

**MONDAY – 7:00 P.M.**

**FEBRUARY 27, 2012**

**CITY COUNCIL**

The City Council of the City of Elizabeth City held its second meeting of the month on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor J. W. Peel presiding with Mayor Pro Tem J. B. Walton, Counselors J. M. Baker, M. E. Brooks, R. T. Donnelly, L. M. Hill-Lawrence, L. A. Hummer, K. K. Spence and J. A. Stimatz attending. Staff members in attendance were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Planning Director J. C. Brooks, Parks and Recreation Director B. V. White, Fire Chief L. M. Mackey, Police Chief C. E. Crudup, Finance Director S. E. Blanchard, ECDI Director R. Cross and Public Utilities Director P. A. Fredette.

Mayor Peel established a quorum was present and called the meeting to order. He called upon Councilwoman Hill-Lawrence for the invocation after which he led the Pledge of Allegiance to the Flag of the United States of America.

**1} AGENDA ADJUSTMENTS AND APPROVAL:**

Mayor Peel called for any agenda adjustments and approval of the prepared agenda.

Councilman M. E. Brooks asked to ***add a Closed Session for discussion of land acquisition for the proposed Substation Delivery Point as per NCGS 143-318.11 (a) (3).***

Mayor Pro Tem J. B. Walton asked to ***remove Item #7b-Budget Amendments to the Regular Agenda for discussion.***

***A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to approve the prepared agenda to include the above items. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.***

**2} PUBLIC COMMENTS:**

Mr. Ernest Askew, Mr. Kevin, Senn, Mr. Tom Campbell, Mrs. Rebecca Mansfield, Mr. Richard Mansfield and Mr. Marshall Stevenson spoke in opposition to the proposed condemnation of land owned by the Mansfield family. They all asked

that City Council reconsider their request and do not condemn the Mansfield property.

**3} APPROVAL OF THE MINUTES:**

Mayor Peel called for a motion of approval of the Minutes of the February 13<sup>th</sup> City Council meeting.

***A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman L. A. Hummer to approve the minutes of the February 13, 2012 Council meeting as presented. Those voting in favor of the motion were: Baker, Hummer, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.***

**4} CONSENT AGENDA:**

Mayor Peel called for a motion to approve the Consent Agenda.

***A motion was made by Councilwoman L. M. Hill-Lawrence, seconded by Councilwoman J. M. Baker to approve the following Consent Agenda. Those voting in favor of the motion were: Hill-Lawrence, Baker, Brooks, Donnelly, Hummer, Spence, Stimatz and Walton. Against: None. Motion carried.***

**Consent Agenda:**

a} Authorized Memorandum of Agreement between the US Coast Guard Base Elizabeth City Fire Department and Elizabeth City Fire Department.

b} Adopted the following resolution requesting NCDOT abandonment of maintenance for Paxton Street and Franklin Street.

**RESOLUTION #2012-02  
REQUESTING ABANDONMENT OF MAINTENANCE  
RESPONSIBILITY BY NCDOT FOR  
PAXTON AND FRANKLIN STREETS IN  
ELIZABETH CITY, NORTH CAROLINA**

**WHEREAS**, on October 18, 2011, the North Carolina Department of Transportation completed asphalt overlay of State Road 1215 (Franklin Street) and on October 19, 2011, NCDOT completed asphalt overlay of State Road 1159 (Paxton Street) in Elizabeth City, North Carolina; and

**WHEREAS**, the City of Elizabeth City committed to the North Carolina Department of Transportation that upon completion of this resurfacing work, the City would request that these streets be abandoned from the State System of Maintenance; and

**WHEREAS**, the City of Elizabeth City is satisfied with the overlay work and desires the North Carolina Department of Transportation to abandon its maintenance responsibility of these streets for acceptance by the City as City streets;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elizabeth City petitions the North Carolina Department of Transportation to abandon State Roads 1215 and 1159 from the State System of Maintenance for acceptance by the City of Elizabeth City as official City streets.

**ADOPTED**, this the 27<sup>th</sup> day of February 2012.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

c} Authorized the submission of an application to the Tourism Development Authority for NC Black Elected Municipal officials for \$1,000.

d} Approved amendments to the AEDC By-Laws and authorized the execution of the document by Mayor J. W. Peel.

e} Authorized the purchase of a Field Maintainer/Infield Groomer from Tri-State and Control for \$14,534.80.

f} Authorized keeping Southgate Mall Customer Service Satellite Office for an additional six months.

**END OF CONSENT AGENDA:**

**5} REGULAR AGENDA:**

a} Budget Amendments:

Mayor Peel recognized Mayor Pro Tem J. B. Walton for comments.

Mayor Pro Tem Walton stated that he asked at the last meeting that Budget Amendments not be put on the Consent Agenda as he felt that the budget amendments should be read allow in order for the citizens to know what the amendments are actually for.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to adopt the following Budget Amendments. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.***

**BUDGET AMENDMENT  
NUMBER 2012-03  
FEBRUARY 27, 2012**

**BE IT ORDAINED**, by the City Council of the City of Elizabeth City that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2012:

**SECTION I.** That the General Fund Police Donations (103220.0050) and Police Departmental Supplies (105100.3300) be increased by \$1,502.

(To record Police Athletic League golf tournament donation.)

**SECTION II.** That the General Fund Insurance Proceeds (103350.8300) and Police Capital Outlay (105100.7400) be increased by \$10,959.

(To record insurance proceeds for police van.)

**SECTION III.** That the Electric Fund Insurance Proceeds (303350.8300) and Electric Line Repairs (308300.1620) be increased by \$23,680.

(To record insurance proceeds for crane accident at Wastewater Treatment Plant.)

**ADOPTED**, this 27<sup>th</sup> day of February 2012.

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Joseph W. Peel  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

c} Budget Calendar:

Mayor Peel called upon City Manager Olson for comments on the proposed Budget Calendar.

Mr. Olson stated the Finance Committee met and developed the following calendar for the upcoming budget meetings. This calendar shows the Finance Committee meetings, regular and work session of the City Council, the Joint City/County meeting and the City Council Budget Work Session.

***A motion was made by Councilwoman L. M. Hill-Lawrence, seconded by Councilman R. T. Donnelly to adopt the following budget calendar. Those voting in favor of the motion were: Hill-Lawrence, Donnelly, Baker, Brooks, Hummer, Spence, Stimatz and Walton. Against: None. Motion carried.***

**BUDGET WORK SESSION CALENDAR**

***April 16, 2012 – 5:30 p.m. – Budget Presentation to Council  
April 23, 2012 – 10:00 a.m. – Finance Committee Meeting  
May 7, 2012 – 10:00 a. m. – Finance Committee Meeting  
May 14, 2012 – 5:30 p.m. Council Budget Work Session  
May 21, 2012 – 10:00 a.m. – Finance Committee Meeting  
May 29, 2012 – 5:30 p.m. – Regular Council Work Session  
May 29, 2012 – 7:00 p. m. - Regular City Council Meeting – Call for Public Hearing  
June 11, 2012 – 7:30 p.m. – Hold Public Hearing during Regular Council Meeting scheduled for 7:00 p.m.  
June 25, 2012 – 7:00 p. m. – Adopt Budget during regular Council Meeting at 7:00 p.m.***

d} NPDES MS4 Permit:

Mayor Peel called upon Public Utilities Director P. Fredette for comments.

Mr. Fredette informed Council that we were on the list for the Phase II communities that would be required to apply for a National Pollution Discharge Elimination Systems (NPDES) permit for our Municipal Separated Storm Sewer System (MS4). Staff has prepared a permit application in the format prescribed by DENR. They will review the permit application and a draft permit will be prepared. Pursuant to the federal guidelines, the storm water permit will include the best management practices for the following six measures:

- 1} Public education and outreach on Stormwater impacts
- 2} Public involvement/participation
- 3} Illicit discharge detection and elimination
- 4} Construction site storm water runoff control
- 5} Post-construction storm water management for new development and redevelopment
- 6} Pollution prevention for municipal operations

Once this is done the draft permit will be subject to a 90-day comment period before a final permit is issued to the City. Staff is recommending that Council take action to authorize a Signing Official for the permit application as well as delegating an appropriate staff member the authority to implement the permit program.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilman M. E. Brooks to authorize Mayor J. W. Peel to sign the application for the City's NPDES MS4 permit; and further authorize the City's Public Utilities Director be delegated the authority to implement the permit program and related conditions in Elizabeth City. Those voting in favor of the motion were: Stimatz, Brooks, Baker, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.***

- e} Internet Sweepstakes Fees

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson advised in November, 2011, Council approved three separate internet sweepstakes locations; and each site was permitted for 20 machines. The total revenue generated by the existing fee schedule was \$36,000, which was incorporated in the 2011-2012 Budget. Based on the additional machines that Council authorized an additional \$26,000 was generated. Former Councilman Rickey King suggested that the \$26,000 in additional revenue be given to the Salvation Army to help customers who cannot pay their utility bills. Staff has reviewed how the Salvation Army disperses the \$10,000 we budgeted this year. They were able to help 54 families by paying one month's utility bill. Staff has

concerns regarding the effectiveness and efficiency in helping our customers by simply paying bills through the Salvation Army. Staff believes that the increase revenue would be better utilized as additional funds for the City's weatherization program to make improvements to homes, thus providing long-term benefit for our customers.

***A motion was made by Councilwoman L. M. Hill-Lawrence, seconded by Councilwoman L. A. Hummer to authorize the additional revenue generated through the Internet Sweepstakes privilege licenses be utilized by the City's Energy Audit/Weatherization Program. Those voting in favor of the motion were: Hill-Lawrence, Hummer, Baker, Brooks, Donnelly, Spence, Stimatz and Walton. Against: None. Motion carried.***

#### **6} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

Councilman Donnelly stated that ECDI has been involved with several activities. The big ticket item is the Potato Festival that is scheduled for May 19<sup>th</sup>. That requires lots of volunteers and sponsors so keep that date in mind and we can use a lot of help there. ECDI is also in the process of planning a beautification process of cleaning up the downtown area. First Friday Art Walk is this Friday, but it celebrated its first year anniversary in February. It has been doing very well and has been quite popular. There was a business roundtable that was held out at COA. Tony and he attended that. There were quite a few businesses people in attendance. It was sponsored by ECDI, COA as well as the Chamber. Wayne Harris and Rebecca Cross attended the North Carolina Main Street Conference in Clayton, North Carolina and learned some valuable information about networking. Debbie Malenfant who formerly ran the Wine Seller was recognized as Elizabeth City Main Street Champion for 2011.

Councilman Spence stated he had no further comments.

Councilwoman Baker advised that at their Tourism Meeting this past Thursday we authorized a small grant to a company that is going to open up kayak and canoe rentals down at Charles Creek at the boat launch area. They are the same company that rents them out in Perquimans County and it is going to be called, "Pasquotank Outfitters". They are going to work with Parks and Rec and it is going to be a good program. So they are going to be renting kayaks and canoes.

Councilwoman Hummer stated that the AEDC had met last and after the regular meeting the Finance Committee met. We went over the 2012-2013 Budget and in that budget this year's request by the Economic Development Commission, both the City and the County equally is \$5,000 less than the past two years. The

figure being proposed is \$100,172.00. Also, Wayne Harris put together a list of economic development achievements and goals back in January beginning with the year 2007 to the present. She passed out to each member of Council a copy of those achievements and goals.

Mayor Pro Tem Walton stated he had no further comments.

Councilwoman L. M. Hill-Lawrence stated she had no further comments.

Councilman Stimatz thanked the Planning Staff for the work they did on the Recycling Ordinance. He thinks it is long overdue and it will move us in the right direction. He encourages everyone to come out and attend the "Nunsensations" production. It is in its last week. There are also a number of events going on around town but as a member of Encore he thought he would bring that up. It is a musical and it should be fun. It will be held at the MOA Theatre and tickets are on sale at Page After Page.

Councilman Brooks asked the City Manager to prepare a resolution appointing Councilman J. B. Walton as Mayor Pro Tem.

Mayor Peel stated he would like to go back and read the items under the Consent Agenda that did not get read. He proceeded to read the items. He would like to make you aware of the potential closing of the Museum of the Albemarle. Last week at the Northeast Commission meeting he had a chance to speak with Secretary Linda Carlisle and she was very concerned about that as well. There is a sub-committee meeting in Raleigh tomorrow that is going to consider this again and then send it to another committee. Unfortunately he can not go to that meeting but there is a contingency from Elizabeth City that will attend and speak at that meeting on behalf of the Museum. Jennifer Palastrant from the Chamber has been very instrumental in getting that together. He would also like to congratulate Jennifer Palastrant and Charlotte Underwood. Both of them were recognized at that meeting as the top Chamber President and Charlotte was named the top Tourism person in the Region. That is quite a feather. We got two out of three awards and that is something to be proud of. Finally, this Friday is First Friday. First Friday of the month is when many of the stores and the art gallery downtown are open. They have been averaging two to three hundred people at least. AOA is the center of that and he would encourage everyone to go and have a good time. There are refreshments generally at most places. It is an opportunity for you if you have not been in AOA to go in and see what a wonderful facility that is for this community. If you are not a member of AOA it is an opportunity to become a member of AOA as well as you tour downtown on First Friday.

Mr. Olson stated he had no further comments.



Councilman Stimatz said if you saw in the paper, American Idol comes to Elizabeth City. We had the first round on Saturday. Fourteen young people are going to be competing this Saturday at 10:00 a.m. at Southgate Mall. It should be a lot of fun and after that we will be tearing it down to a smaller group, down to the final person at some point.

**7} CLOSED SESSION:**

Mayor Peel entertained a motion to retire into Closed Session.

***A motion was made by Mayor Pro Tem J. B. Walton, seconded by Councilman M. E. Brooks to retire into Closed Session for discussion of land acquisition for the Second Delivery Point as per NCGS 143-318.11 (a) (3). Those voting in favor of the motion were: Walton, Brooks, Baker, Donnelly, Hill-Lawrence, Hummer, Spence and Stimatz. Against: None. Motion carried.***

**8} RETURN TO REGULAR SESSION:**

Mayor Peel entertained a motion to return to regular session.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. T. Donnelly to return to regular session. Those voting in favor of the motion were: Stimatz, Donnelly, Baker, Brooks, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.***

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

**9} ITEM FROM CLOSED SESSION:**

Mayor Peel called for a motion regarding the item discussed in Closed Session.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilman M. E. Brooks to authorize City Manager R. C. Olson to offer the Lowry Family \$450,000 for their property as a site for the proposed Second Delivery Point. Those voting in favor of the motion were: Stimatz, Brooks, Baker, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.***

**10} ADJOURNMENT:**

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

***A motion was made by Councilman J. A. Stimatz, seconded by Councilman M. E. Brooks to adjourn the meeting. Those voting in favor of the motion were: Stimatz, Brooks, Baker, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.***

Mayor Peel adjourned the meeting at 8:25 p.m.

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

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Joseph W. Peel  
Mayor