

MONDAY – 5:30 P.M.

JANUARY 25, 2010

WORK SESSION

The City Council of the City of Elizabeth City conducted its Work Session for the month of January 2010 at 5:30 p.m. in the City Council Chambers of the Municipal Building with Mayor R. A. McLean presiding. Those members attending were: J. M. Baker, M. E. Brooks, L. Hill-Lawrence, L. A. Hummer, R. E. King, B. S. Meggs, J. A. Stimatz and J. B. Walton. City Staff attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Police Chief C. E. Crudup, Planning Director J. C. Brooks, Human Resource Director K. W. Felton and Finance Director S. E. Blanchard.

Mayor McLean established a quorum was present and officially opened the meeting. He called upon Councilwoman L. Hill-Lawrence to give the invocation after which the Pledge of Allegiance to the Flag of the United States of America was given.

1} APPROVAL OF THE AGENDA:

Mayor McLean called for approval of the prepared agenda.

Councilman J. A. Stimatz asked that ***Item #8-Rules and Procedures be moved in front of Item #5-Interlocal Agreement.***

A motion was made by Councilman R. E. King, seconded by Councilman J. A. Stimatz to approve the agenda with the above noted item as presented. Those voting in favor of the motion were: King, Stimatz, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

2} REVISED MANUEL ON RULES AND PROCEDURES:

Mayor McLean called upon City Attorney Morgan for comments.

Mr. Morgan stated he placed at everyone's seat a copy of Dr. Fleming Bell's Suggested Rules and Procedures for City Council. As many of you are hold over from the last City Council will remember Dr. Bell came to see us about a year ago and met with the Council and went over in some detail his book. It is a manageable book. What he has proposed to do tonight was to suggest to Council that we adopt rules at what time you deem appropriate that essentially mirrors Dr. Bell's suggestions. He personally prefers his book to Roberts Rules of Order because his book is tailored directly to a city council. It is written by a city law expert. He thinks it really provides us with a good frame work from which

we can adopt our own rules. He went over some of the highlights and also touch on a couple of deviations that he would suggest that we consider to those rules that are set out by Dr. Bell. He asks that you read this document in its entirety because he thinks it gives a great overview of how a city council should operate and procedurally instructs all of us as to how we best can proceed as a council in an orderly way. He asked that you pay particular attention to the comments after every rule. He expands upon the rule as stated and also in many instances discusses in those comments where his rule may differ from those that are spelled out in Roberts Rules of Order. He would suggest under Rule 11 we continue to require that a second be made to any motion. Rule 1 talks about having meetings on the first and third Mondays of any given month. That mirrors what the General Statutes states. Rule 2 is something that we would want to pay particular attention to. That deals with special meetings and emergency meetings. Under NC law no additions may be made to an agenda for a special meeting unless all of the members are present for that meeting or in the alternative have signed a written waiver of notice for that meeting. That is designed to avoid surprises at a special meeting. Dr. Bell says there should be no addition to an agenda for a special meeting unless the Council determines in good faith that the item to be added must be discussed or acted upon immediately. That is a pretty strong standard. There are rules in place where two members of council or the mayor calling a special meeting so if something was to arise at one special meeting that necessitated having a second meeting certainly we could do that relatively quickly. Rule 4 talks about the agenda. Any city council member may request that any item be placed on an agenda for a regular meeting. Rules 7 & 8 talks about the office of the mayor and the mayor pro tem respectively. Rule 14 talks about majority votes. There are certain votes under state law requires either a 2/3 majority vote or in some zoning matters where there has been a protest petition filed a 3/4 vote is required. Rule 18 is the most important rule and the lengthiest rule. It deals with procedural motions and the priority of those motions. In other words which motion would be heard first if there were two or more motions on the floor at the same time? Certainly the most important procedural motion is an appeal of the chair's ruling. Any council member who does not agree with the chair's ruling on any particular matter may put that to the vote of the Council and of course the majority would rule in that instance. Motion 12 that is contained under Rule 18 is something that we would probably want to avoid since we don't have committees. Motion 15 is the motion to reconsider. It is only proper at the meeting at which the matter was voted upon. Rule 25 is something that we want to take a look at. It is a catch all and what Dr. Bell does there is give us a mechanism for including any special rules that you as a council would like to have apply to this body and perhaps to no other bodies. One for instance is the time limit on public comment. Another thing is any committee, board or commission council may be appointed to the open meetings law applies to all such committees that the city council may be involved in. There was no mention of the concept of amending

an agenda to add additional items after the agenda has been approved at the beginning of the meeting. We are required by Law to have public comments at one meeting per month. We don't have to have it at both meetings. The experts suggest that we do not engage in a debate with a speaker during public comment. Acknowledge that any questions that were raised by the speaker will be addressed in due course. What he proposed to do if it is agreeable he would like for each of you to send an email or fax which mentions anything you would like him to pay particular attention and he will propose to bring back a draft at our next work session in February.

Councilman Stimatz asked what rules do we follow in the interim.

Mr. Morgan said that we don't have any set rules and procedures at the present time.

A motion was made by Councilman J. A. Stimatz that we adopt Fleming Bell's Suggested Rules of Procedures for Council as our interim rules with the following corrections noted: Rule 1-that we hold regular meetings on the 2nd and 4th Monday of each month; Rule 2-we add the requirement to post notice of meetings on our web site; and Rule 6-that we follow our current order of business.

Councilman Walton said he is in agreement with the City Attorney. Let's study what he has presented tonight and not speed the process because two years ago we had the same problem. But during the last two years when people had their say and rules went the way they wanted them to go there was no problem. Now all of the sudden we are going back to the same position we had two years ago. Now there is a problem because a member is not having their way. He has a sheet that has five easy steps. We should take this and use it as a work in progress. Do like our Attorney has asked us to do.

An amendment to the motion was made by Councilwoman J. M. Baker to eliminate Rule 11 and Motion 12 under Rule 18 and she seconded the motion.

Ms. Baker questioned if we are in jeopardy of having to withdraw everything that we have done as a Council now that we know that we should have selected rules from early on. She thinks it is one thing when you don't know but it is a whole other thing when you do. She will second the original motion if you will accept this friendly amendment.

Councilman Stimatz stated he would accept the amendment.

Councilman King said we have Fleming Bell's Policy and Procedures. We don't have anything now and what we are trying to get is an interim until Mr. Morgan comes back to us with something that is stable. Right now we are voting on the interim to have something in place.

Councilman Stimatz said he can understand where Mr. Walton is coming from but the thing that we looked at earlier were general procedures for council. It was not the rules of order that we are supposed to follow. It is clear in the statutes that we must follow generally accepted practices of parliamentary procedures. We can't have no rules. We are just agreeing that we will follow these.

Councilman Walton said that he has Roberts Rules broken down real lightly. He is not saying that the attorney cannot bring us back something but he is not familiar with Bell's rules. One of the rules is that no member can speak twice to the same issue until everyone else wishing to speak has spoken to it once. We don't do that because we want to have our way and that is not right. Another part stated all members have equal rights. These are things Stimatz is saying that we need to adopt right now. He is saying that we do not. We don't have a big problem as of yet.

Mayor Pro Tem Hummer asked Councilwoman Baker's second to the motion was to continue to have the second to all motions.

Ms. Baker replied that was correct.

Councilman Brooks stated he understands both points of view but he is leaning toward what Councilman Walton has said. How many of us really know what is in these rules if we adopt them tonight as interim rules? He thinks it is hastily to come here tonight and just adopt something that no one is familiar with and we are trying to incorporate them tonight. He understands we need rules and guidelines but this Council has been operating forever without any rules. We can at least take the time out to go through them. This is not a bad book to go by but he would like the opportunity to go through it.

Mayor McLean stated that in the school for new mayors they talked about this book. He was unaware that we were not operating by this book. This is the book that every mayor is given when they attend the mayor's school. We spent a whole day just talking about this book.

Councilman Walton said there should not be a problem in the first place. The problem must have come up in the last meeting.

Mayor McLean said he thinks the problem was the interaction between he and Councilman Stimatz whereby he felt that the Mayor didn't have the right to rule he was out of order because he asked him to stop talking and he felt as though he should keep on talking. In reading this book you will find out anytime you want to address someone you need to come through the Mayor. You shouldn't point to the city manager, or the attorney, you should come through the Mayor. Once we all read this book we should be on the same accord. In no way is he going to be rude to anyone. Once you read this book and become familiar with it; his job as mayor is going to be a lot easier.

Councilwoman Hill-Lawrence stated she has read through this book already and it is really not difficult. It is not too much different than any other rules and order. It has more to do with councils and government than most. She thinks that we do need something.

Mr. Walton said he knows we are trying to hastily go through it. He read it and he picked up some things that we don't do. It also states that if the mayor wants to become a part of the debate he has to turn over the gavel to the mayor pro tem. He thinks we need to leave some things alone until we can work all the details out.

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

Attorney Morgan said he has one other item. Back in August 2009, Ms. Pierce-Tamplen and he presented for the then council members a very short discussion regarding our Code of Ethics. In August 2009, the General Assembly enacted legislative requiring all cities to have a Code of Ethics on the books. We do have a code of ethics that was adopted in 1991 then revised in 1992 and then again in 1998 but the new law requires that by January 1, 2011 we have the ethics law on the books which requires that all council members attend two hours each year of continuing education regarding ethics, etc. That is something that we need to visit again very soon to make sure we are in conformance.

City Clerk Pierce-Tamplen stated that the League is going to offer the two hours of continuing education of ethics at the upcoming Essentials of Government School.

City Manager Olson stated what staff will do is go ahead and put this in an add/delete format based on the suggestions that you give us. Then we will present it back to Council.

4} INTERLOCAL AGREEMENT WITH PASQUOTANK COUNTY:

City Manager Olson stated that several months ago Council authorize the County Manager and he to get together to formulate an Interlocal agreement whereby we would consolidate the city/county parks and recreation departments. He, county attorney and county manager have met. Under the Interlocal agreement, the City would maintain all parks and recreation programs in the County. The City would be responsible for the development of the budget, which will be in accordance with the Parks and Recreation Master Plan. Both the City and Council will develop a joint Capital Improvement Plan for the department. The County's two employees would become City employees and be treated like any other city employee. The City Manager shall prepared a draft budget and present it to the County by April 1st of each year. The City shall pay 45% of the total cost of the department's net revenue and the County shall pay 55%. The County shall pay the City for the department's expenses quarterly. All existing assets shall remain the property of the respective entity. In the future, all assets purchased will become City assets. If these assets are disposed of, the revenue received will be credited against the department's expenses. All real property will remain titled in the respective entity's name. The City and Council will enter into an agreement whereby the City is licensed to use those facilities. This will need to be done for insurance purposes. The City will be responsible for the utility bills for all county parks and those costs will be incorporated into the budget. The agreement is for a period of five years. The agreement may be terminated by either party with a twelve-month written notice. The agreement would create a Parks and Recreation Advisory Board which would replace the existing Advisory Board. The Advisory Board would be made up of one County Commission, one Council member, two County citizens and two city citizens.

5} REVISED CUSTOMER SERVICE POLICIES AND PROCEDURES MANUEL:

City Manager Olson stated staff has created an Executive Summary of the existing Customer Service Policies and Procedures Manual, which will be provided to our customers a quick reference guide. The Summary addresses the most common questions that staff receives about utility service. It has been outline what is needed to request service from the City, including identification, social security number, deed, lease agreement and a signed application. It is also outline what is needed for a deposit. Bill information, which includes billing date, due date and earliest disconnection date based on the meter cycle of the customer. The City's extension policy has also been incorporated into the summary. This section includes the customer's request, number of extensions, reasons for an extension, agreements and approval of extensions. If a customer has a difficult time paying a bill, we provide the telephone number of the Social Services Department and the Salvation Army. The various options for paying a utility bill are also listed. The summary includes a section on Customer Rights.

Councilman Walton stated some of the things may not be as citizen friendly as it could be. Is it possible if we could have a Task Force to include some citizens to really go over this document in a detailed fashion?

Councilman Brooks asked wasn't there an assessment done on Customer Service a few years back. He would like to have a copy of that assessment. If we are going to try to make things right then lets go to the root of the problem.

Mayor McLean said he has reviewed the assessment and it wasn't very good relative to the type of customer service that was being provided by the City. This took place about five-six years ago. The study was done by a group at COA. We are going to have to create a task force as customer service goes further than your electric bill. He will establish a task force that will bring about policies and procedures that will cause us to do better in the area of customer service. We rank about 30 out of a possible 100 in customer service. Some of the comments that he read were not good. He thinks we need to improve customer service. He appointed Councilwoman Baker, Councilwoman Hill-Lawrence, Councilman Brooks and Councilman King. He would like for one person from each ward be place on the task force.

6} PREVENTATIVE MAINTENANCE:

City Manager Olson said that Paul Fredette has spent some time over the last week along with his staff trying to gage the amount of liabilities and projects that needs to be done over the next few years. As Council is well aware, we are going to start the budget cycle around February 1st. As part of that the Mayor met with him and Mr. Fredette and wanted us to discuss some preventative maintenance issues and major capital projects that need to be done.

Mr. Fredette stated he has put together a capital improvement plan and one of the issues that he has discussed with the city manager last week is the blurred lines between maintenance and capital improvement. He would like to discuss a list of capital improvements that are needed for the infrastructure over the next five years. The plan is broken down into three sections with three separate funding sources. Within the General Fund he took the liberty of including the storm water utility fund as well as the Powell Bill Fund which has restricted uses.

Mayor McLean said in this plan you are saying that we can repair North Road Street for \$138,000. He sees that Brooks Avenue is \$150,000 in repairs. The reason that he asked that Mr. Fredette to do this is because this is where Council comes in. You need to take this document and look at it and when you have issues or concerns from citizens you can give it to him and he can place it on the

deferred maintenance schedule. Now, what he has to do is take this schedule and prioritize it.

Mr. Fredette went over the various projects and the cost for same. He addressed council questions and concerns.

7} COMMITTEE REPORTS:

a. Albemarle Economic Development Commission – (Councilwoman Baker, Mayor Pro Tem and Councilwoman Meggs). Ms. Baker stated they have a meeting scheduled for Wednesday.

b. Central Communications Advisory Board – (Councilman King). Mr. King stated he didn't have a report.

c. Elizabeth City-Pasquotank County Airport Authority – (Councilman Stimatz). Mr. Stimatz stated that they also meet on Wednesday. He does know that a potential manufacture is in town today to look at Aviation Park, Phase II. There is interest in locating here.

c. Joint Land Use Plan Committee – (Councilman Stimatz). They haven't met.

d. Joint Redevelopment Commission - (Councilman King). They haven't met.

e. North Carolina Eastern Municipal Agency – (City Manager Olson). The meeting for January was cancelled. There will be a rate committee meeting the third week of February. The meeting will be held in Rocky Mount.

f. Tourism Development Authority – (Councilwoman Jean Baker). She passed out the new Walking Tours booklets. The actual meeting will be on Thursday but this is something that the Historic Neighborhood Association has just released.

g. ECDI – (Councilwoman Meggs). Ms. Meggs stated they met Thursday morning and we said goodbye to Peggy. She will be back on the weekends and hopefully we are going to get some of her expertise. Tim is our Chairman of the Board and he is stepping up and going to do a good job. He is going to chair the Potato Festival and Peggy is going to help with the volunteers.

h. Water Committee – (Mayor Pro Tem Hummer, Councilwoman Baker).
Their meeting will be on Tuesday.

8} ADJOURNMENT:

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

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

Mayor McLean adjourned the meeting at 6:45 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor