

MONDAY-5:30 P.M.

APRIL 23, 2012

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

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

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

2} AUTHORIZATION FOR ELCIPACA LITTLE LEAGUE TO OPERATE CONCESSION STAND AT ENFIELD:

Mayor Peel called upon Parks and Recreation Director White for comments.

Ms. White advised that the Enfield Concession Stand was built and operated for many years by the Northeastern High School and Pasquotank County High School Athletic Boosters Club. A 5% fee was charged to lease this facility. In 2008, the City was unable to find a non-profit agency that would operate the facility. After advertising, the Council approved the lease agreement for profit businesses to operate the concessions. Rhonda Griffin and Kaiem Frank operated the concession stand for the last three years. Mr. Frank has declined to operate the facility again this year. The Parks and Recreation Department has

advertised bids on two separate occasions. No one has expressed any interest. EICiPaCa, which is our Little League Baseball and Softball organization, operates the concession stand behind the Knobbs Creek Recreation Center for the 13-15 and 16-18 leagues and they have said they would be willing to operate the concession stand. The Recreation Department is a big part of the EICiPaCa. The money would be turned back in to support the baseball and softball leagues here in Elizabeth City. Staff recommends that Council authorizes EICiPaCa to operate the concession stand at the Enfield Recreation Area.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. T. Donnelly to authorize EICiPaCa Little League to operate the concession stand at the Enfield Recreation Area for the 2012 playing season. Those voting in favor of the motion were: Stimatz, Donnelly, Baker, Brooks, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

3} NAMING POLICY:

Mayor Peel called upon Parks and Recreation Director White for comments.

Ms. White stated at the October 10, 2011 Council meeting, staff was directed to develop a naming policy for public properties and facilities. Staff looked at 25-30 different policies from other jurisdictions and presented a policy to Council at the November 28, 2011 meeting. Council elected to table the policy at that time in order to allow the new Council to address the issue. The proposed Naming Policy for public properties and facilities provides the flexibility to consider naming a facility or property owned by the City. If the property or facility is to be name for an individual or organization, the individual or organization must have made an exceptional contribution to the City or community at large. The City will not name a facility for a living person unless that individual has made a significant monetary contribution for that facility. The proposed naming of a facility can be initiated by city staff, a member of Council, a citizen or an organization. The process of naming a facility consists of staff, first preparing a report for Council's consideration during an open meeting. If Council chooses to proceed with the process, the Council shall adopt a Resolution of Intent to name the property/facility and call for a public hearing on the matter. In certain cases, the Council may additionally choose to hold several community meetings for additional input. Once the Council adopts the resolution, the facility shall bear the name from that date forward.

Several members of Council gave suggested changes to the document.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilman J. A. Stimatz to accept an amendment to eliminate

Number 3 A & B and leave Number 2 as it is which includes both living and deceased. Those voting in favor of the amendments as presented were: Hummer, Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

Following discussion of "leased properties" the following motion was made.

A motion was made by Councilman R. T. Donnelly, seconded by Councilman J. A. Stimatz to eliminate references to "Leased Properties". Those voting in favor of the motion were: Donnelly, Stimatz, Baker, Brooks, Hill-Lawrence, Hummer, Spence and Walton. Against: None.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. A. Hummer to adopt the proposed Elizabeth City Public Property Naming Policy to include the amendments as passed. Those voting in favor of the motion were: Hummer, Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

4} AMERICAN DISABILITY ACT:

Mayor Peel called upon City Attorney Morgan for comments.

Mr. Morgan stated he would like to address a few things that he thinks is important about the ADA Act. He would like to address this item in more depth after the budget process is concluded. What brought this to light is during the time he has been the City Attorney he cannot remember ever having an ADA issue come before him for consideration or review. It is something that we need to be aware of it. Several months ago a speaker made some comments during the public comments section and alluded to the fact that at least in her opinion, the City was not compliant with the ADA. That triggered something in his mind that he felt he needed to do some background work and report back to Council regarding this. This became the law of the land in 1992. The first President George Bush signed the Legislation and since that time it has been revised, supplemented and amended many times since then, most recently in 2009. There have been all kinds of lawsuits in the Federal Court system that interpreted the Act that has dealt with specific issues under the Act. Simply put the Act prohibits any kind of discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation and telecommunications. It applies to all state and local governments. Title II of the Act requires that state and local governments give people with disabilities an equal opportunity to benefit from all of the programs that the public as a whole enjoys. Those include all services, activities that are

sponsored by the government? State and local governments are required to follow specific architectural standards in new construction and alteration of existing buildings. As you will recall when we did the bathrooms facilities upgrade we had to make sure that was ADA compliance. It covers not only access to facilities but also employment practices as well. It can cover such things as access to meeting facilities, access to the 911 services, access to voting facilities, web site access; anything dealing with local or state government is covered by the Act. There are compliant procedures that are established under the Act to a person who feels they had his/her rights violated in some way. They can file a complaint with the Department of Justice which will then investigate the complaint or can file a lawsuit against the group, city or county that the individual feels may have violated their rights. This is where it really hits home. Cities or counties that employ more than 50 people have to have an established grievance procedure for someone to follow who thinks he/she may have had his or her rights violated. We are also required to have an ADA Coordinator. He is not saying we don't already have these things but we need to be really up to speed with this. He has not talked with Mr. Olson but he believes he has already put a lot of this in place. He would like to speak with you at a later time where we can really talk about this in more detail.

5} AGREEMENTS WITH PASQUOTANK COUNTY:

Mayor Peel stated Mr. Walton, Mr. Stimatz and Mr. Olson met with several members of the County Commissioners last week. You have in your packets copies of the Central Communications and EMS Agreements that we worked on together last week. He called upon Mr. Olson for comments.

Mr. Olson said we have been working on these Interlocal agreements for a couple of years now. At the January 30th meeting it was decided to appoint a subcommittee of both governing bodies to set down and work these items out. We did that last Wednesday. There are three changes in the EMS Interlocal Agreement that the Committee is recommending. The first one is in the second whereas clause and that is just adding the word coordination. The second would be the term of the agreement would be from July 1, 2012 and ending on June 30, 2022. Then under Management, we had put in there Central Communication instead of Emergency Management. Finally, under Section 4-c, we would recommend to add of the department at the end of the first sentence. That agreement is fairly clean as it stands now.

Councilman Stimatz said in the 911 Agreement he would like to see the same language as in Financial/Budget section b) that language should also be placed in the EMS Agreement.

Mr. Olson stated the 911 Agreement is a little bit more complex as it deals with a lot more money roughly about \$350,000 to \$365,000 a year. The first change is

just some clarification of the date. This is also a ten year agreement. It does have a renewal division and how you go about renewing it. Section 2 is Management and says the Communication Department is directly managed and operated by Pasquotank County with budget development and funding divided by both counties and the City. That is what we presently have right now. The Advisory Board stays the same. The only addition to the Advisory Board is that the two county managers and the city manager are ex officials of that board. From city staff perspective the most important part of this document is Section 5 which deals with finance and the budget. It requires that Pasquotank County provide a draft copy of the budget to the City by April 1st. We are in our budget sessions and we need hard numbers from the County on what we can anticipate in expenditures. That language is very similar to what we have in our Parks and Rec Agreement. These two agreements will be placed on the Joint City/County Meeting Agenda for Monday night.

6} COMMITTEE REPORTS:

a} Albemarle Economic Development Commission:

Councilwoman Hummer stated the Commission will meet on Wednesday morning. She would like to mention that last week the Norfolk Port Authority invited a group of leaders from Elizabeth City to go on a boat tour of the Port of Norfolk and to view all of their facilities. She had a conflict and couldn't go but she is hoping that a report will be given at our next meeting.

Councilwoman Baker stated in addition the Committee of 100 had a presentation on the HASIT program in Elizabeth City. That was well attended and well received as well.

b} Central Communications Advisory Board:

Mayor Pro Tem Walton stated they had not met.

c} Fireman's Relief Fund Board:

Councilman Spence stated they had not met.

d} Joint Land Use Plan Committee:

Councilman Stimatz stated the next thing that needs to be done is to create a contractual zoning capability for the City. Ms. Brooks told him that they were already working on it. That is the document that would allow us to do things like when that group came in and wanted to do the water front across from Charles

Park there. We couldn't work it out because it was an all or nothing deal. We are going to meet and talk about it.

e} NC Eastern Municipal Power Agency:

City Manager Olson stated our meeting that was scheduled for Wednesday has been cancelled.

f} Solid Waste Committee:

Councilman Ken Spence said they did not meet.

g} Elizabeth City Downtown, Inc.:

Councilman Donnelly said he had a couple of items. First of all they are still working hard on the Potato Festival and that is May 19th. We still need volunteers. He would like to thank Councilman Spence for volunteering and anyone else that is willing to volunteer. Mayor Peel and his wife have also volunteered to help out. He is not sure if the Council itself wants to put together a potato peeling team. He might add at one time Mr. Donnelly was the potato peeling champion for North Carolina. If Council or City employees want to put together a team then contact Rebecca for an application. The store front windows downtown will be updated by various organizations in time for the Potato Festival. There is a new business that has opened on Poindexter Street. It is the Footprint Christian Resources which is a bookstore that will be opening some time in June. A new salon has opened on Colonial Avenue across from the library. If you know anyone that is interested in serving on the ECDI Board, please have them to get in touch with Rebecca Cross as they are taking applications right now to fill vacancies. In addition to that ECDI has voted to support and sponsor the fireworks on July 4th in the amount of \$500. Before he forgets May 4th is the First Friday Art Walk with various artists. Arts of the Albemarle public Moth Boat project plus photography show awards will be taking place. The Moth Boats have been designed by various artists and he thinks they are going to be auction off at some time within the next few months at the Taste of the Albemarle on June 2nd. The Red Rabbit is also going to head for display. Rebecca Morgan will be showing her photography. The Elizabeth City Bed and Breakfast is sponsoring Amy Finn who does repurposing different types of furniture. Shay Leslie has a theme of Arts to Heart honoring Paul Foreman. ECDI has been very busy but things are moving forward in downtown Elizabeth City.

h} Elizabeth City Chamber of Commerce Board:

Mayor Peel stated the big news at the meeting was the fact that Jennifer Palestrant will be leaving as President of the Chamber. The Chamber will be looking for a new President. A lot of the things that we talked about, Councilman Donnelly has already mentioned

i} Finance Committee:

Councilwoman Hummer stated the Finance Committee met this morning for two and a half hours. She can assure you this is a hard working, tough hard working group. We didn't quite make it all the way through the General Fund. We saw a need to call another Finance Meeting for next Monday at 10:00 a.m. It is a long process and a very serious process this year.

j} Parks and Recreation Advisory Commission:

Mayor Pro Tem Walton stated since the Called Meeting we had we haven't met since. During that meeting the big issue was to change the tournament fee at South Park. That has been successful.

k} Alleyway Committee:

Councilwoman Hummer stated we haven't met.

l} Elizabeth City/Pasquotank County Airport Authority:

Councilman Stimatz said we talked about the state of the Airport and where we are at in meeting the job criteria. The Authority is very aware of that and we are still pretty positive about it. There are some other potential site visits coming up. The other piece of news that is out is that the Air Force is going to buy some aircraft and for budgetary reasons they decided not to finish the acquisition. There are a number of them in the system. The Coast Guard has stated they were interested and wanted to purchase those aircrafts. It is another aircraft that uses the same engines as the current C-130. It would be another asset in the Coast Guard inventory that would be more than likely than not to be overhauled in our area. We are going to be doing some strategic visioning and capture a lot of the things we have talked about in the documents and again if the plane crashes in a building we will know what to do. We discussed a lot of things like where the airpark should be going and how should we interact with the Coast Guard and other businesses, the school system, the University, etc. That is something that we will be doing over the next few months.

m} Storm Water Advisory Board:

Councilman Stimatz stated on April 5th we introduced ourselves to our new people. We went over the purpose of the Board which is basically to represent our citizen's interest and provide advice regarding ongoing efforts to deal with storm water issues affecting Elizabeth City. We are built in a swamp. The land is flat and the wind driven tides are major factors. We can only mitigate and minimize flooding. We know the system is not well defined or documented that includes mapping it, the status of the actual storm water features and equipment and what is the expected performance of the system. How do we get alerts that the system is not working correctly and the goals and responsibilities of all parties involved? A big issue is quality verses quantity. We are meeting tomorrow briefly to talk about some items for the budget input for Council so they can proceed with budget developments.

n) Energy Efficiency Commission:

Mayor Peel stated we had our last meeting last week. We spent the entire meeting talking about Code Enforcement. He has a meeting next week with the Code Enforcement Officer and then a meeting with Mr. Olson. We are going to pull altogether all the recommendations. Our final meeting with this Commission will be May 10th.

o} Tourism Development Authority:

Councilwoman Baker stated we have a meeting this Thursday. We are going to start the budget process. We are going to have presentations from various groups on how they spent their tourism grant money last year.

7} ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor Peel adjourned the meeting at 6:43 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Joseph W. Peel
Mayor