

MONDAY-5:30 P.M.

MARCH 26, 2007

WORK SESSION

The City Council of the City of Elizabeth City held its monthly work session on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor C. L Foster presiding. Members attending were: J. M. Baker, M. E. Brooks, L. A. Hummer, B. S. Meggs, D. K. Stallings, J. A. Stimatz and J. B. Walton. Member absent: E. K. Rivers. Staff attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy Clerk V. D. White, Interim Police Chief G. F. Koch, Planning Director J. C. Brooks, Inspection Director S. E. Ward, Human Resource Director K. W. Felton, Finance Director S. E. Blanchard, Parks and Recreation Director J. D. Overman, Public Utilities Director P. Fredette, Fire Chief W. C. Pritchard and Electric Superintendent K. F. Clow.

Mayor Foster opened the meeting by welcoming those attending. He gave the invocation after which the Pledge of Allegiance was presented.

1} APPROVAL OF THE AGENDA:

Mayor Foster called for any deletions and/or additions to the prepared agenda. Hearing none he called for action regarding the agenda.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to approve the agenda as presented. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Hummer, Meggs, Stallings and Walton. Against: None. Motion carried.

2} PRESENTATION – ACTIVITIES OF PORT DISCOVER:

Mayor Foster called Ms. LuAnne Pendergraft, Project Director to the podium.

Ms. Pendergraft stated that the mission of Port Discover, Northeastern North Carolina's Center for Science is to enhance public understanding and enjoyment of science through interactive and engaging exhibits, programs, and activities for people of all ages. Elizabeth City State University along with the Elizabeth City Area Chamber of Commerce initiated the project which has attracted broad community support. Port Discover opened to the public on May 27, 2006 and it is located at 613 E. Main Street. During 2006 Port Discover served 6,014 children and adults.

Port Discover is committed to serve every child of our community and admission is free. The door is always open to all of our children and their families. Through Science-for-All, 20% of spaces in fee-based programs for school-aged children are reserved for scholarships for traditionally underserved students. Port Discover works with the Elizabeth City-Pasquotank County Public Schools to identify qualified scholarship recipients. Some of the programs offered by Port Discover are: Second Saturday Science, Toddler Time, Summer and Winter Break Camps, Kids Café, Kids Tent with Museum of the Albemarle and Pasquotank Arts Council and Outreach programs for adults and youth groups.

3} OXFORD HEIGHTS EMERGENCY EVACUATION PLAN:

Mayor Foster called upon City Manager R. C. Olson for comments.

Mr. Olson stated that staff was instructed to bring to Council an Emergency Evacuation Plan for the Oxford Heights Subdivision. Staff that was involved in drawing up this plan were: Chief Pritchard, Chief Koch, the Public Works Department and himself. He asked Chief Pritchard to give a brief overview of the evacuation plan addressing Oxford Heights.

Chief Pritchard stated that basically what you had requested was a type of evacuation plan for the Oxford Heights utilizing the back gate location. We put together a complete evacuation plan and gave you some history of Oxford Heights from where we were until where we are today. We also included some history on the design of Oxford Heights and when the Halstead Connector was put in how one of the exits from the rear was removed and ultimately closed off cause Halstead Extended is a limited access highway. We put together a plan to make that gate available to the public. Basically under the evacuation plan the weather would be monitored for potential situations, guide for water situations are observed by either emergency services personnel or the residents of the area and will be forwarded to the local Emergency Management Office. We put that in there to make the residents a part of this program. They have the ability to call in if they start seeing problems to let us know what is going on. We have the police department patrolling that area so they can also monitor the area. Emergency Management would notify the City Manager. When water rises to a level of six inches in dept, NCDOT would be notified.

At that time, procedures would be initiated through face to face, reverse 911, Emergency Alert System or any other avenue to inform all residents affected that the gate on the Halstead Connector Road would be opened at a pre-determined time for a period of three hours to allow vehicular traffic from the affected community to exit the area until the water level at the Providence Road Bridge has recessed to a determined safe level for passage back into the area.

Police and Public Works would set up an emergency route from the emergency gate, direct the traffic to safety and after three hours the gate would be closed to everything but emergency vehicles.

Mr. Olson stated that we enter Oxford Heights from Hughes Boulevard onto Providence Road. The bridge is higher than the area directly west of the bridge. So, if it was six inches on the bridge it is probably ten inches to a foot for about two hundred feet on the west side of the bridge by the City's lift station. An individual should be able to make it through there with six inches on the bridge.

Councilman J. A. Stimatz said that he likes this plan as it is very simple. One thing that he noticed we don't talk about any kind of training or education for the residents ahead of time. He thinks that should be part of the plan. Has this been presented to the residents or did you bring it to us first.

Mr. Olson replied that we brought it to Council first to see if you have any issues. We will be discussing this with the Oxford Heights Community Meeting. He believes that the meeting is next Monday. We wanted to make sure that City Council had no other issues or needed additional clarification of the plan.

Mr. Stimatz said that the only other thing there is nothing in the plan that talks about it so he will just mention it. Some kind of notification that the bridge is closed and people could still get across the bridge should be posted. It would also let residents know that we are going to be closing the bridge soon. He would suggest some kind of notification sign, road sign that says we are getting ready to do this. It sort of leaves it hanging and just to close a loophole to the stakeholders he thinks that you should remind them that after you close the back gate after three hours it doesn't mean that no one can get out if there is an emergency but at that point you would have to be taken out by an emergency vehicle. He would just make it clear so that they would know ahead of time. Do we have any idea the cost for the prep of the emergency exit?

Mr. Olson said that it would probably be around \$1500. We have had some discussion with DOT and we would go in there and put about six inches of crushed stone in that area. DOT has reviewed this plan but they cannot endorse this plan because that is a limited access highway and Raleigh will not allow them to do that, but they had no major issues with it.

Mr. Stimatz asked the City Attorney that if this was within the Mayor's authority to do this.

City Attorney W. H. Morgan replied that yes it was.

Councilman M. E. Brooks stated that he knows that water stands at that back gate also, so the ratio of it rising at the front gate and the back gates much different.

Mr. Olson stated that when we had three feet of water on the bridge we probably had ten to twelve inches back at that back gate. That is the only thing that we can judge. There is a stretch on that road where it becomes almost impassible also and that is why that we would need to cut it off after three hours.

Councilwoman J. M. Baker asked if we had any of those big portable billboard signs that we could use.

Mr. Olson said no that we did not have those but DOT does have some but he is not sure of the availability of them. One of the problems with them is that if you have high winds, they would become a problem as it is hard to anchor them down. Just for rain he could see if he could get a hold of some. Also, they cost approximately \$28,000 - \$30,000 a piece.

Councilman J. B. Walton said that he is not trying to be contrary but he thinks that Michael brought forth a good point a while back when he said that the Mayor has the right already to make this call. He still thinks that we should put it back into the Mayor's hand rather than going through another person because right now even in New Orleans nobody knows who the City Manager is. He doesn't know his name. He thinks that the call should come from the Mayor first and then if he is not in place maybe then the City Manager. It is just a thought.

Mr. Olson replied that how we operate an emergency, this decision will most likely be made by the Control Group. The Control Group consists of himself, the Mayor, the County Manager, Camden County Manager and Chairman of the Board.

Mr. Walton said that he thinks that is too many people. One person needs to make the call.

Mr. Olson said that we collectively make these decisions because it deals with the allocation of resources that we have dedicated to a specific area.

Mr. Walton said that it is nice that we can call all of these people together, get them off the golf course or wherever they are, but if there needs to be a call meeting right now, one person should make it.

Chief Pritchard said that when we have fog in the area and we shut the schools down, what happens is that the deputies monitor it during the night, they

contact Central Communications which contact the Emergency Manager and she has notification to contact right to the Mayor. She would call him up and let him know the situation and from that point on he would make the decision on whether we open those gates or not. It is just the process because she is there at 911 communicators when the calls come in. They immediately go to her because it is an emergency situation and she makes the proper call which would be to the Mayor. That is the typical ICS Program that we follow.

Mr. Walton said that is what we already have in place. But what he has been hearing all along is that it isn't working. It wouldn't have worked until we have put something in place so now it would work. He saw what happened in New Orleans and there was supposed to have been something in place, but who is catching all the flack, the Mayor because the call was not made.

Mr. Olson said that the issue down in New Orleans was that they didn't know what was going on. They had no communications down there and no one knew what was going on. They had no ICS in place and no emergency operation center. North Carolina went down there and trained them in ICS.

Mr. Walton said that is what he is saying. They won't remember who that city manager was but they will remember that Mayor. We need one call to one person and to him it needs to be the Mayor first and then the City Manager.

Councilman D. K. Stallings asked where the key to the gate would be located.

Mr. Olson replied that it would be located in the Fire Chief's office, Police Chief's office and Public Works will also have a key.

4} PUBLIC PARTICIPATION POLICY:

Mayor Foster called upon City Attorney W. H. Morgan for comments.

Mr. Morgan said that several weeks ago he was asked to take a look at the City's policy for public participation during meetings. He is not talking about public hearings but rather what we call public participation which is the opportunity that citizens have to get up and speak to Council about items that are not on the printed agenda. In July 2005, the General Assembly required that all bodies, board and commissioners for counties, city council for cities and town council for towns and school boards are require to at least once a month to give the public the opportunity to get up and speak. That is really what he is talking about. We are allowed as boards to have reasonable rules and limitations on those speakers. There is a provision in our General Statutes that allows the Mayor or the presiding officer to ask a person to leave a meeting who has become disruptive or creating a disturbance or interrupted officials and if that person

refuses to leave after being instructed to do so, Chief Koch or other representatives of the police department can arrest him or her. It is a misdemeanor to commit that offense. With that said, it is well established in the law that under the 14th Amendment and many other provisions in our Federal and State Law that boards have to give the citizens the right to address their grievances to the Board. We have this balancing act that the courts have tried to establish along the way that balances the right of the government to maintain order and decorum during its meeting with the right of the citizens to get up and speak and to essentially say just about whatever they want to say about the board as a whole or even an individual board member or other officials of the city in this case. What has resulted is a series of court decisions through the years really starting in the late 1960's and continue to the present time that give the board key words that the court decision uses over and over. We have the right to regulate time, manner and place but not content of the speech. A person cannot be punished or prevented from speaking to the board because of the content of his or her speech. There are very limited exceptions to the content rule. The US Supreme Court in the case of *Gooding v. Wilson* defined what fighting words are. If a speaker gets up and uses profanity or engages a council member or the city manager or the city attorney or city clerk or one of the other appointed officials if a person engages us in some type of confrontation unless the speech that he or she is using rises to the level of fighting words which again are define with having a direct tendency to cause violence on the part of the person to whom the remark are addressed. Unless it rises to that level there is nothing that we can do about that other than sit and listen to that. Again, there are exceptions in the area of pornography or obscenity. The bottom line as he sees it is that as long as we generate or impose content neutral rules on speakers then we are certainly within our rights to do that. Of the policies that he reviewed and some cities' have as few as 30 words and some cities have four or five pages dealing with what their rules for public participation are. He thinks that our policy is very good as it is. The third paragraph is the only paragraph as he sees it that potentially creates a problem for us. That is for the use of those words that lend themselves more to subjective interpretation as opposed to objective interpretation. How does a person define the word slanderous or impertinent or some other person being boisterous or not. He thinks that our policy is good as it is but he does think that the third paragraph could be changed or should be changed to take out a few of those words that he thinks are inviting potentially some court action. He would be happy to come up with a third paragraph to replace the current one.

Councilman Stimatz said that he thinks that the Attorney is right. There is very little that needs to be done. He would change the second sentence in the third paragraph to read, "It is hoped that all comments will be addressed to the City Council as a body and not to individuals." He feels that we are leaning in the right direction. He would delete all of the words in the third sentence all the way

to the comma and put in that line that prohibition that you had earlier from the law that states that any person that willfully disrupts, disturbs, or interrupts an official meeting will be asked to leave by the presiding officer. That just says to them that if the remarks get out of line then they will be asked to leave. That is all that we should say. He would add a fourth paragraph and that would be no response to the speaker. They would understand that this is not a debating issue. The response to the speaker would be simple, "No response to the speaker will be made other than a thank you".

Mr. Morgan stated that it is clearly established under state law that the Board is not required to make any response. The so called experts at the Institute of Government recommend that we not respond to the speakers.

Councilman Walton said that he thought we had asked him to bring this up because there were people coming up adding to the agenda, but now it looks like it is dealing with something else.

Mr. Morgan said that it was his understanding that he was asked to take a look at our public participation rules.

Mr. Walton said that he does not mind it being the way that it is because he doesn't know if you follow the Daily Advance but a week or so ago in Currituck County there were people getting up and making individual remarks at other individuals. They made a ruling to not allow that to happen. They said that you can get up and address the board as a group but don't attack anybody individually. He thinks that is appropriate.

Mr. Morgan said that he thinks that is a good rule also, but he is not sure that it would withstand a challenge in court.

Mr. Stimatz said that this does get at the agenda issue. His point would be that the only way citizens can talk to us in general about a subject is they come in during the public comments. They don't get added to the agenda as individuals with no rule on how this happens. That way it is through true public participation regardless.

Councilman Brooks said that he has a question for he has addressed several councils in the past. He knows that it is the Mayor's call where it says generally remarks by an individual will be limited to three minutes or less. Then it says that individuals may designate their time to a speaker but total time allowed shall be limited to six minutes per spokesperson. Then it goes back on the first page and it says time limits for a limitation on a number of speakers allowed to speak on a particular topic are appropriate and even encouraged. Sometimes you have topics that are so hot that you might have ten or fifteen people and some people

speaking well in front of a body of people so they will have a person that they give their time to. He says that to say again that it is the Mayor's call and he thinks that it is almost unfair to the citizens if fifteen people were to speak on a topic and he could only get three minutes from one speaker. He does not think that is fair because sometimes the topic is so out there that you can't do it in six minutes. That is why they give their time to someone that they feel can better express what they are trying to say. He thinks that we need to dress that up a little. Those that have spoken in front of council know that three minutes goes by pretty fast when you have an issue that has been weighing on you for weeks. If you are going to limit the number of people that are going to speak on that topic and if you have fifteen people it is better to have one person to speak on the topic and get it over with than to have fifteen people going three minutes because you only give three minutes to one.

Mr. Morgan said that as he recalls what our practice in the past has been and Dianne correct him if he is wrong, but if there are ten people who want to speak on a particular topic and eight of them allocate their time to one speaker, typically we have given that speaker eight times three.

City Clerk D. S. Pierce-Tamplen stated that when Mayor Foster came on board that was one of his rulings that he would allow three minutes to one person and one person could allocate their three minutes for a total of six minutes.

Mr. Morgan stated that would withstand challenge as long as we are not treating different factions differently. In other words, one of the cases in North Carolina dealt with a school board meeting and a very hot topic and the presiding officers said ok, we are going to give each side of the equation a total of one hour to speak to the board. You may pick the people that you would like to use that one hour. You can allocate all the time to that one individual or you may have sixty people get up and speak for one minute each, but each side of the position gets one hour. That stood up in court. Several people who wished to speak but who were not allowed to speak because of time constraints filed suit and the court upheld the board's decision. As long as you are treating both sides equally you are upholding the law.

Mr. Brooks said that he knows that it is the Mayor's decision for example one of the hot topics now is the electric rates. We have a lot of irate people and you may have it fill up one day. You are going to tell them that they are only going to have three minutes and one person could give them their three minutes and they would only have six minutes to say what they would like. We need to address that up a little. We don't need to wait and go through that process because he knows that it is basically not legal to do that. If they come to express their opinion then we need to give them time to say what they have to say.

Mr. Walton said that the time limit is not important to him as if a person comes up and what they say. He doesn't care how many times you write it to make an excuse for somebody that comes up here and tries to attack somebody individually. We shouldn't do that. The Mayor should be able to say, "Let's cut this conversation out or Chief remove this person", because he is not going to sit here and let someone throw punches at him. We have an ornery enough council to begin with and to allow somebody to come up and attack one of us because it is an election year is not right. He is trying to rule that out before that happens. If a person throws two punches at him, he can take two or three punches, but that fifth punch he might punch back. That is just the way that he is. If we cut all that out to begin with then we won't have to even deal with it. A person can argue with a fool but if you argue with a fool long enough people will ask which one is the fool. He does not want to be caught in that situation. If something happens at that podium that is not right, then the Mayor needs to cut it off immediately.

Ms. Meggs said that her point that she wants to make is that sometimes when people get up to speak they go on and on, page after page and it is boring and it is not informative and it is a waste of time that we could be deciding on something that is more pertinent.

Mr. Brooks stated that he does not know how many opportunities that you have had to appear behind that podium addressing Council, three minutes goes by pretty fast. He has spoken several times and he has always been given a designated time. He understands the point that you are trying to make because some people do turn paper but you must understand that it is easier to let them get that out that way than have fifteen or twenty different people come and do a minute a piece. Again, he would like to address what Councilman Walton said. Is there anything that says that they couldn't address a councilperson individually asking them a question?

Mr. Morgan replied that as his interpretation of the courts decisions the speakers do have the right to engage an individual council member. They can challenge him or her in that type of forum.

Mr. Brooks said that the Council person also has the right to answer or not to answer.

Mr. Morgan stated that they have the right but it is not preferred.

Mayor Pro Tem Hummer said that she thinks that we need to add in the part that we hope that they will not act up in a certain manner also the word "threat" because this has happened in the past. We have even had someone approach

an individual council member and come all the way to the table. We need to put something about threats in there. We had one gentleman to come in and throw a briefcase on the table and we didn't know what was in it. You just don't know as the times are different now.

Councilman Walton said that it says right here in addressing the Council, all comments must be addressed to the City Council as a body and not as an individual.

Mr. Morgan said that is what our current policy says, but it is not what the court cases seem to indicate.

Mr. Brooks said that fighting words do not have to be something verbally said as it can be actions also. If someone comes up to him he does not know their intent so therefore he does not know what he would do.

Mr. Stallings stated that he totally agrees with what Councilman Walton has said. He has been up here long enough to see people come to the podium and attack you on a personal level and he was glad when Mayor Foster spoke up and stopped it because they were calling names. If you stay up here long enough and you do something right for some groups and not right for other groups you will see that you will get attack personally. He thinks that we need to keep in place where the Mayor can call them down and ask them to be excused from the building.

Councilman Stimatz stated that he would suggest that the City Attorney goes back with our input and writes something up and brings it back. He understands that you do not like people talking to you directly but it is clear through the courts that the constitution allows it. It is called "free speech". If you are going to deny people the right of free speech then why, have an elected body as we will just have a king.

Councilman Walton said that everybody has the right to free speech, but responsibility goes along with that. If you come up here and don't speak right then the Mayor has the right to call you down, there is no way to write that up any other way, no matter whom you check with.

6} NON-PROFIT FUNDING POLICIES/APPLICATIONS:

Mayor Foster called upon City Manager Olson for comments.

Mr. Olson stated that during the work session that was held on February 28, 2007, the Mayor's Task Force came up and provided an overview of their recommendations for funding of the non-profits. You charged staff to review the

material and make any necessary revisions based on the comments from members of Council. First of all, staff would like to compliment the Task Force on its excellent work. Then we were to bring these revisions back to Council. The issues that staff had are of very minor nature. Some of the changes are grammatical and several minor recommendations such as deleting a word. The format was reviewed. Staff also believes that the Non-profit Task Force should be utilized to screen the submitted non-profit applications and determine an appropriate funding level for each application. Once this is done, it would then be sent to Council for approval and incorporation of the non-profit funding into the budget documentation. Staff would strongly recommend that the Task Force allocate \$45,000 to eligible non-profits and that \$5,000 be placed in Council's contingency fund for distribution directly by the Council on a case by case basis as they come up throughout the year.

There have been some minor changes in the applications but nothing major. On the whole the application form policy and procedures were excellently done by this Task Force. He knows that they met five or six times.

Mayor Pro Tem Hummer said that we have the Committee's recommendations and under the Non-Profit Fund Application – Ineligible requests, the second bullet, funding must be used to purchase an asset for the organization (not operating expenses – furniture, equipment, etc.) However, that is not what was recommended by the Task Force. Their bullet was will the request result in the purchase of a non-profit asset for the organization that will benefit the residents of Elizabeth City. It does not say anything about non operating expenses. It goes down in their recommendations under ineligible requests retroactive funding or operating deficits. That means that money was theirs before the City gave them any money. That is entirely different.

Mr. Olson said that retroactive funding or operating deficits basically the City would not write a check for them to balance their books at the end of the year. The office equipment or furniture including computers would be an ineligible request.

Ms. Hummer said that she understand that. She thinks that it needs to be cleared up because it doesn't mean salaries and utilities. She thinks the Boys and Girls Club is a good example of failure of not having enough funds to operate on. You are not going to find too many people that are going to volunteer to operate or provide a service to the City and not being able to use some of these funds for operating expenses such as utilities and salaries. She agrees that it shouldn't be retroactive or to bail anyone out. She thinks to purchase an asset also means the children. You purchase an asset to provide something for the youth. She thinks that needs to be cleared up as there are these types of organizations out there.

Mr. Stimatz said that he has the same problem with that. We put \$10,000 in for the Hopeline with no strings attached. Are we to treat the others differently? When we give Hopeline \$10,000 we expect them to go forth and do good things and if we find out that they are not, then we will take the money away. He does not want to be nitpicking these organizations on how they use the money. All we want them to do is to take our money and provide services to the people in our community. Whatever it is, something for our homeless, skills and training for the mentally disable, place of refuge for those being abused, that is all that we want to do with that. He does not want to get down to that level. He is looking for a broader term.

Councilman Walton said that he is hoping that we give the money to those who need the money. You talk about the audit of a business of \$500,000 and if they made that much, they don't have a disadvantage. He does not know how we are going to streamline that but he is willing to go with anything for one year. That is what we did this year. But, you said that the Task Force will bring back the names of the people that will be approved, he would like to receive a copy of those that were not approved also.

Mr. Olson said that will be fine. What we will hope that they will do is basically go through the requests and make a funding recommendation back to you and they will also provide you with a copy of those not receiving funding. He would strongly encourage City Council to basically accept their recommendation. Over the years this item has become very politically in nature and that non-profit task force will hear the dog and pony show from each one of these non-profits. They will sift through the hours and hours of presentations and they will be asking the questions to these non-profits justifying why they need \$5,000, \$10,000, \$15,000 and they will probably spend 15-20 minutes with every non-profit and they have access to everything including the checklist. They will be able to answer the questions and then the City Council comes in here and you don't have all that historical knowledge behind you. You just have what their funding recommendation is.

Mr. Walton said that he understands that but he is just like all the rest of the citizens he only has one vote for this year and he would still like to see those not recommended for funding perhaps for next year.

Mr. Brooks said that we have a non-profit task force and where did they come from and how were they selected. How do we get the information out to them that there is money available for them to apply for?

Mr. Olson replied that the Mayor selected those individuals and appointed them to this Task Force. As to getting the information out, we will place it on Channel 11 and also we will notify them from a list that he has in his office which is very long. We have already received some letters requesting funds. Most of the non-profits are in tuned to where the money is. He has had half dozen conversations himself.

Councilwoman Baker stated that she did not want to micro-manage this thing, but will there be any kind of follow-up to see that they are using the money that we give them for the purpose that they stated. Are we going to see the results of that?

Mr. Olson said that gets back to are you delivering the services. He thinks that we can easily modify this that if you get the money one year and the next year if you want to reapply you are going to have to prove what you used the money for in the previous year. Once we give the money, it is basically gone. We can see if they basically provided the services.

Ms. Baker said that she does not have problem with defining using it for assets. You know she has been against using it for salaries and pencils and paper towels too. You can be very broad in your assets. Assets can be depreciated. They need to use their fund raising money for their operating cost and use this for something special.

Mr. Olson said that he is not sure what the Council is saying here. If we made an ineligible request to include retroactive funding and operating deficits, seconded bullet would be salaries and benefits of employees, would that satisfy Council. To get ride of the whole asset thing. He keeps hearing from different sides here. He is trying to bring it back together.

Ms. Baker said that she would like to see them define assets. She is in favor of lending it to assets and not operating and not salaries.

Mr. Olson said as we have discussed, asset is very wide criteria and stuff. Where if the issue is if you don't want to use it for salaries and benefits you can easily make that an ineligible requirements but you can use if for all other purposes of the organization.

Mr. Stallings said since we are looking at April 30th for the deadline for applications, in May at our first work session on our budget that we get a list of all applicants and what their requests are. He would like for the Council to stick with what we use to do, pick and choose at that time.

Mr. Olson said that the only issue that staff would have is that you have not sat through all the non-profits presentations and stuff. That way you have not had the chance to ask the non-profits any questions that the Task Force has asked.

Mr. Stallings said that is true but as a councilman he thinks that we have some organizations that we look in favor too and we would like to see them funded and he would like to see that list.

Ms. Meggs said that her suggestion is when you use this asset put some examples so that it would be clear what the word asset means in this.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman B. S. Meggs to accept staff's general recommendations to include corrections, general deletions and general additions including using the Non-Profit Task Force for review of the non-profit applicants followed by their recommendation to City Council.

Mayor Pro Tem Hummer stated that she would like to say that first Councilman Stimatz said that Council shouldn't say what the money was to be used for within the organization but now you are saying that like staff is presenting.

Mr. Stimatz asked to clarify what he said. That particular section you need to come back to us on. There is no need for that in his opinion. He is just saying generally speaking that we accept the application outline, the corrections that were made and we use the Task Force and move ahead and direct staff to bring back a final document that irons out the issue on the asset-operating expenses thing. We don't have the answer on that yet. He is just saying generally direction is that we like what you did, go ahead with it and we will use it and come back with a final draft next week.

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

6} **ADJOURNMENT:**

Mayor Foster stated that because of the time, he is going to entertain a motion for adjournment.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to adjourn. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Hummer, Meggs, Stallings and Walton. Against: None. Motion carried.

Mayor Foster adjourned the meeting at 6:50 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Charles L. Foster
Mayor