

MONDAY-7:00 P.M.

NOVEMBER 22, 2010

CITY COUNCIL

The City Council of the City of Elizabeth City held its second 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. Those council members attending were: J. M. Baker, M. E. Brooks, L. Hill-Lawrence, L. A. Hummer, R. E. King, B. S. Meggs, J. A. Stimatz and J. B. Walton. City staff attending was: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Public Utilities Director P. A. Fredette, Electric Director K. F. Clow, Finance Director S. E. Blanchard, Planning Director J. C. Brooks, Inspections Director S. E. Ward and Parks and Recreation Director B. V. White.

Mayor R. A. McLean established a quorum was present and called the meeting to order. He called upon Reverend Roy Maritz for the invocation after which the Pledge of Allegiance to the Flag of the United States of America was given.

1} APPROVAL OF THE AGENDA:

Mayor McLean called for a motion to approve the prepared agenda.

Mayor Pro Tem L. A. Hummer asked to remove ***Item #12-Closed Session from the Agenda.***

Councilman J. A. Stimatz asked to remove ***Item #8-b-1-Consideration –TA-03-10 from the Consent Agenda and place it on the Regular Agenda for discussion*** and ***add Discussion of Hayes Salvage Yard.***

Councilman M. E. Brooks asked to add: ***Discussion of Dunstan Lane and Discussion of the Road Infrastructure List.***

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

2} COMMENTS FROM THE PUBLIC:

City Clerk D. S. Pierce-Tamplen stated that we had two individuals to sign up to speak to Council.

Mrs. Holly Koerber, 600 W. Main Street, Elizabeth City stated she had two issues that she would like to raise with the Board tonight if she could. The first is the voluntary board appointments. You recently had a member of the public address you with regards to voluntary board appointments and she raised concerns about civil rights sensitivities and she would ask that you have some sensitivity to constitutional issues of free speech and equal protection tonight in giving your indulgent to respond. She has had experience with City Council in the past being a board appointment and actually being a board rejected appointment. She has been on both sides. In fact there are some current members of Council who have both voted for her and against her in those positions. She fully understood that serving in that voluntary capacity only could happen with the approval of Council and the recommendation of the Mayor. She is a little confused Mr. Mayor by your current position which is that you support an appointment process whereby you bring the nominations to the floor and you ask Council to approve your list of nominations. Rather than have some kind of consensus by opening the floor and asking for Council to make their own recommendations for those positions. What has her confused is in supporting a person who raises the issues of civil rights sensitivities with regards to board appointments and we are not talking about legal obligations and that person made that clear as well. She does not know how having a Mayor make the recommendations and having a council to rubber stamp them meets with those concerns. How does the lack of open debate insure concern about issues like civil rights violations? If you are going to be the sole person to recommend people and there is not going to be open discussion why you chose one person and not another then are we to have a parade of individuals. She does not think that is what was intended. She is confused about your support for your position as she understands it yet your support for someone complaining that when members of Council had input into the appointment process they were called on the carpet about their views of those appointees. Her second issue is with term limits. She may be one of the few people left in the United States of America who believes public service is a noble calling and who also believes that almost everyone that comes to public service does so with the hope of making a positive difference in the community they serve. What she doesn't understand is when we have had a very public process whereby the public has decided that two-year terms better serve their need to evaluate your public service on their behalf we now have some persons that want to make that change. She would caution that when this debate was had in the community the first time, the consensus was that if you are doing your job well you don't have to worry about how short or long your term is as the public will vote for you again. If you are not doing your term well they have an opportunity to evaluate you more frequently and have that voice heard too. In all the discussions about how much time it takes for each of you to learn on the job training, our founding fathers intended representatives' democracy to not be about professionals in your positions. It is that you take your gifts and talents

and your professional experience in your role and you bring it to the public square and offer it for a limited time to the public good not that you are ever professional elected officials. The only expertise we ask of you is that which you bring from your life experience. Then all you have to do is say aye and nay, read your packet, do your homework, ask the professionals on staff for their evaluation of the issues and then hold yourself up to account to the public every two years. The idea that there needs to be long on the job training for you to serve as elected officials she thinks is directly contrary to what was intended with representative democracy. Finally, she wishes to thank each and every one of you for your public service. Very, very few people are willing to hold themselves up to the public scrutiny that you do and she thanks you for it. She would certainly hope that rather than spending your time at the end of every single council meeting scrutinizing each other she certainly hopes that what you will do is do the job for the people rather than evaluating each other as that is our job at the ballot box.

Ms. June Gibbs, Elizabeth City stated for two or three years she refused to watch council meetings because there was so much negativity. Tonight she decided she was going to start something. She is going to come with positive things. Councilman Brooks has always been there for her and the other people in Oxford Heights. She calls him all times of the night when there is water standing all around her apartment. She needs to let people know what he is doing. Councilman Walton works with our schools. She is a counselor. Every year Councilman Walton and his wife go above and beyond to make sure that every child in our school has a good Christmas. Mayor McLean is always there for her any time she calls him with a student. She is not here to bamboozle anyone. She wants our students to be able to turn the television on and one day look at the City Council meeting and see something positive. We are telling them every day that they need to be good and become productive citizens and when they turn on the television at night it is embarrassing. When the votes start she knows where they are going. She is asking you all for the sake of the youth to let's set an example. She is going to be coming back with positive things. She is making it her duty to come forward with positive things. She is a grandmother but she still has some fire.

3} APPROVAL OF THE MINUTES:

a} Work Session – October 27, 2010:

Mayor McLean called for approval of the minutes of the Work Session held on October 27, 2010.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the

October 27, 2010 Work Session meeting. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

b} Regular Meeting – October 27, 2010:

Mayor McLean called for approval of the minutes of the Regular Meeting held on October 27, 2010.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the October 27, 2010 Regular meeting. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

c} Special Work Session – November 1, 2010:

Mayor McLean called for approval of the minutes of the Special Work Session held on November 1, 2010.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the November 1, 2010 Special Work Session as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

4} PRESENTATION:

Mayor McLean presented a Certificate of Appreciation to Mrs. Phyllis Bosomworth in honor of her late husband David P. Bosomworth. Mrs. Bosomworth made brief remarks.

5} CONSENT AGENDA:

Mayor McLean called upon City Manager R. C. Olson to read the Consent Agenda items. Following the reading Mayor McLean called for approval of the Consent Agenda as presented.

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

CONSENT AGENDA:

a} Authorized Airport Authority to make improvements to the Airport terminal building.

b} Called for a public hearing to be held on Monday, December 13, 2010 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for each of the following:

1} Consideration – TA-04-10 to amend Article II Section 2-1.1 of the Unified Development Ordinance word interpretation

2} Consideration – RZ-05-10 to rezone .64 acres from R-8 Residential to O&I Office and Institutional at 313 Shirley Avenue

3} Consideration – RZ-056-10 to rezone 1 acre from R-15 Residential to RHM Residential Manufactured Home at 1154 Perkins Lane.

END OF CONSENT AGENDA

6} PUBLIC HEARINGS:

a} Petition to Close Street – Pool Street between East Elizabeth Street and Pearl Street:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson stated at the October 11, 2010 meeting the City Council approved a Preliminary Resolution for the closing of that portion of North Pool Street that is located between Elizabeth Street and Pearl Street and North Road Street and Martin Luther King Drive. This is what is called a paper street. You have heard us use that term on several occasions. We have received a request from the Pasquotank County Commissioners to have this particular road closed at this time. We did according to State Law published the intent in the newspaper for four consecutive meetings and staff is asking after the public hearing for the Council to approve the closure of this street.

Mayor McLean declared the meeting into public hearing for consideration of the proposed closing. Since there was no one who wished to speak for or against the proposed closing, Mayor McLean declared the public hearing closed.

A motion was made by Councilwoman J. M. Baker, seconded by Mayor Pro Tem L. A. Hummer to adopt the following Resolution

closing that portion of Pool Street located between Elizabeth Street and Pearl Street and North Road Street and Martin Luther King Drive closed. Those voting in favor of the motion were: Baker, Hummer, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

**RESOLUTION #10112
STREET CLOSING ORDER
POOL STREET
LOCATED BETWEEN
ELIZABETH STREET AND PEARL STREET
AND NORTH ROAD STREET AND MARTIN LUTHER KING DRIVE**

WHEREAS, on the 11th of October, 2010 the City Council of the City of Elizabeth City directed the City Clerk to publish a Preliminary Resolution to consider closing that portion of Pool Street located between Pearl Street and Elizabeth Street and North Road Street and Martin Luther King Drive in the Daily Advance once each week for four successive weeks, such resolution advising the public that a public hearing would be conducted in the City Council Chambers of the Municipal Administration Building on November 22, 2010 at 7:30 PM; and

WHEREAS, the City Council on the 11th day of October, 2010 ordered the City Clerk to notify all persons owning property abutting on that portion of Pool Street located between Pearl Street and Elizabeth Street and North Road Street and Martin Luther King Drive as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Preliminary Resolution; and

WHEREAS, the City Clerk has advised the City Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Preliminary Resolution and advising the abutting property owners that the question as to closing that portion of street located between Pearl Street and Elizabeth Street and North Road Street and Martin Luther King Drive would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the City Clerk has advised the City Council that adequate notices were posted on the applicable street as required by NCGS 160A-299; and

WHEREAS, the area is described as follows:

BEGINNING at a point on the southern boundary of Pearl Street and the northeast corner of the property acquired by Pasquotank County in Deed Book 1069, Page 798 and currently identified in the

Pasquotank County Tax Office as Parcel 12-F-7; thence from said point of beginning 42 feet in a southerly direction along the southern border of Pearl Street; thence cornering at the northwest corner of the parcel owned by Pasquotank County and identified in the Pasquotank County Tax Office as Parcel 12-G-4; thence 110 feet in a southerly direction; thence continuing 11 feet; thence continuing 224 feet; thence cornering 49 feet in a northerly direction; thence cornering 335 feet to the **POINT AND PLACE OF BEGINNING.**

The above described tract is shown on the GIS map entitled "Old Pool Street" and dated October 20, 2010. Said GIS map is incorporated herein by reference for a more complete and accurate description of the property. A copy of the map is available for inspection in the City Clerk's Office.

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on November 22, 2010; and

WHEREAS, it now appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

NOW, THEREFORE, subject to the reservation of easements to the City of Elizabeth City for utility purposes as shown on a map recorded in Book of Maps in the office of the Pasquotank County Register of Deeds, the portion of street lying and being between Pearl Street and Elizabeth Street and North Road Street and Martin Luther King Drive known as Pool Street is hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaim to the abutting property owners in accordance with the provisions of NCGS 160A-299.

The Mayor and City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street (with provision for reservation of easements to the City of Elizabeth City for utility purposes) in accordance with the provision of NCGS 160A-299(c),

The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Pasquotank County a certified copy of this resolution and order.

ADOPTED, this the 22nd day of November 2010.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

7} REGULAR AGENDA:

a} TA-03-10 to amend Article XI Section 11-1.5(f) to allow a maximum of three menu sign boards for commercial establishments.

Mayor McLean called upon Councilman Stimatz for comments.

Mr. Stimatz stated he removed this item from the Consent Agenda because in talking with the Planning Administrator she agreed. If you say this in essence Sonic becomes non-conforming because Sonic has a menu board at every lane that you drive up into. His suggestions is to take this back and say that we limit the number of menu boards to the number of drive through, drive in or drive up services/windows. If we did it this way they can come back and they would have to go to the Board of Zoning Adjustments and get a variance. Why create that burden on anybody. It costs money to go to the BZA. We should change the language to say one menu board per drive through, drive in or drive up service lane window.

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. A. Hummer to send this item back to the Planning Commission for a minor rewriting of the proposed text amendment to reflect the number of signs is limited to the number of drive through or drive up windows that are associated with the restaurant. Those voting in favor of the motion were:

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

b} Improvements to Municipal Administration Building:

Mayor McLean stated that this matter has been on the table for at least two years. He completely agrees with this in terms of being able to do it. At our last meeting the Council requested that the staff go back and determine what would be the cost if we had HVAC as well as the electric in the project. The initial project was \$67,000 and with the additional upgrades the estimated cost is now \$88,000. He is asking for approval of this particular project for several reasons. One being the most important reason is that the City offices are not in compliance for the handicapped. On the second floor of this facility there are no handicapped restrooms. We are totally out of compliance. He noticed that last year when we approved the renovations for the Airport Authority one of the major accompaniments was to install a handicapped bathroom. He just believes that if we are going to treat our handicapped properly we should do that. A handicapped person should never be told that we don't have it here that you have to go somewhere else. They have the same rights as those of us who are not handicapped. We also have a unisex bathroom whereby men and women use the same restroom which is also out of compliance because that is something that you shouldn't do in a public setting because of security as well as safety. We need to address the needs of our handicapped individuals. There are a lot of privacy issues too. He notices when people come here to get passports they have to stand in line outside the Clerk's office. They have no place to stand or sit. There is no privacy as he looks at this facility as it stands now. We are just not in a position to put forth the type of effort to do what we need to do in order to service the citizens that voted us in. There are a lot of privacy issues here. When he is here he is meeting with senior citizens when they come in to meet with him and they shouldn't have to stand up. They have to sit at Ms. White's desk and if there are more than one the others have to stand up. He is concerned and disappointed that we can't do better for our citizens. He is asking this Council to approve it because according to city staff funds are available. They have been available for the last three years to get this done. By coming up with additional space it will give us a better way to serve the public. There are a lot of people that come pay their utility bills that are somewhat embarrassed by what they have to say because a lot of them are asking for extensions, etc. Right now there is no way that they can do that with any privacy. He is asking that you approve this for the simple fact that we need to do something to serve the handicapped.

Councilwoman Baker said she is concerned for a couple of reasons. One is that she doesn't think we would be doing Customer Service any favor by closing them in by not leaving this open up here for safety reasons for one thing. If someone

were to come in and attempt a robbery or do something like that you are cutting your chances in half of catching somebody by not having that visibility from upstairs. She doesn't think the privacy issue is an issue because we have plans to open up some of the offices in the back that are now vacant from the Human Resource move. We were going to use those for a privacy setting. The other thing if we have that kind of money to spend on Customer Service she suggests that we get the new phone system that we need that will help every employee and not just Customer Service. It would help every employee in every department. She would rather see it there. It would give us a lot more technology in our phone system and in our messages and everything. We are not really out of compliance without having ADA compliance bathrooms because the existing one is grandfathered in until such time we were to move or change those. We are not really out of compliance. We do have one in the building finally. She is not in favor of spending that money at this time.

Councilman Brooks said when this item came up as far as closing the area he was adamantly against it then. This was initially a bank and he didn't know what the ventilation would be. As he listens to the Mayor talk it begins to make a little sense to him. He thinks handicapped accessible is an issue as the one downstairs is a unisex one. He thinks that somewhere in this building we should have handicapped accessible restrooms for male and female. We can't act like the handicapped doesn't exist. He was up here on day and Dianne does passports and he saw about three or four people outside her office door. Some were sitting down on the floor and some were standing so he can see a need for it. If they went into Vivian's office then they wouldn't know that they were next. If they went into the break room then the people taking a break would feel uncomfortable. He has a different viewpoint on that now. He believes the handicapped should have the same quality of life of those of us that don't have a handicap.

Councilman Stimatz asked if we were ADA compliant.

Mr. Morgan responded that in his perspective in as much as the existing facilities are here and was prior to the passage of the ADA then we are in compliance.

Inspections Director Ward stated that this building was renovated in 1997 and the original plans had an upstairs handicapped accessible bathroom and it was taken out.

Mayor McLean said he doesn't know how we were able to renovate and spend the kind of money that we spent without putting in a handicapped restroom. What determines whether or not you are in compliance or not is whether a person can take a wheel chair and go into our bathrooms. They can't do that. He has an office with two bathrooms and it serves three people. We have a

building here with two bathrooms that are unisex and they serve unlimited number of people a day. In 1997 how were we able to renovate this building and did not bring it into compliance with ADA guidelines.

Mr. Ward said that he agrees with the Mayor. Council and the Mayor at that time chose to take it out which he disagreed with at the time.

Mr. Stimatz said regardless of when this building was built if you were going to make it handicapped accessible now what would the requirements be.

Mr. Ward replied to have an accessible restroom on each floor.

Mr. Stimatz said so if we did that then we could take the break room and do it. Expand the bathroom that is there because you have the water and sewer and take the break room and make that a handicapped accessible bathroom.

Mr. Ward replied that is an option.

Mr. Stimatz asked where was the bathroom located in the original plans.

Mr. Ward replied that it was down at the south end of the building. He is not sure if it was right beside of where it is proposed now but he knows it was at the front of the building.

Mayor Pro Tem Hummer said she brought this up before. We have two other bathrooms. She has heard that it should be one for men and one for women. Couldn't we bring them in compliance with what we already have?

Mayor McLean stated based on the number of people that frequent your facility determines how many bathrooms you should have. We are just not in compliance. We need to get into compliance if we are going to continue to serve the public.

Councilman Walton said that would be a change anyway because we talked about 1997 and now it is 2010. People are still waiting in line to use the bathroom. Tradition needs to change. We need to upgrade and if we can then we need to do that.

Mayor McLean said that we have \$267,000 in our capital improvement budget which has been available to do this for the last two years. He thinks it is some thing that we need to do if we are going to demonstrate that we are concerned about people and especially if we are concerned about the handicapped. A handicapped person shouldn't be told that they have to go downstairs because we don't have an accessible bathroom on this floor. We don't have to go

downstairs and they shouldn't have to either. To have unisex bathrooms and you don't know who is going to use those bathrooms is not right. We have a lot of women that work in this building and he thinks to be fair to our staff we probably need to look at it also.

Mayor Pro Tem Hummer said she didn't quite get an answer to her question but she has another one that she would like to ask the Building Inspector. She would like to know the danger of closing this area and having people work and stand in line. It seems to her that we would need to go out and rent a facility to put customer service in while you put in more steel beams. The paper work that we have on this change is merely estimates and we don't know what we would get into with the old heating and air conditioning. She is worried about something falling on the people that have to work downstairs as well as the people coming in to pay their bills. She is willing to look at the bathrooms but she is not willing to put employees at risk to close in a building that was not designed to be closed in.

Mr. Ward said obviously it would require some engineering to enclose the floor in. Safety would definitely be an issue but he is sure it is something that could be worked around. Renovations are done all the time.

Ms. Hummer said with that answer she would like to make the following motion.

A motion was made by Mayor Pro Tem L. A. Hummer to approve a bathroom only to bring us into ADA compliance. Councilman J. A. Stimatz seconded the motion.

Councilwoman L. Hill-Lawrence said she thinks what would be helpful would be for us to see the design of what it will look like. We have nothing to even imagine what it will look like.

Mr. Olson said we have some working drawings very rough in nature of a handicapped accessible restroom coming off the side of the elevator and then a conference room or several offices over the rest of the area to be covered.

Ms. Hill-Lawrence said she would like to see the plans.

Mayor McLean said there is a motion on the floor.

Mayor Pro Tem Hummer said that she would think that we would see the plans before we move forward with it.

Ms. Hill-Lawrence asked if she could do a friendly amendment that we see the plans.

Mayor Pro Tem Hummer said she would accept the friendly amendment.

Mayor McLean said he hopes that he has impressed upon each of you that this is something that we need to do.

Mayor Pro Tem Hummer said her motion stands to include the friendly amendment. The motion is as follows:

A motion was made by Mayor Pro Tem L. A. Hummer to install a handicapped restroom only but prior to the work being done that Council is allowed to review the plans. Councilman J. A. Stimatz seconded the motion.

Councilman Stimatz said he seconded Mayor Pro Tem Hummer's motion because she set a goal. How we get there let's leave that to staff. Do we agree that we as a City want to be ADA friendly which means that we have an ADA compliant bathroom on the second floor? It is a pretty simple goal. How we get there we will get to it. When the time comes we are going to have to vote on it to pay for it anyway. The only question she is asking tonight is do you agree that we as a City should have an ADA compliant bathroom on the second floor. If you want to wait for plans he thinks that is silly. You can set a goal without seeing the end results.

Mr. Walton said he thinks what happened is it was not clear to Councilwoman Lawrence what was being amended. She accepted an amendment that was only clear in her mind and in your mind. So it was not silly asking for clarification. Councilwoman Lawrence was only saying give her all the information so she can process it and analyze it and then she will decide.

Ms. Lawrence said we are still going to have the bathroom but she wants to look at all the plans. She wants to see what it all will look like in the event it is something that we want to do.

Councilwoman Baker said she thinks that we need to table this item until we have a consensus or until we see the whole plans which she knows she is not in favor of. She thinks some people wants to see the plans so lets look at the plans and bring this back at our next meeting.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to table this item, distribute the proposed plans to council and bring back at the next meeting. Those voting in favor of the motion were: Baker, Stimatz,

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

c} Fence design around retention ponds:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson stated this is a follow up to your last Council meeting where we had a discussion concerning the design of the storm water drainage ponds associated with Phase II of the Roanoke Avenue project. Staff was asked to bring back what the cost would be of some design concept for a fence to go around each of the retention ponds. We have 1368 liner feet of fence that would have to be constructed. According to our engineer if you want to do the fence we would require that two 12' gates be installed so that we could enter for maintenance of the pond. The wrought iron fence would be anywhere from \$36,000 to \$39,000. A vegetated solution which would be the installation of 3-gallon Holly shrubs along the perimeter of the ponds. They would cost anywhere from \$25,000 to \$30,000. We put this item back on the agenda for direction.

A motion was made by Councilman R. E. King, seconded by Mayor Pro Tem L. A. Hummer to approve the installation of the wrought iron fence around both ponds within the Roanoke Avenue project. Those voting in favor of the motion were: King, Hummer, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

d} Hayes Iron and Metal:

Mayor McLean called upon Councilman Stimatz for comments.

Mr. Stimatz said this is an issue that has been burning a hole in his and Ms. Hummer's constituency for almost eighteen months now. If you look at properties 147 and 148/149, those two prosperities were the properties that were the subject of the original zoning application to put in a place for recyclable auto parts. They were going to buy them there. Those were the only properties indicated. This thing kept growing and it moved over to 155 and 156. On property 155 and 156 there is a large storage building which this company was storing metals of all kinds and they were out of sight and there wasn't a problem. Last June they decided to spill out into that space and into the four other lots. What is interesting about them is neither 155, 156 were permitted. There is no permit application put in to change that zoning. On the other four lots there hasn't been any application either. Most interesting is the four lots are zoned R-6. We have had discussions with staff and the attorney and we have

been told that we can't find our tax map. It is not clear from statute whether we are required to have one. In any event he went down today.

Mr. Morgan interrupted to say that we are bordering an issue that should be discussed in Closed Session.

Mr. Stimatz stated bordering is fine. He is just going to tell you what he did. He is going to tell you his research today. He went down today and he researched one of the properties, Lot 153C which is the small one. The question is what is the status of these lots. According to the City's GIS they are residential. He went back into Book 4 which is way back. They were called building lots. In going through the property transactions through the Deed Books all the way up to 1990 they were all owned by people and there is no reason to believe they weren't residential. The question that needs to be answered at some point is what is the status of these lots because we have an industrial use being carried out on residential lots. His question for staff is this: Somewhere after 1990 when the property was purchased by the current owner there should either be a zoning application approved that changes the designations of these lots from residential to the appropriate commercial zoning that would allow this operation or there should be a concurrent resolution from City Council changing the zoning on these properties. Without those the two properties are four residential properties which an industrial application is being carrying out on. He would like as quickly as possible since we have wasted 18 months in not doing this research earlier an answer to that question. We have two sources to verify the status of that property and he would like to see it done as quickly as possible. His constituents would like to have it done during the initial zoning permitting process back in May of last year. It would have been nice. So that is his issue and that is what he is looking for an answer for.

Mayor McLean asked City Attorney Morgan what was his point of contention relative to the discussion of this matter.

Mr. Morgan said that he would prefer not to mention in open session what his concern is. There was a statement made that he thinks came very close to putting us in a more awkward position than we may already be in.

Mr. Stimatz said he is done and he doesn't need any discussion any more. He has a staff request.

e} Dunstan Lane:

Mayor McLean called upon Councilman Brooks for comments.

Mr. Brooks said it was brought to his attention about the condition on Dunstan Lane. He went over and looked at it and it is a horrific sight. It looks like a trail that people would use during the days of the horse and buggy. It looks like someone decided to just go ahead and pave it. During the summer time there was poison ivy and poison oak all into the streets. Two cars can't pass at the same time. The fence on the back side they need to keep the grass off the fence. Someone can be behind those fences and we need to do something about that. If any council member gets a chance go by there and look at it. It is not even a road. We can do something about it. He thinks we need to make sure that the grass is off our right of way. It looks like the residents don't care. We need to put ourselves living over there and see if that is the way you want to live.

Mr. Olson stated that Dunstan Lane is a street that is only 12' wide. It appeared over the years that it was an alleyway that they allowed people to build on. Two vehicles cannot pass each other on that road without someone getting on the other property. It is the back part of those homes on Church Street. There is not a lot that the City can do because we don't have any additional right of way. We would have to acquire additional right of way from the back of the homes on Church Street. There is also a house on Culpepper that is right next to that alleyway so you could not adequately widen your right of way without having to do something with that particular house.

Mr. Brooks said we can make them cut the grass and keep the poison ivy off the fence. We need to be mindful of the children in that area. We need to enforce our ordinance that pertains to the fence. The Code Enforcement Officer can make them cut the poison vines off the fence.

Ms. Meggs said that she received a call from a lady over there and it is her understanding that the lady knew the situation over there when she bought the property.

Mr. Olson said that staff will look into this situation.

f} Road projects:

Mayor McLean called upon Councilman Brooks for comments.

Mr. Brooks asked to remove this item at this time.

8} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

City Manager R. C. Olson stated he had no further comments.

Councilwoman Baker read a couple of letters from our boaters. These were very nice comments.

Councilman Brooks stated the young lady that came up here and talked about rehashing the issue of the committee appointments. The Mayor makes the appointments but the Mayor gives each one of us the opportunity to submit a name so she was off beat there. He doesn't know if she has an issue with how it was addressed but he doesn't think Ms. Rivers was addressing the fact that she wasn't on the board. He thinks she was addressing the fact that Ms. Baker misspoke when she made the statement about the grandmother. We will let that lie as that is in the past. About the two to four year terms what she must understand is the vote has to go before the people. No one on Council seconded the motion so it is ok if he wants to put the energy to go out in the community and get 10% of the register voters it will still come on the ballot. What she needs to understand is it is still in the hands of the people. If she was that concerned she needs to run for Council so she will have all the answers. He likes what Ms. June Gibbs came up and said later. Some time when you come up here have something positive to say once in a while. Have some positive things to say about how something can be done differently instead of trying to stab people. That is not good. If you have time look at a Council meeting and you will see what he is talking about. We need a little more control as a governing body because you might have some youth out there watching us. We need to get our young people involved. We are in the information age and at the age of 26 Dr. King was one of the leaders in the Civil Rights movement. We have kids that are just as brilliant as that. They have something to offer.

Mayor Pro Tem Hummer asked if we had a joint meeting on the 29th.

Mr. Olson replied no we do not. We have three new commissioners coming on board and we were told to wait until they came aboard.

Ms. Hummer said she would like to know what the ordinance is concerning a tractor trailer being parked on a residential street overnight.

Mr. Olson replied that we have an ordinance that prohibits the parking on residential streets.

Ms. Hummer said it is not being enforced. She also said that she would like to speak about our Veterans Day ceremony at the Waterfront. She thought that it was great. There must have been at least 150 people there. Our flags looked really good and she was very proud of the whole thing. She thanked staff for everything they did to put it together. It was worth it and it was something to really build off for next year. Is the playground equipment going in on Triangle Park? She would like to point out something that has been brought to her.

People hear about all these fences and Triangle Park is located on a four lane highway. The outer rim of it is one block long and so she would like a price on what a fence would cost to enclose it on the other side of the sidewalk for children playing.

Councilman King said he would also like to thank staff for the job they did on Veterans Day. It was very rewarding to see everybody come out and do what they needed to do. The next thing is back in August you spoke about Juneteenth and Riverspree being jointly together. Where are we at with that? Mayor McLean said he spoke with Ms. Lenora Jarvis Mackey and she is in favor of the process. She is looking forward to meeting with the City and other appropriate officials. There is a good chance that they will be combined.

Mr. King said back when Ms. Watts was on City Council we had a thing going with this prepay electric. He would like for that to come back to the table and see exactly what is going on with that so we can give our residents an additional option. He looked at Ahoskie and they have prepaid and the way they are doing it is very successful. Would you bring this back at our next work session.

Councilwoman Hill-Lawrence said the Citizens Police Academy had their graduation on last Thursday and it was a wonderful occasion. They had 32 people to graduate. A lot of ECSU students. The other thing is she received a call from a resident on Delia Street saying that someone had left two deer carcasses at the end of the street. They had taken out the part of the meat that they wanted and had just left the other parts in the street. She doesn't know what we can do about it.

Mr. Olson said that street is in the County but we would call Animal Control because there is a law against wasting the meat.

Councilwoman Meggs said she has about three items. First she wanted to thank Ms. Hummer and Mr. King for what they did on Veterans Day. It was great and she appreciates it. Anita did such a good job with the flag ceremony. During the one at Westlawn there was a farmer that was driving a tractor full speed ahead and it was hard to hear the speaker plus they had some chemical that got into nostrils. He knew that we were there and he had very little pride that this was for our veterans. It really upset her. She hopes that if he hears this that he will take heed to it. The next thing she has is she went to the funeral of Mr. Andrew Williams. She knew him almost from the time she got into Elizabeth City until his death. She considered him one of her good friends. She thought his funeral very uplifting and we might want to give the family of Mr. Williams a proclamation.

Councilman Stimatz said as a veteran he was very proud of the Veteran Day ceremony. He thanked Mr. King for spearheading this event.

Councilman Walton asked the City Manager to get someone to ride through College Street as there is a dark area that needs a light put up. ECSU's basketball season is about to begin and if you get a chance to go out and support them.

Councilwoman Hill-Lawrence asked to speak about Hugh Cale. Mr. Hugh Cale was the first black in the General Assembly and he was instrumental in us having ECSU. This is the 175th anniversary of his birthday. We know they are going to have Founders Day at the University where they will celebrate his birthday. Mr. Eddie Davis wanted us to take time to recognize him and to give him honor. He was also the first black County Commissioner. We should say happy birthday to Mr. Cale.

Mayor McLean asked to say that he would like see us get to a point whereby we can bring the agenda items to the agenda 48 hours before the meeting. That would give all of us a chance to review it and give a fair assessment of how we feel about the item. The reason that we are looking at the Juneteenth celebration along with Riverspree is to make sure that we don't interfere with the Potato Festival. He wanted to say to City Manager Olson and Mr. McCade that he received his 25th year Rotary pin tonight. He is proud of those 25 years. The Veteran's program was great. He enjoyed the ceremony at both places. We may do a Veteran Day parade next year. Councilman King has agreed to take that on along with Mayor Pro Tem Hummer who doesn't know anything about it yet. He wants to give special consideration to Mayor Pro Tem Hummer and Councilman King for spearheading that. He wants to thank the staff of Elizabeth City. He thinks you work real hard and he wants you to know that he appreciates what you are doing. We don't say it a lot of time but we really do and we know that your job is difficult at times. The other thing is he sent each of you an email from the Mayor of Kinston. You will see in the email that the Legislation is now getting involved with the utility rates for the 32 cities. He thinks you will be pleased when you read what he is saying. It is something that we want them involved with because we have a lot of debt with our utility rates. They have agreed to look at it. He wanted to thank Dr. Clay Perkins for his comments in a recent newspaper article. He is in the process of appointing two committees. One committee is to review the condition of our ditches as well as determine without a doubt who is responsible for keeping them clean. He is also going to appoint a Finance Committee to give some of us the opportunity to understand what the budget is about prior to the budget sessions that we are going to have. When he met with Ms. Blanchard this past week he learned a great deal. He wants to thank Mayor Pro Tem Hummer as she has spoken at several events that he was unable to attend. He congratulated Councilman

Stimatz for taking part in the recent production of "Annie Get Your Gun" as well as Rebecca Cross for her part. Don't forget about the holiday celebration on Friday night. He thinks we are going to work together and get things done in our City.

9} ADJOURNMENT:

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

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to adjourn. 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 8:52 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor