

MONDAY-7:00 P.M.

MARCH 23, 2009

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 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, Planning Director J. C. Brooks, Parks and Recreation Director J. D. Overman, Finance Director S. E. Blanchard, Human Resource Director K. W. Felton, Fire Chief L. M. Mackey, Police Chief C. E. Crudup, Electric Superintendent K. F. Clow and Public Utilities Director P. A. Fredette.

Mayor Atkinson opened the meeting and welcomed those attending. He called upon Pastor Leigh Gillis 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.

Councilman E. K. Rivers as to remove ***Item 8-d-Application for \$1,000 for Kiosk and add it to the Regular Agenda.*** He would like to ***add to the Regular Agenda an update on the electric bill.***

Mayor Pro Tem J. M. Baker asked to ***add to the Regular Agenda the Joint City/County Meeting on the 30th of this month.***

Councilman J. A. Stimatz asked to ***remove Item 8-d, Consideration to call for a public hearing on the conditional use permit from the Consent Agenda and place it on the Regular Agenda; and add a short discussion on the gazebo at Waterfront Park.***

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman V. C. Watts to approve the agenda as presented to include the above noted items. Those voting in favor of the motion were: Stimatz, Watts, Baker, Evans, Hummer, King, Meggs and Rivers. Against: None. Motion carried.

2} PUBLIC PARTICIPATION:

Mayor Atkinson called upon the City Clerk to call the names of those having signed up to speak.

Ms. Pierce-Tamplen called Ms. Cindy Williams, 1012 West Main Street forward.

Ms. Williams thanked Council and staff for getting the sandwich board signs approved and passed at the last meeting. She also spoke regarding the kiosk. She asked Council to consider updating the kiosk.

Mr. Roger McLean, 126 Chancy Drive, Elizabeth City, spoke regarding the extremely high utility bills our residents are receiving. He asked for careful consideration in helping them to pay their bills. The high cost of utilities is not only affecting our citizens but our businesses also. He feels Council should come up with something that will give people some relief.

3} APPROVAL OF MINUTES:

Mayor Atkinson called for the pleasure of Council regarding the minutes of February 23, 2009 and March 9, 2009.

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilwoman B. S. Meggs to approve the minutes of February 23, 2009 and March 9, 2009. Those voting in favor of the motion were: Baker, Meggs, Evans, Hummer, King, Rivers, Stimatz and Watts. Against: None. Motion carried.

4} PROCLAMATION:

Mayor Atkinson presented a proclamation proclaiming April 2009 as ***Fair Housing Month*** in Elizabeth City. He presented the proclamation to Linda Barrett and Ms. Tamil Glasper. Ms Barrett made brief remarks.

5} CONSENT AGENDA:

Mayor Atkinson asked City Manager to read the Consent Agenda items. Following the reading, Mayor Atkinson called for a motion of approval.

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman R. E. King to approve the following Consent Agenda as presented. Those voting in favor of the motion were: Baker, King, Evans, Hummer, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.

Consent Agenda

a} Approved the following Budget Amendments:

**BUDGET AMENDMENTS
NUMBER 2009-3
MARCH 23, 2009**

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, 2009:

SECTION I. That the General Fund Balance Appropriated (103990.0000) and the Planning Professional Services Expenditures (104900.0400) be increased by \$25,041.

(To record fees paid to McGladrey & Pullen for Hugh Cale audit.)

SECTION II. That the General Fund Police Donations (103220.0050) and Police K-9 Expenses (105100.3320) be increased by \$2,500.

(To purchase equipment for K-9 Nero from donated funds.)

SECTION III. That the General Fund Donations (103220.0051) and Parks and Recreation Organized Programs Expenditures (106200.2300) be increased by \$750

(To record donation made by the Estate of Don Helms.)

ADOPTED, this 23rd day of March 2009

Stephen S. Atkinson
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Approved authorization to execute Rural Center Contract –installing water and sewer utilities in the Aviation Park.

End of Consent Agenda

6} REGULAR AGENDA:

a} Call for public hearing – CUP-01-09

Mayor Atkinson called upon Councilman Stimatz for comments.

Mr. Stimatz asked the City Attorney as it wasn't clear to him in reading the documentation that the applicant's space they are asking for is 255 square feet and the ordinance only allows 200 square feet. It wasn't clear that the TRC or the Planning addressed this issue. His question is, how should that be addressed either by this Council or what is the appropriate way to handle that.

Mr. Morgan responded the appropriate way to handle that is to have the applicant file an application with the Board of Adjustments to seek a variance from the requirements from the ordinance. He has spoken with Ms. Brooks about that and she is going to help the applicant through that process. We wouldn't pass the permit until she got that. Any action that Council takes can be contingent upon the BOA allowing the variance.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman V. C. Watts to call for a public hearing to be held on Monday, April 13, 2009 at 7:30 p.m. for consideration of CUP-01-09 to operate a private tourist guide operation with full-service Victorian tea at personal residence. Those voting in favor of the motion were: Stimatz, Watts, Baker, Evans, Hummer, King, Meggs and Watts. Against: None. Motion carried.

b} Application to improve Kiosk at Mariner's Wharf

Mayor Atkinson called upon Councilman Rivers for comments

Mr. Rivers stated he thinks it would be in the best interest of the City to table action to submit the application until May. Once the payment is made to the Arts Center that fund will be depleted.

Mr. Olson said the only thing we are requesting at this particular time is to submit the application. According to our rules, the City Council has to approve us submitting an application. When the TBA decides to fund it is within their budget restraints. He realizes that there is roughly \$20,000 in there. They made a \$4,000 deposit last Thursday and we owe \$25,000 to the Arts Council. It will probably be May or June before they can pay any money if the TBA Board

approves the application. What we are trying to do is get the City Council to authorize submission of the application.

Mr. Rivers stated that the TBA has no problem fixing up the kiosk so those funds might be coming straight from the TBA. It will be on our next meeting's agenda. Instead of obligating yourself right now, then you are putting it on the Tourism Board to vote it up or down. It might come from just the Tourism Funds in general.

Mr. Stimatz asked who owns the kiosk.

Peggy Langley, Downtown Inc, advised when they first started the kiosk it actually was a Chamber project. Then it filtered in to the Tourism when that office was developed. The kiosk came from the Tourism Department. The City has been maintaining the site.

Mr. Stimatz said in his mind if we put it there to grow tourism then it should be a regular expenditure out of TBA Budget to do any improvements.

Mr. Olson said if he were asked he would say it is the Chamber of Commerce because they originally paid for it.

Mr. Stimatz said he would like for that ownership to be captured and he would offer to the attorney there ought to be some agreement between the City and whoever owns it that they are allowed to keep it there under certain terms and conditions which be that they maintain it or whatever. Once you iron that out the question of who is going to pay for it can follow.

Ms. Langley said they were trying to get it down before the Downtown Market opens, Potato Festival, Juneteenth, the Power Boat races, etc. All of these things are getting ready to happen. It is not a pleasant thing to look at right now.

Mr. Olson said the primary concern is getting this item fixed as quickly as possible. Jim Overman has been taking funds annually out of his budget to paint and fix this kiosk. From staff's perspective we don't care if the TBA wants to take over ownership and maintain it. If they have been doing it over the years then they have been doing a poor job. We are just trying to get a kiosk that looks appropriate for the waterfront before the boaters start coming. They will be coming within the next two-three weeks.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman E. K. Rivers to table this item for a period of 30 days. Those voting in favor of the motion were: Stimatz, Rivers, Baker,

Evans, Hummer, King, Meggs and Watts. Against: None. Motion carried.

c} Joint City/County Meeting

Mayor Atkinson called upon Mayor Pro Tem Baker for comments.

Ms. Baker advised she was going to ask when the next joint meeting was going to be. She knew it was time for us to have one. Rich informed us earlier when that date would be.

d} GIS Update:

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

Mr. Fredette went over the capabilities of the City's GIS system. Amy Darden, GIS Coordinator for the City assisted Mr. Fredette with a power point presentation. The primary focus is to retrieve and document all the information available about the water distribution, sewerage collection and storm water management systems in the City as well as the Electric Distribution. Now that the City's GIS is in full operation, the City departments are becoming familiar with the capabilities of the system and there have been a number of requests for data. Some of the requests are: mapped the 2007-2008 fire calls, and the extents of the fire districts; mapped the extents of the community watch neighborhoods, the police sector and assisted with the location of the crime watch cameras; and we have corrected and updated the City limits map, voting ward maps and polling locations, the Zoning Map, billboard locations, historic district limits and signage. We are also preparing to help with the 2010 census. Most if not all this information will be available on line. He went over some of the things that the GIS system can do.

e} PAL Update:

Mayor Atkinson called upon John Young and Debbie Leete for comments. They spoke of the goals of PAL and what they would like to see happen in the future years.

Mr. Young stated he was here tonight to request help with a very important endeavor. Helping us to bring about change in the area youth and change in the opportunities provided and the hope for a better tomorrow. We come to you tonight speaking on behalf of the Elizabeth City/Pasquotank County Police Athletic League. In mid 2004, the ECPD facing an ever increasing amount of juvenile crime and a decline in trust and understanding turned pro active in dealing with our area's youth. With the vacancy of the old Elizabeth City Middle

School we feel this is a perfect opportunity. The PAL is a crime prevention program utilizing educations, athletic and recreational activities to create trust and understanding between police officers and our youth. This program brings youth under supervision and a positive influence. We not only teach athletics but in our effort to strengthen police community relations we instill character, offer a pass to success and the hope for a positive future. All combined will empower our youth to be productive citizens and our future leaders. We need a facility to expand our programs in order to reach that next level of success. We are here tonight asking for your support and a cooperative effort with the County to offer our kids another option other than the streets.

Ms. Leete said that PAL is set up as a quasi-governmental non-profit. We feel that there is direct oversight by the ECPD and we are an extension of the City as well as the County's interest. The City would have internal accountability over us because we actually have a line item in the City's budget under the police department. We would initially like to open the gym. We feel that we could step in and make that happen. Secondly, we would like to develop a community center and then we would like to resurrect the current boys and girls field through using the old memorial field. With opening the gym initially we would like to have that open for our PAL membership for athletic activities and we would like to have time available for open gym for non-PAL members on other afternoons. Then we would like to expand some opportunities to include boxing, wrestling, volleyball events and step & drill teams.

The second phase of their vision is they would like to have some non-competitive recreational arts and health programs. We would like to encourage parental involvement with activities and invite them into the Center. We would like them to have an active part in what their children are doing.

The third phase of their vision would be the athletic field. That would include resurrecting the old Memorial Field behind Sheep-Harney School and we would use that to hold football games in addition that would be a field location for outdoor activities that we would like to do in addition behind the old middle school gym. This would eventually expand the facility to a fully functional outdoor field by having installation of lights, restrooms and bleachers so that we could accommodate the whole program with the activities going on.

Ms. Leete said we are hoping to open the gym as soon as we can get some feedback from the County. Currently we have approached them and they are in the process of developing a RFP for us to have some guidelines of usage and we are waiting for their requirements. We are putting an operating budget together that we think might fall within their requirements. With that we know our major expense will be our electric utility costs. We could also use some city procurement and accounting services to help put that together. One other item

that we would like for you to consider is restoring our previous funding level. It use to be \$15,000 then we got bumped down to \$5,000. The four main points that we are looking at with the county is major maintenance and minor maintenance. What we would do and they would do and it would be set up more like a rental agreement. Insurance is another issue that we have discussed with them. We carry insurance through PAL and then additional for our non-PAL members would be covered by County insurance. Staff was the third issue considered with them and that is where our large volunteer base comes in to meet our initial opening time frame. Then the fourth item was our utility bill. We have currently been trying to work with the City to isolate the gym because right now the whole building is on one meter. What we would like from Council is for you to restore our \$15,000 line item, assistance with our electric bill and if you so choose we would appreciate your consideration of forming an advisory committee that could meet with us once we get the RFP back from the County.

Mr. Rivers inquired as to how much the electric bill was on the Middle School.

Mr. Young responded it ran from \$300 to \$2800. Keep in mind that is the entire annex, the main building and the gym. All they are asking for is help with the gym. He feels that we need to show support for this program.

Mr. Rivers said that we need to give them a message tonight to let them know that we are potentially interested and we want to go to the second phase. He would like for the City Manager to look at the amount at our budget work session. We will ask the Manager to put that in our budget coming up.

Mayor Atkinson said he thinks we need to first take a look at our budget. He can probably speak for the Council that we support our youth. We support the PAL Association but we need to start getting in the budget before we make any promises. We all support your efforts and we hope you are very successful with this project.

Mr. Rivers asked that this item be put on the agenda for our upcoming joint meeting. We need to show that we are serious about supporting this program.

f} Electric Bill Update

Mayor Atkinson called upon Councilman Rivers for comments.

Mr. Rivers said at the last meeting he asked that we look at coming back with what we can do to assist in terms of payment through the extension process. He has received numerous calls from citizens living in his ward. It is the 65 years and older population that he is very concerned with. When you have back to back high utility bills the problem is you get the first one then the second one

comes in. You have already extended that for 30-days. He has a young lady that has a \$1200 electric bill. He has an 85-year old lady that has a \$1,000 electric bill and a \$900 electric bill. One person in the house and he doesn't understand how to explain to someone that they can have that type of bill. He thinks we should do a financing plan. He thinks we definitely need to do something. He would like to have something back at the next Council meeting that will help the citizens to be able to pay their electric bill.

Mayor Pro Tem Baker said she thinks and Mr. McLean came up here and said we keep saying there is nothing we can do. She thinks there is something we can do. She was thinking of a couple of things. One for people with a huge bill is we already have a payment plan of sorts where they can stretch their payment out over a year. She doesn't see that it would be too difficult to add that \$1,000 bill for the first six months of that year. Make them go on the extended payment plan. Make them go on the averaging plan and then add that large bill in for six months. The other thing she was thinking of is if they have a bill that is a \$1,000 or anything over \$500 and the house is rented make it mandatory we go out there and do the home inspection and see what is wrong. There is something wrong. Our kilowatt rate is not that astronomical.

It is average for the state. Then the problem has to be location. If the house is rented make it mandatory for a bill like that, if they are seeking help, that we go out and do the inspection. If the house is owned or owner occupied then make it mandatory they have an energy audit. If you are going to ask for our help we have got these things in place to help them. They are just not taking advantage of them.

Councilwoman Watts said she wanted to remind everybody that last year she tried her best to get Council to vote for \$50,000 to give to non-profits for this very reason. She was voted down. As a matter of fact \$20,000 was taken and put somewhere else and it is still sitting. It would have been nice to have that in addition to the \$10,000 they received. She would absolutely have Council to think one more time about giving some money to the non-profit organizations so that when we have customers that come in we got some direction to tell them where to go. She has had a lot of calls. There are a lot of people who are suffering. She hopes the Council will consider giving some money to non-profits this year so that we don't have this catastrophe as we are going through this right now.

Mr. Rivers asked Ms. Blanchard to fax to all members of Council a copy of our policy so that way when we receive calls we can refer to the policy. We offer six months financing plan to excessive bills. We give twelve extensions a year. He just wants to make sure that we have a policy. He asked that it be put on Channel 11.

Mayor Pro Tem Baker said if all of our utility customers gave \$1.00 a month extra on their bill and there is a place for you to check off how much you want to contribute to those people that need help with their bills. That is \$10,000 plus a month. That is a whole lot more than putting some money and giving it to non-profits which is her least favorite thing in the world to do. Give a buck a month or give fifty cents a month. Give five dollars if you can, but that money does go directly to helping people with their bills.

Ms. Meggs said when you rent a place the landlord is required to put heat into the building. You don't have any requirements as to what kind of heat. Is there anyway there can be a way that we know it isn't just the electric strips.

Mr. Stimatz asked if we could make the energy audit a part of the Rental Inspection and then based on that require the owner to do certain things. It is the only way we have to determine if we are meeting the 71 degree standard. That is something that we could do.

g} Gazebo at Waterfront Park

Mayor Atkinson called upon Councilman Stimatz for comments.

Mr. Stimatz said in the interest of time he would like to table this item.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman V. C. Watts to table this item until our next meeting. Those voting in favor of the motion were: Stimatz, Watts, Baker, Evans, Hummer, King, Meggs and Rivers. Against: None. Motion carried.

7} COMMENTS AND INQUIRES ON NON-AGENDA ITEMS:

Mayor Atkinson called upon City Manager Olson for comments.

Mr. Olson asked to remind members of Council of the City County Meeting schedule for Monday night. The meeting will be held at DRS new hanger. There would be a tour of their facilities from five to six. The meal would start at six with the meeting beginning at six thirty.

Councilman Evans stated he had no further comments.

Councilman Stimatz said he wanted to say and point out something here. The citizens of Elizabeth City have an opportunity to help people. You can check that box on your utility bills to add extra money that we give the Salvation Army to help those needing help with their electric bills. He knows it is tough for

everybody but he will make a commitment himself to check that box and add some additional money because he thinks it is important.

Councilwoman Watts said she wanted to tell Mayor Pro Tem Baker when she mentioned non-profits she was definitely talking about the Coalition. In regards to the Coalition maybe she would change her mind. The other thing is the electric bills for people hopefully we are going to be able to help. Whatever we come up with she thinks you can see as we have said tonight that we are concerned and we have taken up at least 15-20 minutes talking about it because we do care about you.

Councilman King stated he had no further comments.

Councilwoman Meggs said she has a couple of things. Last week we had a really nice time with the canine unit in jail. She understands we raised almost \$10,000. She had a good time. Another thing she would like to thank Mayor Atkinson for allowing her to stand in his place for the ribbon cutting for the new church that is part of the Ernest Sutton family church. That was a really good treat and to think they have invested that much money for that area of town that needs help so badly. It will really do your heart good. The Albemarle Hope Line Breakfast this morning was excellent and those that did not attend you missed a good treat because that is another one of those issues that we do help and it is a real needed area of help.

Councilman Hummer stated she had no comments.

Councilman Rivers asked Mr. Olson in light of us going into the budget and we know the County had to eliminate eight hours for each employee. Are we in any type of where our employees have to start worrying about that going into this year's budget?

Mr. Olson said it is hard to tell at this point as we are now working on the expenditure side of the budget. We are not sure what our revenue streams are going to be. We are still waiting for the League of Municipalities to provide us some revenue projections. We are a lot more fortunate than the County as we had a fairly good fund balance that we started the year off with. In his budget he is not proposing any salary increases for employees, but we do not believe that we will have to cut any employees. We are doing a selective hiring freeze right now. He thinks we are in pretty good shape but we won't know until we get those revenue numbers. We should have a rough copy of the budget soon and then we will see exactly where we need to go.

Mr. Rivers said the second thing he has is he would like to put on the agenda for our next meeting would be the public works sensors in the cars. He would like to have an update on those tracking devices.

Mayor Pro Tem Baker said she wanted to thank the Mayor for allowing her to fill in for him also for the Betsy Dowdy Chapter of the DAR. They had their essay contest and had great participation. They had over 300 entries from students who talked about the message the Gettysburg Address communicated to our Nation in 1863 and how those ideals were relative today. It was just amazing the number of kids that were there. It was a feel good thing to know our kids still appreciate our forefathers and can write about them. It was very encouraging.

Mayor Atkinson said he has a couple of comments. There are lots of exciting things going on in Elizabeth City. There are new businesses coming into town which he has been able to participate with some of those. We have lots of concern about electric rates and taxes and those sorts of things and it is a concern of his. It is a concern of all of Council. We are trying to do everything we can to lessen the burden on electric rates. You will be hearing more about some other things that have been suggested that we might implement in the City. We have got lots of fun things that are going to be happening in this City. As most of you know the Farmer's Market will be kicking off in April, the hydroplane races coming up in June, the Potato Festival in May, Juneteenth in June and other things that will be fun for the people in Elizabeth City. We also have more and more people crossing the pedestrian crosswalk and we want to be sure we are focused on that because we are having more and more people coming into town.

8} ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor Atkinson adjourned the meeting at 9:02 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Stephen S. Atkinson
Mayor