

7:00 P.M.

FEBRUARY 8, 2010

CITY COUNCIL

The City Council of the City of Elizabeth City held their first regular meeting of the month on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor R. A. McLean presiding. Council 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 Attorney W. H. Morgan, Deputy City Clerk V. D. White, Electric Director K. F. Clow, Human Resource Director K. W. Felton, Planning Director J. C. Brooks, Finance Director S. E. Blanchard, Public Utilities Director P. A. Fredette, Inspections Director S. E. Ward, Parks and Recreation Director B. V. White and Fire Chief L. M. Mackey.

Mayor McLean established a quorum was present and called the meeting to order. He called upon Pastor Toni Wood for the invocation after which the Pledge of Allegiance to the Flag of the United States of America was given.

1} AGENDA APPROVAL:

Mayor McLean called for approval of the agenda.

Mayor Pro Tem L. A. Hummer asked to remove ***Item #6a-Certification of Recognition*** from the agenda because the person is unavailable tonight.

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

2} COMMENTS FROM THE PUBLIC:

Ms. Grace Hyder addressed the City Council regarding her concern over her high electric bill. From September to December her bill charges were \$349, \$315, \$335, \$351 and in January it was \$544. This month it is \$1,280. We have florescent lights in every room and we use heat pumps. We use the fireplace and the electric heaters to warm the house. We keep our thermostat between 73° and 74°. The only entertainment we use is the TV and the computer.

Ms. Edith Woodley advised that she was here to represent the Renaissance Commons Senior Citizens. They are concerned about their high utility bills.

Everyone that lives in her community is on social security. They did not get an increase in their checks but yet the light bill has risen from \$100 to \$200. We would like for someone to come out and take a reading of their meters. Also, they would like to know why two apartments side by side, could have completely different bills. They would like to have additional policemen to come out and patrol their area. We, as senior citizens don't get out much in the evenings and when it is dark we stay inside. We need policemen out there to patrol that area to make sure it is safe for us when we do get out of our cars to go into our homes. The high costs of electric bills have affected our medicines and our food.

3} PROCLAMATION:

Mayor McLean presented a proclamation proclaiming February 22-28, 2010 as Rotary Service Week.

Mr. Billy Roughton accepted the proclamation and made brief remarks.

Mayor McLean stated he wanted to take a few moments to wish Dianne Pierce-Tamplen a speedy recovery. She normally sits next to Councilman Brooks. She had some surgery about two weeks ago. She is recovering real well and we want to wish her God speed.

4} ITEM REMOVED FROM CONSENT AGENDA:

Councilman J. B. Walton stated that he would like to remove Item #7-e from the Consent Agenda and place it on the Regular Agenda for discussion.

A motion was made by Councilman J. B. Walton, seconded by Councilman R. E. King to remove Item 7-e –Call for public hearings and place on the Regular Agenda for discussion. Those voting in favor of the motion were: Walton, King, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Stimatz. Against: None. Motion carried.

5} CONSENT AGENDA:

Mayor McLean called upon City Manager Olson to read the Consent Agenda.

A motion was made by Councilman J. B. Walton, seconded by Councilman R. E. King to approve the following Consent Agenda; and further to move Item 7-e-Consideration of Call for Public Hearings to the first item under the Regular Agenda in order that there will be discussion. Those voting in favor of the motion

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

Consent Agenda

- a} Award of bid to Bennett's Irrigation Service for the South Park Sports Complex irrigation system in the amount of \$40,834.
- b} Approved the following Budget Amendments:

**BUDGET AMENDMENT
NUMBER 2010-5
FEBRUARY 8, 2010**

BE IT ORDAINED, by the City Council of the City of Elizabeth City that the following amendments be made to the annual budget ordinance and capital project ordinance for the fiscal year ending June 30, 2010:

SECTION I That the General Fund Balance Appropriated (103990.0000) be increased by \$1,506, the Senior Center Grant Revenue (103490.6301) be increased by \$5,119, the Senior Center Departmental Supplies Grant (106300.3301) be increased by \$5,725, and the Senior Center Capital Outlay-Grant (106300.7401) be increased by \$900.

(To record Senior Center grants received.)

SECTION II. That the Water and Sewer Capital Project Other Financing Source (353980.0000) and Raw Water Reservoir Engineering (354010-1000) be increased by \$73,250.

(To appropriate funds for engineering costs for Raw Water Reservoir Project. Funding will be secured from Wellfield loan that will be repaid with the receipt of federal stimulus funding.)

ADOPTED, this 8th day of February 2010.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

c} Approved CUP-04-05 Annual renewal of Albemarle Hopeline, Inc. located at 1802 West Ehringhaus Street.

d} Adopted the following resolution authorizing financing of the fire department vehicles:

**RESOLUTION #1021
APPROVING FINANCING TERMS
FIRE DEPARTMENT VEHICLE
\$21,400.00**

WHEREAS, the City of Elizabeth City, North Carolina (the "City") has previously determined to undertake a project for the purchase of one Ford Explorer for the Fire Department (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1} The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposed date February 3, 2010. The amount financed shall not exceed \$21,400.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.58%, and the financing term shall not exceed five (5) years from closing.

2} All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.

3} The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employers, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents

shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4} The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5} The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends those funds that have been advanced, or that may be advanced, from the City's general fund or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6} All prior actions of the City officers in furtherance of the purposes of this resolution are hereby ratified approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

APPROVED, this 8th day of February 2010.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

End of Consent Agenda

5} REGULAR AGENDA:

Mayor McLean called upon Councilman Walton for comments.

Councilman Walton stated he wanted this to be put on the regular agenda so we can discuss this. This was an item that was already on the agenda and it was already in place before new council members came aboard. He read in the

newspaper where Rocky Mount was having some problems with a similar situation. If they are having problems now trying to put a moratorium on these types of things and he wonders why we are so apt to get into them. He was asking Tony to share some of the information that was given to you all before we came aboard.

Mr. Stimatz said Ms. Hummer was the first one to notice that this looks like gambling, smells like gambling why it isn't gambling. The answer is the State hasn't designated it as gambling. When we went to consider this we all had heart burn with it. The problem that we had was we could not refuse to zone it. We had to allow it as a business. We had no basis for not allowing it. If we did that we would be subject to a lawsuit. Given that we had to pass some kind of zoning rules all we did was passed the zoning rules that we were comfortable with if we were going to have this. Did we want it? Not really. Ms. Hummer made a great point at the time that there are people out there who are thinking they can go there and win a lottery and end up spending all their money and losing their electric bill payments and house payments and everything else. Unfortunately, until Legislation takes action we cannot ban this type of business. All we can do is regulate it. So, all that we did was pass what we thought were the best set of zoning rules that we could. That is all that Council did. It is just like Vegas, the slots are mandated by the State and you have to pay out 97% but that means the house gets 3% all the time. That means every \$100 you are going to make \$3. You are going to make money. All that we could do is pass a set of rules. There are some questions about how much space should they have. That is how come we did it because our hands were tied.

Mr. Walton said in the article there was something said about the regulations too. City Manager, if we can call down there to see what the regulations were we won't pass the same things that are going to give us problems later on.

Mr. Olson stated that we observed them in Williamston, Nashville and several other jurisdictions. They also have this up in Virginia. As Councilman Stimatz alluded too, we do have some issues with this however based on the court ruling that came out roughly 15 months ago we don't have much choice.

Mr. Morgan stated every city or county that has tried to ban these which have been taken to court has lost. The problem is we can regulate them we just can't forbid them.

Mr. Walton said that he understands that but in the article he read from Rocky Mount they said they will put a moratorium on it until they regulate it better. He is wondering what those regulations were so we won't have to go through the same process.

Mr. Morgan said he is not sure what article you read Mr. Walton. There is no need for us going through the same problems that another city is going through if we can keep it from happening.

Mr. Olson said he would be happy to get in touch with Rocky Mount but he thinks the text amendment that was approved in November or December adequately protects the City. A lot of cities had concerns whether or not they have the authority to have special rules and restrictions associated with this. The previous City Council went ahead and approved a text amendment that included a lot of additional rules and regulations associated with citing these particular sites.

Mr. Stimatz said this is a conditional use permit which means that we can add additional conditions that aren't necessary in zoning. When the time comes and we find something else within limits and we want to add it as part of the conditional use as long as we do it to all of them we can do that. It is not a closed case and it has to come to us and we have to approve it.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to approve calling for a public hearing to be held on Monday, February 22, 2010 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for each of the following:

1} Consideration – CUP-02-09 request of James Sutherland to operate an Internet Sweepstakes Café at 1871 West Ehringhaus Street;

2} Consideration – CUP-03-09 request of Parrish Register to operate an Internet Sweepstakes Café at 900 West Ehringhaus Street;

3} Consideration – CUP-04-09 request of Luther's Incorporated to operate an Internet Sweepstakes Café at 1016 West Ehringhaus Street, Units E & F;

4} Consideration – CUP-07-09 request from Kamalesh Patel to operate an Internet Sweepstakes Café at 143 Rich Boulevard, Unit C;

5} Public Comments regarding establishing an internet access provider fee of \$100 per terminal per year.

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

b} Adoption of Resolution to Change the City of Elizabeth City Charter:

Mayor McLean stated on behalf of the City Council we are asking to change the City Charter to reflect the fact that the City Clerk would report to the City Council as opposed to the City Manager.

Mr. Morgan stated that there are certain changes under state law which a city may make to its charter by resolution without going any further. Those are enumerated in General Statute 160A-101. Most of those changes deal with holding elections, terms of office, etc. This is a change that is not covered under that statutory authority and it requires that a special act of the Legislature be passed and requires that the City initially passes a resolution. That resolution then goes to a sponsor in the General Assembly and once the Bill is passed then that does become a permanent amendment to the Charter and of course subject to be changed later if that is the will of Council at that time.

Councilwoman Baker stated she wonders why are we looking at this change. What do we expect to gain from changing who someone reports too.

Mr McLean said when he went to school he was not even aware that the City Clerk was reporting to the City Manager because based on the NCLM the ideal format for an organizational structure is for the City Clerk, City Manager and City Attorney to report to the City Council. The City Clerk has tremendous responsibilities whereby has to be provided to the City Council. When he wants something done, he needs the Clerk to be able to do it without having to go through the City Manager. When all the other cities were surveyed that standard format is for the City Attorney, Clerk and Manager to report to the Council. He finds it to be much more effective in terms of doing his job as Mayor. He thinks given the opportunity it will also serve the Council in a better position. This is not done to take anything away from the City Manager; it is being done to provide more support to Council. Here again, we are responsible for the overall management of the City. That is why he is asking for this to be approved.

A motion was made by Mayor Pro Tem L. A. Hummer to adopt the following resolution requesting introduction of a local bill to change the City's charter and send it to Representative Bill Owens to change Article 4, Section 4.4 of the City Charter in order to have the City Clerk appointed by the City Council and report directly to the City Council. Councilman J. B. Walton seconded the motion.

Councilwoman Baker said she had another question. She thinks everybody needs to report to somebody, but she thinks somebody having eight or nine bosses is a little cumbersome. Are we going to establish some kind of or will it be in our new procedures on who can ask to have things done. She would hate to have one, two or three people who take it upon themselves that she is now their "go to" person and that would keep her from her other duties. She doesn't feel it is the best use regardless of what other cities do. Maybe if you had a full time Council or on site full time Mayor that might be useful but she doesn't see that it is not working the way that it is. She is not comfortable with it.

Councilman Brooks stated that to him this is really a no-brainer. In Section, "4.4 it says the Manager shall appoint a City Clerk subject to the confirmation of the Council to keep a journal of the proceedings of the Council, to maintain official records and documents, and to give notices of meetings and perform other duties as required by General Law or prescribed by the City Council." We already have access to the City Clerk. Now whether all Council members want to take advantage of that it is their choice. He has never gone to the City Clerk with anything that she denied to do. He is sure anyone else that went to her for information was treated the same. If anyone goes to the City Clerk and asks her to do something and she doesn't do it then they have the same rights as anyone else. It is already in the General Statutes. It is written out specifically. We don't need to have to jump through hoops to get to our City Clerk. Go the City Manager and then he has to go to the City Clerk that makes too many hoops that you have to go through. To him the discussion on this is really moot because Section 4.4 really explains it well. Whatever pet peeve somebody may have with going through that process; that is their pet peeve. They have to iron it out within their selves.

Mayor Pro Tem Hummer stated over the years with the changes in the administration changes that have occurred over the years, the City Clerk was changed under Sid Omen administration. He changed her position to work directly for the Mayor and City Council. Then when another administration took office it was changed back. She thinks it is a matter of choice and she thinks it can be done. It is just whatever this administration wants.

Councilwoman Meggs said she is going to vote for it however, this is because the Mayor wants it this way and then the next Mayor comes along and they want to change it back that will be fine. She hopes Bill Owens doesn't get fed up with us for changing it all the time. She has never had to jump through a hoop to get to our City Clerk.

Councilman Stimatz said he would like to clarify a couple of facts. How many times have we changed the Charter on this issue?

Mayor McLean replied one time.

Mr. Stimatz asked how Dianne feels about this. She is not here to talk about it and share her feelings.

Mayor McLean stated that it is not her call.

Mr. Walton stated you know the Daily Advance gets everything before we do, but it was talking about it today and one of the past Mayors said it would be better the way it is and then Zack Robertson, a renowned politician said you need to change it. He feels like if the Mayor wants to use the secretary he ought to have accessibility to that secretary any time he wants that secretary. Council should not have to go to the City Manager and ask to use the secretary.

Mr. Brooks said you shouldn't have to go through a whole lot of process to get to the Clerk. The City Manager gets directions from us. It doesn't make any sense for us to have to go through the one that gets direction from us to get to the secretary. We need direct access to the City Clerk. He doesn't see what the great discussion is as it is in Section 4.4. It is already in our ordinance. The only thing we need to do is to eliminate having to go through the Manager to get to the Clerk.

Mayor McLean said if you go directly to the City Clerk now you are in violation of the organization's structure. You are not supposed to request anything of her unless it is approved by the City Manager. He knows we haven't been doing this but because of our current policy we could be in violation.

Mayor McLean called for a vote on the motion.

Those voting in favor of the motion were: Hummer, Walton, Brooks, Hill-Lawrence, King, Meggs and Stimatz. Against: Baker. Motion carried.

**RESOLUTION #1022
REQUESTING INTRODUCTION OF LOCAL BILL
TO CHANGE CITY CHARTER**

WHEREAS, the City of Elizabeth City is organized as a municipal corporation under the laws of the State of North Carolina; and

WHEREAS, the City of Elizabeth City, as a municipal corporation, exercises all powers, functions, rights, privileges and immunities of the corporation as provided by the City Charter or general law; and

WHEREAS, Article IV, Section 4.4 of the City Charter requires that the City Manager appoints the City Clerk and that the City Council confirms the appointment; and Article IV, Section 4.7 of the City Charter requires that the City Manager has direct supervisory authority over all City employees including the City Clerk; and

WHEREAS, the City Council desires a Charter Amendment to change Article IV, Section 4.4 of the City Charter whereby the City Council would appoint the City Clerk and have direct supervisory authority over the City Clerk; and

WHEREAS, an additional Charter change will also be required to Article IV, Section 4.7 exempting the City Clerk from the City Manager's supervision;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elizabeth City hereby requests that Representative Bill Owens introduce a local bill to effect the desire changes to the City of Elizabeth City's Charter.

ADOPTED, this 8th day of February 2010.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

c} Rules of Procedure for the City of Elizabeth City Council:

City Attorney Morgan stated he had prepared what we feel is a good working document for your consideration. The changes that are proposed from the ones that Dr. Bell's booklet initially included we think are closely tailored to this City's requirements. The document that you have in your agenda packet does include the modifications which were recommended and passed by Council at the last meeting. We have included the requirement for a second. Dr. Bell's book in Rule 11 suggests that be eliminated. We have eliminated Motion 12 in Rule 18 which was the motion to refer an item to a committee since this Council does not have standing committees. We have also included that the Order of your agenda would be more closely akin to what you are used too and what we have always

followed rather than the one suggested by Dr. Bell. We have also updated the rules to include notices of meetings be posted on the City's web site. That is now a State Law if a city has a web site notices are required to be posted so he has included that. We also have in the very first Rule I included a statement to the effect that rather than our meetings be on the first and third Mondays they are on the second and fourth. That mirrors what we have done for the last few years. He thinks during the last meeting, when we first considered this he went through the document and hit what he felt to be the highlights. He doesn't propose to do that tonight but he would certainly be happy to address any questions that you have. Rule 25, you may recall from the last meeting says, here is where you put all the other rules that you may want to have for your specific City and that is where he has included the rules for public participation and also a requirement that all ordinances changes only be considered following a public hearing. That is something that we have tried to do in the past. He heard from one councilman with a couple of questions that he thinks he has addressed to the best of his ability. He also got an email from a councilman with some suggestions as well.

Councilman Stimatz said he thinks you guys did a great job. These are from his email. Under Rule 3-Organizational Meeting, add a third order of business – adopt a set of generally accepted practices of parliamentary procedures. He asked the Attorney several questions to clarify certain rules. The last thing he has is on the Public Participation that we put on the web site at the bottom in small print we have a thing that says the City will furnish auxiliary aides and services to afford an individual with a disability an opportunity to participate. That was left out. He thinks that is important to let people know that people with disabilities will be accommodated.

Councilman Walton said that Moses was on the mountain to get the ten commandants in forty days, but he doesn't think that we need fifteen pages of rules. You can put the ten commandants on one sheet. If you live by them then you know it is going to work. He thinks we need to be respectful and do things in a way that is pleasing to everybody. Just like a few minutes ago you brought it up about the Consent Agenda. Were you trying to say that he shouldn't have had the opportunity to talk about sweepstakes? It was something that he wanted to know about. Tell him this; before this Council became a united front what happened two years ago when you didn't have procedures.

Mr. Stimatz said about four years ago that is how you did it. If you wanted it off the Consent Agenda or if you wanted the agenda changed you did it when we voted on the agenda. We basically followed Roberts Rules of Order.

Mr. Walton said but fifteen pages of rules. The first part is really easy to read where you talk about how many days you need to put the ads out and all that,

but when you start getting to the point of making motions and you start talking about preventing reintroduction for six months. We, as human beings, make a mistake he would like to be able to clear that up before six months later. If you put it in a rule you are going to have to follow that rule. To him when you write something down it needs to be right and people need to follow it. Right now there are a whole lot of things in here that is really not clear to him. There is no need to put a book together if we are going to throw it in the trash can.

Councilwoman Meggs said when we go to our session at the beach for our schooling if she is not mistaken they will go through all of this and will teach us how a meeting is supposed to be run. This is what we are trying to do.

Mr. Morgan asked to add two things. He failed to mention earlier. Under Proposed Rule 6, Number 5 – Public Hearings, we mentioned those were to begin at 7:00 p.m. There is a consensus to keep that at 7:30 p.m. as we now have it. The other thing is there are two comments on pages 1 & 2 that Ms. White inserted there in the margin that have to do with special meetings and whether or not you as a council want to allow an agenda to be amended at a special meeting. We would like to have some guidance from the majority of Council as to how you want to handle that. If you allow them to be amended, Dr. Bell recommends that you must determine in good faith that it is essential to discuss or act upon that item immediately.

Mr. Brooks said this is interesting to him and if he is not mistaken at the last meeting we voted to abide by Bell's rules in the interim. We are already abiding by Bell's rules. He didn't vote for it because he didn't think it made any sense. We are having a discussion on rules after we have already adopted Bell's Rules. He thinks Councilman Walton has a good point. We have never talked about a need for rules, rules, and rules. Everything has been going pretty well. It is just a matter of respect.

Councilwoman Hill-Lawrence stated she suggests that we just table this and go back and look at it again. We haven't had any rules for X amount of years so she doesn't think a few more weeks will make a difference. It is evident that everybody is not clear on this. We do need some rules, process and procedures but we need to take time to do it.

Mayor McLean said right now we will continue to operate under the rules of Fleming Bell. We are going to take two more weeks to get these matters straighten out. What he would like to ask the members of Council to do is get with the attorney and determine what your issues are and resolve them with him to make sure that what you want there is there or not there. He hears what everyone is saying.

A motion was made by Councilman J. A. Stimatz to table this item to our next meeting in two weeks to give Council Members time to discuss it with the attorney. Councilman M. E. Brooks seconded the motion. Those voting in favor of the motion were: Stimatz, Brooks, Baker, Hill-Lawrence, Hummer, King, Meggs and Walton. Against: None. Motion carried.

- d} Approval for two councilors to attend National League of Cities Congressional City Conference in Washington, DC:

Mayor McLean advised that Councilwoman Hill-Lawrence and Councilman Brooks have requested to attend the National League of Cities Congressional City Conference to be held in Washington, DC.

A motion was made by Councilman M. E. Brooks, seconded by Mayor Pro Tem L. A. Hummer to approve the request by Council Members Hill-Lawrence and Brooks to attend the National League of Cities Congressional Conference in Washington, DC on March 15-17, 2010. Those voting in favor of the motion were: Brooks, Hummer, Baker, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

- e} Relocation of Human Resource Department:

Mayor McLean stated this was first placed on the table by him because the Human Resource office does not have the proper type of privacy that they should have. The personnel records are placed on desks whereby people from the outside can walk in and see them. The people are working and by that they have to have certain type of files on their desks. He is requesting as Mayor that we relocate the Human Resource office from their current location to the old chambers in the Midgett Building.

A motion was made by Councilman J. B. Walton, seconded by Councilman M. E. Brooks that we move the Human Resource Office to the old council chambers in the Midgett Building immediately at a cost not to exceed \$7500.

Councilman Brooks said on the desk we have a layout of how the Human Resource Director would like to have the office laid out at their new location. It is similar to what the Police Chief's layout is on the second floor. He thinks when we start the process of doing the relocation we should take this layout that they have into consideration. He thinks it is a great plan.

Councilwoman Baker said her question regards the groups and committees that meet in the old council chambers currently. Are we looking to put them here?

Councilman Stimatz said that we are going to get the facility study in two weeks which is going to tell us where we should be going and what we need to do to get there so he would move to table action on this issue until after we see what the study recommends. He would ask that we delay the decision at this time.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to table action on this issue until after receipt of the Facility Study.

Mayor McLean asked to comment. This is not something that we should table. There is a motion on the floor. It is not an issue of us waiting for something to be done. We have an issue with Customer Service now. People paying taxes, utility bills, etc. and he has issues with that. It is something that should have been dealt with a long time ago relative to people having privacy to transact business. When he went to the Personnel Office to do what he had to do in order to get on the payroll for the City, it was very embarrassing for him to have to set down at a table. This is something that we need to address immediately. He is not in favor of tabling this matter.

Those voting in favor of the motion to table this item were: Stimatz, Baker and Meggs. Against: Brooks, Hill-Lawrence, Hummer, King and Walton. Motion was denied.

City Manager Olson said that he believes Councilman Walton's motion restricted Staff spending \$7500 and he does not believe that we can do the work for the \$7500. He would request the Council to remove any sort of price limitation on this to make sure we get the work done the right way.

Mr. Walton asked why he thought it would cost so much.

Mr. Olson said if a private contractor does the work we are looking at \$25,000 to \$30,000. That is the estimate that Stanley Ward has provided him. If we do it in house it may be considerably less.

Ms. Hill-Lawrence asked where we would pull this money from what budget. Is that something that we can do safely?

Mr. Olson replied that it would have to come out of the City's reserve account. That is a policy decision of the City Council. You have his recommendation to wait on doing this work until we actually go through the budget cycle for next year.

Mayor McLean called for a vote on the original motion.

Those voting in favor of the motion were: Walton, Brooks, Hill-Lawrence, Hummer, King and Walton. Against: Baker, Meggs and Stimatz. Motion carried.

f} Proposed Recreation Park:

Planning Director Brooks said this was all initiated at the request of the Mayor. Staff has looked at several places. The Mayor had indicated to staff that he would like to see a regional recreation center for Elizabeth City. Something that would draw people to the City. Some places were identified that could possibly meet these recreational needs. One was the old Cotton Mill that sits on 8.9 acres and it is approximately 80,000 square feet. It was suggested that maybe a reuse of this building be looked at for maybe some skating rinks, arcade, etc. There are facilities like this in other parts of the State and surrounding states. Currently that property is taxed at \$1.1 million dollars. If this comes to be a formal appraisal would be needed for fair market value. The second piece that we looked at was called the Fairgrounds Property. This is 11.4 acre parcel that was purchased through CDBG funds. It is in the Joint Redevelopment Commission properties. In order to utilize this for some outside type of recreational facilities we would probably have to go back to DCA and get an amendment to the CDBG grant funds. The grant that was gotten for this was Industrial and Commercial Use. It is a matter of going back to DCA and getting a modification to proceed. The third piece of property we looked at was the Ecco property that has been recently given to ECSU as a nature park. This property is approximately 30 acres in size. Staff has been looking for grants which we may apply for. Most of the ones that we have found have matching funds that have to be put forth with these grants.

Mayor McLean stated in the old cotton mill we did meet with the owners. The old cotton mill can accommodate a skating rink. What we are going to envision here is coming up with a concept that will resemble places like Kings Dominion or Disney World. He thanked the city staff for what they have done relative to planning. It is going to take a lot more money than what we have thus far. It will take a tremendous effort but once that effort is put into place it is going to work. We don't have access to the waterfront. This will certainly give a lot of our citizens' access to the water as well as a place to take our young people. There is a whole lot of work to be done but we are going to work extremely hard to get it done. We will be contacting the citizens that live in these areas to make sure that we don't infringe upon their rights to live in a very comfortable way. This is something that we need to do.

g} Preliminary Report from Mayor's Customer Service Task Force:

Mayor McLean said that we don't have a preliminary report tonight because we have just assembled the Task Force. He wanted to give you the following names of those serving on this Task Force. They are as follows:

City Council Representatives:

Councilwoman Jean Baker
Councilman Michael Brooks
Councilwoman Lena Hill-Lawrence
Councilman Rickey King

Citizen Participation:

1st Ward – JoAnn Austin
2nd Ward – Peggy Davenport
3rd Ward – Darrell Hairston
4th Ward – Justina Long

Mayor's Appointments:

Ray Donnelly – Chamber of Commerce
Glover Shannon – Keystone Barber Shop

What we hope to do with this Task Force is to come up with policies and procedures that we can use to operate. The first thing that we are going to do is to make sure that you understand what the real need is. We have a need for you to improve the Customer Services that is being offered by our City. We want people to feel friendly and feel as though we have their common interest at heart. We are not doing this to take away anything that the Council or staff is doing now because he can tell you without a doubt our staff has a tough job in dealing with all the issues that we have. A lot of the issues that we have was not created by the staff but was created by the people that we elected to lead the city into the next century. The Customer Service Task Force will concentrate on the electrical services. How can we charge our customers a rate that is more conducive to their pocketbooks? The next area of concern will be how we help a new business to get started. We certainly want to change that because we are not business friendly. It is not because of the people working but is caused by our policies. We have to change our policies to make sure that they are more conducive to our citizens as well as our businesses.

Councilman Brooks stated he understands the intent of the Task Force concept. The task force will get involved with the citizens but the ultimate say so is the City Council. We have the assessment that was done years ago on Customer Service. He read that over and over again and it is horrible. They have put the people that work in Customer Service in a hostile working environment. He

doesn't know what the citizens input will be because they don't have a copy of the assessment. It is terrible. Anyone that works in that environment that wants to go out on stress leave can leave according to that assessment. It is that bad in that area and it hasn't been addressed since that assessment. He thinks that we need to expedite in making things differently. He thinks the Task Force has good intent but the ultimate decision is Council's.

Councilwoman Baker said when we had the task force for rental housing to get us a better ordinance for our rental housing she was asked to chair that Task Force. We had people that were impacted on the task force. The Task Force needs to get together several times a month. She thinks we should set our first meeting and get going on it.

Mayor McLean said he would like for Councilwoman Baker to chair this committee.

Councilman Stimatz said it is important to involve the stakeholders. One thing he remembers from the Rental issue was they went out in the community and held meetings and invited the public in to sit down and tell them what they thought the solutions and issues were. This is very important. It is important that you set up the opportunity for people to come and tell you. It has to be facilitated. He can't stress enough that you talk with the people who are the customers and have them come to you. He will echo what Michael said about the last study. There were a lot of disturbing strife in Customer Service and that needs to be addressed somehow. It was very clear from that report that there is a lot to be done. It doesn't look like we followed up on a single one of the recommendations.

h} Discussion of High Utility Bills:

Mayor McLean called upon Mr. Olson for comments.

Mr. Olson said as demonstrated by those speaking tonight there is a great deal of concern in the community due to the high utility bills. City staff has looked at this and our usage. Our bills are 30% higher than they were the previous months. That all directly ties back to a common term in the industry called degree days. Degree days are a measurement of heating or cooling that compares to the outdoor temperature to a standard 65°. The more extreme the temperature the higher the degree day number and the more energy needed to space the heat or cool. It is not just a heating issue as it is also a cooling issue. He would like to inform the Council that at the last billing period we are going to have the same billing issues because of how cold it has been. The usage ties directly back to the degree days. He realizes a consumer usually just looks at how much it is going to cost them. The one thing that he looks at is how many

kW's he used. From December 15th to January 15th we recorded 780 degree days compared to just 315 degree days from November 15th to December 15th billing cycle. You can see why people's bills have doubled because of the amount of degree days that we are experiencing. He presented some comparison charts.

Councilman Stimatz asked how many people we have that is on Level Pay.

Mr. Olson replied that we have very few people that are on Level Pay. It is probably less than 10% of the total customers.

Mr. Stimatz explained what Level Pay is. If you are not on Level Pay you need to get on Level Pay for a number of reasons. One, spread your payments, two you can pick when you want to pay your bill and three you can schedule it. You can go ahead and make sure that you are paying that bill when it needs to be paid so you don't have a late fee or reconnect fee. We collect over \$400,000 in reconnect fees alone. If you aren't paying late or reconnect fees you could probably pay your light bill. That is a lot more money in your pocket than the \$5, \$6 or \$10 we are going to put back there with a rate decrease. He knows it is difficult. He has talked to a number of pastors and the churches know who in their neighborhoods has the most needs. What they don't have is the message to go to these people and help them and explain it so they can help them manage their bills better and hopefully their usage better. His thought is if the Pastoral Council got together and identified those 600 homes that are really in extremis and you went to them and sat down with them because somebody from the government showing up saying they are here to help you scares people to death. They will listen to their pastor. We need to tap in to the Pastoral Community and get them to help us. We have Dennis Gordon and he has the knowledge. He can print all the paper that we need. There are things that we can do. We need to educate the people that are having these problems paying their bills. They need to understand so they can control some of this better.

Mr. Walton said it is easy to say that the blame is on the people. When somebody comes up here with a \$1200 bill Level Pay is not going to help them. He thinks the problem is with us. A person that has a \$1200 utility bill needs to be audited yesterday. Something is wrong somewhere. If it is with the City then we need to find out. What would have happened if they never found that \$8500 that somebody found a couple of months ago? They had made a mistake and what would have happened if we hadn't found it. We make mistakes too. The meter boxes or something is not turning correctly when a person jumps from \$300 to \$1280. That is a lot of money and Level Pay is not going to make that up. Where is the responsibility? You have hard issues and you have light issues. These elderly people can't pay these high bills. The bill has to be paid. Some

kind of way we need to make it work. We need to be friendlier with the customers so they won't have to take so much of the burden.

Councilman Brooks said Level Pay is one thing that will help. He is in agreement with both Stimatz and Walton. Level Pay can help to average out the bills but he still has an issue with a bill that went from \$300 to \$1200. There is something drastically wrong. We have budgeted \$60,000 for reconnect fees and he has a problem with that. We give five day extensions for people that get paid by-weekly or monthly. That has something to do with it also. He wants everybody out there to understand that he was reading the Daily Advance and they wrote an article saying that we have been the first council that has ever started the process of reducing electric rates. It was \$625,000. He had a problem with the Daily Advance because they tried to lessen it by putting it in big black letters that you would only save \$2.50 per bill. He has a problem with that because all the previous Council have raised the electric bills. What would have happen if we raised it 10% like it was done previously instead of reducing it? We found \$625,000. He wants the people to understand that we understand your electric bills are high and a lot is due to the cold weather but there are certain things that we have control of as a council and we are doing everything that we can possibly do at this time. We have no control on how high you turn your thermostat up.

Mayor McLean said he is not a member of the staff as he is the Mayor, elected by the people and quite naturally like many council persons here. We have an obligation to tell our story to the people. He is not running for election again as it is 22 months away. When you raise something up 18% it has nothing to do with usage. We raised it by 18% and it is now coming home to us. That is a tremendous increase. As Mayor, he is not a radical but he will tell you this, he would suggest to the Council that we unhook ElectriCities and hook up to Dominion North Carolina and let ElectriCities sue us. That is how he feels about them. It is more like raping people and doing a real disservice to the community that has 17% unemployment and the financial base that is depended upon McDonalds, Hardees and Burger King. We have a lot of people that are unemployed. We have people who are not working and people making only minimum wages. Level Pay does not do it for them as they are not even making enough to pay the lower rate much less a higher rate. The following is something they wrote in their Hometown Connection magazine. "The nation would like to put last year's economic recollections behind them and NC Public Communities enjoyed relatively success in 2009." If you passed on 18% rate hike then what did you expect to happen? Then they come back to us and say they will not need another rate increase for five years. These are the kind of people that we are dealing with and he talked with Governor Purdue and he asked her to contact the Legislation and regulate ElectriCities. Duke Power hasn't had a raise since 1990. Since 1990 we have had 65% increase in electric

rates and we wonder why we have high electric bills. Our bills have nothing to do with usage. It has everything to do with the electric rates and that is what we must understand. It doesn't make a difference how much you spend for gas if you spend \$4.00 a gallon. It is still \$4.00 a gallon whether you use 15 gallons or 18 gallons you still pay \$4.00 a gallon. What we are going to have to do as City Council we are going to have to start a movement. We need to get with the other 51 cities and let Electricities know that they must reduce our electric rates and do some other things to bring about a situation whereby the people of Elizabeth City are more comfortable. He is not short of recommending that we just do away with Electricities and get sued. That is the way he feels about what they have done to this community. They have not been regulated and they feel that they can do what they want to do to us. Here again he is upset about our electric rates and not our usage. He is upset about how they are bragging about how well they are doing in spite of the fact that a lot of people can't pay their bills. He has met with Community Watch groups that are on fixed incomes. We need to reduce our electric rates even lower. We are going to have to give up something because we are not going to survive if we don't reduce our electric rates for both citizens and our businesses.

Councilman Stimatz said if you look at the current rental ordinance it requires that you be able to maintain 71° temperature. It doesn't say at what conditions or at what cost. When we saw the demonstration house in the energy audit one thing was that we set a maximum cubic feet exchange rate that we will allow in rental property. What that does it has the effect of forcing rental owners to tighten their properties up to minimize to some reasonable level the amount of air that is exchanged. That is something that we can do. He would offer that as another suggestion for staff to look into. What is a reasonable number and then we make that part of the rental ordinance and then they have to meet it.

Mayor McLean said he urges citizens to get with their city council person and let them know what your concerns are because he is tired of talking to people that are trying to move from Elizabeth City. We are losing people everyday and we must have a turnaround.

6} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

City Manager Olson stated he had no further comments to make.

Councilman Brooks stated we have had a lot of rain and there is a constant problem in Oxford Heights with the water going in faster than it is coming out. He went over there over the weekend and it is bad. He talked with quite a few residents and two things he has a concern about. One is they took some pictures over at Main Street Extended. It is really terrible how the bottles and trash are stopping the water flow through the pipes. That is part of the

problems. Sometimes it is not the big solution if we start doing the little things that we are supposed to do that would help the problem. Another thing is the fact that the back gate when the water gets high. We need to find a way to have that area paved. He is asking that we do our part and do the little things that will help them rectify the problem.

Councilman Stimatz stated he had no further comments to make.

Councilwoman Meggs said she wanted to say thank you to the Emergency staff, like Christi Saunders and Vivian sending out the newsletters about how bad the storm was getting, etc. Then she wants to say thank you to Paul and his group and Karl and his group that were there for a lot of hours. She just wanted to let them know that she appreciates them.

Mayor Pro Tem Hummer said that we have a lot of large pot holes and she realizes the weather has caused some of them but some were starting to get bad before the weather got bad. Adjacent to the Library on Colonial Avenue entering from Road Street is really bad. West Colonial Avenue entering from Hughes Boulevard has several large holes. Also, across Charles Creek Bridge that is getting to be dangerous to try and cross. Even into the Charles Creek Park the pavement is really bad. She would like to say reference keeps being made about the previous Council raising electric rates 18% and she didn't vote for any of those electric rate increases.

Councilman Walton stated that the Daily Advance recently wrote an article about one of our police officers, Jamie Goins, that went to Iraq and now she is back in Elizabeth City. He thinks it would be nice if we could give her a resolution for coming back and doing a good job in Iraq and now she is back doing her job in the police department. He asked Mr. Fredette at the last meeting to bring back a cost estimate for the cleaning of the ditches that lead from Oak Grove to Charles Creek Park. Please bring it to the next meeting. Tonight we tackled a lot of soft issue and we tackled some hard issues and to him some of the issues that we tackled we have to do that. But, sometimes we spend too much time on soft issues. To him procedures and those things are soft. Talking about changing the Charter, attending conferences, relocating Human Resources and the recreational parks are some hard heavy issues. That is what we have to do. That is what this Council is supposed to stick our mouths out about. The most complex one and difficult one is the electric rates. We can tackle that one and put more time into those types of things, it will move this Council along a little better.

Councilwoman Baker said speaking of water and a lot of rain and all of that and the extreme flooding that we always get at Southern Avenue, Shepherd, Riverside and Water Streets could she get an update on the roundabout. Where

are we at with that? She knows that in conjunction with the new bridge at Charles Creek is supposed to eliminate all that flooding. She just wants to make sure that is still on tract.

Mr. Olson replied that we will have something to Council at your next work session. We have seen some preliminary design work and they are working on some cost estimates.

Ms. Baker said she also wanted to mention that a lot of people receive "Our State" magazine but if you don't in the February issue there is a six page article about Elizabeth City. This will make you feel good about living here. It will tell you a lot about the history, what is going on and it is a great article. She thinks you can probably get a copy of the article on line.

Councilman King said he would like for his colleagues to join him February 20th and give one pint of blood. The Eastern Star Church of God in Christ Outreach Ministries is having a blood drive and it is very important if you sit down and look at the blood that is used within our city. One pint of blood can save two people's lives. He is asking you to join him and give one pint of blood. The hours are from 10 to 2.

Councilwoman Hill-Lawrence said she had no further comments to make.

Mayor McLean said on February 10, 2010 at 7:30 to 10:00 a.m. at Knobbs Creek Recreation Center we are going to be cooking pancakes and you had better be there to eat them. We are not taking them home. This is the Council for a Cause. The Mayor and City Council of Elizabeth City invite you to attend Hearts for Haiti. This is being done by a special friend of ours who happens to be married to Councilman Stimatz. We invite everyone to come out. We as a City are going to do what we can to help those in Haiti.

7} CLOSED SESSION:

Mayor McLean called for a motion to retire into Closed Session for discussion of personnel matters.

A motion was made by Councilwoman J M. Baker, seconded by Councilman R. E. King to retire into Closed Session for discussion of personnel matters as per NCGS 143-318.11(a) (6). Those voting in favor of the motion were: Baker, King, Brooks, Hill-Lawrence, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.

8} RETURN TO REGULAR MEETING:

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to return to regular session. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Hill-Lawrence, Hummer, King, Meggs and Walton. Against: None. Motion carried.

9} ADJOURNMENT:

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

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman B. S. Meggs to adjourn the meeting. Those voting in favor of the motion were: Stimatz, Meggs, Baker, Brooks, Hill-Lawrence, Hummer, King and Walton. Against: None. Motion carried.

Mayor McLean adjourned the meeting at 9:45 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor