

**MONDAY-7:00 P.M.**

**DECEMBER 13, 2010**

**CITY COUNCIL**

The City Council of the City of Elizabeth City held its final City Council meeting of 2010 on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor R. A. McLean presiding and members J. M. Baker, M. E. Brooks, L. Hill-Lawrence, L. A. Hummer, R. E. King, B. S. Meggs, J. A. Stimatz and J. B. Walton in attendance. City Staff attending was: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Finance Director S. E. Blanchard, Public Utilities Director P. A. Fredette, Parks and Recreation Director B. V. White, Fire Chief L. M. Mackey, Police Chief C. E. Crudup and Planning Director J. C. Brooks.

Mayor McLean established a quorum was present and called the meeting to order. He called upon Reverend Shawn Blackwell for the invocation after which the Pledge of Allegiance to the Flag of the United States of American was given.

**1} APPROVAL OF THE AGENDA:**

Mayor McLean called for the approval of the prepared agenda.

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

**2} COMMENTS FROM THE PUBLIC:**

Pastor Tony Rice, 1112 Herrington Road, Elizabeth City, spoke to Council requesting a contribution of \$4,000 to assist in operating his homeless shelter.

**3} APPROVAL OF THE MINUTES:**

a} Regular Meeting – November 8, 2010

Mayor McLean called for approval of the November 8<sup>th</sup>, Regular Meeting minutes.

***A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the Regular Meeting Minutes of the meeting held on November 8, 2010. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-***

**Lawrence, King, Meggs, Stimatz and Walton. Against: None.  
Motion carried.**

b} Work Session – November 22, 2010

Mayor McLean called for approval of the November 22, 2010 Work Session minutes.

**A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the November 22, 2010 Work Session minutes as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.**

c} Regular Session – November 22, 2010

Mayor McLean called for approval of the November 22, 2010 Regular Meeting minutes.

**A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the November 22, 2010 Regular Meeting 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} PRESENTATIONS:**

a} Certificate of Recognition:

Mayor McLean presented a Certificate of Recognition to Ms. Brittina Brothers honoring her 100<sup>th</sup> birthday celebration. Mrs. Brothers made brief remarks.

b} Badge presentation:

Mayor McLean stated it was an honor to present to retiring Battalion Chief Van Ranhorn his badge. Chief Ranhorn retired from the City after 32 years of service with the Elizabeth City Fire Department. Chief Ranhorn made brief remarks.

**A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to adopt the following resolution and award Chief Ranhorn his badge in honor of his 32 years of service to the Elizabeth City Fire Department. Those voting in favor of**

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

**RESOLUTION #10121  
AWARDING BADGE TO  
RETIRING BATTALION CHIEF VAN RANHORN**

**WHEREAS,** Battalion Chief Van Ranhorn has served as a member of the Elizabeth City Fire Department for a period of 32 years; and

**WHEREAS,** Battalion Chief Ranhorn will retire from service on December 31, 2010; and

**WHEREAS,** it is the desire of the City Council to present to Battalion Chief Ranhorn his badge as a token of the City's appreciation for his many years of service and dedication;

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council of the City of Elizabeth City, North Carolina that the badge worn by Battalion Chief Van Ranhorn be awarded to him on the occasion of his retirement.

**ADOPTED,** this 13<sup>th</sup> day of December 2010.

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Roger A. McLean  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

c} Badge and duty weapon presentation.

Mayor McLean presented Detective Jerry L. Boyce his service badge and service weapon. Detective Boyce will be retiring from the Elizabeth City Police Department on December 31, 2010 after 24 years of service.

***A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to adopt the following resolution awarding Detective Jerry L. Boyce his badge and service weapon upon his retirement. Those voting in favor of the motion were:***

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

**RESOLUTION #10122  
AWARDING BADGE AND SERVICE WEAPON  
TO RETIRING DETECTIVE  
JERRY L. BOYCE**

**WHEREAS,** G. S. 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

**WHEREAS,** G. S. 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member; and

**WHEREAS,** Detective Jerry L. Boyce served as a member of the Elizabeth City Police Department for a period of 24 years and will retire on December 31, 2010;

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council of the City of Elizabeth City, North Carolina that the badge and service weapon worn and/or carried by Detective Jerry L. Boyce be awarded to him on the occasion of his retirement.

**ADOPTED,** this 13<sup>th</sup> day of December 2010.

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Roger A. McLean  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

**5} CONSENT AGENDA:**

Mayor McLean called upon City Manager Olson to read the Consent Agenda items. Following the reading, he called for a motion of approval.

***A motion was made by Councilwoman J. M. Baker, seconded by Mayor Pro Tem L. A. Hummer to approve the following Consent Agenda as presented. 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 to move forward with bidding electric work associated with NCDOT Project U-4438 and to purchase materials associated with the project.
- b} Authorized to move forward with bidding water and sewer relocation work associated with NCDOT Project U-4438.
- c} Adopted the following Resolution of Support for the Agri-Science and Biotechnology Regional High School in Washington County, North Carolina.

**RESOLUTION #10123  
IN SUPPORT OF AGRISCIENCE HIGH SCHOOL  
AT VERNON G. JAMES RESEARCH AND EXTENSION CENTER**

**WHEREAS**, NC Senate Bill 1199 established the Agriscience and Biotechnology Regional School Planning Commission to develop a plan for a regional school and ensure that the model is replicable, sustainable and scalable; and

**Whereas**, the Economy of Northeastern North Carolina is driven by agriculture and agricultural related industries and is a prime location for the development of value-added crops and sustainable agriculture; and

**WHEREAS**, many students in the local schools live in rural areas or on farms where they learn the value of work, the multi-craftsmanship of entrepreneurship, and the skill of building networking support combined with independence; and

**WHEREAS**, Bertie County Schools have a sustainable ag science high school that is recognized as a model within the region; and

**WHEREAS**, an ag science high school in Washington County would provide additional educational opportunities for a wider geographic area; and

**WHEREAS**, the Vernon G. James Research and Extension Center located in Washington County is an ideal location for a model school that supports the plans of the Agriscience and Biotechnology Regional School Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elizabeth City, North Carolina supports the establishment of a regional ag high school located in Washington County, North Carolina at the site of the Vernon G. James Research and Extension Center.

**ADOPTED**, this 13<sup>th</sup> day of December 2010.

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Roger A. McLean  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

d} Accepted the easement offers from NCDOT and authorized Mayor McLean to execute easement agreements.

e} Adopted the following Schedule of City Council meetings for 2011:

**CITY OF ELIZABETH CITY  
CITY COUNCIL  
2011 CALENDAR**

<b>MONTH</b>	<b>FIRST REGULAR CITY COUNCIL MEETING OF THE MONTH</b>	<b>SECOND REGULAR CITY COUNCIL MEETING OF THE MONTH</b>	<b>JOINT CITY COUNTY MEETING</b>
<b>January</b>	<b>10<sup>th</sup></b>	<b>24<sup>th</sup></b>	<b>31<sup>st</sup></b>
<b>February</b>	<b>14<sup>th</sup></b>	<b>28<sup>th</sup></b>	
<b>March</b>	<b>14<sup>th</sup></b>	<b>28<sup>th</sup></b>	
<b>April</b>	<b>11<sup>th</sup></b>	<b>25<sup>th</sup></b>	
<b>May</b>	<b>9<sup>th</sup></b>	<b>23<sup>rd</sup></b>	<b>To Be Announced</b>
<b>June</b>	<b>13<sup>th</sup></b>	<b>27<sup>th</sup></b>	

<b>July</b>	<b>11<sup>th</sup></b>	<b>NONE</b>	
<b>August</b>	<b>8<sup>th</sup></b>	<b>22<sup>nd</sup></b>	<b>29<sup>th</sup></b>
<b>September</b>	<b>12<sup>th</sup></b>	<b>26<sup>th</sup></b>	
<b>October</b>	<b>10<sup>th</sup></b>	<b>26<sup>th</sup> Wednesday</b>	<b>31<sup>st</sup></b>
<b>November</b>	<b>14<sup>th</sup></b>	<b>28<sup>th</sup></b>	
<b>December</b>	<b>12<sup>th</sup></b>	<b>NONE</b>	

**\*Regular City Council Meeting to begin at 7:00 p.m.**

**\*\*Work Session will begin at 5:30 p.m. prior to Second Regular City Council Meeting**

**\*\*\*Fifth Monday is Joint City/County Joint Meeting**

f} Approved the expenditures from the Legislative Budget Departmental Supplies line item for the purchase of 300 hot dogs, buns chips, drinks, trays and condiments for the annual Martin Luther King, Jr. Day observance.

g} Called for a public hearing to be held on Monday, January 10, 2011 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for consideration of designating Dunstan Lane a one-way street.

h} Adopted the following resolution accepting Tanglewood Parkway North and Commercial Drive into the City of Elizabeth City Public Street System:

**RESOLUTION #10124  
ACCEPTING TANGLEWOOD PARKWAY NORTH  
AND COMMERCIAL DRIVE INTO THE CITY OF  
ELIZABETH CITY PUBLIC STREET SYSTEM**

**WHEREAS**, the developer has requested that the City Council of the City of Elizabeth City accept the following roads into the City's Public Street System:

a} Tanglewood Parkway North, beginning on the north side of the Halstead Boulevard Extended right-of-way, extending northerly and westerly for a distance of approximately 4250 feet along Tanglewood Parkway North to a point 50 feet beyond the entrance to Tanglewood Lake Apartments; and

b} Commercial Drive from its intersection with Tanglewood Parkway North, in a southerly direction approximately 1100 feet to a point 50 feet before the beginning of the temporary turn around at the current terminus of Commercial Drive; and

**WHEREAS**, City staff has determined that the streets were constructed to City standards and in accordance with subdivision and site plan approvals; and

**WHEREAS**, the City Council of the City of Elizabeth City is of the opinion that the above described streets should be added to the City of Elizabeth City Public Street System;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City that the above described streets are hereby accepted into the City's Public Street System for ownership and maintenance and further directs that this change be effected in the City's Powell Bill formula for funding, as appropriate.

**ADOPTED**, this 13<sup>th</sup> day of December 2010.

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Roger A. McLean  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

END OF CONSENT AGENDA

**6} PUBLIC HEARINGS:**

a} Petition to Close Pool Street Alley:

City Manager Olson advised that NCDOT would like to use the area behind the old Elizabeth City Middle School for a staging area during the construction of Elizabeth Street. There will be a sanitary sewer lift station constructed on this property for relocation of city utilities. The alley in question is from east to west. The County of Pasquotank has petitioned the City to vacate this alley in order that the property will be more useable in the future.



Mayor McLean declared the meeting into public hearing. 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 preliminary resolution declaring the City's intention to close that portion of Pool Street Alley located between Pool Street and Martin Luther King Drive and direct the City Clerk to start the process of closing Pool Street Alley. Those voting in favor of the motion were: Baker, Hummer, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.***

**ALLEY CLOSING ORDER  
POOL STREET ALLEY  
LOCATED BETWEEN  
POOL STREET AND MARTIN LUTHER KING DRIVE**

**WHEREAS**, on the 27<sup>th</sup> day 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 Alley located between Pool Street and Martin Luther King Drive known as Pool Street Alley 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 December 13<sup>th</sup>, 2010 at 7:30 PM; and

**WHEREAS**, the City Council on the 27<sup>th</sup> day of October, 2010 ordered the City Clerk to notify all persons owning property abutting on that portion of alley located between Pool 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 alley located between Pool Street and Martin Luther King Drive known as the Pool Street Alley 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 alley as required by NCGS 160A-299; and

**WHEREAS**, the area is described as follows:

**BEGINNING** at the southeast 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-G-4; thence in a southerly direction 11 feet; thence cornering 50 feet; thence cornering 25 feet; thence cornering 51 feet; thence cornering 9 feet in a northerly direction; thence cornering 43 feet; thence cornering 25 feet; thence cornering 58 feet to the **POINT AND PLACE OF BEGINNING**.

The above described tracts are shown on the attached 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 alley in the public hearing held on December 13<sup>th</sup>, 2010; and

**WHEREAS**, it now appears to the satisfaction of the City Council that the closing of said alley is not contrary to the public interest, and that no individual owning property, either abutting the alley or in the vicinity of the alley or in the subdivision in which the alley 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 alley lying and being between Pool Street and Martin Luther King Drive known as Pool Street Alley, 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 alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed alley (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 13<sup>th</sup> day of December 2010.

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Roger A. McLean  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

City Manager Olson asked that City Council reconsider the above item as there was an error in the recommended action.

***A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to reconsider the request to close the Pool Street Alley. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Hill-Lawrence, Hummer, King, Meggs and Walton. Against: None. Motion carried.***

***A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to adopt the following Alley Closing Order Resolution closing that portion of Pool Street Alley located between Pool Street and Martin Luther King Drive.***

**RESOLUTION #10125  
ALLEY CLOSING ORDER  
POOL STREET ALLEY  
LOCATED BETWEEN  
POOL STREET AND MARTIN LUTHER KING DRIVE**

**WHEREAS**, on the 27<sup>th</sup> day 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 Alley located between Pool Street and Martin Luther King Drive known as Pool Street Alley 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 December 13<sup>th</sup>, 2010 at 7:30 PM; and

**WHEREAS**, the City Council on the 27<sup>th</sup> day of October, 2010 ordered the City Clerk to notify all persons owning property abutting on that portion of alley located between Pool 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 alley located between Pool Street and Martin Luther King Drive known as the Pool Street Alley 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 alley as required by NCGS 160A-299; and

**WHEREAS**, the area is described as follows:

**BEGINNING** at the southeast 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-G-4; thence in a southerly direction 11 feet; thence cornering 50 feet; thence cornering 25 feet; thence cornering 51 feet; thence cornering 9 feet in a northerly direction; thence cornering 43 feet; thence cornering 25 feet; thence cornering 58 feet to the **POINT AND PLACE OF BEGINNING**.

The above described tracts are shown on the attached 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 alley in the public hearing held on December 13<sup>th</sup>, 2010; and

**WHEREAS**, it now appears to the satisfaction of the City Council that the closing of said alley is not contrary to the public interest, and that no individual

owning property, either abutting the alley or in the vicinity of the alley or in the subdivision in which the alley 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 alley lying and being between Pool Street and Martin Luther King Drive known as Pool Street Alley, 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 alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed alley (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 13<sup>th</sup> day of December 2010.

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Roger A. McLean  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

b} TX-04-10 – Text amendment to Article II, Section 2-1.1 of the Unified Development Ordinance work interpretation:

Planning Director J. C. Brooks stated this code amendment is to amend Article II, Section 2-1.1 of the UDO word interpretation. As you are aware staff has struggled with the current UDO and its lack of definitions. There are over 300

uses which are not defined. Staff has had to refer to other sources in order to define some of the uses. The Planners' dictionary is a collection of 4200 terms and words. This dictionary is used in all aspects of planning including land use, architectural real estate, environment laws, science government and engineering. This record is published by the American Planning Association and is based on adopted planning practices throughout the State and Nation. The proposed text amendment would revised Section 2-1.1 to read as "Words and concepts not to find in this ordinance or that require clarification shall be further identified and/or defined by using a Planner's Dictionary as originally published and amended by the American Planning Association, Planning Advisory Service Report 521-522 when either sources deficient or provides no information words shall be given their ordinary and common meaning." This code amendment was presented at the November 20<sup>th</sup> Planning Commission meeting and they recommend approval of adoption of this text to go in conjunction with the UDO.

It was suggested that a copy be placed in the Library as well as the City Clerk's office.

Mayor McLean declared the meeting into public hearing for consideration of amendment TX-04-10. Since no one was present to speak for or against the proposed amendment, Mayor McLean declared the public hearing closed.

***A motion was made by Councilwoman J. M. Baker, seconded by Councilman R. E. King to approve the text amendment TA-04-10 as presented. Those voting in favor of the motion were: Baker, King, Brooks, Hill-Lawrence, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.***

c} RZ-05-10 – To rezone a .64 acre from R-8 Residential to O & I Office and Institutional at 313 Shirley Street:

Planning Director Brooks stated the applicant Elizabeth City Congregation of Jehovah Witnesses request a rezoning of their property at 313 Shirley Avenue from R-8 to O & I, Office and Institution. This property has been used as a church since 1969. Currently, the property is for sale. The site is .64 acres in size and has a 3800 square foot structure located on it. The site is surrounded by single family residents. To the north multi-family, to the west the old Carolina Feed and Seed Company, to the east a retention pond and to the south is commercial. The applicant originally submitted a rezoning request for General Business which is adjacent to the south, however, later amended the application to O & I. The O & I Zoning classification is more restrictive than the General Business and would serve as a transition zoning to the residential structures to the north. At the Planning Commission meeting in October a petition from eleven individuals was submitted in opposition to the General Business zoning

from the residential neighborhood to the north. The application was deferred to the November meeting so that the surrounding property owners could review the uses that would be allowed in the O & I. Between October and November's Planning Commission meeting staff met with Mr. Conrad Mullenchroft, a neighbor representing the opposition to the rezoning and explained the O & I zoning. Staff also contacted those individuals who had originally signed the petition for the General Business and offered to meet with them and provide them a listing of the uses of the O & I zoning. At the November Planning Commission meeting the neighborhood was still in opposition to the O & I rezoning request. Planning Commission recommends approval of the O & I rezoning. Since the November meeting there has been a protest petition submitted to the City Clerk's office. There were four individuals that signed the O & I Protest Petition. Out of the four that signed there were twelve properties that were within 100 feet of this property which is in compliance with State Code. The four signatures are valid. We only need 5% of property owners within 100 feet. That would invoke a super majority vote from Council tonight. You would need an affirmative vote from six of the eight council members to rezone this property.

City Attorney Morgan asked to follow up briefly on what Ms. Brooks has said. North Carolina Law does allow surrounding property owners to protest a proposed rezoning which is what we have here. The property owners who have signed the Protest Petition have been verified. It would require a vote of six of the eight voting members in order to approve the rezoning.

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

Councilman Walton asked that those attending that didn't sign up to speak be allowed to speak.

Marty Vestal, 1109 East William Circle, Elizabeth City, stated he was a member of the congregation of the Jehovah Witnesses. He was speaking in favor of the proposed rezoning.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to adopt the rezoning request RZ-05-10 as recommended by staff. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Hill-Lawrence, Hummer, King, Meggs and Walton. Against: None. Motion carried.***

d} RZ—06-10 – To rezone 1 acre from R-15 Residential to RMH Residential Manufactured Home at 1154 Perkins Lane:

Planning Director Brooks stated the applicant, Robert Brothers, requested a rezoning of a one acre portion of a 6.7 acre tract from R-15 to RMH, Residential Manufactured Home at 1154 Perkins Lane. This site has been in the Brother's family since the early 1940's. The applicant is seeking a rezoning in order to place a manufactured home on the site in order to take care of an aging family member. Currently the existing zoning does not allow manufactured homes. They are only allowed in RMH zoning classification. Surrounding uses will remain agricultural and forestry in nature. This request was heard at the November Planning Commission meeting. They recommended approval of this rezoning request.

Mayor McLean declared the meeting into public hearing.

Mr. Bobby Brothers, 1154 Perkins Lane, Elizabeth City spoke in favor of the proposed rezoning.

Since no one else wished to speak for or against the proposed rezoning, Mayor McLean declared the public hearing closed.

***A motion was made by Councilwoman B. S. Meggs, seconded by Councilman R. E. King to approve rezoning request, RZ-06-10 as presented. Those voting in favor of the meeting were: Meggs, King, Baker, Brooks, Hill-Lawrence, Hummer, Stimatz and Walton. Against: None. Motion carried.***

## **7} REGULAR AGENDA:**

a} Proposed Improvements to Municipal Administration Building:

There was a motion made to table this item at Council's November 11<sup>th</sup> meeting. Mayor McLean called for a motion to remove this item from the table.

***A motion was made by Councilman J. A. Stimatz to remove this item from the table for further discussion. Councilwoman B. S. Meggs seconded the motion. Those voting in favor of the motion were: Stimatz, Meggs, Baker, Brooks, Hill-Lawrence, Hummer, King and Walton. Against: None. Motion carried.***

The motion that is being brought back to the table is as follows:

***A motion was made by Mayor Pro Tem Hummer, seconded by Councilman J. A. Stimatz to approve the installation of a handicapped accessible restroom only but prior to the work being done that Council is allowed to review the plans.***



Councilman Walton stated that Councilwoman Hill-Lawrence asked to see a plan that would show all of the options. She has had the opportunity to review those plans.

Councilwoman Hill-Lawrence said she has a few questions. Is money budgeted in this line item each year?

Mr. Olson replied that when this line item was originally established it was the intent of the City Council at that time to have something like a sinking fund for building improvements. Unfortunately, that was a good year and the last two years we have not budgeted any money in that particular account. Right now we have \$267,000 in it. Those funds can only be used for improvements to the buildings. We have three options that council can choose from. The first option indicates the proposed floor plan for a handicapped accessible restroom which would wrap around the existing elevator. The cost would be approximately \$25,000. The cost of a structural engineer is included in the \$25,000. The 2<sup>nd</sup> option would cover the opening on the second floor and create a handicapped accessible restroom like the one in option one and install a joint conference room and reception area. The cost would be approximately \$75,000. Option Three would be to remodel the existing restroom and bring it into compliance with ADA. The estimated cost would be \$5,000.

***A friendly amendment to the original motion was made by Councilman J. A. Stimatz that the single bathroom that he is proposing that we do be the one that wraps around the elevator. Mayor Pro Tem Hummer stated she would accept the friendly amendment.***

Councilman Stimatz offered that we move on this particular item and if we want to bring the other up we can do that at a later time. We can talk about whether we want to close it in, etc.

Mayor Pro Tem Hummer said that she thinks we should consider the price differences. The price of closing the whole thing in is \$75,000 verses the remodeling of the existing bathroom to bring up into ADA compliance is only \$5,000.

Councilman Walton stated that he feels like the motion has been made and amended is excluding one of the most important options. To make this building more public friendly and more employee management friendly he thinks the second option is more feasible than either of the other two options.

Councilwoman Baker said she is not in favor of closing off the customer service area to a second floor viewing. She is ok with putting the bathroom up by the elevator. That would be her preference if we need to add another handicapped restroom. It would be better to have it up at that end than having people walk through the offices area. She also doesn't think that we need a huge conference room if that is all that we are proposing to do with that added space. We can hold Closed Session here in the chambers as we often do if we need another place to hold closed sessions. She is concerned with the safety and oversight of customer service that we would be closing off if we put a floor there. We would not be able to see downstairs or be able to help them if something were to happen. She is absolutely opposed to closing off that area but she would vote for a second handicapped restroom by the elevator.

Councilwoman Hill-Lawrence stated that we have not heard from a contractor in terms of how it is going to look and she would like to hear from a contractor before actually doing the work. At this time we don't even know what the specifications are going to be or what it is going to look like. That way we will have all the information that is necessary to evaluate what we should do.

Councilman Brooks said he comes to city hall quite often and he has seen long lines by Dianne's office and Vivian's office. He has seen elderly people standing in line or sitting on the floor. Will this help that situation any? He used to be concerned about the openness of the area but that is not his concern anymore. They have more cameras downstairs than the law allows. His concern is making the area handicapped accessible.

Councilwoman Meggs said she has several concerns. As far as people coming up and not having any place to sit she agrees on that. Why couldn't we put a bench out there for them to sit on? She feels that we should consider putting in the telephone system as that will also help the citizens to get the answers they need quicker. She feels that we should do something with the existing bathroom as it is in bad condition now. There are other options.

Mayor Pro Tem Hummer stated this fund that we have the money in is a fund for all our buildings and we just don't know when something else might need some repairs. She can't see spending the larger amount when there is space available to make a waiting room. There are other ways to look at having this bathroom on the second floor. She thinks it is time that we address the issue of the handicapped accessible restroom.

Mayor McLean said that we do have a real problem with serving people that come to our city and having the public to sit on the floor or sit on benches in the hallway is simply no way to treat people that are trying to do business with us. The thing of having people stand up with banisters listening to people downstairs

while they are conducting business. He thinks that is an invasion of their privacy and he thinks it is something that our citizens shouldn't be subject too. He certainly wouldn't feel comfortable doing business downstairs knowing someone is watching or listening to his conversation. Once you approve the way that we are going to go then you can bring in an engineer in to talk about the best way to do it. We have to vote on what we are going to do. Then we can bring the people in to take a look at what is to be done. In both cases you will be taking up space that is not there now. He would like to see us as a council to approve the idea of looking at closing the floor as well as putting in a handicapped accessible bathroom and coming back with bringing an engineer in and they can tell us what we need to do and how to do it. Either case the engineer has to come in and talk about what we need to close it.

Councilman Walton said we are not going to build a new building and people are talking about a telephone system but to him that doesn't make it that much better. What we vote on now is what is going to happen. We are not bringing things back. He just can't see that happening with this group.

Councilman Stimatz said voting on the bathroom tonight does not mean you can't vote on something else later. Council has been clear with the Manager that the passport function needs to get out of the Clerk's office. If the City is going to continue to do them it still needs to get out of her office. Can we at least agree on a bathroom tonight and work on the rest later.

Mayor Pro Tem Hummer said she is concerned about spending the money and she is going to go with her concerns at this time.

Councilwoman Baker said the Customer Service Task Force recommendations certainly didn't include that we were to spend \$75,000 in closing the floor so that we could provide a waiting room so that we could look good for our customers that come up here. There are certainly other ways we can give someone a place to sit, a place to wait and actually they could come into this room and sit and wait. She just can't see spending money to the tune to \$75,000 to close in a floor that she is just not in favor of.

Mr. Walton said we are spinning our wheels. To be more public friendly and more employee friendly covering the floor would be the best thing for us to do along with adding the correct bathrooms to this building. It is up to us to decide how much we want to spend. Us holding off saying that we need engineers is just treading water. This motion as stated is not the way that we should go. The funds are there and we should do the right thing.

Mr. Brooks said we don't need people coming in to get a passport sitting in the council chambers. That is the last thing that we need. The safety is not an issue

because as soon as you walk in that back door there are cameras on you. He doesn't think tax paying citizens should be sitting on a hard bench. If we can't do the whole thing at one time then we need to make the restrooms handicapped accessible.

***A motion by Councilman J. A. Stimatz to move the previous question. Councilwoman B. S. Meggs seconded the motion. Those voting in favor of the motion were: Stimatz, Meggs, Baker and Hummer. Against: Brooks, King, Hill-Lawrence and Walton. Mayor McLean voting nay thereby motion was denied.***

***A motion was made by Councilman J. B. Walton that we proceed with option two for the renovation of the Municipal Building; and further move that we have an engineer to come in and explain the renovations to us. Councilman R. E. King seconded the motion.***

Councilwoman Baker stated she thinks it is crazy to allocate the money to do something and then have someone come in and say how they are going to do it. That doesn't make any sense.

Councilman Brooks said that is why he wanted to eliminate the word "only" from Mayor Pro Tem Hummer's motion. We know how much it will cost to do the bathroom. He doesn't think anyone that has their mind made up they are going to change their minds when the engineer talks about the safety of the employees and customers. He thinks where a person stands on the vote now is where they will stand afterwards. Spending the money is not an issue with him but the safety of the customers and employees is.

Councilwoman Hill-Lawrence said at any rate we are going to need a constructional engineer come in sometime anyway. They will still have to come in.

Mr. Olson said we would deal with the contractor directly. We would put in our bid documents that there would be certain perimeters and that he could only work on weekends or after five until the area is secured so it doesn't interfere with our flow of traffic. No matter whether we do either option two or three that floor for that decking has to be designed by a construction engineer. It has to be certified so the building inspector can approve it. Whether you do either bathroom or the entire thing a constructional engineer has to come in here and certified what the floor trusses is going to look like. After that has been designed, and then whoever your contractor is going to be he will come in and tell you how he can construct the project.

***A motion was made by Mayor Pro Tem L. A. Hummer to table this item until a constructional engineer can come in and explain the design to us. Councilwoman J. M. Baker seconded the motion. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs and Stimatz. Against: Walton. Motion carried.***

Mr. Olson stated there has been a motion to table this item and usually for something to be removed from the table you need to direct staff what information you need to have that item brought back up from the table. What is the Council's desire concerning advancing this forward or are we just letting it sit on the table.

Mayor Pro Tem Hummer said her motion was to table it and get the advice of a constructional engineer.

b} Code of Ethics:

City Attorney Morgan stated that approximately a year and half ago the General Assembly enacted legislation requiring that all boards of education, boards of county commissioners and city or town councils across the State adopt a Code of Ethics. There are five topic areas that are mandated to be covered in the code that each board adopts and Ms. Pierce-Tamplen's memo does a good job of listing those. Dr. Fleming Bell who has spoken to us before wrote a 60-page booklet on the topic and he has read the booklet. He has presented what he feels is a good model ordinance. Ms. Pierce-Tamplen has prepared such an ordinance that mirrors Dr. Bell's ordinance. There is one item that he would like to mention to you. The ordinance that you have before you tonight includes a sixth section. That has to do with the ability of a board to censure one of its own. Understand that Mr. Olson told him that he instructed Ms. Pierce-Tamplen to include that section in the ordinance. But, it is not mandatory that Council adopt that portion of the ordinance. We already have a Code of Ethics in our ordinance book. It is his opinion that we will need to rewrite that ordinance so that we mirror or perhaps delete that ordinance at the appropriate time. What you have before you tonight is something that is mandated that we adopt prior to January 1, 2011. We also have in our Rules that we have established the fact that an ordinance doesn't become effective until it is read a second time unless it passes by a super majority on the first reading. Depending on how the vote goes tonight we may have to revisit this after the first of the year anyway. He thinks this ordinance that has been provided to you in your agenda packet complies with State Law. We will need to revisit it as it applies to our existing ordinance.

Councilman Walton said it is important that we have a Code of Ethics. He says that because people are watching us also. It was brought to his attention one night when a person came up to him and asked him why he wasn't at the meeting at Ruby Tuesday's. People are watching. If you are a stickler on rules you need to follow the rules because if you are not going to do things the right way someone should bring you in and say you are doing it wrong. That is where the Code of Ethics comes in. Would that be a breaking of the ordinance? Five counselors meeting at one place? It is hard for five members to get together and not discuss city business.

Councilwoman Baker said she just wanted to say that she is one of those five people often. As long as city business is not discussed among those five people there is no problem meeting in a social setting. She doesn't know how often in fact it is very seldom that five members of Council are there but she has been in a setting with five members of Council including the Mayor one time and no it is not a problem unless you are discussing city business.

Councilman Brooks said in the case that Councilman Walton is talking about is what is happening is when we have those long drawn out meetings and it is different than being invited to a party than a setting like that after a long council meeting. None of us are going to set with five in a group and not talk about city business after just sitting through a long council meeting. It is an impossibility and we all know that. A Code of Ethics does come into play there. He thinks that when we have a work session that we should have something to eat. Not a full course meal but something light.

Following further discussion and two suggested changes, the following motion was made.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to adopt the following Code of Ethics to include the noted changes as suggested tonight.***

***Roll Call Vote:***

<b><i>Baker</i></b>	<b><i>Yes</i></b>
<b><i>Brooks</i></b>	<b><i>Yes</i></b>
<b><i>Hill-Lawrence</i></b>	<b><i>Yes</i></b>
<b><i>Hummer</i></b>	<b><i>Yes</i></b>
<b><i>King</i></b>	<b><i>Yes</i></b>
<b><i>Meggs</i></b>	<b><i>Yes</i></b>
<b><i>Stimatz</i></b>	<b><i>Yes</i></b>
<b><i>Walton</i></b>	<b><i>Nay</i></b>

**7- yes - 1 – No Motion carried.**

**ORDINANCE #10121  
CODE OF ETHICS FOR THE  
CITY COUNCIL OF  
THE CITY OF ELIZABETH CITY  
ELIZABETH CITY, NORTH CAROLINA**

**PREAMBLE**

**WHEREAS,** The Constitution of North Carolina, Article I, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty,” and

**WHEREAS,** a spirit of honesty and forthrightness is reflected in North Carolina’s state motto, *Esse quam videri*, “To be rather than to seem,” and

**WHEREAS,** Section 160A-86 of the North Carolina General Statutes requires local governing boards and councils to adopt a code of ethics, and

**WHEREAS,** as public officials we are charged with upholding the trust of the citizens of this city, and with obeying the law, and

**NOW, THEREFORE,** in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Elizabeth City, and acting pursuant to the requirements of Section 16A-86 of the North Carolina General Statutes, we the City Council do hereby adopt the following General Principles of Code of Ethics to guide the City Council in its lawful decision-making.

**GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS**

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Government decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Council members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.

- Council members must always remain aware that at various times they play different roles:
  - As advocates, who strive to advance the legitimate needs of their citizens
  - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders and resolutions
  - As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
  
- Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
  
- Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

### **CODE OF ETHICS**

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the City Council and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a council member's best judgment.

**Section 1.** Council members should obey all laws applicable to their official actions as members of the City Council. Council members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Council members should feel free to assert policy positions and opinions without fear of reprisal from fellow council members or citizens. To declare that a Council member is behaving unethically because one disagrees with that Council member on a question of policy (and not because of the Council member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Council members should endeavor to keep up to date through the Council's attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the Council may receive concerning specific situations that arise.



**Section 2.** Council members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Behaving consistently and with respect toward everyone with whom they interact
- Exhibiting trustworthiness
- Living as if they are on duty as elected officials regardless of where they are or what they are doing
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other council members and the public with respect and honoring the opinions of others even when the council members disagree with those opinions
- Not reaching conclusions on issues until all sides have been heard
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual council members are not generally allowed to act on behalf of the Council but may only do so if the Council specifically authorizes it, and that the Council must take official action as a body.

**Section 3.a.** Council members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Council member's action would conclude that the action was inappropriate.

**Section 3.b.** If a Council member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the Council's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

**Section 4.** Council members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can

trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Council members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the Council has authority.

Council members should be willing to bear their fair share of the Council's workload. To the extent appropriate, they should be willing to put the Council's interest ahead of their own.

**Section 5.** Council members should conduct the affairs of the Council in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to the Council members or their employees.

In order to ensure strict compliance with the laws concerning openness, council members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the Council are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

**Section 6.** If a majority of the Council has reason to believe that one of its members has violated a provision of this Code of Ethics, it shall open an investigation into the matter to determine whether probable cause exists to initiate censure proceedings against the member. All information compiled, including the grounds for any findings of probable cause, shall be shared with the member when it is received. All information pertaining to the case shall be open to public inspections and copying pursuant to the North Carolina public records statutes. If upon investigation the Council concludes that a violation of a criminal law may have occurred, it shall refer the matter to the local district attorney.

Should the Council determine that it wishes to proceed further with censure proceedings, it shall call for a hearing, to be held at a regular meeting or at a special meeting convened for that purposes. Notice of the hearing stating its time, place and purpose shall be given once a week for two successive calendar

weeks in a newspaper having general circulations in the jurisdiction. The notice shall be published the first time not less than 10 days or more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. Alternatively, the hearing shall be advertised on the jurisdiction's website for the same period of time, up to and including the date of the hearing. The notice shall state that a detailed list of the allegations against the member is available for public inspection and copying in the office of the clerk to the Council.

The hearing shall be convened at the time and place specified. The hearing and any deliberations shall be conducted in open session in accordance with the North Carolina open meeting statutes.

The accused council member shall have the right to have counsel present, to present and cross-examine expert and other witnesses, and to offer evidence, including evidence of the bias of any other council member or the presiding officer. An audio or video and audio tape of the proceedings shall be prepared. Any and all votes during the hearing shall be taken by the ayes and noes and recorded in the Council's minutes.

Once the hearing is concluded, it shall be closed by vote of the Council. The presiding officer shall next entertain a motion to adopt a nonbinding resolution censuring the member based on specified violations of the code of ethics. Any motion made must be an affirmative one in favor of adopting a nonbinding resolution of censure. If the motion or resolution does not state particular grounds for censure under the code of ethics, the presiding officer shall rule it out of order.

If a motion to adopt a nonbinding resolution of censure stating particular grounds under the code of ethics has been made, the council shall debate the motion. The accused member shall be allowed to participate in the debate and shall be allowed to vote on the motion to adopt the resolution.

At the conclusion of the debate, the Council shall vote on the resolution. If the motion to adopt the nonbinding resolution of censure is approved by a majority vote of those present and voting, a quorum being present, the motion passes and the nonbinding resolution of censure is adopted.

The text of the nonbinding resolution of censure shall be made a part of the minutes of the Council. Any recording of the Council's proceedings shall be approved by the Council as a permanent part of the minutes. The proceedings shall then be considered concluded, the Council having done all it legally can with respect to the matter in question.

**Section 7.** Chapter 1 of the City Code is hereby amended by adding a new Article II-Code of Ethics as stated above. Any inconsistencies between this ordinance and Article IV Code of Ethics (Section 2-11D Code) shall be resolved in such a way that this Ordinance takes precedence and shall be controlling on the issue.

**ADOPTED**, this 13<sup>th</sup> day of December 2010.

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Roger A. McLean  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

c} Creation of Elizabeth City Stormwater Advisory Task Force:

Mayor McLean stated that over the last few years, the City has experienced several storm events, which have caused flooding within our community. Our constituents constantly asked what are we going to do to address this issue. The proposed Mayor's Stormwater Advisory Task Force would be charged with the following:

- a} To review current city Stormwater applications.
- b} To assist in the establishment of city-wide Stormwater priorities based on systematic need and availability of resources.
- c} To coordinate the city's Stormwater initiatives with the Pasquotank County Stormwater Committee for future planning.
- d} To identify current and severe drainage concerns.
- e} To assist in the identification of the entity or entities responsible for the maintenance and cleaning of designated ditches, waterways, and etc.
- f} To create transparency that will provide effective communication to members of the staff, City Council and citizens about possible solutions to problems identified.

He is asking that the task force consist of three counselors and a citizen from each Ward. He would like to appoint King, Stimatz and Walton along with Endora

Harvey, Wilbert Tatum, Darrell McKinley and Andrea Williams to serve as members of this Task Force. He believes that this can be done within 120 days.

Councilman Stimatz stated the Mayor asked him in passing if he would be on this Task Force. This is the first time he has seen the purpose of the Task Force. He expressed some of his concerns regarding the purposes. If the Mayor will let him be the chair he will be on your task force. If you don't let him be the chair he will not be on this task force. He knows this issue back and forward.

d} Creation of City Council Finance Committee:

Mayor McLean stated the primary policy document that the City Council works on each year is the budget for the upcoming year. He believes that we can enhance the budget preparation process that we used last year. Therefore he is proposing the formation of a City Council Finance Committee which would be a standing committee with a defined purpose. The Finance Committee would work in conjunction with City staff on many of the budget issues that the City faces throughout the year. He would like for the Finance Committee to be charged with the following duties:

- a} To review the current operating budget on an ongoing basis, while comparing actual to budgeted revenues and expenses.
- b} To review and report to the Council needed information relative to required budget charges and amendments.
- c} To provide comments and recommendations to the Council based on information received from City staff to support new and un-budgeted initiatives.
- d} To assist City staff in preparing recommendations for the 2011-2012 fiscal year budget to be presented to the Council for review and approval.
- e} To make recommendations for the establishment of a five-year strategic budget and operation plan.

He would like to appoint Mayor Pro Tem Hummer, Councilwoman Meggs and Councilwoman Hill-Lawrence along with himself to serve on this Committee. This would be a one-year appointment. He would like to appoint Mayor Pro Tem Hummer as the Chairperson of the Committee.

***A motion was made by Councilwoman J. M. Baker, seconded by Councilman R. E. King to create a Finance Committee consisting of Mayor Pro Tem Hummer as the Chair and members Hill-Lawrence, Meggs and McLean with a term of one year beginning January 1, 2011 and ending December 13, 2011. Those voting in favor of the motion were: Baker, King, Brooks, Hill-Lawrence, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.***

e} Update on Crescent Drive:

Public Utilities Fredette said that looking at the history in 2004-2005 the City Council appropriated about \$3,000,000 for sewer improvements. Crescent Drive was on that list of streets. Subsequently when the engineers did the work, Crescent Drive project was not completed. The cost at this time was \$125,708 to repair the sewer. It continues to be a problem for us in terms of the maintenance of the sewer and the contingent liability there is under the street because of the condition of the sewer. In 2007 he asked the then sitting Council to take it off the paving list because of the sewer condition underneath. Currently, we are still very concerned about the condition of the sewer line in Crescent Drive. He has asked the contractor who is cleaning and inspecting sewers in the City to evaluate the current condition of Crescent Drive. Based on the number of calls we have received in this area and the reflective surface failures over the sewer line, that the inspection will reaffirm that replacement of this section of sewer should be a priority.

Councilwoman Hill-Lawrence stated she has received numerous calls from the neighbors in reference to this street. It has been an ongoing thing for quite a whole now.

***A motion was made by Councilwoman L. Hill-Lawrence, seconded by Councilwoman B. S. Meggs to place Crescent Drive on the priority list. Those voting in favor of the motion were: Hill-Lawrence, Meggs, Baker, Brooks, Hummer, King, Stimatz and Walton. Against: None. Motion carried.***

**8} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

City Manager Olson stated he had no further comments this evening.

Councilwoman Baker said tomorrow at noon time on Channel 13 News, there will be an Elizabeth City Special on the Arts of the Albemarle. She wanted to remind everyone to tune in to WVEC 13 News at noon.

Councilman Brooks said he would like to have an update on the Customer Service situation because it is not good and he doesn't want to talk about it on the camera so he would like to have an update on Customer Service down in the Utility Department. He would also like to have a copy of the job descriptions of all the department heads. The way to eliminate the way everyone dashes out to eat together is before every work session to make sure we have light food.

Mayor McLean said he will get the food for the next work session meeting.

Mr. Brooks said the only other thing he would like to say is Pastor Rickey Banks said that about 50 ministers got together and played basketball at ECSU to raise money for the scholarship fund. It was \$5.00 per person and it was a great hilarious night. Both sides of the gym were filled up. It was a great adventure. Those who missed it missed a treat.

Councilman King said Mr. Rice came up earlier and he was requesting some money. Right now we know things are really hard but the homeless are out there and it is now wintertime. These people need somewhere to go. He would like for the City Manager to bring something back to Council to see if we can help Mr. Rice in some type of way.

Councilwoman Hill-Lawrence said she will echo the same sentiment that Councilman King did about Pastor Rice's shelter as well. She is sure that our City Manager will do the best that he can to help. She wanted to remind everyone of the Martin Luther King, Jr. event that is coming up on January 17<sup>th</sup>. She said starting in January she would like to schedule a couple hours a week or a day here at City Hall whereby citizens can come down if they have a concern. She will be here a couple days a week.

Councilwoman Meggs said she wanted to say thank you to Rebecca Cross and the illumination that we had for Elizabeth City. She wants to say a special thanks to all of the utility workers for putting up the lights and to the Fire Department personnel for being there that night to help keep everybody straight. We do appreciate all of our workers.

Councilman Stimatz said the parade was great. There are a lot of events going on downtown and if you sit at home and think there is nothing to do then you are not reading the paper. A lot of great events. In keeping with the holiday season he wishes everyone a very happy holiday and a joyous New Year.

Councilman Walton said as Chairman of the Youth Task Force we are trying to put together a meeting for Monday, December 20<sup>th</sup> at 2:00 p.m. There are a lot of things to do because that same night that Michael was playing basketball Northeastern had its semi-final football game. We have got to organize more events for this area because people want things to do but we just need to organize those types of things. He thinks that we should commend and ask the football team to come in. Any high school team that makes it to the semi-finals or finals we need to give them some type of recognition because it takes a lot of hard work. We need to commend the coaches and principals because it is not easy to become the best at what you do. They had a tremendous season and we need to recognize them. He hopes everyone has a blessed and glorious season. There will be a Christmas play at the Fine Arts Building on the 17<sup>th</sup>. If you come out he is sure you will have a good Christmas feeling.

Mayor Pro Tem Hummer stated she had no further comments tonight.

Mayor McLean said he wanted to say to the staff and those of you who are with us tonight that we are so grateful for work that you do. He has a little speech that he wrote last night during the football game when the Eagles were beating up on the Cowboys. Today marks one day from serving as the Mayor of Elizabeth City for one full year. He will say that he has enjoyed serving on this Council because he has had a chance to serve and give back to the many citizens and friends who have helped him and his family to appreciate all the good things that Elizabeth City has had to offer. He looks forward to continuing the plight of addressing the main concern of the citizens and the businesses of Elizabeth City which is the higher than normal electric rates that we have to endure. He looks forward with great anticipation to the development of a youth program and activities that are on the drawing board. He looks forward to discussing and assisting the possibility of developing plans for a downtown conference center that will not bring about increases in taxes and fees. He looks forward to assisting in the development of a more technological operational and management system that will include better customer services and an enhanced telephone system and the receipt of the proposed customer service electric rate study that will bring about a better rate structure. He looks forward to the receipt of the analysis that is in the process now to outline procedures for offering better customer service. While he looks forward to the good things that within our grasp he appreciates the many things that we have accomplished thus far. Those are:

- Reduction in electric rates for citizens and businesses.
- Completion of the Customer Task Force Study
- Establishment of the Mayor's Youth Task Force
- Many appointments of qualified and dedicated citizens for city committees
- The first time celebration of Veterans Day
- The program to recognize the new pharmacy building at ECSU participation
- He also wants to say that Arts of the Albemarle and Ray Meggs is to be given a standing ovation. He was downtown and saw Christmas on Main Street. It was absolutely fabulous. He has seen the plays and we have to be so proud of what they have accomplished.
- He had the chance to throw out the first baseball pitch for the COA Baseball Team.
- He has spoken at the PAL Program and other programs sponsored by the Police Department
- He has attended functions at the Coast Guard Base including the change of commands
- He has visited the new commissary
- He has spoken at two commencement exercises for ECSU



- We also helped to start a joint Parks and Recreation Committee between the County and the City
- We have signed a joint water agreement between the County and the City
- We approved City Council operating procedures
- We had our first participation in a Council Retreat
- We have been invited to attend several crime committee meetings within our neighborhoods
- Participation in the Martin Luther King, Jr. Day which is very precious to him that was sponsored by the City and ECSU
- He served as the Grand Marshall for the ESCU Parade and that was quite a task.
- He can tell you without a doubt that he has attended many birthday celebrations, anniversaries, civic programs and church programs where he has been requested to speak on behalf of the City
- He also helped to establish the North Carolina Eastern Mayor's Task Force
- He also helped to cut the Christmas lights on in the City.
- He also went to a football game at Northeastern High School
- He also recognizes as Mayor that there are times when we have to come together as a team to support entities like MACU where they had a bad thing to happen in a good place. His respect and admiration still goes out for the inspiring job that Dr. Perkins and his staff and students did to rally the community together for the purpose of praying as one.
- There were other families who have lost love ones due to needless acts of violence. Those families included losses of love ones, Antonio Tyrone Williams, Elaine P. Jones, Degum Brown and Jonathon Shipper. These are four people who lost their lives due to senseless acts of crime. Our hearts go out to their families.
- As a community we must continue to support our police and the many non profit agencies that are so important to maintaining the lives of our young people.
- This year we lost three distinguished former members of City Council. Pete Hooker, Dave Bosomworth and Thomas Griffin. We owe to them and their families a great debt of gratitude for services provided

Finally as a member of the Elizabeth City Council and he knows that he speaks for each member when he says that we must care and continue to care about and serve the people that has entrusted within us the responsibility of making decisions that will improve the quality of life in Elizabeth City. He wants to thank all the citizens of Elizabeth City and the Albemarle Area on behalf of himself and his family and the Council for your support, prayers and well wishes provided this year. He wishes each of you a very Merry Christmas and a Happy New Year.

## **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 Councilman R. E. King, seconded by Councilwoman J. M. Baker to adjourn the meeting. Those voting in favor of the motion were: King, Baker, Brooks, Hill-Lawrence, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.***

Mayor McLean adjourned the meeting at 9:35 p.m.

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

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Roger A. McLean  
Mayor