

The City Council of the City of Elizabeth City held its April work session on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor S. S. Atkinson presiding. Those members attending were: J. M. Baker, L. A. Hummer, R. E. King, B. S. Meggs, J. A. Stimatz and V. C. Watts. D. B. Evans arrived at 5:55 p.m. and E. K. Rivers was absent. City Staff 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, Human Resource Director K. W. Felton, Police Chief C. E. Crudup, Fire Chief L. M. Mackey, Finance Director S. E. Blanchard, Parks and Recreation Director J. D. Overman, Electric Director K. F. Clow and Director of Public Utilities P. A. Fredette.

Mayor S. S. Atkinson opened the meeting by welcoming those in attendance. He called upon Councilwoman Anita Hummer for the invocation after which he led the Pledge of Allegiance to the Flag of the United States of America.

**1} AGENDA APPROVAL:**

Mayor Atkinson called for approval of the prepared agenda.

***A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman R. E. King to approve the agenda as presented. Those voting in favor of the motion were: Baker, King, Hummer, Meggs, Stimatz and Watts. Against: None. Motion carried.***

**2} REGULAR AGENDA:**

a} Port Discover

Ms. LouAnn Pendergraft stated that Port Discovery is a 501(c)3 non profit organization. We opened in June of 2006 and we are approaching our three year anniversary. Our Board of Directors who manages and directs what we do represents all the organizations. At a time when science education is critical to our children's success, Port Discover through outreach programs and in-center activities, is doing its part to provide quality informal science experiences for our local children. We have had over 2600 children and their parents access the services in Port Discovery since we have opened. Consider that we are limited to 850 square foot facility that is a lot of kids to be serving. We are working with

children within walking distance of Port Discover as well as children that come with their parents, school groups, youth groups' mentors as well as tourist. We are serving the boating community as well. We have families that are so thrilled to find something for their children who they are traveling with that is in walking distance of the docks. We all know with reading and math that science is tested at the end of the grade. It is becoming more and more critical that our youth has a strong science education. One of our most popular programs is Second Saturday Science. We bring someone in to work one on one with the children. That is a free program thanks to Gateway Bank. Although our members are great, Port Discovery's small facility restricts its operation. In the current space, field trips are limited to 25 children at a time. We have to turn away large, out of county school groups. Port Discovery is already a valuable draw to downtown Elizabeth City and the County.

Rhonda Twiddy said that we are at the five-year benchmark. The idea of Port Discovery was born in 2003. We are at the place where we are excited about the future but we have a lot of trepidation about the future as well because she will recap, 26,000 children and their adults, 850 square feet, 1.5 employees who work full time. When you do the math and stats there is a lot of stuff that you have to ask questions about. How are we going to continue as we are? What we did in February, we convened focus groups. The focus groups participants included our community partners. When we questioned the impact of Port Discover, we found that Port Discover is an important anchor located on Main Street and we bring people to downtown. Our second finding was Port Discover is used to sell Elizabeth City. We all know that tourism needs a product and be able to say, "Here is what we have". It improves the quality of life for residents. Up until this time, we have not charged any entry fee for any child that walked into Port Discover. We know that we need to expand our space. It is just impossible to have more than 25 children in there at any given time. We want you to realize that Port Discover is a tool for tourism development. We know that there are funds available from the restrictive funds. We are limited in many things. We can't bring in traveling exhibits, can't allow more than 25 children so we have been on the road for a few months now and made some presentations and we are ending here tonight just before you start your talking about deliberations on the budget. She would hope that you would consider that the same kind of investment and remember the pride you had in Museum of the Albemarle and the Arts of the Albemarle when they were looking to expand their space to enhance their physical presence and think about Port Discover. She asked that you will give consideration to the Port Discover.

b] Grant Opportunities for Fire Department:

Mayor Atkinson called upon Chief Mackey for comments.

Chief Mackey stated that he was here this evening to solicit your support and three grant proposals that we will be forwarding to FEMA. These three grant proposals are assistance to fire fighters grants. We have to prepare these grants and have them ready for submittal during the window that we are allowed to submit them. The first one would be for fighter positions. We would be requesting funding for nine additional fire fighter positions to help us meet minimum on shift staffing requirements. The second grant proposal is to replace the present ladder company that we have in service. This is a 1988 ladder company that we have. It was scheduled for replacement last year and it has not been replaced and we are hopefully tentatively scheduling it for replacement in two years. We are looking for additional funding from FEMA to help support the purchase of that particular piece of apparatus. The third grant would be for soliciting funds to build a third fire station. The need for the third fire station in this city has been acknowledged and placed in the budget by pass councils for a number of years. We find that this is a great opportunity for this City to solicit some of those funds to help us build that third fire station. This is a way to get additional funding to help the City in meeting the fire department needs. This City has been successful in the past in grant applications and we are hoping to continue that success with these three proposals.

c} Development Agreement with SAT-DEV-LLC and Tanglewood Crossing, LLC.

Mayor Atkinson called upon Planning Director J. C. Brooks for comments.

Ms. Brooks stated in 2007, City Council approved a preliminary subdivision plat for Parkway South at Tanglewood. This subdivision plat consisted of 19 lots in two phases. Eight of the lots were plated and went to record. In Phase II there are eleven lots. In Phase II there are two developers that own these parcels. One is Tanglewood Crossing, LLC and the other one is SAT-DEV, LLC. Currently SAT-DEV, LLC is ready to move forward with their half of the development. They have also purchased an additional hundred and some acres from John Crouse and are ready to move forward with a mix of commercial and residential development. However, Tanglewood Crossing is not ready to move forward because this has been plated as a preliminary plat and we have gotten into a situation where half is ready to move forward and the other half is not. There needs to be some time of development agreement made between both partners which would protect the development rights of Tanglewood Crossings and basically vacate SAT-DEV's portion so they can incorporate that into a larger subdivision plat that is currently moving forward and will be brought to you in a couple of months. We have met with both of these gentlemen and their attorneys and it was recommended that there be some type of formal agreement signed by the City and both developers in order to protect the interest of everybody moving forward with this.

Mr. Olson said that one of our concerns is the preliminary plat you have certain vested rights and by us vacating part of the original Phase II Plat that we may adversely affect the property owner that is not ready to go forward. As we told you back in the preliminary plat they did go forward and we are very happy with the design. It is a very good plat as it maximizes the amount of commercial space that we believe is necessary along Halstead Corridor. The problem is that we have one developer ready to go forward and another that is not for obvious economic reasons right now. Bill Morgan and he did review the proposed agreement and we have asked for several minor changes. We want a time frame as to when they have to come back and submit a revised plat. In consideration the preliminary plats are usually only good for twelve months and we are giving them twenty-four months once they submit the plat to go ahead and bring the item for a final plat to the City Council. We modeled this development agreement after the one that we have with Tanglewood for the whole Halstead Corridor. Tom Nash used it as a template. We want to make sure if these developers have a problem with each other that we are not sucked into the problem at some other point in time. There are no outstanding issues in this agreement that he is aware of at this time.

Councilman Stimatz said on Page 2, Paragraph 1.2 next to the last sentence it looks like a typo, it should read, "required on the". He asked if SAT-DEV needs a grace period to amend their plat. You give one to Tanglewood but not to SAT-DEV.

Ms. Brooks said that SAT-DEV is moving forward with the Stockbridge Subdivision plat. They are already incorporating their portion of this development into the Stockbridge. It is scheduled to go to Planning Commission next month. Hopefully, by June or July it will be at City Council.

***A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilwoman V. C. Watts to authorize the Mayor to execute the Development Agreement between the City of Elizabeth City and SAT-DEV, LLC and Tanglewood Crossing, LLC subject to approval from the City Attorney. Those voting in favor of the motion were: Baker, Watts, Evans, Hummer, King, Meggs and Stimatz. Against: None. Motion carried.***

### **3} COMMITTEE REPORTS:**

Mayor Atkinson stated he would call upon each representative for the Committee Reports.

Albemarle Economic Development Commission - Mayor Pro Tem Baker said she was at Legislative Days in Raleigh so she missed that meeting.

Councilwoman Hummer said that most of the discussion was in closed session as far as potential development so there isn't too much to report.

Councilwoman Meggs said the only other item was OLF and they did exactly what they were told not to do and the people over in Camden was really upset about it.

Central Communications Advisory Board - Councilman King advised that they had submitted their budget to the County and hopefully it will go through.

Elizabeth City-Pasquotank County Airport Authority - Councilman Stimatz said you have had reports from the City Manager concerning the DRS lease. Moving on that and we have an item on the Budget tonight for consideration.

Fireman's Relief Fund Board - Councilwoman Watts said they have not met yet as of this year.

Joint Land Use Planning Committee - Councilman Stimatz said he is sorry to report that we haven't had a lot of movement in that area. He talked with Ms. Brooks this morning and she advised him that we have resubmitted materials to the people that need to review it. Looks like we are going to have to move this up another level. He has been on this committee for over three years and we are no further along and it is killing us because there are things that we would like to be doing like Contractual Zoning and we can't do that without a Comprehensive Plan and we can't do a Comprehensive Plan without a Land Use Plan. We saw one opportunity on the waterfront go by because of it.

Joint Redevelopment Commission - Councilman King said he had nothing to report.

North Carolina Eastern Municipal Power Agency - City Manager Olson said that last Wednesday we had a meeting of the Eastern Agency and really nothing new on that front. We have had a number of outages and all of them have been planned outages at our plants that we are part owners in and unfortunately one of those outages lasted ten days longer than we anticipated and that means we have to go out and buy surplus power on the market place which means it is a lot more expensive than our base loading units. We are looking at a number of different financing options available to see what we can do to lower the debt but all those are in the preliminary stages right now. We will be doing one of our last advance refunding swaps by May 6<sup>th</sup>. The final one that we have still outstanding will be done sometime in September or October.

Solid Waste Committee – Councilman Evans said he has had some scheduling conflicts the last couple of months and he hasn't been able to make that meeting.

Tourism Development Authority – Councilman Rivers was absent.

ECDI - Councilwoman Meggs stated our meeting was mostly about the Potato Festival. It seems to be moving along and she hopes all of you have marked May 16<sup>th</sup> on your calendars. It is going to be bigger and better we hope. We haven't had the level of finances coming from sponsors as we have had in the past but we are still working at it.

Water Committee – Mayor Pro Tem Baker said the last couple of meetings have been centered on the County's RO Plant and their updates.

Councilwoman Hummer said that she attended the preliminary public forum prior to dispensing water and there were quite a number of residents who live within the area on the sound where the discharge from the RO plant will be emptied and the presentation was given by Hobbs and UpChurch and they fielded questions from the audience. One of the residents was a Marine Engineer and he himself answered a lot of the questions and pointed out a lot of technical things, but the concern was of course aerial spraying of the discharge verses the underwater system. The residents made such a good case when we got into the Water Committee meeting the Board voted to go with the underwater rather than the aerial spray.

Ms. Watts said like Ms. Hummer she was at the meeting and felt that it did have a lot of good participation from the public. She thinks that we were very informed.

#### **4} FINAL COMMENTS:**

Mr. Olson said that last Thursday you all received a memo from him and the Board of County Commissioners has approved the three different agreements. They were the Halstead Agreement, the Bulk Water Agreement for the RO Plant and the Franchise Territorial Agreement. The memo you received from him indicated that he had some reservations about two of the three documents. The County had made some last minute changes in those documents at the time they adopted them. We need further time to review them. He is planning to have them on your next council meeting.

#### **5} ADJOURNMENT:**

There being no further business to come before the Council Work Session at this time, Mayor Atkinson adjourned the meeting at 6:20 p.m.

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

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Stephen S. Atkinson  
Mayor