



MEMORANDUM

To: Mayor and City Councilors
From: Rich Olson, City Manager
Date: January 22, 2015
Re: Consideration – HOLD a Public Hearing to Adopt Ordinance Requiring Department Head Residency Requirement

BACKGROUND:

On September 9, 1996, the City Council passed Ordinance #96094, which required the City Manager to inform any newly hired department directors that they must reside in the City limits. All existing department directors and any employees who were employed by the City prior to the adoption of this ordinance are grandfathered from this requirement. Since September 9, 1996, all department directors have been required to establish residence within a reasonable amount of time once they have been employed.

On February 12, 2007, the City Council approved Ordinance #07-02-04, which adopted a new Code of Ordinances. A provision of Ordinance #07-02-04 is that any ordinance adopted prior to September 12, 2005 was repealed in the new Code and all other ordinances prior to that date were repealed. Ordinance #96094 was not incorporated into the new Code and was therefore repealed by Ordinance #07-02-04. I notified the City Council of this fact when I was researching another matter.

I have received a request from a member of the City Council requesting that a new ordinance covering residency of department heads be drafted, which you will find attached.

ANALYSIS:

The proposed attached ordinance would become effective upon its adoption after a Public Hearing during the City Council meeting to be held on January 26, 2015. In the twelve years that I have been here, all conditional employment letters required that department heads reside within the City. The ordinance would allow an internal applicant who was employed between September 9, 1996 and January 26, 2015 and who is not a resident of the City to be promoted without having to relocate into the City limits. In essence, the grandfather provision

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found in Ordinance #96094 would change from September 9, 1996 to January 26, 2015. Staff does have a concern that requiring residency may limit future applicant pools; however, no reflection of this opinion impacts the proposed ordinance.

HEARING ADVERTISEMENT:

This Public Hearing has been duly advertised as required.

STAFF RECOMMENDATION:

AT THE CONCLUSION OF THE PUBLIC HEARING:

By motion, adopt of the attached ordinance requiring residency for City department heads to be effective upon adoption. .

RCO/vdw

Ordinance No. 2015- _____
Requirement for Department Heads to Reside Within the City Limits

WHEREAS, the City Council of the City of Elizabeth City adopted Ordinance #97094 on September 9, 1996, which required all department heads appointed after September 9, 1996 to live within the City limits if they were not working for the City prior to that date; and

WHEREAS, on February 12, 2007, the City of Elizabeth City Council approved the re-codification of all City ordinances; and by nature of the codification process, if an ordinance or section of the code was not included in the re-codification of Elizabeth City's ordinance, it is deemed repealed; and

WHEREAS, Ordinance #96094 was not included in the re-codification and as such has been repealed; and

WHEREAS, the City Council desires to require that all department heads reside in the City limits; and

WHEREAS, a Public Hearing on this matter was called on January 12, 2015 and held on January 26, 2015.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elizabeth City, North Carolina that future department heads shall reside within the corporate limits of the City of Elizabeth City; and department heads and employees currently employed are grandfathered under this policy; and

BE IT FURTHER ORDAINED that all ordinances and clauses of ordinances in conflict herewith are hereby repealed; and

BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect from January 26, 2015 forward.

ADOPTED, this the 26th day of January 2015.

Joseph W. Peel
Mayor

ATTEST:

Vivian D. White, CMC/NCCMC
City Clerk