

MONDAY - 5:30 P.M.

JANUARY 26, 2009

WORK SESSION

The City Council of the City of Elizabeth City held its monthly work session on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor S. S. Atkinson presiding. Those members attending were: J. M. Baker, D. B. Evans, L. A. Hummer, R. E. King, B. S. Meggs, E. K. Rivers, J. A. Stimatz and V. C. Watts. City staff attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, City Manager Intern R. A. Lyons, Deputy City Clerk V. D. White, Finance Director S. E. Blanchard, Inspections Director S. E. Ward, Human Resource Director K. W. Felton, Parks and Recreation Director J. D. Overman, Electric Director K. F. Clow, Planning Director J. C. Brooks, Fire Chief L. Mackey, Police Chief C. E. Crudup and Public Utilities Director P. A. Fredette.

Mayor Atkinson opened the meeting and welcomed those attending. He called upon Councilwoman B. S. Meggs 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 Atkinson called for action regarding the prepared agenda.

Mayor Pro Tem J. M. Baker asked to add to the Agenda, ***a Closed Session for consultation with the City Attorney as per NCGS 143-318.11 (a) (3) – Hugh Cale OIC verses City of Elizabeth City as the first item of business.***

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilwoman L. A. Hummer to approve the agenda to include the above noted item. Those voting in favor of the motion were: Baker, Hummer, Evans, King, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.

2} CLOSED SESSION:

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman R. E. King to retire into Closed Session for consultation with the City Attorney regarding the Hugh Cale OIC verses the City of Elizabeth City as per NCGS 143-318.11 (a) (3). Those voting in favor of the motion were: Baker, King, Evans, Hummer, Meggs, Stimatz, Rivers and Watts. Motion carried.

3} UPON THE END OF THE CLOSED SESSION:

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman V. C. Watts to return to regular session of Council. Those voting in favor of the motion were: Stimatz, Watts, Baker, Evans, Hummer, King, Meggs and Rivers. Against: None. Motion carried.

4} RETURN TO REGULAR SESSION:

Mayor Atkinson declared the meeting back into regular session of Council.

5} UPDATE ON OAK GROVE DRAINAGE:

Mayor Atkinson called upon Public Utilities Director P. A. Fredette for comments.

Mr. Fredette stated that he has Mr. Jeff Thompson who has completed the design on the Oak Grove Drainage project here tonight.

Mr. Thompson said he is with the Hobbs, Upchurch Associations and our firm has an agreement with the City to provide a drainage design for the Oak Grove neighborhood. This project is to eliminate drainage ditches in the development portion of the northeast corner of the neighborhood. He presented a power point presentation of the neighborhood. The existing drainage conditions are there are five streets and each one has a ditch on each side of it. The ditches are approximately 2-3 feet deep and 9 feet wide. They are very shallow ditches and very low sloped. There is excessive trash and debris in the ditches right now. This just aggravates the natural flow for the drainage conditions in the neighborhood. What has happened to date is the original designed project was turned over to him just a few months ago. He made a preliminary overlook of the project and decided it was hydraulically adequate. He sent his surveyors out to get some additional surveys. He developed a whole set of new designs. At this point he has a whole set of new plans. He recommends that you fill in the ditches and replacing the ditches with piped ditches. The lowest outlet elevation is 2 feet. That is the lowest available outlet evaluation. The maximum ground service is about 7 feet. We have eliminated the ditches and installed pipe and inlets. The pipes are very shallow sloped. The average pipe slope is less than .10 of a percentage to extremely flat pipe system. The largest pipe size we can fit in the ground is 24" which is smaller than we would like to see. You have almost 5000 feet of pipe. Fiscal constraints of the design are what stopped him from making the design better. By his calculations he would urge the City to consider a pipe inlet approach. His recommendation is do not fill the existing ditches. The ditch system is the best way to provide drainage in this scenario

when you have absolutely flat no fall to get the ditches to drain. You may want to re-grade the ditches and you may want to go off site almost to Charles Creek and clean out those ditches going that way. He thinks you should focus on cleaning out the ditches.

Mr. Stimatz asked if it would help to put some kind of half liner in the ditch to remove the vegetation. Like a half pipe.

Mr. Thompson said that is certainly an option. He was thinking about what you could do to reduce the maintenance but get the stuff to convey. Right now the vegetation is growing up and it is just slowing the water down. You could put a half liner in the bottom and you could come up a little way in the ditch. There are a number of things that you could do but the main thing is you want the storage that you have in the ditches.

Mr. Stimatz asked would it help and he knows many of the driveways go across and he doesn't know what the size of the pipe is that goes under the driveways. Is there anyway we could put a bigger opening across the ditches or maybe a culvert that would improve the flow.

Mr. Thompson said you could do that but he does not know if it will improve the flow because you are still limited by your slope.

Councilwoman Watts asked how long would it take for you to figure that out and let us know.

Mr. Thompson said he is not sure what you want him to figure out.

Mr. Stimatz said his point is if we open up the culverts under the driveways and we put some kind of liner in there how long would it take to put a design with that in there together?

Mr. Thompson said maybe two months. What you would really want to do is maybe do a small study to see how much improvement that is going to make. It can be modeled.

Mr. Stimatz said he thinks what Ms. Watts concern was can you come back with news about how we can improve it using some of these other techniques.

Ms. Watts asked how long you think it will take you.

Mr. Thompson said he could come back next month.

Ms. Watts asked if we could have him come back next month with another rendition of this.

Mr. Olson said that would be fine because staff started this project four and a half years ago. We have always told the people in Oak Grove you really don't have a flooding problem you have an aesthetic problem. It does de-value this neighborhood but it is the most efficient way to drain this area. He remembers five years ago Councilman Rivers approached him when Columbus Grant was Public Works Director and we did some ditch work in there. It has been a problem every since we annexed the area into the City. There is no simple solution. The estimated cost to do what he was asked to design is probably \$600,000 and he is just afraid the citizens of Oak Grove are not going to do that nor is the Council going to be happy after spending \$600,000 on a solution that is not acceptable.

Ms. Watts said you did say Mr. City Manager that we could absolutely maybe have him come back with those ideas as to what it would take to maybe try to increase that drainage. Can we actually do it?

Mr. Olson said if the Council is willing to increase the contract with Hobbs and Upchurch as it will cost additional funds. He is going to have to give us a cost estimate back.

Ms. Hummer asked how much more money are we going to spend to find out some more information when you just told us that is no solution. How much more money? We can't just say come back. We have to vote on how much more money we are going to spend.

Mr. Thompson said what he can do is give the city manager a proposal on the amount and then you can discuss it.

Mr. Rivers said he would like to see a proposal for filling in the pipe. What is the cost?

Mr. Thompson replied that was the \$600,000.

Mr. Rivers said the residents have been asking that those be filled in and he thinks like the manager stated the engineers or city staff has always been saying leave it open and go from that point. The residents want it closed up. Now to come back and say half filled that still does not equate to the closing up. Then his question will be he would hate to spend \$7,000 with Hobbs and Upchurch for them to come back with a design that Council is not prepared to spend \$500,000 to do. He would much rather for them to take the \$5,000 and let's clean up the ditches so that way we don't have stagnant water and we will

have that area flowing to wherever it needs to go and to get it out of the community. He concurs with Councilwoman Watts as we both represent that area. You are getting between a rock and a hard place if they come back and say that their proposal is \$5,000. Do you want to give them \$5,000? Hobbs and Upchurch would be happy but that is \$5,000 that we take away from the community. We might need to be out there with our surveyors, backhoes and landscaping like we did five years ago when we had to clean it up. He would like to use the \$20,000 which we earmarked more or less for actual work to keep that water so they will not have flooding in that community. That is why he is not for Hobbs and Upchurch doing this second proposal. He doesn't think we really need for them to do it. He thinks it needs to be explained to the community because they just wanted it closed up. He can't see where a half moon will look any more aesthetics than just having it closed up. That is the reason why he right now thinks about just letting him come back with a proposal.

Ms. Watts said she has one more question. She wanted to know in his description of all the work that has to be done to the property to get it shaped up for the work or construction is there a possibility of our employees helping in some of the work?

Mr. Olson replied first of all this project will be paid for by the Stormwater Utility Fund. He thinks because of the grades you are dealing with and how flat those grades are, he would rather have a private contractor coming in and establishing the grades instead of a piping project it is more like an elevation project.

6} UPDATE ON SIDEWALKS:

Mayor Atkinson called upon Public Utilities Director for an update on the sidewalks.

Mr. Fredette reviewed a list of sidewalks and proposed sidewalks within the City. On the Harrington Road project it is approximately 2000 feet long. The estimated cost of that project is \$140,000. The North Road Street project which is Knobbs Creek to the hospital is approximately 1800 feet long. The cost estimated is \$85,000. Route 17 from Providence Road to the Applebee entrance is 700 feet long with an estimated cost of \$60,000. The reason why this last one is so expensive is that we are crossing Knobbs Creek and a small wetland area between Three Amigos and Applebee's.

Mr. Olson said DOT does have a cost sharing program but they do not have any funds in it this year. We don't know if they will put any money in it during their FY 2009-2010 Budget. We have not brought these projects forward to DOT to just see if they would be willing to participate. In most cases where they have

that program there was a maximum amount they allocate for any sidewalk municipal project. It is going to be the City's dollar that pays roughly 80-85% on this work.

Ms. Watts said but however is that to mean if DOT does come up with their portion then we can depend on that.

Mr. Olson said what we would do is we would enter into a reimbursable agreement like we did on Southern Avenue to pay for the projects. At this point we do not have an identifying funding source at this particular time but we can throw this in the capital improvement plan and see when we go through our budget cycle whether or not this can stay in the budget or whether it will be something that has to be removed for budgetary reasons.

Mr. Stimatz said this may have happened before you came here Paul but he knows that at one time we talked about putting a sidewalk from Halstead down to Port Elizabeth Center on the west side of the road. That would also serve those that reside over by Northeastern High School with walking access up the other shopping areas. He would like to see something on that.

7} Text Amendment – TA-07-08 – Screening of Dumpsters:

Mayor Atkinson called upon Planning Director Brooks for comments.

Ms. Brooks said the proposed code amendment she is bringing before you tonight is to address the screening we currently have around dumpsters. In 2003 Council adopted what she classifies a marginal requirement for screening around dumpsters. That only included dumpsters for trash for businesses. The current standard in our UDO provides no purpose or intent as it is only for solid waste dumpsters. The screening type standards are not addressed. The enforcement of the current ordinance does not result in any beautification or aesthetics for the City. The proposed code amendment you have establishes a purpose of intent. What we are including now besides dumpsters are compactors, recycling collection dumpsters and grease trap containers and the non-compatible use district requirements and an update in the screening standards. The proposed ordinance is for both commercial and residential requirements. It closes a lot of the loop holes staff has been dealing with over the past few years. It sets a compliance time table for existing or non conforming uses. We give them five years to come into compliance. For the businesses that have failed to do anything over the past four years we give them 180 days to come into compliance. She reviewed a power point showing different dumpsters throughout the City.

Mr. Stimatz questioned the new requirement of having opaque. The open lattice is not opaque and therefore it is non-complying so what is your intent? When you write opaque you had better mean opaque or use another word. He feels we should require ventilation or otherwise you are going to end up with a stagnant over decomposing messes that will just sit there. That is something that needs to be worked on in this proposed change along with some other things he sent to you earlier.

Ms. Hummer asked when a business is cited for non-compliance how long they are given to bring it into compliance.

Ms. Brooks responded by saying we give them 180-days to come into compliance. Technically they are supposed to have screening around their dumpsters now. We haven't really cited them until we got so many complaints from different individuals about how they are starting to look now with all the new regulations we have to do. We are trying to work with them. If they don't have anything it is 180-days. If they do have a chain linked or it is not in compliance then we are giving them 5 years to change out the material. She talked with the Code Inspector this afternoon and he said of the 70 businesses he sent letters out to that he has probably talked to about 25-30 of those. They all seem to be receptive of coming into compliance and he is working with them to work out something so they can come into compliance.

Mr. Rivers said he has a problem when we say that a chain linked fence is not acceptable when we make our rules. McDonalds can afford it but most of the mom and pop business can not. Brick verses chain linked fence is a big difference in costs.

Mayor Pro Tem Baker said this conversation is to just call for a public hearing.

Mr. Stimatz said in listening Mr. Rivers brings up a good point. Again, we are writing a sweeping ordinance change and we haven't talked to the stake holders. We haven't involved the business people; we haven't gone out and seen what the impact is. He has some other questions about the cost to the City. What is it going to cost us to oversee this? What is it going cost us to change out all of our screenings? He would say since we are the City we should set the example and he would like to know what that cost is going to be. He assumes this is going to apply to everybody, federal, state, county, governments. They might want to know what it is going to cost them as well. When are you going to meet with the stake holders?

Ms. Brooks said we did meet with the Chamber and they are going to take the propose code amendment back to their constituents for review and discussion.

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilwoman L. A. Hummer to call for a public hearing to be held on Monday, February 23, 2009 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for consideration of TA-07-08. Those voting in favor of the motion were: Baker, Hummer, Evans, King, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.

8} COMMITTEE REPORTS:

Mayor Atkinson said that in lieu of the time, he will postpone the committee reports until the next meeting.

9} ADJOURNMENT:

Mayor Atkinson stated that he will adjourn the meeting.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Stephen S. Atkinson
Mayor