

MONDAY-5:30 P.M.

APRIL 26, 2010

WORK SESSION

The City Council of the City of Elizabeth City held its regular work session on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor R. A. McLean presiding. Council members attending were: J. M. Baker, M. E. Brooks, L. A. Hummer, R. E. King, B. S. Meggs, J. A. Stimatz and J. B. Walton. L Hill-Lawrence arriving at 5:45 p.m. City staff attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Human Resource Director F. W. Felton, Planning Director J. C. Brooks, Electric Director K. F. Clow, Fire Chief L. M. Mackey, Finance Director S. E. Blanchard, Public Utilities Director P. A. Fredette and Parks and Recreation Director B. V. White.

Mayor McLean called the meeting to order and established a quorum was present. He called upon Councilman M. E. Brooks for the invocation after which the Pledge of Allegiance to the Flag of the United States of American was given.

1} APPROVAL OF THE AGENDA:

Mayor McLean called for approval of the prepared agenda.

Councilman M. E. Brooks asked to remove Item #7-Modifications to proposed FY 2010-2011 Budget.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman J. A. Stimatz to approve the prepared budget to include the above noted item. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Hill-Lawrence, Hummer, King, Meggs and Walton. Against: None. Motion carried.

2} HEALTHY CAROLINIANS OF THE ALBEMARLE:

Mayor McLean recognized Ann Roach for comments.

Ms. Roach, Coordinator for Healthy Carolinians of the Albemarle stated the local mission is a community-based network of agencies and citizens dedicated to improving the quality of life through health and wellness. She has submitted previously the State of the County Health Report. She wanted to just let Council know a few things that they are doing. We are currently working on the Community Health assessment which is a requirement by the State every four years. We are doing 80 home assessments in each county that we represent.

That will give us some real local data to use in looking at future programs and where we need to direct our energies. We make you aware of your health numbers. We are currently working on a Latino Health Day that will be held in June. What she is here tonight for is to talk a little about the State of the County Health Report. She spoke of the comparison of Pasquotank County's data and surrounding counties as well as the State data. Last year cancer rose slightly above heart disease as one of the major causes of death in our county. We strive to make improvements in the health of citizens in our county

3} INTERLOCAL AGREEMENT AND MEMORANDUM OF UNDERSTANDING FOR CITY/COUNTY PARKS AND RECREATION DEPARTMENTS CONSOLIDATION:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson advised that the City and County Attorneys met on April 19th to discuss the framework for the MOU. The County Attorney did not have time to review this MOU before he left on vacation. He has received emails from several county commissioners who have some concerns about the MOU.

City Attorney Morgan said as Mr. Olson indicated we did meet with Mr. Cox last Monday and following that meeting he prepared the draft MOU. He tried purposely to keep it short. The MOU specifically states that Meads Pool is not covered under the MOU or the Interlocal Agreement. Attached to the MOU will be two exhibits. Exhibit A includes all city-owned parks covered under the agreement while Exhibit B covers the county-owned parks with Meads Pool shown as an exemption and he makes reference briefly to the fact that the South Park Sports Complex is the one property that is owned jointly between the two boards. He address concerns that were addressed at the last council meeting regarding the pending claim for the unfortunately death out at Fun Junction. It indicates that neither the City nor the County is going to be responsible for handling any claim that may have arisen as a result of an accident or other occurrence prior to July 1, 2010 which is the proposed effective date of the merger. The City and County will each list the other entity as an additionally insured on the general liability policies that the two boards carry. The City is not going to be responsible for any act of negligence that is the fault of the County and likewise the County will not be responsible for any act of negligence that is the fault of the City. Lastly, there is hold harmless and indemnify language for the City and the County.

Mr. Olson said he received an email from Chairman Stevenson and Commissioner Trueblood that had some concerns about the language within the MOU. The County Attorney is not available to answer those questions for the Board of County Commissioners and it is not appropriate for the City Attorney to answer

those questions because he represents the City. This is a draft MOU that may need some massaging. A lot of this will be dependent on what our Insurance Companies tell us they want to see in such a MOU. They are the ones writing the coverage, however, we do have an indemnification clause with the Board of Education which is very similar to the document that you have in front of you tonight. This is just one section of the overall consolidation agreement. You have had several meetings that there has been discussion concerning this consolidation agreement as he mentioned. This is Section 5D of the Consolidation Agreement which this MOU under the draft language which has already been approved by the county needed to be approved by each entity by April 1st but since the City Council has not agreed to the master document it was not timely for us to address those. He hit some of the highlights in the Interlocal Agreement. One was the City would be responsible for all parks that the City and County both own. We have 23 parks and the County has 6 parks that will be covered under the agreement. The County will provide 55% of the funding and the City will provide 45% of the funding of the Consolidation Parks and Rec Budget. Under the budget that he has presented that is \$698,764. The City will inherit and be responsible for the two county employees that are presently full time and they will be phased into our City employees benefit package. The Agreement will be in accordance with the Parks and Rec Consolidated Master Plan that was done three years ago. Both the City and County will separately and then jointly develop a capital improvement plan for all facilities. All assets will remain in the ownership of the unit that is bringing them to it. If in the future if a capital item will be purchased it will become a joint asset. It does require that we execute a MOU. It establishes a Parks and Rec Advisory Board that will consist of one county commissioner, one council person and two county citizens and two city citizens. The term of the board will be a five-year period. It will end June 30, 2010. There is specific language that will allow either party to terminate the Interlocal Agreement any time during the first five years as long as you give one year termination notice.

Mayor Pro Tem Hummer said that her motion on April 12th was to table this item until we got more information and more discussion. It was her hope that we would discuss it in a joint City/County meeting and hearing tonight that there are county commissioners who have concerns she doesn't see how we can be asked to vote on it tonight.

Mr. Olson said that the County has already approved the Interlocal Agreement. The issues center on the MOU which is made reference in the Consolidation Agreement. Unfortunately, our next joint city/county meeting is not until the end of May and a lot of these decisions need to be made sooner than later because we are both working on our budgets and we need to know how we budget for Parks and Rec. The budget that Council has sent to public hearing includes the funds for the consolidation. We need guidance on how we are to proceed.

Councilman Brooks asked about the two full time employees that will become city employees.

Mr. Olson said those two employees would no longer be County employees as they would become City employees.

Mr. Brooks continued by saying if our budget is as tight as we claim it to be and we just recently went through the battle with the nine firefighters, where is the money coming from for two additional employees.

Mr. Olson said that the County is paying 55% of the overall operating budget. Under the scenario that we presented you, the County would end up paying the City \$30,000 more than our expenses would be if we did not consolidate. That is just using the 55%-45% split.

Councilman Stimatz asked if anybody had a specific issue with the Interlocal Agreement or the MOU. We know the Commissioners have already agreed to the Interlocal Agreement. He knows the two issues were Meads Pool and Fun Junction. He is assuming those two have been taken care of.

Ms. Hummer asked if we shouldn't have a public hearing. She feels we need to involve the public in any kind of merger. It is important that two governing boards that make decisions to sit down together and make sure everything is included that meet the needs of both boards. She did not know it was going to come back so quickly.

Councilwoman Meggs said that she feels whoever wrote this up did a great job. She also feels like we are lucky to have this many parks and this much for the public.

Councilman King said we have discussed this countless times and the County has approved their part and it is up to now to get it approved. As long as we are not actually employing two new people and the County is paying their portion, he does not have a problem with it.

Mayor McLean stated that in conversations with members of the County Commissioners he feels it is an agreement that we have to consider at some point in time. He thinks it will be good for the County and the City. He does have some reservations about not having an agreement that is relative to our MOU. The MOU is something that we need to do.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King that we adopt the Interlocal Agreement as drafted and agreed to by the County Commissioners and that we

also approve in concept the MOU pending further tweaking by the respective insurance agencies subject to the minor typographical errors that were noted being corrected. Those voting in favor of the motion were: Stimatz, King, Baker, Hill-Lawrence, Meggs and Walton. Against: Brooks and Hummer. Motion carried.

4} COMMITTEE REPORTS:

a} Albemarle Economic Development Commission – Mayor Pro Tem Hummer stated we have a meeting this coming Wednesday.

b} Central Communications Advisory Board – Councilman Walton stated they met last Tuesday and had a small celebration for the workers. He also had the opportunity to take a tour of the facilities.

c} Elizabeth City-Pasquotank County Airport Authority – Councilwoman Hill-Lawrence stated Scott Hinton and Dr. Anthony Sharpe attended the Airport Meeting in North Carolina just this past week. They both did presentations. Dr. Sharpe gave a presentation on ECSU Aviation Program. She stated that from now on she will be bringing a copy of the minutes of their meetings.

d} Firemen’s Relief Fund – Councilman Stimatz stated that they have a meeting scheduled for tomorrow.

e} Joint Land Use Plan – Councilman Stimatz stated that CAMA still hasn’t approved our Land Use Plan. They are still requesting that we make changes after seven years working on this plan.

f} Joint Redevelopment Commission – Councilman Brooks stated he had no report.

g} North Carolina Eastern Municipal Agency – City Manager Olson stated that the meeting that was scheduled for this coming Wednesday has been cancelled. The next meeting will be in May.

h} Solid Waste Committee – Councilman King stated that their next meeting is May 6th.

j} Tourism Development Authority – Councilwoman Baker stated they had a meeting on Thursday and had a presentation from the HAS Group on the movement to unite the downtown communities, the Arts Center, Port Discovery and Museum. Their campaign is going to be based similar to what other cities that has it. History, Arts and Science. The presentation was very good and

showed how they were working together to do things for kids. They are working together and marketing it together. They are looking at parking issues and other potential problems that will come when the bridges closed. They are trying to take everything into account. One of the big approvals that we did was the County asked that \$35,000 of their Tourism Funds be transferred to the South Park Project. So that virtually left them almost out of money in their Tourism Fund. About a week ago we had a very good presentation on the Advertising and Marketing Co-op that the Tourism Office is heading up. It was a good presentation and a lot of retailers, restaurants, business people there to hear how they can work together to promote their businesses and the area at the same time and save money. This year it was in conjunction with "Our State Magazine" and they had representation there also.

She also reported that the Task Force on Customer Service met today and we are meeting every week. We had a presentation two weeks ago from COA about a survey we are proposing to do for the Customer Service Department. It is something that we finalized some questions today. We will send the survey to Customer Service for their input on questions and then we are planning on having COA conduct a survey probably on a computer or a couple of computers in the customer service area. We had a live request today from a new business owner and did not have a very good experience and he came to tell us personally about his experience.

j) ECDI – Councilwoman Meggs stated she could say that Elizabeth City Downtown is alive and doing well. We discussed the Potato Festival and we do have a team and we will get the money in and again she wants to say thank you to Tim for taking on such responsibility that he has taken on. The recent play at the Arts of the Albemarle was wonderful. If you haven't seen it get you a ticket and go see it. One of the things that we are having problems with is the parking situation. We got to talking about the parking lot behind the old Cader Harris building. It needs to be spruced up. We have a return of a clothing store. The Chocolate House that has moved on Water Street is open and she hopes everybody will support this business.

k} Water Committee – Councilwoman Baker stated she wasn't able to attend that meeting. She knows they had a tour of the reverse osmosis plant.

l} Chamber Board – Councilwoman Meggs stated the Chamber has done some alterations at their building. They announced the Teacher of the Year for May 5th and it is going to be at the Mid-Atlantic University. There will be a Chamber Golf Tournament on May 13th and Farmers Market is opening this Saturday. Membership is a little ahead of what it was last year.

m} Youth Task Force – Councilman Walton said tomorrow night at 6:00 p.m. we will have our initial meeting. Everybody is excited. We have about 25 members from all over the City.

Mayor McLean said that he wanted to thank the members of the Council who attend these various meeting. They are very important and they help us to do the kind of things that we need to do in our Council meetings.

5} ADJOURNMENT:

There being no other business to come before the Council at this time, Mayor McLean called for a motion to adjourn.

A motion was made by Councilwoman B. S. Meggs, seconded by Mayor Pro Tem L. A. Hummer to adjourn the meeting. Those voting in favor of the motion were: Meggs, Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

Mayor McLean adjourned the meeting at 6:38 p.m.

Dianne S. Pierce. MMC
City Clerk

Roger A. McLean
Mayor