

MONDAY-7:00 P.M.

MAY 9, 2005

CITY COUNCIL

The City Council of the City of Elizabeth City held a meeting on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor J. H. Bell, Jr. presiding. Members present were: C. C. Austin, J. M. Baker, L. A. Hummer, R. E. King, W. A. Lehmann, E. K. Rivers, D. K. Stallings, Sr., and J. B. Walton. Others attending were: City Manager R. C. Olson, City Clerk D. S. Pierce, City Attorney W. H. Morgan, Finance Director S. E. Blanchard, Human Resource Director K. W. Felton, Inspections Director S. E. Ward, Fire Chief W. C. Pritchard, Public Works Director E.T. Weatherly, Planning Director R. R. Mack, Police Chief W. J. Anderson, Electric Superintendent K. F. Clow and Parks and Recreation Director J. D. Overman.

Mayor J. H. Bell, Jr. called the meeting to order and welcomed those attending. He called upon Reverend Phil Dowdy for the invocation after which he led the Pledge of Allegiance to the Flag of the United States of America.

1} **Approval of the Agenda**

Mayor Bell called for the approval of the prepared agenda.

Councilwoman L. A. Hummer asked that *Item 7-2-b, Call for a Public Hearing for consideration of an application and resolution of support for the North Carolina Division of Coastal Management Pubic Beach and Coastal Waterfront Access Program Grants* be removed from the Consent Agenda and placed on regular agenda for discussion. Mayor Bell stated that this item would become ***Item 8-b-Call for a public hearing.***

Councilman W. A. Lehmann asked that *Item 7-2-a, Amend Year Three of the Hugh Cale Revitalization Strategies Grant* be removed from the Consent Agenda and placed on the regular agenda for discussion. Mayor Bell stated that this item would become ***Item 8-c Call for a Public Hearing.***

Councilwoman J. M. Baker asked to add to *Call for a public hearing to the Consent Agenda*. Mayor Bell stated that this item would become ***Item 7-2-a – Consent Agenda - Call for a Public Hearing for consideration of Zoning Assignment for two parcels on the Tanglewood Site.***

Mayor Pro Tem E. K. Rivers asked that the City Manager give an update and action plan on the sewer spill that we experienced this week. Mayor Bell stated that this item would become ***Item 8-d – Update on recent sewer spill.***

City Attorney stated that we need to remove *Item 8-a-1-Construction of Baxter Street Water & Sanitary Sewer Upgrades*.

*A motion was made by Councilman W. A. Lehmann, seconded by Councilwoman J. M. Baker to approve the agenda to include the noted additions/deletions as stated above. Those voting in favor of the motion were: Lehmann, Baker, Austin, Hummer, King, Rivers, Stallings and Walton. Against: None. Motion carried.*

## **2} Comments from the Public**

Mayor Bell asked City Clerk D. S. Pierce the number of persons signed up to speak under the Comments section.

City Clerk D. S. Pierce replied that there were two individuals that had signed up to speak. She then called Mr. Donald McCabe to the podium.

Mr. McCabe addressed City Council seeking nominations for the Witherspoon-Harris Community Service Award. This is an award that the Elizabeth City/Pasquotank County Community Relations Commission has created for a person(s) from Elizabeth City or Pasquotank County whose contributions to the community are so above and beyond what you would expect from a resident to deserve special recognition. The award honors W. C. Witherspoon and Cader Harris who captured the diverse spirit of the community by founding the Hope Group in 1993.

Ms. Joan Ellis spoke regarding trash cans left on streets day after day, furniture that is left day after day and all the grass that stays in the streets. She sees this all over the entire City and she is aware that we have an ordinance that prohibits such things. She is asking that something be done as it projects our city in a very unflattering way.

## **3} Presentations**

Mayor Bell called upon Mr. Ron Turlington and Mr. T. E. Wilson, Representatives of the Pasquotank/Camden Library Board.

Mr. Ron Turlington stated that he is the City's Representative on the Library Board. He is here tonight along with Mr. Wilson to present to Council for your consideration and favorable action their position on how the Library should be position in the City's budget process.

Mr. Thomas Wilson, Chairman of the Library Board stated that in the City's budget, the Library is listed as "non-departmental" which groups includes such organizations as the "Food Bank", the Arts Council, the United Way Fund and others. They believe this is wrong as the library is more of a utility, supplying information and communications to the City during its posted hours. He presented a copy of the minutes of the Library Board from 1938. In 1938 the City and the County took the Library over as prior to that it was run by the Woman's Club. Their employees are county employees. In the 80's the Library received \$6,000 from the City. This was increased in the 90's to \$8,400 then to \$9,500 in 2001-02. The need to cut expenses has since reduced that to the current \$3,825

which was the result of halving the budget of the non-departmental organizations. We will be moving into a new building downtown with more parking. We foresee an increase in usage and welcome that. We ask that the Library's support for 2005-2006 be increased to \$5,000 and that the City consider restoring its funding to the previous level in the coming years.

Mayor Bell paid special recognition to the AAU "Elizabeth City Blazers" Twelve and Under Basketball Team. He stated that this team has won the State Championship that was held recently in Raleigh, NC. This team will now be competing for the National Championship held in Kentucky the latter part of July. Tyree Brickhouse was selected to attend the super 60's camp held in Raleigh this summer. He is one of the top sixty players in the 12 year old age group throughout North Carolina. He thanked the parents and the coaches for their continued support with special thanks going to Rondell Christen, the faulty of the Boys and Girls Club, Andre Simpson and Councilman Kirk Rivers. Council offered congratulations and wished them good luck in the upcoming event.

#### **4} Consent Agenda**

Mayor Bell called for action on the Consent Agenda as presented.

*A motion was made by Councilwoman J. M. Baker, seconded by Councilman W. A. Lehmann to adopt the following Consent Agenda. Those voting in favor of the motion were: Baker, Lehmann, Austin, Hummer, King, Rivers, Stallings and Walton. Against: none. Motion carried.*

#### **CONSENT AGENDA**

a} Approve the following Budget Amendment:

#### **BUDGET AMENDMENT MAY 9, 2005**

**BE IT ORDAINED**, by the City Council of the City of Elizabeth City that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2005.

**SECTION I.** That the Water and Sewer Retained Earnings Appropriated (313990-0000) be increased by \$5,784, the Water and Sewer Contingency (316600-6000) be decreased by \$88,616, and the Water and Sewer Capital Improvement-Professional Consulting Service for Halstead Extended Sewer (318280-7304) be increased by \$94,400.

(To record engineering fee for Halstead Boulevard Extended Sewer.)

**ADOPTED**, this the 9<sup>th</sup> day of May 2005.

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John H. Bell, Jr.  
Mayor

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Dianne S. Pierce, MMC  
City Clerk

b} Call for a public hearing to be held on Monday, May 23, 2005 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building:

1} Consideration – Zoning assignment for the Tanglewood, LLC Project.

**END OF THE CONSENT AGENDA**

**5} Regular Agenda**

Mayor Bell called for discussion of the award of Bid for the Church Street Water and Sanitary Sewer Upgrades. He called upon Public Utilities Director E. T. Weatherly for comments.

a} Award of Bid for the Construction of Church Street Water and Sanitary Sewer Upgrades.

Mr. Weatherly stated that funds were appropriated in the 2004-2005 Fiscal Year Budget for various sewer and water improvement projects. This project is for sewer and water improvements along West Church Street. The project was previously bid and due to an insufficient number of bidders, the project was re-bid. The following is the bid tabulation sheet:

<u>Bidders</u>	<u>Base Bid Total</u>	<u>Optional Work Bid Totals</u>	<u>Bid Total</u>
Byrd Brothers Inc.	\$1,416,157.60	\$692,261.00	\$2,108,418.60

This project consists of a base bid with 4,870 feet of 8-inch sanitary sewer main replacement and the replacement of seven fire hydrants. There was an optional bid with 5,185 feet of water main replacement. The budgeted amount was \$1,348,277 for the base bid and \$605,174 for the optional bid. It is staff's recommendation to award the base bid only and to deduct the fire hydrant replacements from the bid. Staff will complete this

phase of the project in-house. The revised total will be \$139,082.60 which is within \$805.60 of the budgeted amount.

***A motion was made by Mayor Pro Tem E. K. Rivers, seconded by Councilman W. A. Lehmann to award the bid for the Construction of Church Street Water & Sanitary Sewer Upgrades to Byrd Brothers, Inc. in the amount of \$1,349,082.60. Those voting in favor of the motion were: Rivers, Lehmann, Austin, Baker, Hummer, King, Stallings and Walton. Against: None. Motion carried.***

b} Update on Recent Sewer Spill

Public Utilities Director E. T. Weatherly stated that on Wednesday morning it was found that we had a sewer spill. The operator found the source of the spill which was at the end of Poindexter Street. That is where a 24 inch force main goes under Knobbs Creek. We immediately contacted the Division of Water Quality. The problem with the pipe line was we could not shut it down. The pipe line comes from the main lift station on Ward Street which serves all of downtown. We called in divers as the rupture was under water and we could not reach it with regular equipment. The break was in an area that a barge had hit several years ago. The break has been repaired temporary but we will have to repair it permanently and hopefully that will be completed within the next few months.

Councilman W. A. Lehmann asked if there was anything that we can do to prevent this from happening again in the future with other areas throughout our sewer system. Is there any way predicting or serving what we currently have that is in a high risk area so that we can prevent this from happening in the future.

Mr. Weatherly stated that he is not familiar with the system as yet, but he will look at that and give an update at a later date.

c} Application to support a resolution for the North Carolina Division of Coastal Management Public Beach and Coastal Waterfront Access Program.

Mayor Bell called upon Councilwoman L. A. Hummer for comments.

Councilwoman Hummer stated that she feels this is quite a large undertaking. The first application requires \$50,435.00 grant match. This is for the bath house that we have discussed before. It was her understanding that this was turned down not too long ago because we are not on a scenic byway, so how do we qualify for this one.

Mr. Olson replied that this comes from a completely different funding base. It is on the agenda tonight to call for a public hearing to be held at the next meeting. This is a CAMA grant and the same funding source that we received funding for the improvements to the Gaither property. We have multi funding sources that we are trying to access. CAMA has two different sources to draw money out of. One falls under the restroom facility and the other the possibility of acquiring additional property on the

water front. We are allowed to submit two grants to CAMA within any calendar year. After the public hearing we would then submit the grant.

Councilwoman Hummer said that the second part of this is to purchase eight properties. She realizes that this is to call for a public hearing but she would like to ask the City Manager where we are going to get the \$50,000 plus the \$175,000. In the memo from the Coastal Management they suggest that local government include this in their budgets. Every time you blink your eyes we have to come up with more money. She would like some information on this.

Mr. Olson stated that her concerns were also his concerns. The local match in the first grant does allow a 12.5% in-kind match, so there is a chance that our local match would be approximately \$25,000.

Ms. Hummer said that we would have to really wonder where we would get this money for the local matches. Do we have this \$25,000 that it might possibly cost?

Mr. Olson said that there is \$50,000 that has been undesignated in the next fiscal budget that we might possibly use for this.

Ms. Hummer said that we have so many things that we need to fund. We have a minimum of \$175,000 of sewer problems. If Mr. Weatherly can't find some emergency funding that is probably going to have to come out of the Electric Fund. We have several agencies before us requesting funds. She needs some answers before she goes into a public hearing on this budget. On the bath house, if the documents before us are right, the City would be responsible for the maintenance on this bathhouse for the next twenty five years and we are going to give these services away for free.

Councilman W. A. Lehmann said that one of the questions that he has is there is some \$640,000 that was designated for greenways/blueways and he doesn't know if some of that money can be used for the second portion of the \$175,000. He doesn't know. That could be a possibility. But, in regard to investing in our downtown, the waterfront, he knows he has had a lot of people to come to him and one of their biggest complaints is they have little access to our biggest asset, the river. Certainly the second part of this grant would address that and would help to improve that situation. As far as providing amenities to boaters, providing it for free, he had no problem with that because he doesn't think it is a large amount of money to invest for what you get in return. You all know how many boaters come here and what they do. Over the weekend he happened to be a part of the Tarheel Century and that was just a small event as far as a tourism event, but there were 327 bikers that came here to ride their bikes. They didn't just come here on Saturday, they came here some two nights before. They rode all three days just to see the area. They liked to see the history of the area. They stayed in our hotels. They ate in the restaurants. A lot of money was spent and it was very interesting. He talked with some people as he rode on Saturday and they were all very impressed with our community. So, things like that go a long way in promoting our community. He certainly shares Councilwoman Hummer's concern for how we are going to fund this, but I don't think

that warrants keeping it from going to a public hearing to hear what the public has to say about it.

Mayor Pro Tem Rivers said that he doesn't have a problem for sending it to a public hearing. Councilman Lehmann brought up a good point. We have visitors coming into our city and right now they are saying our city is beautiful. They don't ride in the neighborhoods. He welcomes outside dollars but he looks down and sees that if we do get the grant that we have to put up \$25,000. Our neighbors live here 365 days a year and we need to make sure that they can say that their neighborhoods look good.

Councilman J. B. Walton said that he too agrees with Councilwoman Hummer and Mayor Pro Tem Rivers. If we go to a public hearing and for some reason we call a public hearing and one person shows up we think that is the majority and that is how the city speaks. That is really not how the city speaks when one or two people shows up and voices a concern. Rich has already said that he doesn't know where he would get the money from. He thinks the last budget meeting that we had he tried to find some money and couldn't find it then. Money is just not going to show up all of a sudden. There is no need going through the motions and get everybody excited about something that we cannot fund.

Mayor Pro Tem Rivers asked the charge for a public hearing.

Finance Director Blanchard replied approximately \$200.00.

***A motion was made by Councilman W. L. Lehmann, seconded by Councilwoman J. M. Baker that we send both items to public hearing. Those voting in favor of the motion were: Lehmann, Baker, Austin, King and Rivers. Against: Hummer, Stallings and Walton. Motion carried.***

Mayor Bell advised that these two public hearings will be held during the last meeting of the month.

Councilman Stallings asked that the City Manager provide data on the eight houses that will be affected if we get this grant.

d} Amend Year Three of the Hugh-Cale Revitalization Strategies Grant.

Mayor Bell recognized Community Development Officer S. L. Cox for comments.

Mr. Cox stated he is requesting Council to hold a public hearing on May 23, 2005. The public hearing will be to amend Year Three of the Hugh-Cale Revitalization Strategies Grant. What they are asking is to allow them to amend Year Three Budget by adding \$12,500 for housing counseling under Public Services. What they will do is reduce the public amount for Acquisition from \$50,000 to \$43,250 and reduce the budgeted amount for Rehabilitation from \$50,000 to \$43,250. This would increase Public Services to \$25,000 from \$12,500 to include housing counseling. This would allow for 25% of the

Program Income generated from the Housing Component to be used for Administration and Operational Cost for the Elizabeth City Neighborhood Corporation.

Councilman W. A. Lehmann stated that at the last meeting when this item discussed one of the items that staff had requested was an audit of the Neighborhood Corporation. Have we received that audit yet?

Mr. Olson stated no, we haven't received the audit yet. We did receive a telephone call today advising that the audit would be ready Friday of this week. We will definitely have it before the public hearing on the twenty-third.

Councilman Lehmann said that his question is why are we proceeding to public hearing without that audit in place. At our last meeting that was one of the items that the staff recommended that we have. We still don't have it. How long has it been since we asked for it? The initial request was when.

Mr. Olson replied that the initial request was in March.

Mr. Lehmann said that he does recall that it was about that time because there was a discussion about non-profits in the fiscal year and how the timing of all that delayed the non-profits audit process. His feelings are that without that audit in hand because of all the red flags of the previous audit he doesn't think the urgency of proceeding with a public hearing is justified until that audit is in hand. He doesn't think it warrants doing things out of order. So he is not going to support a public hearing because of that.

Mr. Olson said that we do have a very short time when we have to have the money obligated by August 18<sup>th</sup> and spent by November 18<sup>th</sup>. We are trying to do what we can to expedite this fiscal matter so that we can start using monies for program functions. We don't want to have to turn any money back to the State.

Councilwoman J. M. Baker asked how much money did we have for housing counseling in the original budget. This is adding \$12,500. Didn't we have some money for counseling?

Mr. Cox replied that in the original budget we had placed it under Public Services. We did not specify how that would be used.

Mr. Olson said that there was \$12,500 as part of the grant money and the City Council also gave the ECNC \$12,500 as a match to pay for the Housing Counseling position. It is coming from two different funding sources.

Councilman Stallings asked if we were on target for November 18<sup>th</sup>.

Mr. Olson replied that we still have a lot of things to do. ECNC has provided us with a work plan and we believe that it is a feasible work plan. We have a very short time to work with.



Councilman R. E. King asked how much was in Public Services.

Mr. Cox replied that under the current budget there is \$12,500. What they are seeking to do is to increase the Public Service line item to \$25,000.

***A motion was made by Councilman D. K. Stalling, Sr., seconded by Councilman R. E. King to call for a public hearing on the proposed Amendment to the Hugh-Cale Revitalization Strategies Grant to be held on Monday, May 23, 2005 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building. Those voting in favor of the motion were: Stallings, King, Austin, Baker, Hummer, Rivers and Walton. Against: Lehmann. Motion carried.***

**6} Comments and Inquiries on Non-Agenda Items**

**a} City Manager**

City Manager R. C. Olson reminded members of Council that Wednesday is Town Hall Day in Raleigh.

**b} City Councilors**

Councilman W. A. Lehmann – No comments

Councilwoman L. A. Hummer – She stated that she would like to go back to the subject of money. What just happened gives her great concern. We hear a lot about our waterfront and marketing plans and we spend taxpayers money on giving visitors, perfect strangers to our City, accommodate them freely but we can't or we seem to be unwilling to think of the children in our community and help give them a better quality of life. Until we can do that we don't have anything to market. Children are our future. It isn't that I am against improving our downtown, but we have some serious problems. Our neighborhoods are far from being cleaned up. Our streets. We had to put one of our street plans on hold. She just thinks that we need to be really careful when we are looking at our budget. It bothers her to hear the City Manager say that he doesn't know where the money will come from but yet we are going straight ahead with our plans and deals.

Councilman J. B. Walton – He feels some of the sentiments that Councilwoman Hummer feels. The non-profits that we are under contract with; to him instead of bringing this council together they are more divided than ever. What he means as divided, you know when people are appointed on boards and then let's say there are three people appointed to a board. That means they are going to meetings and they are supposed to bring back proposals or issues to this council. The committee is only made up of five other people. Now you take three that is automatically going to vote one way, add one more person to

it and then the Mayor has to break that deadlock. It is not giving this Council a fair break. We need to look at the policy of how we transact business with these different committees because they are going to vote over there and then bring it to Council, it is already a done deal. Somebody on that committee may not need to be able to vote when they come back to us. If those other organizations are running the business like we are supposed to run it, then there is no need for us to be here. How can you vote the way that I feel is correct, voting in the best interest of the City, he doesn't need to be up here. He is going to do that. He is going to vote the way that he feels is correct. You bring back different things from different organizations that he doesn't feel is correct business for the City, the citizens of Elizabeth City that is how he thinks that we are divided at this time. We need to look at this a little closer.

Mayor Pro Tem E. K. Rivers – He asked the Manager to give an update on what is happening on Ehringhaus Street. Are they eventually going to repave it? Also, he noticed in our last budget work session that a public hearing was on scheduled to be called. He just wants to make sure that all the areas, such as Oak Grove, Oxford Heights, Spaulding Park and what we are going to do to enhance their neighborhoods, yet we are almost ready to close it out. He wants to make sure these are addressed.

Councilwoman J. M. Baker – She stated that she would like to talk a minute about money. One issue is last week we had a budget meeting and she made a motion to not fund non-profits in our budget. She has always made that motion the four years that she has been on Council. But, this year she made a motion that we put the money that was budgeted for non-profits, put it in a contingency fund and let all non-profits come before us with requests for capital improvements. One time capital improvements. This will still not allow---- we would not spend money on paper and pencils and electric bills and things like that – operating costs. But, we would have a fund that we could just take money from to help these non-profits that need one time capital improvements – bricks and mortar if you will. She wanted to explain her position on that. It hasn't changed in the four years that she has been on Council except for a little bit this way we can help them with a one time cost. The other thing that she wanted to talk about was the money that is budgeted to market this area through the economic development-people that are working through the Tourism Commission, Tourism Board right now to market this area. It is working. People are coming here. People are looking at this community. People are locating their businesses here. You know that we will have a boat load of new businesses relocating after the Super Wal-Mart gets here; it is just a natural following of people that come after a Super Wal-Mart. When the City and she has been on a panel before at a League of Municipalities meeting, about site selection and how communities and businesses look at each other. How businesses look and dissect communities that they want to locate in. They typically have selection committees and decision makers. They look for a community that demonstrates that leadership is willing to work together to have one shared vision. It is good to have mixed opinions. We have many mixed opinions here and everybody has their opinion. Those are good and everybody has a right to their opinion and a right to speak out, but we need to all be working with the same priorities. Those priorities have been established for us by different groups and they all lead back to the creation of jobs to education to increased revenue by tax base

and it is just so important that the man on the street and some people on this council understand where we get benefits from increased tax base and better education for our kids, better jobs, higher pay. It is all inter related and if we are spending thousands of dollars on marketing an area we really ought to be singing closer to the same song page. All the revenue that will be increased by the people coming here, it will be used to improve the infrastructure, to improve the education system and the man on the street will improve the money in his wallet. I have one more thing. She has an invitation from Oak Grove and she didn't respond because there was no one to call. There was some place to write but she is not going to be able to make their meeting and she wanted them to know.

Councilwoman C. C. Austin – This may be repetitive to what Ms. Baker said, but she believes when a town or city is revitalized the increase in revenue that was brought about with this revitalization trickles into the neighborhoods and enriches the lives of all the people in the City. If you have a dead downtown and you don't do anything, you don't progress and do some things that may look a little risky, then the whole city is going to die. That is her personal opinion.

Councilman D. K. Stallings, Sr. – He asked Rich when it would be possible to seek a grant for the Third Ward. He has been asking this same question for eighteen months.

Councilman R. E. King – No comments.

## 7} **Adjournment**

Mayor Bell advised that the above concluded the meeting.

***A motion was made by Mayor Pro Tem E. K. Rivers, seconded by Councilman W. A. Lehmann to adjourn the meeting. Those voting in favor of the motion were: Rivers, Lehmann, Austin, Baker, Hummer, King, Stallings and Walton. Against: None. Motion carried.***

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

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Dianne S. Pierce, MMC  
City Clerk

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John H. Bell, Jr.  
Mayor

