

MONDAY-7:00 P.M.

NOVEMBER 26, 2007

CITY COUNCIL

The City Council of the City of Elizabeth City held its second Regular Meeting of the Month on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor C. L. Foster presiding. Those in attendance were: Mayor Foster, Council Members J. M. Baker, M. E. Brooks, L. A. Hummer, B. S. Meggs, E. K. Rivers, D. K. Stallings, J. A. Stimatz and J. B. Walton. Staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Public Utilities P. A. Fredette, Planning Director J. C. Brooks, Human Resource Director K. W. Felton, Inspections Director S. E. Ward, Fire Chief W. C. Pritchard, Electric Superintendent K. F. Clow, Finance Director S. E. Blanchard and Police Chief C. E. Crudup.

Mayor C. L. Foster opened the meeting by welcoming those attending as well as the television audience. He gave the invocation after which Councilman J. B. Walton led the Pledge of Allegiance to the Flag of the United States of America.

1} APPROVAL OF THE AGENDA:

Mayor Foster called for the approval of the prepared agenda.

Mayor Pro Tem L. A. Hummer asked to add, ***Call for a public hearing to receive a report to the citizens on the Closing of Year Four of the Hugh Cale Revitalization Strategies Grant, to be held on Monday, January 14, 2008 at 7:30 p.m. in the City Council Chambers.*** She also asked to add, ***the reading of a letter from a citizens during the Citizen Participation Section.***

Councilman J. B. Walton asked to add, ***Elections.***

Councilwoman J. M. Baker asked to remove, ***Closed Session for discussion of Closed Session Minutes.***

Councilman M. E. Brooks asked to add, ***Discussion of Carver, Harding, Celeste and Lowry Streets.***

A motion was made by Councilman E. K. Rivers, seconded by Councilwoman J. M. Baker to approve the prepared agenda to include the above noted additions/deletions. Those voting in favor of the motion were: Rivers, Baker, Brooks, Hummer,

Meggs, Stallings, Stimatz and Walton. Against: None. Motion carried.

2} COMMENTS FROM THE PUBLIC:

Mayor Foster asked that those wishing to address City Council to please keep in mind to let's not be rude to anyone. We have had cases of that happening in the past. Please be considerate of others and let's not be rude in any way. He is going to ask each speaker to realize that you have three minutes to speak. Another individual may want to transfer their three minutes to you or another person and you may do so, but only a total of six minutes would be allocated to one individual. Our attorney will keep the time and advise you when the end of your time is approaching.

Mr. James Adams, 512 W. Cypress Street, spoke on behalf of the St. Stevens Church and the residents of Sawyertown regarding the need for the installation of cameras in view of the recent shootings that have occurred in this area. He is hoping that the 2 substations (trailers) will be utilized very soon. Cameras will not solve all of the problems but it will be a deterrent to where they are placed.

Ms. Pam Stefanowich, 201 E. Cypress Street, Chairman of the Pennsylvania Crime Watch, also spoke on behalf of the Pennsylvania and Sawyertown areas on the crime situations. She also spoke regarding making our police department our number one priority. She was concerned that it is taking so long to get the cameras installed and the utilization of the trailers.

Ms. Linda White, 707 Grady Street, member of the Sawyertown Community Crime Watch, spoke regarding the cameras and trailers as well as the recent string of crimes in the Sawyertown and Pennsylvania communities.

Mayor Pro Tem L. A. Hummer read a letter from the Informed Voters regarding the criminal activities and the need to form a task force to study the solutions to this problem.

3} APPROVAL OF MINUTES:

Mayor Foster called for the approval of the November 13, 2007 Regular Council meeting.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to approve the November 13, 2007

minutes as written. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Hummer, Meggs, Rivers, Stallings and Walton. Against: None. Motion carried.

4} CONSENT AGENDA:

Mayor Foster asked the City Manager to read the Consent Agenda. After the reading, he called for Council action.

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

Consent Agenda:

a} Approved the following Budget Amendments.

**BUDGET AMENDMENTS
NUMBER -07-08**

BE IT ORDAINED, by the City Council of the City of Elizabeth City that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2008;

SECTION 1. That the General Fund Waste Reduction Grant Revenue (103490.5800) be increased by \$11,000, General Fund Balance Appropriated (103990.0000) be increased by \$1,100 and the Sanitation Waste Reduction Grant Expenditure (105800.3302) be increased by \$12,100.

(To record 2007 Community Waste Reduction Grant.)

SECTION II. That the General Fund Knobbs Creek Obstruction Removal Grant Revenue (103490.6211) be increased by \$74,400, the General Fund Donation be increased by \$15,000, and the Parks and Recreation Knobbs Creek Obstruction Removal Grant Expenditure (106200.7315) be increased by \$89,400.

(To record Knobbs Creek Obstruction Removal Grant.)

SECTION III. That the General Fund Balance Appropriated (103990.0000) be increased by \$676.50, the Payment from Pasquotank County (103350.0000) be increased by \$676,50, and the Community Relations Commission Expenditure (106600.4100) be increased by \$1,353.

(To record balance due to JEM Research, Inc. for Community Relations Commission survey.)

ADOPTED, this 26th day of November 2007.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Charles L. Foster
Mayor

- b} Approved the following Abstract of Votes for certification of the Fourth Ward.
- c} Approved the waiver in the length of a cul-de-sac requested from 2-Invest for Phase II of the Morrington Subdivision.
- d} Approved the execution of professional service agreement for the taxiway design at Aviation Park to Delta Airport Consultants, Inc. Delta's contract is based on an hourly billable rate with a not-to-exceed \$132,328 clause.

End of Consent Agenda:

5} REGULAR AGENDA:

- a} Appointments to Historic Preservation Commission

Mayor Foster submitted the names of Pat Franzese and James Anderson. Ms. Franzese along with her husband owns a historic home and is a broker with Butterfly Real Estate. Mr. Anderson is also a real estate broker and has served on the Historic Preservation Commission in the past and served as the Chairman on two different occasions.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman D. K. Stallings to approve the appointments of Pat Franzese and James Anderson as members of the Historic Preservation Commission for a three year term ending November, 2010.

Councilman J. A. Stimatz stated that he was concerned that we have no African American members on this commission. By making both of these appointments this evening you will be closing the door on rectifying that. He has been in contact with someone, an African American woman, who is interesting in serving on the Commission. She has previous experience on the Planning Commission and because of scheduling and the workload that she had to step down, but she is interested in serving on this one. Knowing the Council's great desire to insure that we have a represented balance we would have no African American on this commission. This particular person lives in Sawyertown which also broadens to another Historic District in the City besides the main one. He does not know how to say this, but it would be helpful if you would withdraw one nomination and his suggestion would be to remove Mr. Anderson as he has served on it before and he has been there twice and once as the chair. He thinks that Ms. Franzese would be an excellent person to put on there and he would recommend that you withdraw Mr. Anderson pending our ability to put some African American representation on the Commission.

Councilwoman J. M. Baker said that she has spoken with a few people and the problem that she has got with this appointment is the timing. This is our last meeting and she just does not think that it is right and maybe this is something that we need to change or the future council does but she does not think that it is right that the current mayor at the last meeting of his office make appointments that the new mayor has to live with through his entire term. She thinks that is something that we should look at for all commissions and put a time stop on that. It doesn't make sense to her. She knows that the Mayor is the Mayor until his term is up but we postponed a water agreement with the County until the new Council is seated and we do other things. She thinks that would be fair and she doesn't have a problem with the person but she does have a problem with the timing.

Mayor Pro Tem L. A. Hummer stated that she has researched how many times an outgoing Mayor presented candidates in November for appointments to committees. These committees have expiration dates and they are filled when someone's term expires. In November 2005, Mayor Bell made appointments and she didn't hear this comment then. She was here and she believes that her

colleague was also. In November 2001, Mayor Van Nieuwenhuise made appointments twice, November 1999, Mayor Gardner made appointments, November 1997, Mayor Gardner made appointments, November 1995 Mayor Gardner made appointments, November 1991 Mayor Oman made appointments, November 1985, Mayor Newell made appointments, November 1991 Mayor Bell made appointments and November 1979 Mayor Bell made appointments. That is as far as she went back.

Councilman J. B. Walton stated that she heard a person mention President Ford recently and President Roosevelt also said. "Give him either peace or give him righteous. He said that he would select righteous any time." He does not know who Tony is referring too as he didn't bring a name. He is sure that he got the agenda earlier. Now, he does not have anything against African Americans people because he is one himself and so are some of his best friends. But, to come in here now and put another name in there is not right. Some politicians will say what they think people want to hear and some people say what they believe in. He tries to be the latter. He feels like we should go with these two people that we brought their names forward. Solidify that because we postponed it the last time and for what reason he does not know. He guesses everything is coming to the top now. But, these two names are both qualified individuals and they have good character so let's go through with what we had planned.

Councilwoman Baker said that she just wanted to say that one of the people that is being replaced that their time expired in June and she wouldn't have had a problem in June.

Councilman E. K. Rivers said that this was on the October meeting so this is not a November appointment but it was held off as his colleague stated. When it comes down to it he has always tried to respect Council, but he does not respect to hear that in order for me to vote against someone when the name could have been presented to the Mayor prior to this meeting. Mr. Mayor did you receive any other applications besides these two. You say that he is quick to pull the race card and for my colleague to pull the race card but yet he is the bad guy or certain other council members are the bad guys. Don't present that in his face to make me question his race because of the fact that you have a problem with one of the two candidates and that is personal. He is looking above that and he thinks that the Mayor brought the two forward and he hopes that we will have diversity and he does hope that you will bring that persons application back, Councilman Stimatz for the next vacant position. That way the Mayor will have

that persons' application and he hopes that you will support that person with the same vigor that you are supporting them tonight.

Councilman M. E. Brooks said that this is really funny. He has been sitting on Council for two years and they wonder why he didn't campaign. He finds it amazing that the race card was played by a non-black. He finds that amazing and he has never seen this before. A name wasn't presented; they just tried to play the race card. No other name was interjected in here. It a personal thing and we can't go along with that. He is ready for the vote.

Councilman J. A. Stimatz said that he guesses your remarks are aimed at him Michael and he finds it very interesting. If anything he thinks that he has become to understand the needs for diversity. He knew it before but now he understands how important it is to Council. It is not up to him to bring up a name before council. He didn't know that this was going to be on the agenda as he was out of town and he didn't see the packet until he got home. He did see the agenda via his e-mail over the weekend but he was in New York and he didn't have time to talk with this person to see if they had put their application in. He had asked them about it before. He doesn't have a name for you right now because the person may not have filled out the application and handed it to the Clerk. It is not his place to bring that person's name up. That is the Mayor's place. He was just offering that since we have had some interest from an African American person and that is an issue for this City to have diversity. He offered that it is a possibility here if the Mayor, seeing that Mr. Anderson has been on there before, holds off on that particular nomination. Now, if that makes him playing the race card then he does not know how to play this game. He wants the best people on there that we can have.

Councilman Walton stated that some times he is facetious and that is what he is this time so don't take it personally. He wants to make a substitute motion that we put that third name in the hat so when a vacancy comes open that is going to pay \$50-55,000 that we give that person consideration.

Councilman Rivers called for the question.

Mayor Foster called for the vote on the previous motion.

Those voting in favor of the motion were: Hummer, Stallings, Brooks, Meggs, Rivers and Walton. Against: Baker and Stimatz. Motion carried.

b} Preliminary Subdivision (SUB-05-07) request by Tanglewood Development to subdivide 21 acres into 8 commercial lots on the north side of Halstead Boulevard.

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson stated that this is a request for preliminary plat approval on Subdivision 05-07 which is a request from Tanglewood Development to subdivide 21 acres into 8 commercial lots on the north side of Halstead Boulevard Extended. This is the property directly west of the shops of Tanglewood. It is presently zoned General Business. He called the Planning Director to the podium to give an overview of the subdivision.

Ms. Brooks stated that the site is located on the north side of Halstead Boulevard, east of the Wal-Mart shopping center. As proposed the lots will range in size from 1.5 acres to 5 acres.

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman B. S. Meggs to approve the preliminary plat (SUB-05-07) submitted by Tanglewood, LLC with the conditions listed below:

- 1} The necessary correction shall be completed to the plans;***
- 2} The final plat shall contain a note stating that the drainage/utility easement shall remain free of substantial structures and that the repair to any structure or landscaping located in the easement following access to the facilities by the City or utility provider shall be at the expense of the property owner;***
- 3} The final plat shall state that Lot 5 will require a separate State Stormwater Permit prior to any development;***
- 4} Prior to final plat approval, secure the necessary easement for the extension of the southern portion of the waterline loop;***
- 5} Prior to final plat approval a Property Owners Association shall be formed to ensure perpetual maintenance of the proposed Stormwater facilities including the detention pond and the outfall drainage ditch; and***
- 6} Prior to final plat approval, a copy of the Property Owners conditions, covenant and restrictions shall be submitted for review and approval.***

Those voting in favor of the motion were: Baker, Meggs, Brooks, Hummer, Rivers, Stallings, Stimatz and Walton. Against: None. Motion carried.

c} Preliminary Subdivision (SUB 06-07) request by 3 n 1 Incorporated to subdivide 93 acres into 155 lots:

Mayor Foster called upon the City Manager for comments.

Mr. Olson stated that this is a preliminary subdivision plat for Mariners Landing-Phase III & IV to subdivide a 93 acre site into 155 lots. The site is located on the east side of River Road and south of Asbury Drive and is zoned R-15. He called upon the Planning Director for further comments.

Ms. Brooks stated as proposed a 93 acre site will be subdivided into 155 lots. Phase I & II are currently under construction. As to design the lots will range in sizes from 15,000 to 39,000 square feet. It is anticipated that the water demand will be 65,000 gallons per day.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman E. K. Rivers to approve the preliminary subdivision plat (SUB-06-07) submitted by 3 n 1 Incorporated with the conditions listed in below:

- 1} Prior to being heard by the City Council, the City Engineer's approval and comments shall be required;***
- 2} A waterline easement is shown on the plans where the existing waterline along the eastern boundary is not contained within the existing easement. The easement shall be dedicated via a written instrument to be reinforced on the final plat and the deeds to each of the affected lots (285 thru 295);***
- 3} Prior to the final plat approval, the developer shall complete the necessary road improvements as per the NCDOT driveway permit;***
- 4} Prior to final plat approval, a Property Owners Association shall be formed to ensure perpetual maintenance of the proposed Stormwater facilities, detention ponds and outfall drainage ditch; and***

- 5} Prior to final plat approval, a copy of the Homeowners conditions, covenants and restrictions shall be submitted for review.**

Those voting in favor of the motion were: Baker, Rivers, Brooks, Hummer, Meggs, Stallings, Stimatz and Walton. Against: None. Motion carried.

d} Preliminary Subdivision Plat (SUB-08-07) request from US 17 South Development, LLC to subdivide 85.88 acres into 19 commercial lots.

Mayor Foster called upon the City Manager for comments.

Mr. Olson stated that this is a commercial subdivision which is located on the south side of Halstead Boulevard Extension directly south of the Super Wal-Mart Shopping Center. He called upon Planning Director Brooks to give the details concerning this subdivision.

Ms. Brooks stated as proposed the lots will range in size from 1.47 acres to 7.33 acres. Two retention ponds have been designed to retain the storm water runoff. The applicant received from City Council a waiver for the length of the cul-de-sac on the west end.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman E. K. Rivers to approve the preliminary subdivision plat (SUB-08-07) submitted by US 17 South Development, LLC with the following conditions:

- 1} Correct plans to show:**
- a} the existing land use, not future land use for adjacent properties**
 - b} the correct city limits and Halstead Overlay boundary on the vicinity maps**
 - c} Landscaping Plat Note #9 to include, "City of Elizabeth City" Planning Department**
 - d} a corrected signature for City Planning Director**
- 2} Recommend adding 10' Non-Access Buffer for Lots 2, 8 and 19 (as required by Planning Department/Technical Review Committee) at the time of site plan review;**

- 3} **Add storm water management facility (detention) ponds landscaping and amenities as required by Ordinance (§12-10 2 (B) (a) – Wax Myrtle recommended;**
- 4} **Provide copy of State permit for detention pond aeration or letter denying appropriateness of feature;**
- 5} **Amend pump station details, deleting chain link fencing to replace with appropriate fencing and landscaping per Planning Department; and**
- 6} **correct/edit Parkway South at Tanglewood Owner’s covenant document as per Planning Department and City Attorney.**

Those voting in favor of the motion were: Baker, Rivers, Brooks, Hummer, Meggs, Stallings, Stimatz and Walton. Against: None. Motion carried.

e} Two Calls for Public Hearing:

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson stated that the first call for a public hearing concerns revisions to City Ordinance, Section 86 “Vehicles for Hire”. We had this discussion during the last City Council meeting and it was staff’s intention to go ahead and bring you back the final ordinance for the amendment to Section 86. Unfortunately, because our meeting was Tuesday because of the holiday we could not get the publication into the newspaper in a timely manner, therefore we cannot have the public hearing because of the 10-day prior notification requirement. Another addition to this is the City Attorney has drafted very specific language based on the comments City Council gave us at your last meeting. The language is in there and you can see there is still a blank in there when it comes to a specific dollar amount.

The second call for a public hearing deals with the closed out of Year Four of the Hugh Cale Grant. This item needs to be taken care of in order to do this closed out.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to call for a public hearing to be held on Monday, January 14, 2008 beginning at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for each of the above items. Those voting in favor of the motion

were: Baker, Stimatz, Brooks, Hummer, Meggs, Rivers, Stallings and Walton. Against: None. Motion carried.

f} Traffic Signal to be located at the intersection of Edgewood Drive and Weeksville Road.

Mayor Foster called upon Mayor Pro Tem Hummer for comments.

Mayor Pro Tem Hummer stated that she requested that this be put on the agenda. Unfortunately, there has already been a bad accident at this intersection. She didn't realize that it was already being look into therefore she would like to ask the City Manager for his comments.

Mr. Olson replied that the light was identified when we did the traffic impact analysis for River Road because one of the exits on Hopkins Lane required that corner of Weeksville Road and Edgewood be signalized. Subsequent to that we did have a site plan approved for Weeksville Crossing which NCDOT required that a light be installed at that particular intersection. The City did issue a temporary CO prior to the light being installed. We required the developer to post a \$120,000 Performance Bond to pay for the cost of the signalization. The final design we anticipate being sent to Raleigh within the next week to ten days. It will take roughly two weeks for DOT to approve that and then the company will go ahead and order the lights. We are looking at around March 1st for that signal to be installed.

g} Election

Mayor Foster called upon Councilman J. B. Walton for comments.

Councilman Walton stated that six months ago he went to the heart doctor and you know your heart is supposed to be at about 55% to be normal. His was at 40%. He went back last week and it was at 65%. He is above and beyond and he even feels like going out jogging now. He thinks that the local election may have helped him a little bit there. He wants to thank Kirk Rivers, Ms. Gilbert and Ms. Watts for being the challengers because it was an interesting race. The runoff race was even more interesting than that because a lot of things happened during that day. You would be surprised what happened in Elizabeth City. He thought that somebody was running for president or something. When he woke up it was raining and God stopped it. All of a sudden you hear about a bomb threat. All of a sudden you hear there is a sniper on campus. He took some students to Four B to vote and all of a sudden he saw a person and his

wife taking pictures of him. That was scary. They saw him take a couple of kids out to vote and he didn't go in the booth with them. He didn't show them who to vote for as he was hoping that they would vote for him. You never know how that goes as when people get in the booth they do some funny things. But, they took pictures of him and made a complaint, but they dropped it because he lost. It was just an interesting day. They brought in the FBI, Special Investigators and boy that was big. That was bigger than the presidential nomination. But, a lot of people got out and voted and it made him feel good. 620 people voted, 440 of those were black, 180 were whites and others, but that was a lot of people to him. He came up pretty close. Volanda ran a terrific race. He thinks that he probably could have beaten the other candidate. There is something special about Volanda. She is put in a position and he encourages her to be the same person two years from now that she is today. It is hard to do that. When you are dealing with a council like this one it is not easy. All she needs to do is do the best she can. He wants to encourage council or challenge council because people say that we didn't do much but when people start becoming selfish they look in the mirror all the time and thinking that something is going to change, it doesn't happen that easy. We did do some positive things. We kept the taxes down, we paved Southern Avenue and there were a lot of positive things. Mr. Olson just told us that we had a fund balance of 33%. Six months ago we were crying about it being 8%. This council did some positive things. He encourages you to still look out for the small person. After the runoff election he was out taking up his signs and he saw this black guy pushing his car off the road. He got out and helped him. He is still going to serve people and he doesn't care what you all say, being a part of Council or not as that is just his nature. He got out and helped him push his car off to the side and he asked him what was the problem. He replied that he needed some gas. He said that his car ran out of gas and he was going to go back to borrow some scaffolds because he lays bricks. He said that he was working at the prison and this man came in and fired all the black guys and hired all Mexicans. He brought this to him. A week later he looked in the newspaper and the walls have already fallen down in the new prison. They were supposed to have been laying bricks but they were putting in cement. A prisoner could come in there and scrape their way out. He knows that it was true. This man is 40 years old with a family. He was borrowing a scaffold so that he could go to Little Washington to lay bricks. Two weeks later he looks in the newspaper and there is his name on the crime watch. He challenges you to look out for the local people. He hears about all of these subdivisions we are passing but you have to look at how much the houses are going to cost. They are not putting in affordable houses here. \$400 or \$500,000 is not affordable homes. He can't afford them and he knows that man couldn't and a lot of others can't afford them. He challenges the new council to

look out for the citizens and not just bring in golfers in this City. Do that and he will commend you for it?

Councilman Brooks said that he would like to address what Councilman Walton has just said. He finds it interesting that one thing about being on Council is that you get to learn stuff about yourself that you didn't really know. Everybody else knows but you didn't know and you are glad that the Daily Advance tells you so you will know too. His phone has been ringing off the hook. He knows that when Councilman Stallings reads that paper there are some things that he didn't know about himself that the Daily Advance already knows. Mike Goodman said in the editorial that Mr. Brooks hates it because he didn't win the election. He wants to differ with Mr. Goodman because he must understand that he didn't really campaign and he didn't attend the forums. As a matter of fact, he thought that the God that he serves was more important than sitting on Council. He was a revivalist at a church. This was an interesting election. Whenever he goes out people are constantly asking him what is up with this election. He tells them that he doesn't know but the Daily Advance will probably know before he does. He does believe from the bottom of his heart and he will not back up from this, but he does believe that this election was tainted. The General Statute says that if an election is tainted by influence, corruptions or fraud and he will not back off that. He mentioned it at one of our council meetings and he wrote a letter to the State Board. It was not a protest, he just wrote a letter. Then after the Council meeting when he addressed his concerns the next day the local board sent him a letter saying that he had until the 15th of November to file a protest. He got it in there before the 15th of November and then he goes to the preliminary and they tell him that it is time barred. Why did they send him a letter to do a protest before the 15th which he made and then the local board said it is time barred. He has an issue with that as there is a whole of wrong with that. One thing that bothers him more than anything else is he has been around elections ever since he could vote. He has never in his life seen the exact number of early votes. 107 each in the Third Ward and in the Fourth Ward it was 135 each. The possibility of that happening is if everyone in here would get struck by lightning everyday for a week. The local board told him that they have had elections before that there were a couple of votes different but we are not talking about a couple of votes off, we are talking about the same exact number. We know that has to be tainted by influence somewhere if not by corruption or fraud. We need to make it go away because Elizabeth City is trying to grow. He believes without a shadow of doubt that he will be back on Council. Knowing that the 107 and 135 votes is not normal. You can take to a statistician and they will tell you the same thing. We don't have to be a rocket scientist to figure this out. We know that there is something strange about that. He

listened to Johnnie and it is something right out of the 60's. You are trying to vote when you are from Elizabeth City State Campus where they had a challenge about the sixteen votes and they had bomb threats, that is something that was done to scare voters when they didn't have the right to vote. What are we doing in Elizabeth City? He would like to apologize to our City Attorney when it seems to be an attack toward him at the last meeting it was unintentional to attack him. But, he only goes by what he read. Mr. Morgan wrote in a memo what was clear cut statutory law on October 19th regarding the automatic stay of the local boards decision which disqualified Mr. Stallings from holding the Third Ward seat. He said that statutory law "clearly requires that the results of the election in the Third Ward not be certified until the appeal is heard in Raleigh." North Carolina General Statute §163-182.15. So, what we do we certify the Third Ward anyway. Councilman Stallings' appeal is not heard until the 18th of December. That is wrong and it was wrong to even have a runoff for the Fourth Ward while the appeal was pending. It should have been now when Mr. Gilbert withdrew his appeal. We need to get it right as we have more pressing issues. Until the time that "special election" was mentioned he didn't say anything. It didn't much matter. You must understand that the people that came out and voted for him without him even campaigning there is violation there of the 1965 Voting Rights Act. It is a constitutional claim. Then there is \$8,000 to do another election. We just did one with the runoff, where is all this money coming from. That is \$16,000 we could have put in more cameras or something to help deter crime. The local board said that his protest that they sent him to fill out was time barred. He hadn't requested it. He finds that interesting since they gave him until November 15th and he made the deadline so he is trying to figure out how it was time barred. When you were dealing with Councilman Stallings what they did was Michael Cox and members of the Board of Elections they subpoenaed records and did everything to try to help Mr. Krider with his claim challenge against Councilman Stallings. But when you have inconsistency with 107 and 135 votes each they tell him that there is no evidence. They didn't help with that claim but they helped Mr. Krider. Something is tainted by influence. What they have to understand that is against North Carolina General Statutes. The problem that he is having is if it is tainted by influence basically they are telling us that they are certifying these people and then when you certify the Third Ward with only one candidate what you run into is that you don't have but one representative in the Third Ward. What makes sense is the next highest voter gets in there. He got irritated with Mr. Goodman because what he must understand is that it doesn't matter, Councilman Brooks cares about children and senior citizens whether he is on council or not. This Council did not start that. We need to get our act together because he has a grave concern with senior citizens afraid to go home at night. It has to rattle the core

of your being and he needs to stop talking about it because it really bothers him. He will stick to the premises that this election has been the most tainted election he has ever seen. He has never seen anything like this before and he is with Johnnie his blood pressure was up also. The citizens need to get involved with what is happening to them, don't just show up but voice your concerns.

h} Carver, Celeste, Harding and Lowry Streets:

Mayor Foster called upon Councilman Brooks for comments.

Mr. Brooks stated a while back they re-paved Carver, Lowry and Celeste Streets and you say that we are going to get DOT to see how deep it was so that they can go ahead and turn them over to the City. He wants to know what the progress is with that project.

Mr. Olson replied that we have not gotten the core samples back yet.

Mr. Brooks asked how long the process normally takes. It depends on how Councilman Stallings' challenge goes as he might not be here and he would like to see this completed.

6} COMMENTS AND INQUIRES ON NON-AGENDA ITEMS:

Mayor Foster stated that he would go around the dais and call upon the Manager and each member of Council for comments.

City Manager Olson stated that usually during this section of the agenda you hear very little out of the City Manager because he does a lot of talking on the different agenda items. But, he does feel compelled to say a couple of things to this City Council right now. On behalf of City Staff and himself he would like to thank members of the City Council for all your hard work over the last two years. Being a Council member is a hard and thankless job as you have found out. You have some rewards and you have some troubles and tribulations to go along with it. However, we have accomplished a lot over the last two years and you should take credit in what we have accomplished. Last month he sent you a sheet telling you everything that has been accomplished over the last two years. It is something that each one of you should be very proud of. As you are well aware we have not always agreed on issues but we have always kept focused on what was important. That is what our citizens need and what our citizens deserve from us. He would like to thank you for your support and friendship

during your term in office. He has really enjoyed working with each one of you and he says that with all sincerity.

Councilman Stallings stated that to come behind Rich after making a statement like that, it is something. He can't agree with Rich as a lot of times we disagreed but we did work it out and became agreeable. He would like to first correct something that Councilman Brooks said earlier. He does not think that it is anything funny about when the newspaper prints lies about you and scandalize you name. That is not anything funny. His wife is a victim as she has never filed to run for public office but anything that she does regarding her business is publicized in the newspaper and criticized. It will come out in the court case that she did not do any criminal acts as all she did was ask the lady to not come back to work. What the magistrate took it from there and what they did from there he cannot say but time will say with the court case. On his ticket for the seatbelt, he has been on Council for ten years and he has never seen anybody publicize in the newspaper for receiving a seatbelt ticket. If not what Brooks is saying that this election is tainted and what has happened to him because of his election and because Mike Cox not having a hearing on October 10th, he is hoping and praying that everything will come out alright on December 18th. The ones that know the words of prayer please pray that things will come out positive for the City. We have some 800 jobs coming to our City and he thinks that we did do some positive things for the City. Don't let what happened to him stand in the way of progress for the City.

Councilwoman Meggs advised that she has no comments tonight.

Councilman Walton said that each of us is selfish at times. If you can write down 100 things that you have gratification for then that is in itself a positive thing. It should be easy to write down the things that you do have rather than the things that you want. If you are selfish he doesn't care what a person does for you it is never enough as you are going to want something else. Council, if you think that we have solved all the problems we have not, Monday morning there will be more problems. He could start a list off by saying just waking up this morning was gratification for him. He could probably do 80 more and that should mean more than the 20. Small things should add up. It doesn't happen that way. The human factor for some reason it is not happening that way. We should be thankful for what we do get. Once again, he would like to encourage Volanda to come in and finish the things that we have started and then carry on her own way. Like he said there will be plenty of things that will still need to be accomplished. He wants to thank the citizens that did elect him and for allowing his to serve these last four years. He says that with gratitude. He has enjoyed

MONDAY-7:00 P.M. NOVEMBER 26, 2007 CON'T CITY COUNCIL

serving and he wants God to be the glory for that. For the council that is going to be remaining here may peace be with you.

Councilman Stimatz said he hopes that everyone had a good Thanksgiving. He was blessed as he had the chance to see his son who after six and a half years is graduating from college. He is going on to a very good job with a computer firm in Connecticut. He was blessed to spend some time with him and his first wife's family and he looks forward to the holidays and hopes that everyone else does too. We need to find a way to be nice to each other. We need to find a way to be kind to each other. We need to find a way to be honest with each other. If we do that then things will continue to improve. He agrees with his other councilmen, we have done a lot and we have created a lot of jobs and opportunities. We have moved ahead in a number of areas. We have a long way to go in some and he looks forward to working on those.

Councilman Rivers said he would like to wish everyone a belated happy Thanksgiving and as we move into the holiday season a happy holiday. One thing that he was very much concerned with was listening to the public comments tonight was the awareness of going on in the Sawyertown and Pennsylvania communities. He believes that we can along with the Chief implement and get more to the community with what our plans are for that area over the holidays because during the holidays he wishes that every family will be safe. That community has come out every meeting and set forth and he commends them to continue to come out to fight for their community. He hopes that we can do whatever we can to work with them in terms of the crimes in that area. He thinks that everyone in Elizabeth City would love to be able to walk out on their porches and not have to worry. He is very touched by that community. We know when we are going to have a flood or heavy rains but you never know when bullets will be coming through your house. He thinks that we need to work together and it is no reflection of the police department. He would like to have the plans on how we are going to be using our substations for that area during the holidays because schools are out and the activity will probably increase. We need to have a plan and get with the representatives of those areas to acknowledge what is going on in that area. Also coming into the New Year he would like to thank each and everyone one of you. He looks across from Councilman Stimatz and we probably see each other more here than elsewhere. He has enjoyed working with each and every one of you. Right after we had the retreat two years ago, Councilwoman Baker and he do speak when we come into the meetings. That is an improvement. Rather we agree or not does not mean that we don't love each other. He thinks that is what we can look forward to regardless of what people say about him he does not have a dislike with anyone

around this table. It is alright to disagree. To the Mayor for carrying out the meetings he thanks him for the opportunity to work with him. He thanks him for the confidence that he has placed into him to serve on the various committees. Rich, he didn't know you had that speech in you. It was very touching. He believes it is from his heart and he thanks him for working with him. We have had our times but he thinks that he has honestly been honest with him. He respects a person that is honest and speaks freely. He thinks that is the character of a gentleman. He respects you in that. To all the City staff he hopes and trusts that you will have a truly wonderful holiday. He hopes that you spend your bonuses well and enjoy yourself. He is glad to be a part where we took the opportunity to give every city employee a raise or yearly bonus and he looks forward to the next council that we will continue to reward you for your dedication to the City. To all of the Department Heads that he sits here and looks at twice a month he would like to thank you for your service.

Councilwoman Baker said that it is alright to disagree. It isn't alright to try to put words into people's mouth and try to make them look bad or try to embarrass them in front of their colleagues. The only thing that she has is that we have had two waivers to extend the cul-de-sacs in new subdivisions and she was wonder if it would not be prudent for us to re-look at the subdivision ordinance and maybe extend that cul-de-sac length.

Mr. Olson responded by saying that each one of these subdivisions have limitations because of the shape or limited access which made a good challenge for the developer to go in there and do the work. Definitely the one off of Halstead we are all familiar with that and what challenges that led too. The other one is something that City staff struggled with to be honest. Our concerns as Chief Pritchard would tell you is can he effectively fight a fire at the end of the cul-de-sac. That is our number one concern. Any other issues associated with the cul-de-sac he thinks are minor in nature but the issue of fire protection in those areas are our concerns.

Councilman Brooks said that it is his understanding that there are over one hundred churches in Elizabeth City. He will say to them openly don't just pray when you get the chance to come before Council, but pray for the City because we are into some interesting times. No matter what you go through in the course of a year there is nothing new under the sun. Have faith in knowing that all things work out for the good for those that love God and are called according to the purpose. He finds it more important to have a revival services than going through on what we have to on Council. Sometimes you need help from on high. He has a concern about the problems that we are having in Sawyertown.

When you have children you always spend more attention on the one that has the most problems. The residents of the Pennsylvania area don't just talk about their problems among themselves; they come up here and ask for help. We have to do something to make them feel a little more comfortable and safe in their environment. Lately, we hear about shootings in that area and we need to focus more attention on that area. A stray bullet doesn't know anybody. We need to come up with some kind of action to give them comfort knowing that the police are there to protect them. He wished everyone a happy holiday season.

Mayor Pro Tem Hummer said that she would like to say that it has been an honor and pleasure to have served as your Mayor Pro Tem for the past two years and she thanks all those that supported her and put her in that position. She thanks the Mayor for being on a cruise last week and letting her have one more official act as Mayor Pro Tem and have the honor of illuminating the downtown along with our Mayor-elect and Chairman of the County Commissioners. She is very proud of this Council and the things that we have accomplished. We still have a lot to do and we have tried to rise above all of the criticism. The main thing is serving the community and you really should have a priority to get the cameras installed and bring the level of crime down. It is not going to be easy as there are criminals coming in here from other places. We don't have the answers but she trusts that the new Mayor will perhaps look at appointing a committee of citizens and as Mr. McCabe suggested to look at crime. There are people out there that do have concerns even though they don't have the crime in their neighborhoods that maybe can help us. She thinks that one of the best things that has happened recently is the fact that we didn't have to go forward with eminent domain. When Elizabeth City State University's Chancellor walked into that room he was a large presence in that room. It was more or less we will pull out if you go forward with the eminent domain. He had his people scale back their needs for their aviation science building and Jeff Perry was generous enough to offer some space at this plant, DRS, so it all worked out. We didn't have to do that and it is good to have something good to talk about. She too would like to thank staff who does a wonderful job for us. She knows sometimes that they feel like we don't listen to them but we do. We have to listen to our constituents also. Sometimes maybe we don't make the right decisions. Mayor Foster has been a pleasure working with you. She thinks we have accomplished a lot. Mr. Olson and she are both lightning bolts we have been told but we do work together. And, a person who really a lot of people don't how important that she is to this Council and to this City is our City Clerk. She would like to thank her. She goes above and beyond to keep us out of trouble and to keep us from doing things that we shouldn't or see that we

observe the law. We have accomplished a lot and she is proud of it. In this job you have to have alligator skin and she guesses we all leave here with that.

Mayor Foster said that he first wanted to thank God for all that he has done for him during the time that he has served as your Mayor. He wants to thank all of the citizens and persons who supported him and voted for him and wished him well. He wants you to know that he certainly has enjoyed these two years to the highest utmost. As the City Manager has already indicated much has been accomplished and he is going to get with the Daily Advance and the Virginia Pilot for them to let the whole public know about those accomplishments. He wants the whole public to know about it. He wants to thank God for how he has blessed this council. You would be surprised at the accomplishments. You will be enlightened about things that you are not aware of now. To God be to the Glory of that. He also wants to let everyone know that when you see him he lives by a scripture that he has always lived by and it is Roman 8-28. It says, "All things work together for good for those who love the Lord and who will call for his purpose". There is nobody in the world that loves the Lord more than he does. He knows the purpose of why he was called. He knows that God has a greater work for him and God has already enlightened to what it is. He wants everyone to know that he doesn't want you to feel sorry for him. He is going out of office happy. He is not going out sad. He wants to thank especially Vivian and Dianne. These two young ladies have been a blessing to him during the time that he has been Mayor. He also wants to thank this Council and he liked the way that we started out. We started out with a retreat and although it may seem like that we have problems but we don't have near the problems that the Council before us had. He wants everyone to know that this has been a good Council. No Council is going to be perfect, he doesn't care who you elect. No Council in the world can be perfect because people are not perfect. He is proud of our present Council and he has been every encouraged by the citizens here in Elizabeth City. He also believes that race has improved these last two years. The majority of the citizens here in Elizabeth City know that we have a good City and we are determined that we are going to get along together and work together and have a far greater community in that respect of race relations. Last, but not least never before the history of this City until these two years have the pastors, white and black, decided to get involved with the community and to assist the police department and to assist government. This is a commitment that we the pastors, have made. He wants the next Mayor to know that he is supportive of him one hundred percent. He wants him to know that he will continue to be a concern citizen and any way that he could be of assistance to him all he has to do is to let him know. To our citizens he would encourage them to continue to attend the meetings and get involved with your community

and hold the Mayor and City Council accountable to you. That is what you are supposed to do.

7} ADJOURNMENT:

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

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

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

Charles L. Foster
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk