

The City Council of the City of Elizabeth City held its first meeting of the month on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor R. A. McLean presiding. City Council members attending were: J. M. Baker, M. E. Brooks, L. M. Hill-Lawrence, L. A. Hummer, R. E. King, B. S. Meggs, J. A. Stimatz and J. B. Walton. City Staff members attending were: City Manager R. C. Olson, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Parks and Recreation Director B. V. White, Planning Director J. C. Brooks, Inspections Director S. E. Ward, Fire Chief L. M. Mackey, Public Utilities Director P. A. Fredette, Finance Director S. E. Blanchard, Police Chief C. E. Crudup and Human Resource Director K. W. Felton.

Mayor McLean established a quorum was present and called the meeting to order. He called upon Elder Brackett and Pastor Phil Dowdy for the invocation after which the Pledge of Allegiance to the Flag of the United States of America was given.

**1} APPROVAL OF THE AGENDA:**

Mayor McLean called for approval of the prepared agenda.

Mayor Pro Tem Hummer asked to add for ***discussion the upcoming Memorial Day and a discussion on the service which is May 30<sup>th</sup>***; also, she would like to ***remove from the Consent Agenda Item #8- Appointment to Parks and Recreation Advisory Committee.***

***A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the prepared agenda to include the above noted items. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.***

**2} COMMENTS FROM THE PUBLIC:**

Mr. Winston Bonner, Lot 82 Hickory Village, Elizabeth City stated he has a two-fold problem. He lives in Hickory Village and it seems the Public Works takes them a long time to pick up yard clippings. It takes them three to four weeks to pick up the clippings. He has spoken with the supervisor but there is still a problem. Something needs to be done about this issue. Another issue is Road

Street. It is really in bad shape and he is asking that something be done about the lack of repairs on this street.

Mr. Ron Lowe, 511 Cedar Street, Elizabeth City spoke on behalf of the National Alliance for the Mentally Ill (NAMI). He explained this group offers a safe and supportive environment for family members and friends of people who struggle with mental illness. We have a lot of programs going on.

Mr. Manuel Baezor, 902 W. Colonial Avenue, Elizabeth City spoke regarding the "No parking" signs that have been placed on the 900 block of Colonial Avenue. He expressed his concerns over the lack of parking for the residents with the signs being put up. He encouraged Council to reconsider the placement of those signs on Colonial Avenue.

### **3} APPROVAL OF THE MINUTES:**

a} Special Meeting – April 4, 2011:

Mayor McLean called for approval of the April 4, 2011 Special Meeting minutes.

***A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the April 4, 2011 Special Meeting minutes. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.***

b} Budget Work Session – April 11, 2011:

Mayor McLean called for approval of the April 11, 2011 Budget Work Session minutes.

***A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the April 11, 2011 Budget Work Session minutes. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.***

c} Work Session – April 25, 2011:

Mayor McLean called for approval of the April 25, 2011 Work Session minutes.

***A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the April 25, 2011 Work Session minutes. Those voting in favor of the motion were:***

**Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.**

d} Regular Meeting – April 25, 2011:

Mayor McLean called for approval of the April 25, 2011 Regular Meeting minutes.

**A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the April 25, 2011 Regular Meeting minutes. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.**

e} Special Meeting – May 2, 2011:

Mayor McLean called for approval of the May 2, 2011 Special Meeting minutes.

**A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the May 2, 2011 Special Meeting minutes. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.**

#### **4} PRESENTATIONS:**

a} Asthma Awareness Month – May 2011.

Councilwoman B. S. Meggs read and presented a proclamation to Madeline Parrish, Patty and Mary Parrish, Lou Ann Williams and Kim Hollingsworth proclaiming the month of **May 2011 as Asthma Awareness Month** in Elizabeth City. Brief remarks were made by Madeline Parrish.

b} Mental Health Month – May 2011.

Mayor Pro Tem Hummer read and presented a proclamation to Shelia Davies and Roy Moritz proclaiming the month of **May 2011 as Mental Health Month**. Ms. Davies and Mr. Moritz gave a brief presentation on Mental Health Month which included an overview of the new UHS/DE Telepsychiatry Project and services offered by the local NAMI affiliate.

c} Dr. Roosevelt Newson, Chairperson, Music Department of ECSU.

Dr. Newson stated the Community Music School is an extension of the educational programs offered by ECSU. Created in partial fulfillment of the

University's mission to serve the diverse citizens who comprise northeastern North Carolina, the long term goal of the CMS is to offer comprehensive instruction in all of the areas deemed critical to the education of well-rounded musicians. The CMS will operate on a semester calendar. The initial offerings will include applied instructions in all instruments. Instructions will be offered to students who range in age from 7 to 70. The hours of operation will run from 3:30 -8:00 p.m. daily and from 8:00 a.m. to 5:00 p.m. on Saturdays. This is an informational item and he would be happy to talk with anyone at a later time.

**5} CONSENT AGENDA:**

Mayor McLean called upon City Manager Olson to read the Consent Agenda items.

***A motion was made by Councilwoman B. S. Meggs, seconded by Councilwoman J. M. Baker to approve the following Consent Agenda. Those voting in favor of the motion were: Meggs, Baker, Brooks, Hill-Lawrence, L. A. Hummer, R. E. King, J. A. Stimatz and J. B. Walton. Against: None. Motion carried.***

**CONSENT AGENDA:**

- a} Renewed the Conditional Use Permit CUP-01-09 by De Tours of Elizabeth City.
- b} Approved the live fire training for 1161 North Road Street and 708 North Road Street.
- c} Adopted the following Resolution for professional engineering and surveying services to Hyman & Robey; and authorized execution of same.

**RESOLUTION #2011-11  
AUTHORIZING EXECUTION OF AGREEMENT FOR  
PROFESSIONAL ENGINEERING AND SURVEYING SERVICE  
TO HYMAN AND ROBNEY, PC IN CONNECTION WITH  
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TIP U-4438  
AND THE CITY'S CDBG-ER INFRASTRUCTURE PROJECT**

**WHEREAS**, on March 28, 2010, the City Council adopted two resolutions, which awarded Contracts I and II for the Elizabeth Street Utility Relocation Project to George Raper and Sons as well as a contract for professional engineering and surveying services to Hyman and Robey, PC; and

**WHEREAS**, NCDOT has requested that professional engineering and surveying services to Contract III of the project, which encompasses the North Road Street/Pearl Street Infrastructure Project be included in the agreement; and

**WHEREAS**, an Agreement for Professional Engineering and Surveying Services by and between the City of Elizabeth City and Hyman & Robey, PC has been prepared to include Contracts I, II and III;

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

1} The contract be awarded to Hyman and Robey, PC in the amount of \$830,000 for professional engineering and surveying services related to Contracts I, II and III for NCDOT TIP U-4438; and

2} Further, that the Mayor and City Manager be authorized to execute the Agreement for Professional Engineering and Surveying Services, as provided.

**ADOPTED**, this 9<sup>th</sup> day of May 2011.

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Roger A. McLean  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

d} Adopted the following Fair Housing Plan needed to meet requirements of NC Department of Commerce for all grants.

**ELIZABETH CITY PLAN TO FURTHER FAIR HOUSING  
MAY 9, 2011**

**Grantee:** City of Elizabeth City

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**Recipient's Address:** P.O. Box 347,  
Elizabeth City, NC 27907

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**Contact Person:** Vincent Mani

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**Contact Phone #:** 252-337-6672  
x251

**I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.**

First Time \_\_\_\_\_ Past Activities  \_\_\_\_\_

**II. Identify and analyze obstacles to affirmatively furthering fair housing in recipient's community.** (Use additional pages as necessary)

Lack of Knowledge of fair housing laws and regulations:

The City works with local non-profits in offering workshops. The City also provides several public announcements/advertising 365 days a year related to fair housing laws on Public TV channel. Each advertisement runs three times a day.

Affordability Issues:

The City provides information about housing and homebuyer programs offered by Dept. of Agriculture. These programs help first-time homebuyers and low-income homeowners that face housing challenges. Unfortunately, North Carolina Housing Finance Agency does not offer any HOME program related assistance to the City residents. North Carolina Dept. of Commerce CDBG funds do not reach the City residents in the appropriate manner. The City lacks financial capability to offer any affordability program for homebuyers and low-income homeowners.

**III. Will the above activities apply to the total municipality?**

Yes  (City) No \_\_\_\_\_ **If no, provide an explanation.**  
(Use additional pages as necessary)

**IV. Briefly describe the quarterly activities that the recipient will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule and estimated cost for implementation of these activities must be included. *Activities must be scheduled for implementation at least on a quarterly basis.*** (Use attached table)

**Grantee: City of Elizabeth City**

Quarterly Fair Housing Activity	Months	Year	Estimated Cost	Actual Cost
<i>Example: Establish FH policy, Complaint Procedure</i>	<i>Jan-Mar.</i>	<i>20xx</i>	<i>\$xxxx</i>	<i>\$xxxx</i>
<p>1- Advertise in the local newspaper Fair housing complaint process phone number and email and TDD in English and Spanish</p> <p>2- Hold Fair Housing Work shop in cooperation with a local non-profit.</p> <p>3- The City will advertise prohibition against discrimination in housing, on local/public TV channel, in English and Spanish;</p> <p>4- The City will advertise, on local/public TV channel, grant/loan programs available for rehabilitation and homebuyer assistance through Department of Agriculture (DOA).</p> <p>5- The City will help low/moderate-income residents interested in applying for NCHFA and DOA grants/loans with applications and information.</p> <p>6- Will put posters in the City Hall and Customer Service Dept. areas.</p>	April, May, June	2011	\$500	
<ul style="list-style-type: none"> <li>• The City will advertise prohibition against discrimination in housing, on local/public TV channel, in English and Spanish;</li> <li>• The City will advertise, on local/public TV channel, grant/loan programs available for rehabilitation and homebuyer assistance through Department of Agriculture (DOA)</li> <li>• The City will help low/moderate-income residents interested in applying for NCHFA and DOA grants/loans with applications and information.</li> </ul>	July, August, Sept.	2011	0.0	
<ul style="list-style-type: none"> <li>• The City will advertise prohibition against discrimination in housing, on local/public TV channel, in English and Spanish;</li> <li>• The City will advertise, on local/public TV channel, grant/loan programs available for</li> </ul>	Oct, Nov, Dec.	2011	0.0	

<p>rehabilitation and homebuyer assistance through Department of Agriculture (DOA)</p> <ul style="list-style-type: none"> <li>The City will help low/moderate-income residents interested in applying for NCHFA and DOA grants/loans with applications and information.</li> </ul>				
<ul style="list-style-type: none"> <li>The City will advertise prohibition against discrimination in housing, on local/public TV channel, in English and Spanish;</li> <li>The City will advertise, on local/public TV channel, grant/loan programs available for rehabilitation and homebuyer assistance through Department of Agriculture (DOA)</li> <li>The City will help low/moderate-income residents interested in applying for NCHFA and DOA grants/loans with applications and information.</li> </ul>	<p>Jan., Feb, March</p>	<p>2012</p>	<p>0.0</p>	
<p>1- Advertise in the local newspaper Fair housing complaint process phone number and email and TDD in English and Spanish</p> <p>2- The City will advertise prohibition against discrimination in housing, on local/public TV channel, in English and Spanish;</p> <p>3- The City will advertise, on local/public TV channel, grant/loan programs available for rehabilitation and homebuyer assistance through Department of Agriculture (DOA).</p> <p>4- The City will help low/moderate-income residents interested in applying for NCHFA and DOA grants/loans with applications and information.</p> <p>5- Will put posters in the City Hall and Customer Service Dept. areas.</p>	<p>April, May, June</p>	<p>2012</p>	<p>\$400</p>	



**V. Describe recipient’s method of receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under this CDBG grant. Include a description of how the recipient informs the public about the complaint procedures. (Use additional pages as necessary)**

- 1) Any person or persons wishing to file a complaint of housing discrimination in the *city* may do so by informing the City Planning Dept. or City manager of the facts and circumstance of the alleged discriminatory acts or practice in writing.
- 2) Upon receiving a housing discrimination complaint, the City Manager shall acknowledge the complaint within **10 days in writing** and inform the Division of Community Assistance and the North Carolina Human Relations Commission about the complaint.
- 3) The City Manager shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the City.
- 4) The City shall publicize in the local/public TV channel and/or newspaper, with the TDD#, the Planning Dept contact information in regards to housing discrimination complaints.

Approved By:

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Roger A. McLean, Mayor

Signature

Date

e} Adopted the following Language Access Plan required for fair implementation of NC Department of Commerce for all Grants:

**LANGUAGE ACCESS PLAN  
2011-2012**

***CITY OF ELIZABETH CITY***

*The census data reviewed by the city show less than three percent of the city population speaks Spanish (approximately 570 individuals). The census data also suggests populations associated with other foreign*

*languages are less than one percent of the total city population (approximately 190 individuals). The City does not have substantial LEP groups.*

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, in some state and federal funded programs administered by the *City of Elizabeth City* will take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying substantial LEP clients with equal access to benefits and services for which such persons qualify. This policy document is related only to CDBG and CDBG-ER programs. This Policy document defines only the responsibilities the agency has to ensure individuals identified in section II.D that are part of substantial LEP groups can communicate effectively.

This policy and plan is effective June 1, 2011 to December 2012.

## **I. Scope of Policy**

These requirements will apply to the *City of Elizabeth City* (**herein referred to as "the agency"**) including subcontractors, vendors, and sub recipients.

The agency will ensure that appropriate LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving sub grants from the agency. The city will not pay any financial penalty in relations to problems in implementation of this policy.

## **II. Definitions**

- A. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language

at a level that permits them to interact effectively with health care providers and social service agencies.

- B. Vital Documents – These forms include applications, consent forms, bid documents, fair housing information, citizen participation plan, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.
- C. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
- D. Substantial number of LEP: 5% of the City population or 1,000 people living in the City, whichever is smaller, as reported in the census data reviewed by the city, are potential group of applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

### **III. Providing Notice to LEP Individuals**

The agency will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer(s).

List the current name, office telephone number and office address of the Title VI compliance officers:

*Vincent Mani, Community Development Manager, 252-337-6672, City of Elizabeth City P.O. Box 347 Elizabeth City, NC 27907.*

**(Note: The agency must notify the DCA compliance office immediately of changes in name or contact information for the Title VI compliance officer.)**

- A. The agency will post and maintain signs, in regularly encountered languages defined in section II. D, other than English in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free

language assistance services and invite them to identify themselves as persons needing such services.

**Identify areas within the agency where these signs will be posted:**

*Planning Dept. and City Hall Building*

- B. The agency will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).
- C. The agency will also disseminate information in the following manner:

*TV advertising on local public channel.*

**IV. Provision of Services to LEP Applicants/Recipients**

- A. Assessing Linguistic Needs of Potential Applicants and Recipients
  - 1. The agency will assess the language needs of the population to be served, by identifying:
    - a. the language needs of each LEP applicant/recipient
    - b. the points of contact where language assistance is needed; and
    - c. the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.
  - 2. Determining the Language Needs of the Population to be Served

The agency is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:

- a. The non-English languages that are likely to be encountered in its program will be identified.
- b. An estimate of the number of people in the community for who English is not the primary

language used for communication will be completed and updated annually. To identify the languages and number of LEP individuals local entities should review:

- i. census data
  - ii. reports from federal, state, and local governments
  - iii. data from client files
- c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.

3. Determining the Language Needs of Each Applicant/Recipient

The agency will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:

- a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language.

Check all methods that will be used:

- multi-language identification cards, a poster-size language list, or the use of "I speak" peel-off language identification cards for indicating preferred languages

X English proficiency assessment tools, provided they can be administered in a manner that is sensitive to and respectful of individual dignity and privacy

X As requested by applicant

- b. If the LEP person does not speak or read any of these languages, the agency will use a telephone interpreting service to identify the client's primary language.

- c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided free of charge. A declaration of the client will be used to establish the client's primary language.
- d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination.
- e. If any applicant/recipient is assessed as LEP, they will be informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.

B. Provision of Bilingual/Interpretive Services

- 1. The agency will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population.

This requirement will be met by: *Bilingual staff, local university staff, and other methods such as contractors.*

- 2. The agency will provide language assistance at all level of interaction with LEP individuals, including telephone interactions.

Describe how this requirement will be met: *qualified bilingual employees, and qualified employees of College of Albemarle (COA) and Elizabeth City State University (ECSU).*

3. Interpreter Standards

- a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency will ensure that interpreters and self-identified bilingual staff, have first been screened to ensure that the following standards are met before being used for interpreter services:

- i. Can fluently and effectively communicate in both English and the primary language of the LEP individual
- ii. Can accurately and impartially interpret to and from such languages and English
- iii. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency's services
- iv. Demonstrates cultural competency
- v. Understands the obligation to maintain confidentiality
- vi. Understands the roles of interpreters and the ethics associated with being an interpreter

Describe how the agency ensures the competency of bilingual staff and interpreters:

*The City will ask them to translate content of a document already known to the City. The City will ask COA and ECSU to evaluate their qualification.*

- b. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.
4. Using Family Members or Friends as Interpreters
- a. Applicants/recipients may provide their own interpreter; however the agency will not require them to do so.
  - b. The agency will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The agency will monitor these interactions and again

offer interpreter services, if it appears there are problems with this arrangement.

- c. The agency will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
  - d. Only under extenuating circumstances shall the agency allow a minor (under the age of 18 years) to temporarily act as an interpreter. The agency will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the DCA upon request.
5. The agency will **not** require the applicant/recipient to pay for bilingual/interpretive services.

C. Provision of Written Translations

- 1. The agency must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.
- 2. Translation of Vital Documents
  - a. The agency will ensure that vital documents for locally designed programs are translated into Spanish.
  - b. When DCA forms and other written material contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.
  - c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the agency (defined as 5%



or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the agency will translate and provide vital documents in the appropriate language.

- d. The agency will keep a record of all vital documents translated, and will submit this information to DCA at their request.
3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

D. Documentation of Applicant/Recipient Case Records

1. The agency will maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.
2. The agency will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the agency will:
  - a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.
  - b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the agency will document the circumstances requiring temporary use of a minor and will provide this information to DCA

upon request.

3. Consent for the release of information will be obtained from applicants/recipients when individuals other than agency employees are used as interpreters and the case record will be so documented.

E. Staff Development and Training

1. The agency will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:
  - a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
  - b. Cultural awareness information, including specific cultural characteristics of the groups served by the agency to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
2. The agency will provide or ensure training is provided for bilingual staff and interpreters employed or utilized by the agency. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the agency; and cultural competency.
3. The agency will ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirements of this policy.

Describe how this provision will be met: *The City will ask the groups mentioned above to read this document. The City does not have the capability to train people, but will participate in training programs offered by the State of North Carolina and federal government. In addition, the City will ask contractors to use training documents provided by the state.*

4. The agency will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency will ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

## **V. Compliance Procedures, Reporting and Monitoring**

### **A. Reporting**

1. The agency will complete an annual compliance report and send this report to DCA.  
(Format will be supplied by DCA)

### **B. Monitoring**

1. The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the DCA. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the DCA upon request.
2. The agency will cooperate, when requested, with special review by the DCA.

## **VI. Applicant/Recipient Complaints of Discriminatory Treatment**

### **A. Complaints**

1. The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
2. The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.
3. The agency will notify the appropriate agency or Division within DCA of complaints filed the date of filing, actions

taken and resolution. This information will be provided within 30 days of resolution.

B. Investigation

1. The DCA Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

C. Resolution of Matters

1. If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.
2. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.
3. If not resolved by DCA, then complaint will be forwarded to DOJ, HUD Field Office.

SUBMITTED AND APPROVED BY:

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Roger A. McLean  
Mayor

May 9, 2011  
Date

f} Adopted the following Section-3 Plan needed to meet requirements of the NC Department of Commerce for all grants:

**LOCAL ECONOMIC BENEFIT FOR LOW AND VERY LOW INCOME PERSONS PLAN (SECTION 3 PLAN)**

To insure that, to the greatest extent possible, contracts for work are awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, the City of Elizabeth City has developed and hereby adopts the following Plan:

This Section 3 Plan shall apply to services needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

This Section 3 covered project area for the purposes of this grant program shall include the entire City. When in need of a service, the City will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, and local directories. Word of mouth recommendation shall also be used as a source.

The City will include this Section 3 clause in all contracts executed under the CDBG Program. Where required, listings from any agency noted above shall be included as well as sources of subcontractors and suppliers.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Pasquotank County Employment Security Commission shall be notified and referred to the contractor.

Each contract for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in our project, In appropriate federal/state grant projects, prior to any contracting, major purchases or hiring, we will develop a listing of supplies and contracts likely to be utilized during the project. We will then advertise in the local newspaper the pertinent information regarding the project including all Section 3 required information.

**ADOPTED**, this 9<sup>th</sup> day of May 2011.

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Roger A. McLean  
Mayor

g} Adopted the following Equal Employment Plan (EEP):

**CITY OF ELIZABETH CITY**

**VII. EQUAL EMPLOYMENT AND PROCUREMENT PLAN**

The City of Elizabeth City maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, disability, age, political affiliation, or any other non-merit factor.

In furtherance of this policy, the City prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The City shall strive for greater utilization of all persons by identifying previously under utilized groups in the work force, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment. All City Departments will contact the City Human Resource Department for assistance in recruitment including recruitment of minorities.

Responsibility for implementing equal opportunities and Affirmative Action measures is hereby assigned to the City Manager to assist in the implementation of this policy statement.

The City shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of Equal Employment Opportunity and Affirmative Action will be presented to appropriate officials.

The City is committed to this policy and is aware that with its implementation, the City will receive positive benefits through the greater utilization and development of all its human resources.

**ADOPTED**, this 9<sup>th</sup> day of May 2011.

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Roger A. McLean  
Mayor

h} Adopted the following Citizen Participation Plan needed to comply with regulations for CDBG Grants:

**CITY OF ELIZABETH CITY  
CITIZEN PARTICIPATION PLAN**

A. The City of Elizabeth City encourages citizen participation in all stages of Community Development projects from the beginning of the application process to close-out of funded projects. Low and moderate income residents of slum and blight areas affected by a particular project are given notices through local TV advertisement and distribution of flyers in the area community centers.

B. Public notices will be published in the local newspaper announcing date, time and place of hearings and other meetings of elected officials where decisions will be made affecting City of Elizabeth City citizens.

C. The City will provide technical assistance to any citizen group(s) representative of persons of low and moderate income that request such assistance in developing proposals. Level and type of assistance will be determined by the grantee.

D. The City will hold a public hearing to obtain citizens comments at the beginning of each CDBG application process and another hearing after the application is drafted but prior to the submission of the application to the Department of Commerce.

The City will notify the public of these meetings by publishing a notice of the public hearing in the non-legal section of the local newspaper. The notice shall be published at least 10 days before and no more than 25 days before the date of the hearing. Public hearings will be conducted by the City Council.

Meeting to disseminate information to low and moderate income residents of slum and blight areas will be held at a location in or near the neighborhood at a

time convenient to the most potential or actual beneficiaries. Every effort will be made to accommodate handicapped individuals.

E. The City has a written Citizens Complaint Procedure, which will be followed for all complaints and grievances. The Compliant Procedure, among other things, provides for a timely written answer to written complaints and grievances, within 10 calendar days.

F. The City does not anticipate the need to accommodate non-English speaking residents at public hearings since the numbers of non-English speaking residents are very minimal. However, if the need arises, faculty from the local Community College' Foreign Language Department or city staff will be available to assist non-English speaking residents.

This plan is adopted this 9<sup>th</sup> day of May 2011.

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Roger A. McLean  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

i} Adopted the following Citizen Relocation Plan needed to comply with regulations for CDBG Grants:

## **RESIDENTIAL ANTI-DISPLACEMENT & RELOCATION ASSISTANCE PLAN**

### **CITY OF ELIZABETH CITY**

(Under Section 104(d) of the Housing and Community Development Act of 1974, as amended).

#### **I. PURPOSE:**

This Plan is established pursuant to Section 104(d) of the Housing and Community Development Act of 1974, as amended.

The principal objective of the Plan is to insure that persons displaced as result of CDBG-assisted projects are treated fairly, consistently, and



equitably so that such persons will not suffer disproportionate injuries as a result of a project designed for the benefit of the public as a whole.

## II. COMPLIANCE MEASURES:

The City of Elizabeth City will replace all occupied and vacant-standard Low-Moderate Income dwelling units demolished or converted with funds provided under the Housing and Community Development Act of 1974, as amended, in a way as described as follows:

1. The units must be located within the state recipient's jurisdiction and to the extent possible shall be located within the same neighborhood as the units replaced.
2. The units must be sufficient in number and size to house occupants who could have been housed in the units that are demolished or converted.
3. The units must be provided in standard condition.
4. The replacement units must be made available for occupancy during the period beginning one year before an agreement to convert or demolish the units in question is executed and ending three years after the commencement of the demolition or rehabilitation related to the conversion.

The units must remain Low-Moderate Income dwelling units for at least 10 years from the date of initial occupancy.

The City will not replace vacant units that are sub-standard and cannot be occupied legally according to City housing inspection.

Before the City of Elizabeth City enters into an agreement to provide funds that will directly result in the demolition of Low-Moderate Income dwelling units or the conversion of Low-Moderate income dwelling units, the City of Elizabeth City will make public and submit the following information in writing to the State:

1. A description of the proposed assisted activity;
2. The location on a map and the number of dwelling units by size that will be demolished or converted to a use other than for Low-Moderate Income dwelling units as a direct result of the assisted activity;

3. A time schedule for the commencement and completion of the demolition or conversion;
4. The source of funding and a time schedule for the provision of replacement dwelling units;
5. The basis for concluding that each replacement dwelling unit will remain a Low-Moderate Income dwelling unit for at least 10 years from the date of initial occupancy; and
6. Information demonstrating that any proposed replacement dwelling unit with smaller dwelling units is consistent with the housing needs of Low-Moderate Income households in the jurisdiction.

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act, the City of Elizabeth City will take all possible actions within its power to minimize the displacement of persons from their homes.

### III. ASSISTANCE TO PERSONS DISPLACED:

The City of Elizabeth City shall provide relocation assistance and payments as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 of the Housing and Community Development Act of 1974, as amended, Section 104(d) for residents displaced as a result of CDBG funded activities. All displaced residents who are eligible for other housing programs will be helped through that agency process. In addition, City staff shall provide housing counseling and referral services to assist displaced residents find alternative housing in the neighborhood.

### IV. DEFINITIONS:

Displaced Person: Any person, family, individual, business, nonprofit organization or firm operation that moves from real property, or moves personal property from real property, permanently and involuntarily, as a direct result of rehabilitation, demolition or acquisition (privately undertaken or public) for HUD-assisted program/project.

### V. AGENCY RESPONSIBILITY:

The City of Elizabeth City Community Development Department shall be responsible for the Implementation of this Plan as well as ensuring compliance with applicable Federal and State Laws and regulations. The City of Elizabeth City will identify and designate a Relocation Officer to perform functions in connection

with this Plan.

VI. CERTIFICATIONS:

The City of Elizabeth City hereby certifies that it will uphold the contents of this Plan and the intentions of the compliance measure stated within.

VII. ADOPTION:

This plan is adopted this 9<sup>th</sup> day of May 2011.

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Roger A. McLean  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

j} Adopted the following Citizen Complaint Procedure for CDBG which allows the City to manage the complaint process fairly and efficiently:

**CITY OF ELIZABETH CITY  
CITIZEN COMPLAINT PROCEDURE FOR CDBG**

Upon receipt of a written complaint, City staff shall evaluate the merits of the arguments and provide a written response within 10 days. If the complaint is not resolved, the citizen can schedule a meeting with the City Manager or his/her representative to further discuss the issue. If the City cannot resolve the issue, the citizen can contact North Carolina Department of Commerce regarding the complaint. If contacted by N.C. Department of Commerce, the City will discuss the complaint and its position with the agency and notify the citizen regarding the final conclusion of the issue.

This plan is adopted this 9<sup>th</sup> day of May 2011.

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Roger A. McLean  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

END OF CONSENT AGENDA

**6} PUBLIC HEARINGS:**

a} CDBG-ER Funds:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson stated in the latter part of 2010 the City applied for a CDBG-ER grant for improvements to Pearl Street/North Road Street. The first public hearing was held in September 2010. The City did receive notice in February that we were funded for this particular project. As part of the CDBG guidelines we are to let individuals know that we were funded and the value of the funding and what the project will consist of. That is the purpose of tonight's hearing. The City has received a \$950,000 CDBG-ER Grant. That money will be used along with \$850,000 of NCDOT monies to do the improvements along Pearl Street/North Road Street from Elizabeth Street to Ward Street. The total estimated cost of the project is \$1.8 million. Since it is tied into the Elizabeth Street and the bridge project we are able to get credit for 90 jobs that will be created over a four year period associated with the construction of the bridge.

Mayor McLean declared the public hearing open. Since there was no one who wished to speak for or against the CDBG-ER Grant and its proposed use, Mayor McLean declared the public hearing closed.

Mayor McLean said he wanted to let the citizens know the importance of these monies. It will address some of the issues that we have with Road Street.

Mr. Olson said North and South Road Street are both in dire need of repairs. Road Street is a NCDOT street and the City has no control over what work will be done on that street. Part of the problems with North Road Street is the sewer lines and water lines we have within the DOT right-of-way. DOT has worked with us over the last few years holding off improvements to that street until such time the City has a chance to repair or replace the water/sewer lines. Once we get done with this project DOT will come in and do some work on North Road Street. We will have a new travel surface hopefully by the end of this year.

Councilman Walton stated this is a CDBG grant and there is a minority hiring with this grant.

Mr. Olson said one of the items on the Consent Agenda also addresses the minority hiring issue. DOT will be establishing a DBE goal and it will be roughly 6% which means the contractor must have 6% minority contractors.

No action is required by Council.

b} Text Amendment – TA-01-11:

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

Ms. Brooks stated this code amendment before you tonight is to amend Section 11-4.44.1 of the UDO as it relates to separation distances for Internet Sweepstakes Cafés and to amend the hours of operations. Currently the ordinance states that distance separation is 1,000 feet to the closest point of the building. The code amendment before you tonight would delete the closest point of a building and would be reinserted to be 1,000 feet from main entrance of operation. The second part of the code amendment would be to amend the hours of operation. The current ordinance requirements limit the hours from 8:00 a.m. to midnight. A request has been made to extend the hours of operation. They are Monday through Thursday 9:00 a.m. to midnight, Friday and Saturday 12:01 a.m. to 12:00 a.m. which is a 24-hours period and Sunday from 1:00 p.m. to 2:00 a.m. Looking at the hours of operation once the establishment opens on Thursday morning they would not close until midnight Saturday night which would be 63 hours of operating time. Staff contacted 11 other jurisdictions in North Carolina and none had 24 hours of operations. This item was heard at the March Planning Commission meeting and they voted unanimously to approve the change in the distance from door to door however, they voted to deny the change of operating hours.

Mayor McLean declared the meeting into Public Hearing. Since there was no one who wished to speak for or against the proposed amendments, Mayor McLean declared the public hearing closed.

***A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. A. Hummer to approve the language to clarify the separation distances as being from establishment door to establishment door. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.***

Councilman Walton stated that he has a problem with some of the time frames that were suggested.

Councilwoman Hill-Lawrence stated she went and visited one of the Internet Sweepstakes Cafés. What she found was the owners were very polite and easy to talk with and in the mist of that she saw socialization taking place. The seniors were there socializing with other seniors that were there. Also, there were some learning experiences taking place as well because some of the seniors were actually learning how to use the internet. It was not all gambling as we think in terms of what takes place there. The lady next door which is Cato's said that some customers had been complaining because the smoke was seeping through the walls and going through and getting on the clothing in the store. The owner said she was trying to figure out what to do with that and to the best of her ability she had asked the people to smoke outside. She chose the front but she told her that she might get some resistance from having people sitting on the front smoking and it would be better if she used the back. She thinks she was going to see how she could orchestrate that and make that work better. She didn't see what she thought she would see as she thought she would see a lot of negativity there but she didn't experience that at all with this particular establishment. She doesn't know how to make the call on the time element.

***A motion was made by Councilman M. E. Brooks to approve the hours of operation from 9:00 a.m. to 12:00 p.m. on Monday through Thursday and 24 hours on Saturday 12:01 a.m. to 12:00 a.m. and from 1:00 p.m. to 2:00 a.m. for Sunday. Councilman J. B. Walton seconded the motion.***

Councilman Walton asked for a friendly amendment for Thursday night and Friday night to go from 9:00 a.m. until 2:00 a.m. and give a little lead way for close down time and then open at 1:00 p.m. on Sunday.

Mr. Brooks said they have stated the hours that they would like to have. If we change them that may not be the hours that they would like to have for operation.

***A motion was made by Councilman R. E. King, seconded by Councilman J. A. Stimatz to table action on this item in order that the establishments can be notified to come up here and speak. Those voting in favor of the motion were: King, Stimatz, Baker, Hill-Lawrence, Hummer, Meggs and Walton. Against: Brooks. Motion carried.***

c} Rezoning Request – RZ-02-11:

Mayor McLean called upon Planning Director Brooks for comments.

Ms. Brooks request RZ-02-11 is a request by Nevada Pierce represented by Tom Nash to rezone 1.29 acres of property at 1425 North Road Street. The property is currently zoned R-15. The applicant proposes to rezone the site to General Business. The property is surrounded by a mix of commercial, civic and institutional uses. The location of the site is on 17 North in a commercially oriented area. The item was considered at the March Planning Commission meeting and they were of the opinion that the surrounding land uses are more commercial in nature and the rezoning of this site is appropriate. They are recommending approval of this request.

Mayor McLean declared the meeting in public hearing.

Mr. Tom Nash, 117 Nixonton Loop, Elizabeth City stated he was here tonight on behalf of Nevada Pierce who is the owner of this property. She is 87 years old and is currently living in an assisted living home in Greenville, NC but she lived at this address for the latter years of her life. The house at this site was built in 1957 and it is currently unoccupied and probably could not be occupied as there is a lot of work to be done to the roof and electrical in the house. This property is just this side of the VFW building. Behind it is property of the Catholic Church. Across the street the property is zoned General Business. Just south is Emerald Lakes Apartments. The property was listed for sale as residential for a year and only two people even looked at the house. The Planning Department and Planning Commission are recommending that this zoning change be approved.

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

***A motion was made by Councilwoman J. M. Baker, seconded by Mayor Pro Tem L. A. Hummer to approve the rezoning request (RZ-02-11) from R-15 to General Business, GB. Those voting in favor of the motion were: Baker, Hummer, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.***

d} Conditional Use Permit – CUP-01-11:

Mayor McLean called upon Planning Director Brooks for comments.

Ms. Brooks stated the Conditional Use Permit 01-11 is a request by Kevin Stroud and Eric Rainwater for a conditional use permit to operate a pawn shop located at the 900 W. Ehringhaus Street shops. The application has indicated that they

will take pawns, offer title loans in addition to buying and selling precious metals and guns. The applications have met with the Chief of Police and appropriate safety measures will be taken at this location. This request is in compliance with the Development Standards of 11-4.56 of the UDO and that is separation requirements from residential properties and hours of operation ceasing after 10:00 p.m. to 8:00 a.m. The Planning Commission reviewed this application at their March meeting and recommends approval of the use permit with the eight conditions listed.

Mayor McLean declared the meeting in public hearing. Since there was no one who wished to speak for or against the proposed CUP, Mayor McLean declared the public hearing closed.

Councilman Stimatz said he has some questions. Why are Item 6 & 7 part of the CUP requiring them to get a building permit and electric permit that is already in the UDO and Code as far as he knows? Is there some reason for including it in this CUP? He has never seen it in another CUP.

Ms. Brooks replied that we ran this by the Building Inspector and if they do any electrical upgrades in the building they will have to get appropriate electrical permits.

Mr. Stimatz said that is true regardless. So why is this in the CUP?

Ms. Brooks replied it is in the CUP because it is a safety precaution that we put it in there.

Mr. Stimatz asked if it was something that we are going to do with every CUP from now on. The answer had better be yes.

Ms. Brooks said it depends on - - - -

Mr. Stimatz said no, you can't do that. If we are going to do this and establish a policy and he understands why because it gives you a reason to revoke the CUP, he doesn't have a problem with doing it. If we are going to do it, then you have got to do it with every CUP that comes before this Council. Otherwise you are not, Mr. Attorney are you paying attention here? There is a fair and equal treatment section in the constitution so he doesn't have a problem with it. He thinks it is a great tool because if you don't get your building permit or you don't use a licensed electrician he will just pull you CUP which is a lot more of a threat than anything enforcement has got up their sleeve right now. He doesn't have a problem with it but it had better be in every CUP from now on.



Ms. Brooks said we can make sure to do that but Council does have the right to establish appropriate conditions that they deem appropriate.

Mr. Olson said he thinks the way to address this is we will put a standard condition on all of our Special Use or Conditional Use Permits—*you must abide by all city codes*. He has had that in other jurisdictions. It is not specifically to electric because if they do anything they must abide by city codes.

Mr. Stimatz said with that change he does not see a problem. Is there a time limit on renewal? It doesn't say. Why are we open ended on this verses other CUPs that have time limits.

Ms. Brooks replied some CUPs in the development standards they do have time limitations that say they have to be renewed every year, depends on the use. Some use permits are deemed fairly safe.

Mr. Stimatz said they indicated they wanted to sell popcorn, snacks and soft drinks. Is that an allowable use?

Ms. Brooks said yes as it is a retail type of use. If they are prepackaged items you don't need any additional permits from the Health Department but if it prepared on site it would come under different rules and regulations.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to approve the Conditional Use Permit (CUP-01-11) with corrections to the deletions of Items 6 & 7 and rewriting them as a more generic requirement to meet all applicable federal, state and local rules and regulations. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Hill-Lawrence, Hummer, King, Meggs and Walton. Against: None. Motion carried.***

**7} REGULAR AGENDA:**

a} Five Year Waiver – Elizabeth City Housing Authority:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson said that we received a request from the EC Housing Authority to waive their payment in lieu of taxes payment. The City in 2006 granted the Housing Authority a five year waiver of the payment in lieu of taxes. The purpose behind that particular waiver was for them to utilize the amount of money that we were waiving to go ahead and make capital improvements to the housing units which were built in 1965 and 1973. The County also granted them

a payment in lieu of taxes waiver for that same period of time. We did receive a request this year asking us once again to waive the payment in lieu of taxes for a five year period. This particular item went before the Finance Committee and the Finance Committee made a favorable recommendation to this body to go ahead and approve the waiver. We received today a letter from the Housing Authority on how they will be utilizing the money.

Councilwoman Baker said that the County has turned them down for this extension which is the same extension that they are asking us for.

Mr. Olson replied that is correct.

Councilman King said that the waiver is needed because they are planning to do some things with the money. The County has rejected it but the housing is inside the City of Elizabeth City. When these houses start deteriorating people don't look at the County as they look at the City. We have 330 units and we are talking about \$17,500 to repair these units. That is not a whole lot of money. On the other side of that you are looking at serving anywhere from 1200 to 1300 people. It is important that we sit down and think about what we are doing which is a good thing to go ahead and approve this. As a city government we should look at our public housing and we need to take care of what is ours.

***A motion was made by Councilman R. E. King to approve the Elizabeth City Housing Authority's request for a five-year payment in lieu of taxes waiver. Councilman J. B. Walton seconded the motion. Those voting in favor of the motion were: King, Walton, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.***

b} Resolution – Water Street Intersection:

Mayor McLean called upon Mr. Olson for comments.

Mr. Olson stated NCDOT Board of Commissioners has approved funding in the amount of \$100,000 to assist the City with the Water Street Intersection Improvement project. In order for the Municipal Agreement to be drafted by NCDOT they are requesting that the Council adopt a resolution in support of the project to formally request the funds. This is a new requirement of NCDOT.

***A motion was made by Councilman R. E. King, seconded by Councilwoman J. M. Baker to adopt the following resolution requesting cost share of the Water Street Intersection Improvement Project from the North Carolina Department of Transportation. Those voting in favor of the motion were: King,***

***Baker, Brooks, Hill-Lawrence, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.***

**RESOLUTION 2011-12  
REQUESTING COST SHARE OF THE  
WATER STREET INTERSECTION IMPROVEMENT PROJECT  
FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the intersection of Water Street/Southern Avenue and Shepard Street in Elizabeth City, NC is plagued regularly by drainage problems and flooding generally caused by wind tide pushed waters from the Pasquotank River; and

**WHEREAS**, Water Street and Southern Avenue are state-owned streets and Shepard Street is a city-owned street; and

**WHEREAS**, these streets are highly traveled roadways and the intersection flooding/drainage issues are of major concern to the City Council for the public's safety; and

**WHEREAS**, an improvement project for this intersection has been a priority of the City Council since 2008 and is supported by the Public Works Department, the Police Department and the Fire Department; and

**WHEREAS**, the City Council has previously authorized design engineering work to evaluate concepts to improve the intersection;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elizabeth City supports an improvement project to elevate the Water Street/Southern Avenue and Shepard Street intersection and requests cost-sharing by the North Carolina Department of Transportation through a Municipal Agreement in the amount of \$100,000; and

**BE IT FURTHER RESOLVED**, that the City Council shall appropriate the balance of the funding for the project, estimated to be a total of \$450,000.

**ADOPTED**, this 9<sup>th</sup> day of May 2011.

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Roger A. McLean  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

c} Memorial Day Recognition:

Mayor McLean called upon Mayor Pro Tem Hummer for comments.

Mayor Pro Tem Hummer stated she, Councilman King, city staff and the whole Council really put together a really good ceremony for Veterans Day and it was so well received and we have had so many agencies calling us so with Council's approval we would like to ask staff to help us put together a simple ceremony for Memorial Day which is May 30<sup>th</sup> for a wreath laying ceremony. Also, when we purchased the flags and flew those for a few days after Veterans Day it was actually our intent to fly the flags permanently. When we hear of a northeaster or hurricane coming we can take them down. That was the purpose so that these flags would fly at Mariner's Wharf and be part of the welcome and recognition for Elizabeth City that we are a community of active duty and reserve military. So we would like to see the flags flown on a regular basis. If you could help us Mr. Olson to put this together we would appreciate it.

Mr. Olson said we need to know the time that you would like to have the event.

Mr. King said he believes that Westlawn's event starts at 1:00 p.m. He thinks if we have our event at 9:00 a.m. we wouldn't interfere with anyone else. We will not have as large event as we did for Veterans Day but we can do something smaller. He also thinks there was a cross signal about the flags. He thinks that they should be flown yearly because we have a lot of veterans in our town.

It was the consensus that we would have a Memorial Day ceremony.

**8} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

City Manager Olson said today we had a very successful opening of the Charles Creek Bridge. It was a great event and he would like to thank the staff for putting it together while he was gone last week. The bridge was open less than an hour before he had five complaints about vehicles going down Riverside in excessive amount of speed.

Mayor Pro Tem Hummer said she would like to say it was really a beautiful ribbon cutting. She thinks it was one of the best that she has seen and she would like to commend staff for putting all that together and giving us the

history behind the bridge and she hopes there will be some pictures that we can display at City Hall. One other thing she would like to ask if we could send a letter of appreciation to each private citizen that served on the Redistricting Committee and thank them for their service on that Committee. We do appreciate what they helped to do.

Councilwoman Meggs said she has had a lot of people to tell her how pretty those lights are on the bridge. That was part of Rich's doing and she wanted to thank him that you did add that to it. Also, today we had a Personnel Committee meeting this morning. Everybody was supposed to fill out a form for the performance evaluation of our City Attorney. She has not received them from everyone yet. Please get them back to her. Also, she wanted to thank Rebecca Cross and those who participated in the Downtown Clean Up Day. She understands that our beautiful fountain that was so dirty is now clean. She would like to see the police walk through there day and night on different occasions. Another thing is the Potato Festival that we are having. She has given out to everyone who signed up for the potato peeling contest all the rules and regulations.

Councilman Stimatz he would like to follow up on the "No Parking" signs on Colonial Avenue. He would note that those are unauthorized installation. Council did not approve their installation and he has been looking through past minutes for several years in recalling Mr. Brooks' efforts to get "No Parking" signs on a particular street. It is clear from the minutes as well as the manager's restatement of the City's policy that "No Parking" signs have to be approved by the Council. Those signs were never approved by the Council; therefore he made the following motion.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to direct the Manager to remove the all signs that have been installed and to forgive all parking tickets issued since their installation. If there is a need for those signs then that needs to come back to Council separately.***

Mayor Pro Tem Hummer said she would like to explain that this came about since the gentleman came up and spoke tonight and she has spoken to several people. This was in response to a number of complaints about the intersection of Holley and Colonial presenting a dangerous traffic hazard and it was an immediate thing the way she was getting complaints. Mr. Olson has been asked to study that and he has talked to the residents on Colonial Avenue. She would like to ask that Mr. Stimatz you wait until this study has been done and see what Mr. Olson gets from the study. It was an immediate problem. She would also like to point out since adopting this policy there was also the policy on a street that was being altered. There is nothing in the minutes that showed that Council

voted on that, so let's bring them all in under that. This was Fearing Street. Let's bring them all in and be fair about it. We do have a study that is on going and Mr. Olson has the facts or will have them in a few days on the signs. At least give him a chance since he has talked with the citizens in that block and promised to get back to them.

Mr. Brooks asked how long it would take to complete the study.

Mr. Olson replied that the data has been collected but has not been an analysis on it. He was out of the office last week and Paul Fredette was out the week before that. We have done a speed study on the street and we are comparing it to some previous data we collected about two-three years ago. Based on that data he thinks it will show us what we need to do.

***A motion was made by Councilman M. E. Brooks, seconded by Councilman J. B. Walton to table action on this item until after the Manager completes the study.***

Mr. Stimatz said he will withdraw his motion. He is trying to make a point for everybody that is here. This is a policy that Council has followed. This is a policy that was shoved down Councilman Brooks' throat a number of years ago. It is a policy that has been reiterated by Mr. Olson on more than one occasion in the Council's minutes in the past five years. Maybe we had an issue but Mr. Olson incorrectly took action which he has stated specifically on more than one occasion he is not authorized to take. That is his point. The citizens were not informed, they weren't told and we weren't told there was a traffic problem and we weren't told there was going to be a traffic study and action was taken without authorization from this Council. That is the real point here. He will withdraw his motion. He will just ask that until you finish studying this that every parking ticket given since you installed them be forgiven. So we don't know if that was the answer either. He has made his point.

Mayor McLean said since Mr. Stimatz withdrew his motion the item becomes moot.

Mr. Stimatz asked if Council agrees with him that we will just forgive all parking tickets until the study is done which is the right way it should have been done. We have a traffic calming program in this City. We passed it several years ago. If there was an issue with traffic calming then the Traffic Calming thing should have been initiated by staff and it should have been directed to Council. That is his problem here. We have procedures to handle this and it wasn't done correctly.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to forgive all parking tickets given since the installation of the "No Parking" signs until we come up with the right solution.***

Mayor McLean asked what street are we talking about.

Mr. Stimatz said between Holley Street and Griffin or Ashe on Colonial Avenue. It is just where the new signs have been put up. That one block between Holley and Griffin. That is the block he is talking about.

Mr. Brooks asked how many tickets have been given.

Mayor Pro Tem Hummer and City Manager Olson said they were not aware of any tickets being issued.

Councilman Stimatz said he is aware of one.

Councilwoman Meggs asked if only one was given what was the problem, could he not read the signs or he couldn't see the signs.

Mr. Stimatz said he parked real quickly to go into his house to do something because it was convenient and he got a ticket. He wasn't fighting it. He told me he knew he had to pay it. My point is the signs were not authorized to be put up to begin with. They were never authorized by this Council.

Ms. Meggs so it has only been one ticket.

Ms. Hummer said Mr. Olson she would like to remind you and she is sure you have spoken to the Chief about it but there is still a dangerous problem which she has presented to you and if someone gets t-boned there she will just tell them to sue the City. You have to address that initial problem that she gave you.

Mr. Stimatz said he represents that Ward and he has never heard about it. He thinks other members on Council would have too because if we have a problem in another Ward they would like to know what the procedure is. Again, it gets back to if you are going to treat everybody the same. Let us all have the information and tell us what the process is and we will follow it. He will be glad to follow it. When you don't tell him and you don't follow it he has a real problem Rich.

Ms. Hummer said she really doesn't want to get into this but the same goes for Fearing Street. Let's do it right. She would have like to have known about that

before the asphalt was taken up too. She did research the minutes and she had staff research the minutes so we need to vote on all that.

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

Councilman Brooks stated he had no further comments tonight.

Councilwoman Hill-Lawrence said she would like to comment on the visit from the President of the National League of Cities on Wednesday. It went very well and was well attended. In fact she has gotten very good feedback from it. She would like to have him come back again as he gave out some valuable information. He let us know how they were successful in securing a large amount of the CDBG funding. He had a good visit. He said he was willing to come back and we will work on that. He also introduced a prescription drug program for the City. The cards would have the City's logo on it and it is free and it offers 25% off prescriptions. This is offered by the National League of Cities as well. We are going to see if we can put that into effect and have our City be one of those that receives the prescription drug programs.

Councilman King said he wants to follow up on Councilwoman Lawrence's comments. When Mr. Mitchell was here he was also enthusiastic about Michelle Obama's "Lets Make a Move Program". It is very important that we get aboard and try to help some of the obese kids in our community. The next thing he has is he would like to say congratulations to the Chief for Officer Valentine who graduated Saturday magna cum laude

Councilwoman Baker said she just wanted to make note of the Elizabeth City Historic Neighborhood Association Preservation Auction and Raffle this coming Saturday. It is at the Center of the Arts of the Albemarle. May is National Preservation Month and the theme this year is celebrating America's Treasures. All preservation groups throughout the country are going to try to do something to bring to light the fact that we need to save what we have got for future generations. A lot of the decorations will be items from the salvage store, architectural salvage, couple of windows downtown done up with salvage door, windows, doorknobs, things like that you can buy at the salvage store. They are also going to decorate the Center on Saturday. Tickets are \$25.00 that includes dinner, wine, door prize entry and the martini bar. There will be a live auction, Chinese raffle, silent auction and the merchants will be very generous and the members will be very generous to donate gifts. She has tickets if anyone is interested in going. It starts at 6:30 p.m.



Councilman Walton said he thinks the people that attended Town Hall Day last Wednesday had a very productive day. The members got a chance to meet with Representative Stan White. We shared some of the issues that we have in Elizabeth City. He is not saying he is going to fix them all but at least he heard about what our problems are. That was a great day for us.

Mayor McLean said that we have the Relay for Life coming up. That is Friday and please try to attend. Penny Leary retired about 31 years working with the Dismal Swamp Canal Visiting Center. Willy Mae Overton is retiring from the Albemarle Hospital after working 50 years. We need to attend her retirement. The bridge dedication was really nice. It is a beautiful bridge and he wants to thank the staff, engineers and construction crews for all their hard work. He wants to say that the ECSU Commencement was a great affair. We attended the Town Hall Day and he was impressed with Representative Stan White. We also had a chance to meet with Daniel Blue, the former Speaker of the House. We all met with them as a group. We were very happy to find out that the Powell Bill money is still in play. We are not going to lose the Powell Bill money. We are trying to get the Golden Leaf monies back. There are still some people working on that. He wants to thank the Council for all the work that you do and the dedication you give. He wants to thank the staff of Elizabeth City for what you are doing as well as the citizens who will stay with us to make sure we are doing the right thing. All your comments and prayers are really appreciated.

**9} CLOSED SESSION:**

Mayor McLean called for a motion to retire into Closed Session.

***A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to retire into Closed Session for consideration of possible land acquisition as per NCGS 143-318.11(a) (5). Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.***

Mayor McLean declared the meeting into Closed Session.

**10} RETURN TO REGULAR SESSION:**

**A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to return to regular session. Those voting in favor of the motion were: Stimatz, King, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.**

Mayor McLean declared the meeting back into full session of Council.

**11} ADJOURNMENT:**

There being no further business to come before the Council at this time, Mayor McLean entertained a motion for adjournment.

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

Mayor McLean adjourned the meeting at 9:40 p.m.

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

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Roger A. McLean  
Mayor