

MONDAY-7:00 P.M.

MARCH 26, 2012

CITY COUNCIL

The City Council of the City of Elizabeth City held its second regular 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. Counselors attending were: Mayor Pro Tem J. B. Walton, J. M. Baker, M. E. Brooks, R. T. Donnelly, L. M. Hill-Lawrence, L. A. Hummer, K. K. Spence and J. A. Stimatz. City Staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, ECDI Director R. Cross, Parks and Recreation Director B. V. White, Human Resource Director K. W. Felton, Planning Director J. C. Brooks, Inspections Director S. E. Ward, Electric Director K. F. Clow, Fire Chief L. M. Mackey, Finance Director S. E. Blanchard, Police Chief C. E. Crudup, Deputy City Clerk V. D. White and Public Utilities Director P. A. Fredette.

Mayor Peel established a quorum was present and called the meeting to order at 7:00 p.m. He called for a moment of silence 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 agenda adjustments and approval of the prepared agenda.

Mayor Peel advised he would like to add ***continuation of the update on the city water supply and committee reports from the previous Work Session.***

Councilman Brooks asked to add to the Consent Agenda, ***Live burn training at 620 Roanoke Avenue.***

Councilwoman Baker asked to add ***Rivershore Road and Camden Bridge.***

Councilman Stimatz asked to add the ***911 Interlocal Agreement.***

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

2} PUBLIC COMMENTS:

Mr. Kaleen Shadid, 304 Shepard Street, Elizabeth City addressed City Council regarding gangs in Elizabeth City and a video based on a true story. He asked that members of Council to review the DVD and consider assisting in the purchase of such video that could be distributed to gang members or would be members.

3} APPROVAL OF THE MINUTES:

Mayor Peel called for action regarding the minutes of the March 12th City Council meeting.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of March 12th City Council meeting as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

4} CONSENT AGENDA:

Mayor Peel called upon City Manager to read and expound on items listed on the Consent Agenda.

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

CONSENT AGENDA:

- a} Authorized the submission of an application to the Tourism Development Authority on behalf of the International Cup Regatta in the amount of \$3,000.
- b} Authorized the submission of an application to the Tourism Development Authority for the July 4th Celebration in the amount of \$8,000 contingent upon a match from Pasquotank County and donations from outside organizations/businesses to total the estimated \$30,000 required to fund the event.
- c} Award bid for construction of Dog Corner Basketball Court to Parks Land Development in the amount of \$29,242.
- d} Approved the following Budget Amendment:

**BUDGET AMENDMENTS
NUMBER 2012-05
MARCH 26, 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 Transfer to Electric Fund from General Fund (106600.9110) and the Internet Fees (103250.0000) be increased by \$26,000.

(To record internet café fees to be transferred to Weatherization Program.)

SECTION II. That the Tourism Development Authority Payment (103180.0000) and North Carolina Black Elected Municipal Officials Conference Expenses (104100.3300) be increased by \$1,000.

(To record Tourism Development Authority payment for NCBEMO Conference.)

SECTION III. That the General Fund Balance Appropriated (103990.0000) and Legislative Departmental Expenses (104100.3300) be increased by \$5,396.

(To record City Council retreat expenses.)

SECTION IV. That the General Fund Balance Appropriated (103990.0000) and Parks and Recreation Capital Outlay Improvements (106200.7300) be increased by \$4,717.

(To record Dog Corner Basketball Court.)

ADOPTED, this 26th day of March 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

e} Approved Live Burn Training by the Elizabeth City Fire Department on dwellings located at 318 Persse Street and 620 Roanoke Avenue.

f} Approved condemnation and demolition of dwellings located at 404 North Road Street, 712 Park Street, 1106 Wood Street, 1413 W. Church Street and 1415 W. Church Street:

**ORDINANCE #2012-01
CONDEMNATION AND DEMOLITION
404 NORTH ROAD STREET**

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.

WHEREAS, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

WHEREAS, said structure should be demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **05-26-2011** and the owner has failed to comply with said order;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Elizabeth City that:

Section 1. The Building Inspector is hereby authorized and directed to place on the building located at **404 North Road Street** a sign containing the legend:

"This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful."

Section 2. The Building Inspector is hereby authorized and directed to proceed to demolish the above-described structure in accordance with his order to the owner thereof dated **05-26-2011** and after abatement, then charge the

property owners for all expenses incurred, including any accrued interest after the initial billing.

Section 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4. This Ordinance shall become effective upon its adoption.

ADOPTED, this 26th day of March 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

**ORDINANCE #2012-02
CONDEMNATION AND DEMOLITION
712 PARK STREET**

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.

WHEREAS, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

WHEREAS, said structure should be demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in

accordance and pursuant to an order issued by the Building Inspector on **05-29-2011** and the owner has failed to comply with said order;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Elizabeth City that:

Section 1. The Building Inspector is hereby authorized and directed to place on the building located at **712 Park Street** a sign containing the legend:

"This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful."

Section 2. The Building Inspector is hereby authorized and directed to proceed to demolish the above-described structure in accordance with his order to the owner thereof dated **05-29-2011** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

Section 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4. This Ordinance shall become effective upon its adoption.

ADOPTED, this 26th day of March 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

**ORDINANCE #2012-03
CONDEMNATION AND DEMOLITION
1106 WOOD STREET**

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON

THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.

WHEREAS, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

WHEREAS, said structure should be demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **11-09, 2011** the owner has failed to comply with said order;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Elizabeth City that:

Section 1. The Building Inspector is hereby authorized and directed to place on the building located at **1106 Wood Street** a sign containing the legend:

"This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful."

Section 2. The Building Inspector is hereby authorized and directed to proceed to demolish the above-described structure in accordance with his order to the owner thereof dated **11-09-2011** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

Section 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4. This Ordinance shall become effective upon its adoption.

ADOPTED, this 26th day of March 2012.

Joseph W. Peel

Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

**ORDINANCE #2012-04
CONDEMNATION AND DEMOLITION
1413 WEST CHURCH STREET**

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.

WHEREAS, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

WHEREAS, said structure should be demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on **11-17-2011** and the owner has failed to comply with said order;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Elizabeth City that:

Section 1. The Building Inspector is hereby authorized and directed to place on the building located at **1413 West Church** a sign containing the legend:

"This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful."

Section 2. The Building Inspector is hereby authorized and directed to proceed to demolish the above-described structure in accordance with his order to the owner thereof dated **11-17-2011** and after abatement, then charge the

property owners for all expenses incurred, including any accrued interest after the initial billing.

Section 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4. This Ordinance shall become effective upon its adoption.

ADOPTED, this 26th day of March 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

**ORDINANCE #2012-05
CONDEMNATION AND DEMOLITION
1415 WEST CHURCH STREET**

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR THAT THE STRUCTURE BE DEMOLISHED.

WHEREAS, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

WHEREAS, said structure should be demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure have been given a reasonable opportunity to bring the premises up to the standards of the subject codes in

accordance and pursuant to an order issued by the Building Inspector on **11-17-2011** and the owner has failed to comply with said order;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Elizabeth City that:

Section 1. The Building Inspector is hereby authorized and directed to place on the building located at **1415 West Church Street** a sign containing the legend:

"This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful."

Section 2. The Building Inspector is hereby authorized and directed to proceed to demolish the above-described structure in accordance with his order to the owner thereof dated **11-17-2011** and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

Section 3. It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4. This Ordinance shall become effective upon its adoption.

ADOPTED, this 26th day of March 2012.

Joseph W. Peel
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

g} Adopted APPA Safety Manual for the Electric Department:

END OF CONSENT AGENDA:

5} PUBLIC HEARINGS:

a} Application to Coastal Waterfront Access for the purchase and renovations at 106 S Water Street.

Mayor Peel declared the meeting in to Public Hearing to notify citizens that the City intends to apply for a Coastal Waterfront Access Grant in the amount up to \$300,000 for the purchase and renovations at 106 S. Water Street. He called upon City Manager Olson for comments.

Mr. Olson advised City Staff is requesting permission to submit two CAMA Grant Applications for this funding cycle. One of the applications is for the purchase of 106 S. Water Street, a building presently owned by Mack Sawyer. The purchase price will be \$140,000. The City would seek \$102,000 from CAMA and the City would match \$38,000 of local funds. The second grant application is to do an adapt to reuse grant for that building once we get it done. We estimate the total cost to renovate the building to be roughly \$120,000. We will seek \$90,000 worth of CAMA Funding and \$30,000 match from the City.

Mayor Peel asked the City Clerk if anyone had signed up to speak for or against the proposed applications. Upon a reply of no, Mayor Peel declared the public hearing closed.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman R. T. Donnelly to authorize staff to submit two CAMA Grant applications to purchase and renovate the building at 106 South Water Street; and further moved to authorize staff to execute a purchase agreement with A. Mack Sawyer & Associates for 106 South Water Street contingent on receiving the CAMA Grant. Those voting in favor of the motion were: Baker, Donnelly, Brooks, Hill-Lawrence, Hummer, Spence, Stimatz and Walton. Against: None. Motion carried.

b} Submission of \$500,000 CDBG NC Catalyst Grant for renovations to the Old Middle School located at the intersection of Elizabeth Street and North Road Street.

Mayor Peel declared the meeting into Public Hearing to solicit public comments regarding the submission of a \$500,000 CDBG NC Catalyst grant for renovations to the old middle school located at the intersection of Elizabeth Street and North Road Street. He called upon City Manager Olson for comments.

Mr. Olson stated this is the second of two required public hearings to submit a grant for Community Development Block Grant funding with the Department of CI at the State of North Carolina. City staff has been working with the Police Athletic League, the Boys and Girls Club, Pasquotank County and several other

groups on doing an adapt to reuse the first floor of the former middle school site. Included in your package is a proposed budget of what we would be requesting. The budget is \$258,000 for basic cosmetic repairs on the first floor. \$160,000 for HAVC repairs, and \$53,600 in contingencies for a total grant amount of \$501,600. We are only proposing at this time to have the public hearing and that we bring this item back to the City Council at your next meeting with the required MOU between the City and the County and two sub-recipient agreements that will be required with PAL and the Boys and Girls Club.

Mayor Peel asked the City Clerk if anyone had signed up to speak for or against the proposed application. Upon a reply of no, Mayor Peel declared the public hearing closed.

It was the consensus of City Council to render no action on this matter at this time in order to allow staff an opportunity to secure all necessary information, complete the actual application and bring it back for Council's final approval before submission.

Mayor Pro Tem Walton stated Congressman Butterfield was in town yesterday. He asked him about grants and he said that Mr. Russ Haddad, who works under his administration, would be a good person for you to get in contact with as he could possible help.

Councilman Stimatz said he saw a couple of things that he wants to make sure of. When you say a letter of support, he would prefer a letter of commitment from PAL, Boys and Girls Club and Pasquotank County. The other thing is he is still uncertain of the costs and that is going to be a big question. You say the City is going to be responsible 100% for all funding over the \$500,000. That makes him really antsy. That is a big concern to him. You say we need an agreement or lease agreement between the County. He doesn't understand that. His understanding is that PAL has a lease agreement and Boys and Girls Club is partnering with them on this lease agreement. PAL is a non profit but affiliated with the City, it is not our entity. We don't control the Board or vote on their budget. We don't direct their policies. This is their lease and why we need a lease, he doesn't understand. It is not our facility. The other thing is he wants to make sure we proceed and make sure that the intended use is adhered too. One concern that he has is if a business has been closed for a period of time, you can't go in and reopen the business and be grandfathered. You have to meet whatever the new code is. So regardless of the fact that it has been a school and you are going to reopen it for that same purpose you will still have to meet whatever those are. He understands that there may be exemptions for County property, etc. His question would be is it linked to the owner or linked to the tenant use as to what can and can't be done.

c} Text Amendment – TA-01-12, to amend the UDO specifically Articles II Interpretations and Definitions: IX Zoning and XI Development Standards, adding language to define and regulate scrap metal/recycling processing centers.

Mayor Peel declared the meeting into public hearing for consideration of Text Amendment TA-01-12 to amend the UDO, specifically Articles II Interpretations and Definitions; IX Zoning and XI Development Standards, adding language to define and regulate scrap metal/recycling processing centers. He asked the City Clerk if anyone had signed up to speak. Upon a reply of no, Mayor Peel called upon Planning Director J. C. Brooks for comments.

Ms. Brooks said to recap the Code Amendment it is to amend the UDO, Article II to include a definition of recycling processing centers, to amend Article IX, the Use Table to require a Special Use Permit for recycling centers and to amend Article XI to create Development Standards which will provide for compatible transitions between uses. As presented in your February 27th Work Session and your March 12th meeting, language proposed to create setbacks for recycling centers from residential uses, commercial uses, establish minimum parcel size, screening, set standards for noise, dust and particulates, trash and garbage, toxic and hazardous waste handling, storage of fuels, drainage and application requirements for the Special Use Permit. The Planning Commission reviewed this proposed text amendment at their January 3rd Planning Commission meeting and they recommended approval of the amendment. After the public hearing tonight, staff recommends that you adopt TA-01-12.

Since there was no one to speak for or against the proposed amendment, Mayor Peel declared the public hearing closed.

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman L. A. Hummer that we adopt Text Amendment TA-01-12. Those voting in favor of the motion were: Baker, Hummer, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

d} Amending City's Code of Ordinance:

Mayor Peel declared the meeting into Public Hearing for consideration of amending the City's Code of Ordinances, Chapter 5, Animals, Article III, Dangerous Dogs. He asked the City Clerk if we had anyone to sign up to speak. Ms. Pierce-Tamplen replied two.

Ms. Bonnie Calliotte, 400 W. Main Street, Elizabeth City, spoke regarding the proposed ordinance. She encouraged Council to adopt it as presented.

Ms. Niva Hilts, 201 Hasting Lane, Elizabeth City, spoke regarding the proposed ordinance. She also encouraged Council to adopt the proposed ordinance.

There being no one else who wished to speak for or against the proposed ordinance, Mayor Peel declared the public hearing closed.

City Attorney Morgan asked to comment. Our ordinance as originally drafted or the ordinance before you tonight as originally drafted contained the definition for potentially dangerous dogs which in his opinion seemed to be very close to the definition of the dangerous dog and of course in previous meeting have debated the nuance between the two. In any event, he proposed earlier today that we amend the definitions section toward the beginning of the ordinance on Page 2 to read: **"A potential dangerous dog has inflicted injury to a domesticated animal that required veterinary care or bit any person without provocation, so as to cause a laceration or abrasion requiring medical care."** That loosens somewhat the definition of a potentially dangerous dog and he thinks it is appropriate in this case.

Councilman Stimatz stated the one item that he still does not see in the ordinance is we need to be very specific about are we going to destroy the animal. It is not clear to him in reading the current version that is addressed clearly. It sort of alluded to but it is not addressed. If you have a dog that is vicious we are saying that you have two choices. Get it out of here or we are going to put it down. He doesn't see that language.

Mr. Morgan suggested that we add a subsection (e) under Section 6-59 that says in effect that the Animal Control Board has the authority to direct the police department or whomever to humanely dispose of a dog that has been determined to be vicious.

A motion was made by Mayor Pro Tem J. B. Walton, seconded by Councilman J. A. Stimatz that we put this into action now and after putting those different terminologies in it that if it is approved by Council and after it has been emailed to everybody that we still present it to a public hearing.

Mr. Morgan said under Section 6-53(b) (X); he would propose this language be added: **"The Animal Control Board may direct that a vicious dog be euthanized."** That determination could be appealed to the Courts.

Mayor Peel called for a vote on the motion:

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

6} REGULAR AGENDA:

a} Conclusion of Paul Fredette's report on the City's Water Supply Issues:

Mr. Fredette said the critical link in our water distribution system is the connection from the Wellfield to transport water to the water treatment plant. We started a project last year to put in a new 14 inch transmission line and we have to complete that project sometime sooner than later. He is hoping with some minor changes to the Water Treatment Plant to increase 2.7 mgd to over 3 that we have done enough at the Water Treatment Plant and other improvements that we can within the year reduce the operation at the plant from 24 hours to 16 hours. The critical link right now is getting that 14 inch transmission main to the water plant.

b} 911 Interlocal Agreement:

Mayor Peel called upon Councilman Stimatz for comments.

Mr. Stimatz stated if he remembers correctly at the last joint meeting we had with Pasquotank County we agreed that we would be working on some kind of contract to determine how we should be paying and whether we need an Interlocal agreement or a regular contract. The group was supposed to get together and he hasn't seen any movement on this and we are due to meet again in one month. His concern is as we go into the budget sessions his feelings will be if we don't have a contract or Interlocal agreement then we just take that money out of the budget and say we are not going to pay it. He would like to know what we are doing and how we are going to resolve that issue before the budget starts. There are some questions that have been asked of him and he has asked them before. Recently, the County got a million dollars in money for unencumbered emergency management expenses. Did the City get any of that? The other question is how much of that \$.61 per phone line that goes to the County do we get credit for? He has to believe that half if not more of those phone lines are actually in the City so to what extent are we double subsidizing the County? We are the ones that have the phone lines and they are taking the money and running. Then we are asked to spend \$340,000 for we are not sure what. He would like to know what our off ramp strategy is if we don't have an agreement by the time the budget is ready.

c} Amendment to City Council minutes of February 13, 2012:

Mayor Peel said the memorandum is pretty straightforward.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. T. Donnelly to amend the February 13, 2012 minutes to incorporate into the official record Resolution #2012-02 – Appointment of Councilman J. B. Walton as Mayor Pro Tem for the City of Elizabeth City. Those voting in favor of the motion were: Stimatz, Donnelly, Baker, Brooks, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

d} Committee Reports:

1} Albemarle Economic Development Commission:

Councilwoman Hummer stated the AEDC meets on Wednesday of this week.

2} Central Communications Advisory Board:

Mayor Pro Tem Walton stated we met on the 12th. There is not any substantial information to give out.

3} Fireman's Relief Fund Board:

Councilman Spence stated they have not met.

4} Joint Land Use Plan Committee:

Councilman Stimatz said our Land Use Plan was approved by CAMA and hopefully we can now move forward with conditional zoning.

5} NC Eastern Municipal Power Agency:

City Manager Olson stated our meeting is this Wednesday at 10:00 a.m.

6} Solid Waste Committee:

Councilman Spence said they met this past Wednesday and he was unable to attend the meeting.

7} Elizabeth City Downtown, Inc.

Councilman Donnelly said he has a couple of items. One deals with the Potato Festival. He has volunteer applications. We need a great deal of

volunteers to make it be successful. It is scheduled for May 19, 2012. Volunteers will receive a tee shirt. If anyone in the audience would like to volunteer you are welcome to join us. We also have a potato peeling contest and as it turns out his wife is chairing this activity. If the City Council or members of city staff are interested in forming a potato peeling team please let him know. There are prizes for the winning team and the best peeler. The second item that he wanted to share is this Wednesday on the 28th there will be a street opening ceremony. ECDI is having a ribbon cutting in cooperation with the Chamber from five to six p.m. at the corner of Poindexter Street and Colonial Avenue. We would like to have as many people as possible to come out for that. There will be a lot of different activities and door prizes.

8} Elizabeth City Chamber of Commerce Board:

Mayor Peel reported that tomorrow is the Business Expo at Kermit E. White Center. It is a sold out event. There will be all kinds of booths and businesses out there with all kinds of opportunities. He encourages everyone to attend. The Chamber is hosting ribbon cuttings and things are going well.

9} Finance Committee:

Councilwoman Hummer stated there were a number of items discussed during the last Finance Committee with most of those items on the agenda for tonight. The budget amendments were recommended to Council for consideration. There were also the two applications to the Tourism Board for the 4th of July celebration and the application for the middle school. One item that was not on the agenda was the discussion and a recap of Council's out of town travel. Some council members have already gone over budget so the Finance Committee asked staff to get together and bring some recommendations based on our discussions back to the Finance Committee to revamp the travel policy. That will be coming up in the near future.

10} Parks and Recreation Advisory Commission:

Mayor Pro Tem Walton stated we have met after our last meeting. We discussed some things that Ms. Bobbie White is trying to have a call meeting and he would hate to discuss anything that we are not staying true to form. On Thursday we should meet again to discuss some things.

11} Alleyway Committee:

City Manager Olson stated they have not met.

12} Elizabeth City/Pasquotank County Airport Authority:

Councilman Stimatz stated we are finishing up all the Airport renovations. The next big step is going to be working on some strategic planning initiatives. Where do we see the Airport going, those kinds of things? They are doing business developing out there. There was discussion of educational opportunities with the move of the basic mechanics course out of the County and away from that location. It presents us with a different challenge in determining how we are going to proceed to develop that area.

13} Storm Water Drainage Task Force:

Councilman Stimatz stated we were going to try to have a meeting last Thursday but for a lot of reasons we didn't. Mr. Fredette is trying to work that out and hopefully we will be having a meeting soon.

14} Energy Efficiency Commission:

Mayor Peel stated we had our fourth meeting last week and made a lot of progress on a lot of different fronts of weatherization. He thinks we are going to come out with a request to expand the current weatherization to include not just homes but also to include rental property. He thinks you will also see a different approach on how we identify the houses that get weatherized. We are going to develop an "energy efficiency" standard so that everyone will have some idea of approximately the cost they might pay if they rent or purchase a home but prior to doing that it may require an ordinance change to do that. He feels that is important. That will also be, the energy efficient rating, will be the way homes are selected for weatherization. It won't matter where you live or how big or small your house is, it will be fully done with beginning with the most inefficient homes. You will probably get a request to double the amount the City is currently putting towards that effort. We have had some very lively discussions. We are looking at trying to identify some other local contractors that can do some of the work because part of the problems that we have had in the past is not being able to weatherize because we were dependent on one contractor. We will probably bring the recommendation to you. Boarded up homes is an issue in many of our communities. We are going to recommend reducing the length of time the house can be boarded from current 12 months to 5 months. We are going to be much more aggressive in pursuing getting those houses renovated. We will probably recommend that we take some of those

homeowners to court as the City has not done before. We will be tying up some loose ends at our next meeting and start looking in the area of code enforcement which we have not done as yet. The committee has worked hard and there have been lots of good ideas and he would like to thank Mr. Brooks and Ms. Baker who are on that commission and also all the other members for their hard work and good ideas.

15} Tourism Development Authority:

Councilwoman Baker stated we had a meeting last Thursday and our prior meeting we had attended a tour of the TECOM Building and it is an absolutely fascinating tour and if anybody ever has a chance to go on one and if you haven't been inside that building then you need to go. The day that we went inside there were nine aerostats and a blimp. It just blows her away that there is that much room in there. There is lots of history in that building. It was very exciting and very informational. This Thursday's meeting we had presentations from the Arts Council along with Wayne Harris. He and Rhonda Twiddy were making a presentation asking for funds for marketing events coming up in September and October. We did give them \$10,000 to market these events coming up and they went on to explain how they put heads in beds and how they have a lot of people coming into the City to attend events and to make use of our restaurants and hotels. They also talked about how they are not receiving the grants like any other organization; they are not receiving the grants that they once did. They have no recurring contributions. That is anything they can count on year after year. They have nothing like that. They had last year a \$35,000 sponsorship grant that they lost because that company wasn't doing well either. They are just very desperately seeking contributions and they brought a report which she will give to Mr. Olson and maybe you can bring this to the Finance Committee for consideration during the budget process. It is a report of all the Counties in North Carolina that have an Arts Council. Pasquotank County has the 9th largest budget in all of these counties in North Carolina that have an Arts Council. We have grown so fast. They just need to look at a different way of funding. There is going to be a capital campaign starting but things like Pasquotank County/Elizabeth City, we fund 4% of their budget. Counties like Tyrrell County which is much smaller than we are and Raleigh which is much bigger than we are support them 100%. Wake County outside Raleigh 26%. Roberson County is 60%. It is amazing how these other counties and cities support their arts and understand how valuable it is to a community. That was a really eye opening event and presentation for all the members of the Tourism Board. The other thing that we did is we authorized a \$1,000 to help fund the 2012 Summer

Conference of the NC League Black Elected Municipal Officials. That has gotten off to a good start too. We had a very busy meeting.

2} Rivershore Road:

Mayor Peel called upon Councilwoman Baker for comments.

Ms. Baker stated she had comments from residents on the street talking about how dangerous it is and how they almost witnessed two children and a father get into trouble on bicycles coming around the corner with cars coming both ways. It is a pretty narrow road and it is used by the people that live there. It is not a short cut to anywhere but it is a very scenic road and a lot of people do go down Rivershore to go by the water because one side is houses and the other side is water and it is a very pretty road. The things she would like is to have staff look at maybe what kinds of options we can do to make that road safer for pedestrians and bicycles and baby carriage pushers and the like. If there is a potential way maybe to look at sidewalk, maybe on one side, a bike path. She thinks it is not a state road and is the City's street. Maybe make it one way. She doesn't know what the answer is but she knows it is a problem. People have come to her with that problem.

Councilman Donnelly said he also received a call from a concerned citizen on Rivershore in the same general area talking about speeders going through that area and he thought maybe we could possibly put in one of those radar speed signs so that people can become aware of what their speed is going through there. He knows there are a lot of bicyclists, walkers, joggers, etc. It is a narrow road and you have to be in the road and if cars are speeding down through that area they need to slow down. It could be an accident waiting to happen.

Mayor Peel said there are probably 70-80 people a day that either walk or run or bicycle down there. We get a lot of students from ECSU. It is the only place in town you can walk on the water. He is surprised that someone hasn't gotten hurt. The corner down where that S curve is really dangerous because you can't see around it and cars come whipping around it.

Mayor Pro Tem Walton stated since it was brought up, Mr. Vaughan also wrote a letter to everyone about the speed limit at ECSU on Halstead Boulevard.

3} Camden Bridge:

Mayor Peel called upon Councilwoman Baker for comments.

Councilwoman Baker said she has two issues with the bridge. Several of us were at the Hopeline Legislative Breakfast this morning and she did speak to Mr. Olson about the openings of the bridge with the potential traffic jam all summer. She asked him to explain to the rest of Council how the bridge openings are determined.

Mr. Olson said that DOT controls the bridge but the Coast Guard has rules and regulations that dictate the openings of the bridge. There is an agreement between DOT and the Coast Guard that from 6-8 in the morning and from 4-6 in the evenings, the bridge will only be opened on the half hour if a vessel is waiting for it to be opened. If there is not a vessel waiting then basically the bridge will not be opened. Any other time besides the peak travel periods they will open the bridge on demand of a vessel.

Ms. Baker said the only other thing is when people coming off the bridge from Camden side there is one sign that says no left turn. There is not enough seeing it or something because they are not obeying it. If we could look into doing something or ask DOT to do something, bigger or brighter or something they can see. When they are in that lane to turn left on Water Street which is now prohibited they are holding back all the traffic all the way to the other side of the bridge. We know this is going to be going on for two more hurricane seasons. We need to make that sign more visible.

Councilman Stimatz said your peak rush hour times, you are allowing the bridge to open every half hour; we don't have to settle for that. His suggestion would be to go to the Coast Guard and tell them we want one opening on the hour if the vessel is waiting or no opening during that period. They will look at our request and make a decision.

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Councilman Donnelly stated over the weekend State Senator Westmorland came to town. He is from the southwestern part of the State. He sits on the Committee that is examining the Museum of the Albemarle and whether or not it should stay open. He came and toured the Museum and AOA. He visited Port Discover and then he was off to Edenton for the next visit. He had never been out to this area of the state and was quite impressed with it. He did get a flavor of the community and his parting words were he didn't think his committee would close MOA. That was encouraging.

Councilman Spence stated he had no further comments.

Councilwoman Baker stated she had no further comments.

Councilwoman Hummer stated speaking of speeding, she is assuming that the speed limit trailer was placed on Maple Street and hopefully it will be there for a few days. Also for those that live on West Cypress Street who are listening tonight. These citizens woke up to a flooding emergency. She wants to thank Mr. Fredette for responding quickly and taking her around while he identified the problem. It was a defective pump and they are still trying to take care of that problem.

Mayor Pro Tem Walton stated that Ms. Hummer was talking earlier about the travel policy. Mr. Olson can you put that on the agenda for the first meeting in April because he thinks we made policy on this we stated we only had so much money per Council member. If he is missing out on going to Washington and some other member is spending more than their share and that is not right. If you have good policies you have good politics. If people don't following their own policies then it is bad politics. We talked about that policy in depth.

Mayor Peel said we talked about this issue in the Finance Committee meeting. What we have planned is for the Finance Committee to bring it forward with some recommendations. We have the same concerns.

Mayor Pro Tem Walton stated it was a heartfelt ceremony that was held at the Waterfront for the four Coast Guardsmen that lost their lives recently. It was very touching. He also attended the Guam Band that was at the Fine Arts Center. It was quite outstanding.

Councilwoman Hill-Lawrence stated she wanted to share with City Council and those in the audience tonight that the radio station at ECSU, WRVS, just celebrated their fund raiser for the year. She spent a long time on the station on Sunday. She would like to extend to the community an invitation to please utilize that station. It is a community radio station so they want everyone to know that it is easy access to it. If you would like to donate to them, she has some forms.

Councilman Stimatz stated he would first like to thank the Attorney for his recommendations to improve the vicious dog ordinance. Sunday he went to the ECSU Chorus performance. He had never seen them before and they are a fabulous professional vocal group. They are incredible talented kids who are trained magnificently. ECSU's Jazz Festival is coming up on April 3rd. The improvements to Shepard and Riverside have made a huge difference. He wants to thank staff for all their work in completing that. He is looking forward to the street openings. The streets are looking great.

Councilman Brooks stated he is wearing this hoodie tonight in honor of Trayvon Martin who was pursued and murdered in Sanford, Florida while wearing a

hoodie and carrying Skittles and a tea. Although the murderer is known he has yet to be charged. During the month of February it is called Black History Month and all he heard was talk about the Civil War. Slavery began in America in 1619. Some slave masters set their slaves free but they had to carry freedom papers. If they were asked for freedom papers and did not have them they could be sold back into slavery. Four hundred years later, Trayvon Martin was walking down the streets of Sanford, Florida when the accused asked who he was and what he was doing in that neighborhood. In essence, he was holding him to the standard of slavery in 1619. He might as well ask him for his freedom papers. Since he is not doing the invocation he can pray. He prays for the family of Trayvon Martin who was murdered in Central Florida and hope that God intervenes bringing the accused to trial. Not saying he is innocence or guilty but bringing him to trial and let him have his day in court. As to eliminate the confusion that is going on not only in Florida but throughout the United States he asks God to intervene because God is not the author of confusion. He believes in his faith. He prays and asks this through Jesus.

Mayor Peel said he would like to add one thing. We were talking earlier about ECSU. ECSU had Chinese acrobats a few days ago as well. If you saw those folks in New York you would pay \$50 to \$100 to see them. If you go to ECSU it was \$10. They were absolutely phenomenal and there was a nice crowd there. He would say that April 3rd is the Jazz Festival. There are a lot of really good things going on at the University and he encourages all to go and take advantage of it.

9} **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 Councilwoman J. M. Baker to adjourn the meeting. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

Mayor Peel adjourned the meeting at 8 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Joseph W. Peel
Mayor