although, she presented the letter of the law she feels that in the year 2010 we as American citizens should base our opinions on qualifications of the individual and not the year of their birth. Councilwoman Baker have you taken the time to examine her qualifications, reviewing her dedication or explored her work habits which if you did you would find that she is more than just an excellent selection to this board. She would be an asset which only would benefit the citizens of Elizabeth City. She must ponder why you vehemently opposed the recommendation and wonder why you would deny the citizens you serve the experience and exposure that she would bring to the table. Is your opinion of a grandmother outweighing the needs of the people? Only you by your actions can truthfully provide us all the answers. Now, she feels certain that your motive whether it was based on fact one or two both unacceptable point of view that we find ourselves amiss, the largest generation approaching grandmothers and grandfathers, the baby boomers. In addition, please keep in mind that you represent the City and she is sure you would not wish to violate any laws and although this is not a criminal violation it is definitely a violation for her civil rights based on age. In closing, she is requesting that Councilwoman Baker reconsider and reassess your argument and points of view as to the recommendation of her appointment to the Recreation Committee and instead of reviewing her status of a grandmother or her age she strongly recommends that you evaluate her credentials, values and vast experience that she would bring to the board which would only help the citizens of Elizabeth City. What if you were up today for reelection and then you were told that you were disqualified because you are a grandmother. She is sure you would not fight or try to persuade the opinion of anyone because that would be indirect conflict with your comment as views concerning her nomination. Be careful Councilwoman Baker because the chickens come home to roost. Thank you all for listening to the views of just a grandmother.

3} APPROVAL OF THE MINUTES:

a} Special Work Session – October 11, 2010:

Mayor McLean called for approval of the Special Work Session minutes of October 11, 2010.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the minutes of the Special Work Session that was held on October 11, 2010. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimat and Walton. Against: None. Motion carried.

b} Regular Meeting – October 11, 2010:

Mayor McLean called for approval of the Regular Meeting minutes of October 11, 2010.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the minutes of the Regular Meeting that was held on October 11, 2010. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

4} CONSENT AGENDA:

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

A motion was made by Councilwoman J. M. Baker, seconded by Councilman R. E. King to approve the following Consent Agenda as presented. 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} Approved the Authorization to execute the Rural Grant Agreement for the Water Transmission Main Replacement Project.
- b} Approved the authorization to execute contract with Hyman and Robey Pc for the design and construction related engineering services for the Water Transmission Main Replacement Project.
- c} Adopted the following Resolution authorizing all necessary documents to convey property to NCDOT in connection with the Knobbs Creek Bridge Replacement Project and submission of Enhancement Program Funding Request.

**RESOLUTION #10111
CONSTRUCTION
STATE HIGHWAY PROJECT B-4599, 33791.2.1**

WHEREAS, the construction of State Highway Project B-4599,33791.2.1 makes it necessary for the North Carolina Department of Transportation to acquire a right-of-way from the City of Elizabeth City; and

NOW, THEREFORE, BE IT RESOLVED, and by this resolution the City Council does hereby authorize the City Manager to execute the necessary papers in behalf of the City of Elizabeth City.

ADOPTED, this 8th day of November 2010.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

End of Consent Agenda:

5} PUBLIC HEARING:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson stated that 709 Herrington Road is a home that is presently owned by the City of Elizabeth City. The City utilized HUD funds through the Community Development Block Grant Program to rehabilitate that particular structure. The primary purpose was to use it as a homeless structure. During the last Council meeting the Council approved the lease agreement with Garden of Hope and the Northeast Coalition to End Homelessness. Because there is HUD money involved, DCA has required us to go ahead and execute a sub-recipient agreement and with any sub recipient agreement the City executes we are required to hold a public hearing. On a related matter, also in the UDO it requires before a homeless shelter can operate in Elizabeth City they are required to get a Special Use Permit. There is a SUP pending before the Zoning Board of Adjustments. The first step of that is to go before our Planning Commission and that meeting is tomorrow. Then the BZA is a week from tomorrow. At that particular time, if Council goes ahead and grants the sub recipient agreement and the ZBA approves it then they can begin operations shortly thereafter.

Mayor McLean declared the meeting into public hearing. Since there was no one present that wished to speak, Mayor McLean declared the public hearing closed. He called for discussion by Council.

Councilman Walton asked who takes responsibility of the homeless person. He is referring to such things as vandalism or someone doing something illegal while in the shelter.

Mr. Olson replied that under the lease agreement and the sub recipient agreement that would be a cooperative effort between the Garden of Hope House and the Northeast Coalition to End Homelessness. Both of them under the sub recipient agreement and also under the lease agreement would be responsible for any illegal or inappropriate activity that happens at 709 South Herrington Road. They do have rules for people staying in the shelter.

A motion was made by Councilman R. E. King, seconded by Councilwoman B. S. Meggs to approve the Sub-Recipient Agreement with Garden of Hope House, Inc.; and Northeast Coalition to End Homelessness for the operation of 709 Herrington Road. Those voting in favor of the motion were: King, Meggs, Baker, Brooks, Hill-Lawrence, Hummer, Stimatz and Walton. Against: None. Motion carried.

6} REGULAR AGENDA:

a} Reappointments to the Historic Preservation Commission:

Mayor McLean stated he would like to submit the names of Ms. Patricia Franzese and Ms. Roy Golden for consideration of being reappointed to the Historic Preservation Commission. Both individuals are very active and dedicated to this Commission and have expressed a desire to continue to serve.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman M. E. Brooks to reappoint Ms. Patricia Franzese and Ms. Roy Golden to another three year term on the Historic Preservation Commission.

Roll Call Vote:

<i>Baker</i>	<i>yes</i>
<i>Brooks</i>	<i>yes</i>
<i>Hill-Lawrence</i>	<i>yes</i>
<i>Hummer</i>	<i>yes</i>
<i>King</i>	<i>yes</i>
<i>Meggs</i>	<i>yes</i>
<i>Stimatz</i>	<i>yes</i>
<i>Walton</i>	<i>yes.</i>

Yeas – 8

Nays – 0

Motion carried.

b} Update on Roanoke Avenue Drainage Project:

Mayor McLean called upon Public Utilities Director Fredette for comments.

Mr. Fredette stated the ongoing construction between Boston Avenue and Martin Luther King Drive along Herrington Road is Phase II of the Roanoke Avenue Drainage Project. The project includes two storm water retention ponds; one between Boston Avenue and Road Street and the second is between Cale Street and Martin Luther King Drive. The project includes the construction of twin 39" culverts between the ponds and the reconstruction of a sanitary sewer including a sewer pump station adjacent to the ponds and drainage culverts. When Phase III is complete the two storm water retention ponds will offer some relief to help control flooding in the Roanoke Avenue drainage area. The Phase II of the project when completed will create a dike along McMorrine Street and Herrington Road that will prevent high water levels in the Pasquotank River backing up into the neighborhood via Charles Creek. The dike and related storm water pump station will be similar to the ones the City now has for Poindexter Creek at Water and Elizabeth Streets and the other for Tiber Creek near Mainers' Wharf Park.

Councilman King said when we first started the project we were having a problem on whether to put in benches or fences and where are we at with that.

Mr. Fredette stated that is not in the contract thereby the Contractor would not be responsible for that. He believes there was a discussion about that but there was never any direction to proceed with that.

Mr. King said he has received several calls from people in that area and they do not want any benches because they are afraid that will cause drinking, drugs, etc. in that area. He thinks at one time Councilman Rivers and he were saying that we didn't want that in the area. He doesn't think we should have benches in this area.

Councilwoman Hill-Lawrence said she thinks for a safety purposes it would be nice to have a fence around the ponds. We need to think of our children living in that area. She thinks the general public will feel safer if they are fenced.

Mr. Fredette said that again was discussed by Council when the contract was under design. There are no fences or benches in the design. He thinks it is

pretty much split as to whether are fenced or not fenced. The majority of our ponds do not have a fence around them.

Mr. Olson said that any type of addition would be outside of our existing contract. We would have to hire a fencing company to come in and fence in the area. The question is what type of fencing we would do. We would prefer not to have chain linked fencing. We are also concerned about the upkeep of the fence, trash blowing on the fence, etc. We have always planned that this would be architectural feature of that area and that is why we are looking at putting a fountain in it to keep the water circulating.

Ms. Hill-Lawrence said she would like to hear from the community and see what they have to say in terms of putting in a fence. She just thinks the location of where it is that it would be more attractive as well safer. It would give a sense of protection from the water in the pond. She thinks a survey of the residents of that area would at least show us how they feel about it.

Mr. Walton said that he feels it is not safe leaving it open. He feels a fence would be appropriate and it would also leave us less liable. We talk about liability but that is not what we want. Make it safe.

Councilwoman Meggs said she doesn't remember when it was or what it was that we had this discussion before about fencing but we decided it would be more trouble than they would be anything else. She thinks it would be so much prettier without the fencing.

Councilman Brooks said when this was being considered was the location considered? You can go into some areas where there are not as many kids where you can do that without having to maintain it. Kids are going to be kids and we have to take them into consideration. Safety should be an issue. He agrees that we should place a fence around those ponds.

Councilman Stimatz asked Mr. Olson when he is looking at fencing could he also look at some type of natural barrier.

Mr. Brooks said until you build a dike that means the water in the retention ponds is going to be same height as the water in the river.

Mr. Fredette replied that is correct.

A motion was made by Councilman R. E. King, seconded by Councilman M. E. Brooks to have Mr. Olson to bring back to Council at our next work session some costs for the fencing of both retention ponds as well as a natural barrier. Those voting in

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

Councilwoman Baker asked for some type of list of water things that we have and which ones have fences and which ones don't. She is interested in the others that have a high concentration of children living in the area.

c} Animal Control:

Mayor McLean called upon Chief Crudup for comments.

Chief Crudup stated he wanted to talk with Council tonight to basically let you know what we do here at the police department. The City of Elizabeth City contracts with Pasquotank County to receive animal control for our residents. \$112,000 was budgeted for this fiscal year for animal control. Animal Control responds to calls of incidents occurring within the city as well as Pasquotank County. They enforce our city ordinances as well as the County ordinances and the State Statutes as they relate to animals. They operate seven days a week between the hours of eight to five. There are two full time Animal Control officers and one part time. An Animal Control officer is on call after five p. m. to respond to emergency situations. Animal Control complaints received through the 911 Center to date has been a total of 1,350 calls. In the last 4 months, the City has averaged 6 complaint calls per day. The reason for the increase is probably of the situation on Rosedale Drive involving wild pigs. We respond to all animal control complaints occurring within the City limits that occur after the hour of 5:00 p. m. daily. We assess the situation and if it is an emergency then the on-call Animal Control officer is contacted. If the situation involving the animal is not an emergency then the responding officer takes the necessary measures to control the situation. Our ordinance, Chapter 6, Article II requires all dogs within the City to be properly restrained. We encourage our citizens to keep their pets on a leash. There are certain situations that are outside the scope of the Office of Animal Control. We work with the North Carolina Wildlife Commission when we have wild animals such as the situation on Rosedale Drive. We also work with the Department of Agriculture and the US Fish and Wildlife Services. In summary, the Elizabeth City Police Department responds to complaints, assess the situation and work in partnership with other agencies to solve the problems.

Sheriff Randy Cartwright said that the Chief pretty much summarized our jobs. Animal Control is a unique thing because there is no formalized training to be an Animal Control officer in North Carolina. We have talked with the Justice Academy about some type of formalized training for animal control. This past week we dealt with an aggressive goose on Roanoke Avenue. The goose is a

Canadian goose and normally would be a federal protective bird. We contacted Wildlife and they said that one was domesticated because it has always lived on waterfront and it walks. We had to get rid of the goose. He has a lady living on Roanoke Avenue that has called about deer on her property. Deer are protected and there is a hunting season for deer but you cannot fire a weapon in the City limits. Animal Control can be whatever the call is today. We get calls about horses. We have to decide what regulations to follow so we don't get in trouble ourselves. There are Wildlife certified people that we have to take the animals to so that they can be treated and put back into the wild.

d} Discussion of drainage issues along Peartree Road:

Mayor McLean called upon Mr. Fredette for comments.

Mr. Fredette stated there are two issues on Peartree Road regarding drainage. The first one is Peartree Road at Halstead Boulevard. He used a power point presentation to follow the flow of the water. Back when he was first asked about this we determined that the cost of permitting that work was more expensive than actually doing the work. He thinks we had a total cost of about \$20,000. If we were to clean that area we have determined that we could probably reduce the water level near Peartree Road in the cemetery area about 16". He showed a photo looking westerly along the cemetery. He showed the culvert on the west side of Peartree Road at the end of that ditch. The water is trying to get under Peartree Road into the swamp across the street. The water level starting at the culvert near Peartree Road is about 16". If we removed the dams we could reduce the water level as much as 16". Then you are subject to the backwater from Charles Creek and we can't do much about that. We have asked the State to participate in this project. They have stated that they would participate based on their contribution of storm water run off in the area. Unfortunately, the run off in this area is very small compared to the water that comes down that ditch line on the north side of the cemetery.

Mr. Stimatz asked who is responsible for maintaining the flows in the ditches. Is it the State, property owner, the City or who is it? We can't get a good answer. The ditch in question is on private property. So technically that owner is responsible. We can't find a standard that states that you have to maintain a certain amount of flow. Therefore, if you own it then you have to maintain that flow. We just can't find that standard. That is the problem that we are running into. The best that we can do is try to work with the owners which we have done that a few times. We cleaned out Charles Creek about three years ago.

Mr. Fredette stated he would like to embellish a comment by Councilman Stimatz because it is an issue that he has talked about since he has been here and that is the issue of an easement. We have many situations within the City in prior

site plans and subdivisions plans where there is a call for a drainage easement. That is it. That easement is not granted to anybody, there are no rights, no requirements of the grantor to maintain it. He has talked with Attorney Morgan on a number of occasions. In a situation like this he is sure he would say that we have a right for drainage flow through that area because it is a natural drainage flow. The whole issue of defining who the easement is granted to is important. Please don't have us to accept easements in every subdivision and every ditch in the subdivision. He thinks that responsibility belongs to the home owners in that area. Until that is clearly defined and the home owners come to him and say, here I have the easement on the property and it is your responsibility. He said we have discussions like that at least once a month with somebody.

Mr. Walton said he is wondering why we brought the discussion to the table if we are not going to try and do something about it. He doesn't know why this was brought up.

Mr. Stimatz replied it was because of the potential impact on Oak Grove and when we first discussed the Oak Grove project three years ago we discussed how this might impact Oak Grove and the need to try and do something. What we have come up with is a cost issue. The permitting is \$15,000 and \$10,000 to fix it. We could do it but we would have to agree to spend the funds. It would help Oak Grove drainage and help everything to the west. That is why we looked at it. We need to come to a resolution to this problem.

Mr. Brooks said this is really a mess and we are just blowing it off. We need as a governing body to come up with something to resolve this problem. We need to get with someone and take care of this eyesore. Water stands there all the time. What happens when we get one of those two or three days of rain? He doesn't have the answers but we need to resolve this issue.

Mr. Olson stated that we don't have the equipment to dig this ditch out. It is a dragging situation. The big issue from our perspective is that it is a blue line ditch. If you do anything to alter a blue line ditch you have to get CAMA permitting and go through the whole issue. He understands Council's concerns but we have a lot of needs right here in the City. We just got done talking about Phase III of the Roanoke Avenue Drainage. That one phase will eat up your entire budget for next year in the Stormwater Fund if you go ahead and do that project. Then you have areas over on Main Street, Colonial and that area which we are trying to do some work on out at the Fairgrounds to eliminate some of those problems. Then you have the ditches in Williams Circle.

Ms. Baker said since this is a State owned area can we not approach the State and ask them to do something about it.

Ms. Hill-Lawrence said that we keep hearing NCDOT and Elizabeth Street and she would like to know if you have a map or something of what streets are DOT and what streets are Elizabeth City controlled streets. What is the criteria that determines which streets are DOT and which aren't. Who determines which is going to be whose?

Mr. Olson said they are determined via State Statutes. There is a Powell Bill map in Vivian's office that delineates what are city roads, NCDOT and what is consider private roads. We have to fill out that report annually because we get State aid based on that report. The problem is NCDOT has a very limited budget as they have been cut dramatically and they are having a hard time maintaining their existing obligations. We have an excellent working relationship with NCDOT. If we have a problem we can usually work with them. Their main reason right now is the permitting issue associated with doing anything to this roadway.

Mayor Pro Tem Hummer stated in her opinion she thinks we need to hold DOT's hands more to the fire. We talked for years about the property behind Oak Grove and the need for DOT to assume some of the responsibility back in that area. That is the same with the Allstate Building and Supply and the flooding over there and Oxford Heights. She also thinks that whoever owns the railroad that they don't maintain the property across from McArthur Drive where the railroad is all grown up. That track follows directly by Oxford Heights. They do not maintain it and it is a part of our City that you drive into and we sit here and bat our brains out over the same issues every meeting and they do control the purse strings. We are the stepchild in this part of North Carolina when it comes to us getting anything done. As you drive to Raleigh you can see how beautiful everything is. We don't even get any flowers planted on our roads.

Mr. Walton said he knows we have gone over twenty minutes on this issue and he still doesn't see why we are on this issue because the citizens of Oak Grove have not complained about this. We have bigger issues than that. We don't need to go to DOT and talk about something that is worth \$20,000 when later on we might need to ask for something larger than that to clear up some of the major problems. We are just being more and more confused by bringing things to the table that probably doesn't need to be brought to the table at this time.

Mayor McLean said when we are talking about waterways we are talking about water connectivity. If the ditches are stopped up here then down the road it is open it is not good for it to be open down the road. Can we take a satellite shot that would tell us where all of our ditches are located that we need to keep clean. He feels if we could keep our ditches clean then we could take care of a lot of our water issues. We need to outline the responsibilities of everyone to make sure it works.

Mr. Stimatz said Mr. Mayor you hit the nail on the head with your last comment. This is the question that has to be asked. Who is responsible for keeping Charles Creek flowing and at what rate? That is the problem that we have had with Charles Creek and Knobbs Creek. Nobody wants to take it. It is always somebody else. That is our problem because if you could establish that then you would know who to go to and they would have funds. From the mouth of Charles Creek to some point where it is designated as belonging to someone. Then it would become their problem to fix. If we could get that answer it would be better. If it is the property owner then we would go to the property owner. That is an area that has been like a stone wall. Nobody wants to accept the responsibility.

Mayor McLean said what he is going to do is he is going to set up a Task Force to work on this issue to bring it to a halt. He will ask three members of City Council to serve on this Task Force to just deal with this issue. He is not going to do it tonight but he will be discussing this with members tomorrow.

e} Terms of Office:

Mayor McLean called upon Councilman Brooks for comments.

Mr. Brooks stated that he put this on the agenda and Mr. Morgan has given each member of Council a memorandum. He would like to see the terms of office to go back from two years to every four years. When you get a new person on Council what happens is the first fear is a learning period. The second year you are working to get reelected. He had Mr. Morgan look up the information and tell the process that we operate under at this time. He thinks four years would allow members to be more in tuned to what is really going on in the City. Right now he would think there are not too many people more informed about what is going on in the City than the City Manager because of the length of time he has been here. A new member doesn't have half the information or knowledge or the back ground information to solve issues as the City Manager. It is up to the Council whether you do it or not.

A motion was made by Councilman M. E. Brooks to adopt a resolution of intent to consider an ordinance amending our Charter that would change our terms of office from a two year term to a four year term; and further call for a public hearing on that issue. Motion was denied due to a lack of a second.

f} Code Enforcement Software:

Mayor McLean called upon Councilman Brooks for comments.

Mr. Brooks stated we received a memo from the City Manager that states he has talked with the contact person with the vendor that supplies the software for code violations and the possibility of allowing the general public to have read only access to properties with reported code violations. He liked the response but he thinks that it would be detrimental to do that because the bottom line we keep talking about how shortfall our budget is but it says access can be provided to city employees or members of the City Council if they are added as users and we pay additional fees. We keep talking about how tight our budget is and he doesn't know why this memo came up or does he know who requested it. He doesn't think we need to pay any additional fees. He also thinks that the privacy issue might come into play. We don't need to know every time someone gets a violation on their property. You can ride through the neighborhoods and we can see the violations. You can talk with the Code Enforcement Officer. He thinks sometimes we become unmindful that in the City we have two council members representing each Ward. There is a reason why we have two members from each Ward representing us. We have three people that work in the Code Enforcement Office that takes care of all of the incoming complaints and violations. He takes the opportunity to talk with them quite often. If you go there and see the number of complaints they actually have and what they do to process those complaints something like this wouldn't come up. We need to take care of our citizens and stop trying to find ways to pick fights with each other. We need to stop that foolishness.

Mr. Stimatz said he is the one that brought up this foolishness and the reason that he did was is because many people want to know what the status is on a house that they have reported a code violation on or before they report it they would like to know if it has been reported by someone else. The other thing is if you go on line and report them now or you call them then the Code Enforcement Team has to wade through like five or six reports of the same code violation on the same property whereas, if they knew it had been reported they wouldn't report it again. Plus, he was more interested in the status of compliance because he gets a lot of questions from his constituents about what is the status of this or that. At present the way the system is set up the only way you can get that information is to call the Code Enforcement Officer. That is a lot of burden to put on them to constantly answer questions about what the status is on this particular property. The idea was somehow increase the transparency of government, allow citizens access to public information in a method that hopefully wasn't expensive. He is not for spending money but the idea was could we find a way to do it without breaking the bank.

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Mayor McLean stated he would go round the table for comments and inquiries.

City Manager Olson stated he had no further comments.

Councilwoman Baker read comments from some of our boaters. She stated she will continue to read the notes when we receive them from our visiting boaters. She said she thinks that we should think about creating a vicious dog ordinance before we need it. We approved the minutes of October 11th meeting tonight and how timely that was because she would like to read a couple of excerpts of that meeting. "Ms. Baker stated she would like to vote on these individuals separately. She just doesn't think a grandmother is the right person to be on that board. She thinks people with children and people that are interested in the youth of this area that have new ideas would be a better choice. Mayor McLean called for a motion to appoint Myrtle Rivers as a member of the Parks and Recreation Board and he asked to say that he does take exception with Councilwoman Baker's reference that grandmothers do not get involved with young people." As you can hear that is not what she said. "His wife is a grandmother as we have four granddaughters and she is very much involved in the process relatively to recreation, being on the cheerleader squad and she is very much involved and he hopes we would not vote against grandmothers for the simple fact they are grandmothers." This is also not what she said. Then Councilwoman Baker asked to make a comment. She is not opposed to grandmothers as she is a grandmother. Ms. Baker just said on this committee and she would like a business person, somebody that has young children that know what young children are into and that can find new ways to involve our youth. She thinks that is what the Task Force is about. She is not against grandparents or Myrtle Rivers. She likes Myrtle Rivers." That is from the minutes that we approved tonight. It is a wonder that anybody in this City ever wants to run to be a public servant. You spend your time, you spend your money getting a campaign together to serve the community and then you get subjective to citizens who will take your words and change them around to be something you never said. Something that is used to make a person look like they are breaking the law, being a racist or some kind of preferential treatment to a party or group. Then it is somebody suggesting that you are vehemently opposed to grandmothers. None of that was said. It was absolutely crazy and it makes her question what the heck are we doing up here. Why do we sit and run and spend our time reading our packets and spend our time doing our research and then get your words turned around to be something that you never said. Then be threatened with, "Be careful Councilwoman Baker", careful of what? Telling the truth, being a grandmother, stating an opinion, it makes her crazy. She is so sorry. She would also like to know why we have time limits for public comments if we don't police these time limits. We police them for the Susan Matouseks but we don't police them for grandmothers.

Councilman Brooks said well, well, well. First he wanted to thank those who voted to have Brooks Avenue to be on the top priority as far as when the money is available to get Brooks Avenue taken care of. The reason why he says that to the Council is because his constituents asked him to tell you on TV. He thanks the Mayor for breaking the tie. He thanks Betty for seeing the need. He thinks Betty has a heart for the people. When we are dealing with the youth he has always had a concern with the Boys Club and he doesn't know what to do about it. In the Hugh Cale building those young children don't need to be stuck up in a room like the little ole lady that lived in the shoe. We can do better by our kids and our youth. He thinks down the road we can do something better. We can do something. Our most valuable resource in this area is our youth. He probably spends more time roaming around the City and he gets a chance to talk with residents in all the Wards. Chances are he has been in your Ward and he doesn't hear the same buzz that you say you are hearing. Ms. Rivers you addressed your concerns beautifully. One thing he can say about Ms. Rivers is when he ran into the issue with the City Police Department years ago and everything was vacated and he came before Council and all those council members sit there knowing that the City was found wrong. All he said was that they were wrong and he wanted his good name back. Ms. Rivers was the only Council person that sit there and said the City was wrong and she apologized. She didn't have to take the responsibility on herself. He has a high regard for her. When he wasn't on Council a Council person said that he carried a gun in his sock. That was more hurtful than anything else. He doesn't even own a gun. It bothered him and he has that on tape. His sisters wanted him to pursue it but he didn't because he thinks things take care of themselves. We need to be careful on how we say things.

Mayor Pro Tem Hummer said she would like to remind everyone of two veteran ceremonies. One is the annual one at Westlawn Cemetery at 1:00 p.m. on Thursday and then there is the first ever Veteran Ceremony that the City will host at Mariner's Wharf at 9:00 a.m. This is going to be something really special and she hopes we will have a large turn out. This is being done not just for our fallen heroes but active and retired veterans and families that live in our community. Also, she would like to remember a very special person this evening. The Albemarle Economic Development Commission, County and City have lost a very valuable employee and a very special person in the passing of Judy Starks. She was a very special person and always very pleasant. There was no task that she couldn't accomplish. She never turned anything down. She personally worked with Judy for seven years and she would like to extend her condolences to the family. Her service is tomorrow at First Baptist Church at 1:00 p.m. Finally, Council does have the authority to change the term of office for Council members. The two year terms came about a few years ago because people were very unhappy with things that were going wrong in the City and Council at that time turned a deaf ear. The people spoke and that is what two

year terms is all about. The people spoke. They canvassed the whole City and they got the names for a special initiative and they brought about it. Council didn't do that but the people did.

Councilman King said Ms. Hummer took all his thunder. He has no further comments.

Councilwoman Hill-Lawrence said she wanted to thank Chief Crudup and the EC Police Department for the very fine police work that they are doing in the Fourth Ward. She has gotten a lot of calls from residents that have expressed to her that the police have been going door to door and sitting down with them and doing real good community policing.

Councilwoman Meggs said that she has two items. If you have not seen **Annie Get Your Guns** you are missing something wonderful. It was very good and she is proud of the work the cast has done. Secondly, a good friend of her granddaughter played on the Volley Team that went to Raleigh. They took second place. She thinks that they should be congratulated and let them know that we are proud of them.

Councilman Stimatz stated that we have six more performances and Page After Page has tickets that you can purchase.

Councilman Walton said Elizabeth City State University still has the biggest event that happens in Elizabeth City. Homecoming was awesome. The bleachers were filled for the game. We had people standing around the field ten deep or more. It was a big huge event. Dealing with Ms. Rivers coming up when a person has something that they want to get off their mind they should do that. A couple of weeks ago he said that Tony had made a statement and he asked the Clerk to bring the information to him. She emailed the information to him. After he read it you know it is hard for somebody to read something and feel the effect of it. You say things in a different way. The Clerk doesn't say this person said this in anger or this person was sarcastic or this person was this or that. It is hard to do it just by reading it. The intent of the person is when it really happens at that moment. You have got to seize the moment. That is what is important. If you don't say it with love you say it with arrogance. You say it with something else in mind. That is the way it came out but when you read it, it doesn't look that way. You can't just dismiss what you say. You just have to say you made a mistake. He says things out of his mouth all the time and he makes mistakes. He is not afraid to say he was wrong. As council members we need to do things with love if you can. Do things with sincerity if we can. But we were voted in to keep the citizens at heart. That is what we need to do. When budget season comes around next year and he doesn't care how young you are on Council if we

pass it two months ahead of time and then all year look for money somewhere it is our fault.

Mayor McLean said that we received an award for Coast Guard Day. He would also like to thank Reggie Ponder for writing the article on the Essay Contest this past Friday. His granddaughter is at home working on hers as she is trying to win. He is hoping that all our kids will participate. He thanked ECSU for their wonderful parade and celebration of their homecoming. Mayor Pro Tem Hummer talked about our Veterans Day recognition program and he hopes each of you will try to attend. He needs recommendations for appointments to the Tree Committee. If you know of someone that would like to be a member of this Committee please let him know. We need two appointments. We had a Mayor's meeting down in Kinston. We learned a lot of information. CRC Community Retreat is on Saturday night. The program is Wednesday night. Pat Franzese who is a member of that Committee is very ill and he is asking that you pray for her and her family. Judy Starks was a wonderful person and we are going to miss her. We also have Bennie Hodges who was a member of the ECSU Alumni Association passed away Sunday. He wanted to thank the staff. We are in the process of doing the Elizabeth City Beauty Pageant. They are looking at the contract now that we have to sign with the State. He thinks on the Committee appointments because we went outside of what was normally done is what caused the problem. Some of the appointments are made by the Mayor. Normally the Council understands that. He thinks what happened in this particular case was that things were not done as they have been done in the past. He thinks to bring this to a halt as he said in the previous meeting that he thought Ms. Rivers was owed an apology and he still feels that way. Once that is done he feels it will bring closure to this matter. He doesn't think you spoke with your heart. He knows you don't hate grandmothers as you are a grandmother. You would never do anything that would hurt a grandmother. Sometimes we do misspeak.

Councilman Brooks asked to say that 13 News called him in reference to Brooks Avenue. He didn't talk with them because he couldn't understand those that voted against it. He didn't want our Council to look divided. He let his brain and heart go to work in that process. If he had talked to them when they called it wouldn't have turned out right.

8} CLOSED SESSION:

Mayor McLean called for a motion to retire to Closed Session.

A motion was made by Councilman J. B. Walton, seconded by Councilwoman J. M. Baker to retire into Closed Session for each of the following:

- 1} *Discussion – As per NCGS 143-318.11 (a) (5); acquisition of property.*
- 2} *Discussion – As per NCGS 143-318.11 (a) (6); personnel matters*
- 3} *Discussion – As per NCGS 143-318.11(a) (4); location of business or industry*
- 4} *Consultation with the City Attorney as per NCGS 143-318.11(a) (3)*
- 5} *Consideration Closed Session Minutes as per NCGS 143-318.10 (e)*

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

9} **RETURN TO REGULAR SESSION:**

A motion was made by Councilman M. E. Brooks, seconded by Mayor Pro Tem L. A. Hummer to return to regular session. Those voting in favor of the motion were: Brooks, Hummer, Baker, Hill-Lawrence, R. E. King, B. S. Meggs, J. A. Stimatz and J. B. Walton. Against: None. Motion Carried.

10} **ITEMS FROM CLOSED SESSION:**

a} Closed Session Minutes:

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the Closed Session Minutes as presented. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

b} **Pre Application to NC Rural Center:**

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to submit a pre-application to the NC Rural Center for a Building Reuse Grant in the amount of \$2,008. Those voting in favor of the motion were: Stimatz, King, Baker,

Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

11} ADJOURNMENT:

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

A motion was made by Mayor Pro Tem L. A. Hummer to adjourn the meeting. Councilman R. E. King seconded the motion. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

Mayor McLean adjourned the meeting at 10:49 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor