

**City Council Work Session
March 24, 2014**

The City Council of the City of Elizabeth City met in work session on Monday, March 24, 2014 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Joe Peel
Councilwoman Jean Baker
Councilman Ray Donnelly
Councilman Tony Stimatz
Councilman Michael Brooks
Councilman Kem Spence
Councilman Darius Horton (*Arrived at 5:45*)
Councilman Montravias King

MEMBERS ABSENT: Mayor Pro Tem Anita Hummer

OTHERS PRESENT: City Manager Rich Olson
City Attorney Bill Morgan
Finance Director Sarah Blanchard
Planning Director June Brooks
Electric Department Superintendent Karl Clow
Assistant to the City Manager Angela Cole
ECDI Director Rebecca Cross
Human Resources Director Katherine Felton
Public Utilities Director Paul Fredette
Fire Chief Larry Mackey
Parks and Recreation Director Bobbi White
City Clerk Vivian White

The City Council work session was called to order by Mayor Joe Peel at 5:30 p.m. Mayor Peel welcomed everyone to the meeting and recognized Councilman Michael Brooks to give the invocation, after which all in attendance recited the Pledge of Allegiance.

Mayor Peel announced that Mayor Pro Tem Hummer was home from the hospital and was recovering well from her recent surgery.

1. Approval of Agenda:

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

Councilman King requested that the item, Discussion/Consideration – Remote participation in Council meetings by Council members, be tabled until the next meeting.

Councilman Stimatz requested the reason for removal of this item. Councilman King responded that he would rather have this discussion when everyone is present, including Mayor Pro Tem Hummer. Councilman Brooks stated that he agreed with Councilman King – that a discussion of this magnitude should be conducted when all members of Council are present. Councilman Donnelly responded that the item was on the agenda for discussion only and that he was certain it would be discussed again.

Motion was made by Councilwoman Jean Baker, seconded by Councilman Tony Stimatz, to accept the agenda as amended. Those voting in favor were: Baker, Stimatz, Brooks, Spence and King. Against: Donnelly. The motion carried. (Horton had not yet arrived.)

2. Consideration – Downtown Improvement Grant Program Guideline Revisions and Scoring Rubric:

Mayor Peel called on City Manager Olson for a review of this item.

Mr. Olson explained that during the March 10, 2014 Council meeting, the Council directed staff to revise the program statement for the Downtown Improvement Grant Program (DIG) and to develop a scoring rubric to be used in evaluating applications. He reported that the DIG program description had been modified to detail the Council's desire to emphasize occupancy of downtown buildings as the priority. In addition, he stated that the program's Scope statement had been modified to define that grant applications received from property owners/tenants of already occupied commercial structures would be accepted, yet scored with a lesser weight.

Mr. Olson presented staff's draft scoring rubric and explained the four main categories: Occupancy and Job Creation, Life Safety Code Compliance, Exterior Aesthetics and Façade, and Interior Remodel and Renovation. He stated that the point opportunities within each category are weighted, and together total the maximum points awarded of 100.

Mr. Olson reported that during the Finance Committee meeting held on March 21, 2014, it was suggested that the scoring rubric should also include data regarding the comprehensive project being undertaken, not just the portion of the improvements being funded by the grant. A new category was added to the scoring rubric by staff to incorporate this suggestion.

Councilman Stimatz stated that Council had been clear that increasing occupancy and job creation within the downtown were paramount. He said that when he reviewed the rubric, it did not appear enough weight had been given to the Occupancy and Job Creation category. He reported that he made some changes in the point values for each section and in some cases, moved some things together. He provided a copy of an amended rubric for the Council's consideration of an alternate scoring method.

Mr. Olson pointed out that during a previous discussion, the Council had considered using an open, competitive application period and that any funding left after that process

would be considered on a first-come, first-served basis. He commented that the scoring rubric would be a more important tool to use during the competitive application period.

During a review of previously funded DIG applications scored using the new rubric, Councilman Stimatz made the point that a business moving from one location in the downtown to another location in the downtown should not receive scoring benefit for job creation; however, if a business is relocating to the downtown central business district from elsewhere in the City, the job creation scoring benefit should apply.

Councilwoman Baker stated that she did not think an applicant should be penalized for choosing a non-local contractor. Councilman Stimatz agreed that the focus was about business and job creation in the downtown, not about business for people in the downtown; hence his reason for dropping that requirement in his revised rubric.

Councilman Donnelly stated that aesthetics and façade improvements and life safety code improvements are critical to the program, and he felt those requirements should remain in place – not just the jobs requirement. Councilman Stimatz responded that both of those program goals are still a part of the scoring rubric; however, the possible points to be earned were decreased in order to add more weighting for the occupancy and job creation component.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to adopt the downtown improvement grant program summary and the amended rubric that he presented. The motion carried unanimously by Baker, Donnelly, Stimatz, Brooks, Spence, Horton and King. Against: None.

3. Discussion – Adoption of City of Elizabeth City Special Events Policy:

Mayor Peel called on City Manager Olson for a review of this item.

Mr. Olson stated that staff, in conjunction with Emergency Management Coordinator Christy Saunders, is working on a Special Events Policy. He said that work is not yet complete, and that the draft policy is being presented as information for the Council with no action required at this point.

Mr. Olson explained that every year the City sponsors, co-sponsors, and/or facilitates over 250 special events. He reported that these events range in size from 10 people to over 25,000 individuals; and that the City has a series of internal policies to govern the process of special event arrangement, but no comprehensive policy exists.

Mr. Olson stated that the proposed policy will establish the requirements, roles and general responsibilities for the use of City property for special events and will identify the resources required for public services provided during special events. The policy will detail the requirements of conditions such as event times, restroom facilities, noise

and amplified sound, fireworks, pet access and use of tents. He indicated that the policy will also address the provision of City staff and services including use of electrical power, trash and clean-up, public safety, and liability insurance.

Mr. Olson stated that the greatest thing lacking from the City's current event structure is the absence of a Multi-Disciplinary Planning Team (MDPT) and Incident Action Plan (IAP). He said that this is the issue that causes concern to Christy Saunders. He reported that for larger events such as the Potato Festival and the ECSU parade, the City does use this planning format; and he hopes that through the new policy, staff will be able to determine when the MDPT and IAP requirement would be triggered.

Mr. Olson pointed out that missing from the draft policy that had been provided to the Council is the actual application; and he advised that staff is working on standardizing the application process.

Councilman Spence inquired as to the number of officers certified to use the City's noise monitoring equipment and if the equipment is calibrated. Mr. Olson responded that the instrument is re-calibrated using a kit provided with the equipment every time before it is used. He stated that he is unsure how many police officers are certified to use the equipment.

Councilwoman Baker suggested that it would be a good idea to have a meeting with the event coordinators for the larger City events to receive their input on the proposed policy.

Councilman Stimatz stated that there were several items in the proposed policy as presented that were not quite clear. He discussed and itemized those items, as follows:

- The title of the section "Portable Restrooms" should be "Portable Restroom" to provide for events co-locating in park areas already containing a restroom. A breakpoint for the requirement of a second restroom should be established.
- The title of the section "Special Structures" should be changed to "Temporary Structures" or establish a level of hierarchy defining "special" versus "temporary" structures.
- In the section "Pyrotechnics/Fireworks" he suggested choosing a word, either fireworks or pyrotechnics, and maintaining that word throughout the text. He suggested changing the term "fireworks permit" to "separate fireworks permit". Lastly in this section, he suggested that the policy should be clear on what the fireworks "component" encompasses.
- In the section "Tents/canopies", the definition of a "place of public assembly" should be clear and defined. He also pointed out that the prohibition of having a tent within 15 feet of a structure is violated by the Downtown Waterfront Market; and posed the question if the policy should be that restrictive. In the final bullet point of this section, he suggested if there is a specific level of flame resistance, which must be met, that information should be provided in the policy.
- In the section regarding LP Gas use, he suggested a specific definition should be assigned to the term "signpost".

- In the section on “Pets” he suggested that the word “should” be replaced by the word “shall” referencing the requirement of appropriate signage in the venue area. (Councilman Donnelly suggested that those claiming the use of “service animals” should have proper identification for the animal.)
- Councilman Stimatz pointed out that in the section on “extraordinary services” the policy does not state who is responsible for payment. Mr. Olson responded that the standardized application will address this issue; and Councilman Stimatz suggested that reference be made in the policy to that form.
- In the section on “Electricity” he suggested that the term “large amounts of electricity” be quantified.
- In the section “Trash & Clean Up”, he suggested that the phrase “co-sponsored event” be completed by using the term “events co-sponsored by the City”. In keeping with the City’s FOG policy, he suggested that the word “fats” be included in the phrase “fats”, oil, grease, etc.” in the final sentence of this section.
- In the section regarding the “Multi-Disciplinary Planning Team”, Councilman Stimatz suggested that the trigger for complying with this requirement should be stated in the policy. He expressed that if he read this section of the policy and was planning an event, it would discourage him from doing the event. Mr. Olson responded that occasionally the nature of the group sponsoring the event would trigger the necessity for the MDPT and not simply the number of people attending. Councilman Stimatz concurred, but cited the need to provide some guidance for event planners within the document.

Councilman Donnelly asked if the policy addressed someone setting up an unauthorized booth or table at an event and possibly disrupting the special event. Mr. Olson responded that the policy, as written, does not address that issue. He stated that currently, the City works with the event sponsor to determine the area of influence of the event in order to stop unauthorized participants. In so doing, the event sponsor has control of the site and must approve or disapprove the participants.

Councilwoman Baker suggested that the requirement of removing portable restrooms within 24 hours of the event should be changed to state that it is 24 “business” hours. She also advised that during this year’s Ghost Walk, preliminary planning calls for using air raid sirens to coordinate with the World War II theme. She asked how the noise requirement would impact that plan. Mr. Olson responded that was an interesting challenge that he would have to consider.

There being no further discussion of this matter, Mayor Peel called for Committee Reports.

4. Committee Reports:

- a) EC-PC Economic Development Commission: Councilwoman Baker reported that Commission members were invited to provide input to the Chancellor Search Committee during the last meeting.

- b) Central Communications Advisory Board: Councilman Spence indicated that there was nothing to report at this time.
- c) Fireman's Relief Fund Board: Councilman Brooks reported that the board had not met.
- d) NC Eastern Municipal Power Agency: City Manager Olson reported that Mayor Peel would be attending the next meeting as the alternate since he had a conflict. He reported that he attended the Rate Committee meeting that day, which dealt with the proposed sale of NCEMPA generating assets to Duke Progress.
- e) Elizabeth City Downtown, Inc.: Councilman Donnelly reported that free Wi-Fi is on its way to the downtown. He also announced that the Mariners' Wharf Building now has restrooms and shower facilities available. He thanked City staff for their work on this project.
- f) Elizabeth City Area Chamber of Commerce Board: Mayor Peel reported that the Business Expo Sneak Preview would be held on Tuesday night, with the Expo open all day on Wednesday.
- g) Finance Committee: Councilman Donnelly reported that the items discussed by the Finance Committee are on the Regular Session agenda. He thanked Councilman Stimatz for his input during the Finance Committee meeting discussion of the DIG program.
- h) Parks and Recreation Advisory Board: Councilman Horton reported that Buck Jolly had been elected chairman and Herman Little had been elected vice-chairman during their meeting in February. Also during that meeting, a tour of several parks facilities was conducted.
- i) Elizabeth City/Pasquotank County Airport Authority: Councilman Stimatz reported that a number of items had been discussed during their meeting. Among them: (1) a new licensing agreement with the Coast Guard that covers the joint use of the airfield; (2) two major projects are being considered: repairing/upgrading the apron and repairs to runway I-19, which is in poor condition; and (3) the DOD contract is operating well and generating good business.
- j) Storm Water Drainage Advisory Board: Councilman Stimatz reported that the board is still working on the Tiber Creek Drainage Basin priority for the Council's budget consideration.
- k) Tourism Development Authority: Councilwoman Baker reported that the Great Race will be coming to Elizabeth City for the first time on June 25, 2014 and represents a wonderful opportunity for the community to see 100 antique cars; and on March 26 a Safe Schools fundraiser will be held during which 100% of the

proceeds collected by Jersey Mike's will be donated to the effort and a womanless beauty pageant will be held that evening at the K. E. White Graduate Center. She also complimented the recent Empty Bowls event that benefited the Food Bank of the Albemarle.

Mayor Peel announced that UNC-TV will be in Elizabeth City for the First Friday Artwalk on April 4, 2014 and reminded everyone to come downtown for the evening.

5. ADJOURNMENT

There being no further business to be discussed, Mayor Peel adjourned the meeting at 6:34 p.m.

Joseph W. Peel
Mayor

Vivian D. White, NCCMC
City Clerk