

The City Council of the City of Elizabeth City held its second regular meeting on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor S. S. Atkinson presiding. Council members attending were: J. M. Baker, D. B. Evans, L. A. Hummer, B. S. Meggs, E. K. Rivers, J. A. Stimatz and V. C. Watts. R. E. King was absent. Staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, Planning Director J. C. Brooks, Finance Director S. E. Blanchard, Human Resource Director K. W. Felton, Public Utilities Director P. A. Fredette, Parks and Recreation Director J. D. Overman, Inspections Director S. E. Ward, Electric Superintendent K. F. Clow and Captain G. F. Koch.

Mayor Atkinson called upon Councilwoman B. S. Meggs 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 action regarding the prepared agenda.

Mayor Pro Tem Baker asked to remove ***Item #7-a – Resolution authorizing the City Manager to execute necessary documents to grant NCDOT a permanent utility easement*** from the Consent Agenda for discussion.

***A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman J. A. Stimatz to approve the prepared agenda as presented to include the above stated addition. Those voting in favor of the motion were: Baker, Stimatz, Evans, Hummer, Meggs, Rivers and Watts. Against: None: motion carried.***

**2} PRESENTATIONS:**

1} Carolina Cup Regatta

Mayor Atkinson recognized Shirley Outlaw.

Ms. Outlaw, Chairperson for the Carolina Cup Regatta that will be held on June 7-8 at Elizabeth City Waterfront. She invited members of Council to the kick-off party on Friday, June 6, 2008 from five to eight on Groupers Deck. She invited everyone to attend the Regatta. This is their third annual event. This year they hope to have over seventy-five hundred spectators and we hope to bring in \$2.8

million to Elizabeth City. She shared a little history about power boat racing in Elizabeth City.

She also expressed some concerns over an issue that has come up within the last few weeks. She introduced Lauren Hill who is the 2008 Vendor Chairperson.

Ms. Hill said that she wanted to make a brief comment. She called Denise Richards with the Downtown Market to make sure that she knew that we had rented Mariner's Wharf for the weekend. We found out that we were both planning to have the same area the same weekend. We have worked with them and we are going to share the area. Their concern is what happens next year.

## 2} Bocce Ball Bash for Special Olympics

Mayor Atkinson recognized Holly Koerber for comments.

Ms. Koerber stated that a Special Olympics even is being planned for Saturday, July 19, 2008 at Waterfront Park. This is the 40<sup>th</sup> Anniversary of Special Olympics and the first year in many that law enforcement agencies from our region are participating in the torch run. We are proud this year to be hosting the 1<sup>st</sup> Annual Bocce Ball Bash tournament on July 19<sup>th</sup>. It is hoped that we have 100 4-6 person teams participating. She went on to explain the concept of the tournament. At the conclusion there will be awards given at a "Dancing under the Stars" event. Bocce ball is a fun, simple informal game. She invited everyone to the park this summer to learn to play bocce ball.

Robert Tadlock invited all of Council as well as the Mayor to join us at Mariner's Wharf Park at 6 p.m. this Friday, May 30<sup>th</sup> for a ceremonial throwing of the first bocce ball.

Ms. Koerber stated that she is requesting that the City consider this Special Olympics bocce ball tournament for \$1000 funding from your tourism reserve. We felt this event meets the criteria for attracting tourist.

Councilman Stimatz asked do we need to take action on that request and how do we do it?

Mr. Olson replied that as the Council is well aware of, we have to submit an application to the TDA if that is the identified funding source. Of course whether or not that funding is approved is strictly up to the TDA. The only thing that we need is approval to submit an application to TDA for the \$1000 they are requesting.

Councilwoman Hummer stated that this sounds like a great idea but she would like to ask if Marnier's Wharf Park is large enough to accommodate all these activities and what will games on the grassy area do to the turf since this is our best park and we want to preserve that area.

Parks and Recreation Director Overman said that he thinks that the park area is large enough to support a couple sets or a couple games at one time as long as there are not permanent lines put down.

Mr. Stimatz said that he did not know the protocol for this but if we have to discuss this potential funding we probably ought to do it tonight. Rich is timing critical or can we put it on our next meeting's agenda?

Mr. Olson said that we haven't prepared anything. This is basically a presentation not so much an action item. The only thing that staff is seeking is the desire of the City Council for us to submit the application. That is all that we need. That can be done tomorrow at our Budget Work Session or just authorize it tonight.

Mayor Atkinson stated that he thinks Councilman Stimatz's point is well taken. He certainly doesn't want to start a precedent by adding things to the agenda that haven't been approved by staff or this council which we have done, but in this case he thinks that they need to move forward with it and if it is the Council's wishes tonight he will allow a motion to be made if that is what he is hearing you say. That is going to be up to Council. You can vote yes or you can vote no.

***A motion was made by Councilman J. A. Stimatz to have staff prepare a request to TDA for \$1,000 for this event. Councilman D. B. Evans seconded the motion. Those voting in favor of the motion were: Stimatz, Evans, Baker, Hummer, Meggs, Rivers and Watts. Against: None. Motion carried.***

### **3} COMMENTS FROM THE PUBLIC:**

Mayor Atkinson asked the Clerk the number of people that have signed up to speak.

Ms. Pierce-Tamplen replied that we had nine people who had signed up to speak. Two of those allocating their time to another individual. She called Ramona Gilbert to the podium.

Ramona Gilbert, 1623 Penny Drive spoke regarding her opposition to removing the \$50,000 in funds for non-profits from the proposed budget. She asked Council to reconsider allowing these funds in the budget.

Vickie Thompson, 1719 Edgewood Drive, spoke regarding her opposition to removing the \$50,000 in funds for the non-profits from the proposed budget. The Tabernacle of Faith requires money to operate and it is a necessity to help those homeless and unable to even feed themselves. She asked Council to reconsider putting the funds back into the budget.

Diane Brothers, 780 Hwy 33, Hobbsville, NC informed Council that Tabernacle of Faith does need the funds to continue operating. Where would those less fortunate be if we were not to help them in their time of need. Please reconsider putting those funds in the budget.

Phyllis Saunders, P. O. Box 2777, Elizabeth City informed Council that she is a resident of the Tabernacle of Faith Homeless along with here eleven year old son. She has no idea where she would be today if Pastor Robertson had not taken her in. Please reconsider putting those funds back in the budget to help those like her.

Pastor Oliver Robinson, 757 Forman Bundy Road, Elizabeth City, stated that he felt that it was a shame that Council removed these funds. What is our purpose but to help those in need? It is not right so he is asking that you do the right thing and put those funds back in the budget to help those less fortunate than you.

Richard Gilbert, 1623 Penny Drive, Elizabeth City stated that he didn't come to talk about non-profits but listening to the folks talk, but he really enjoys watching your budget session on television. He feels that you went to the opposite extreme with the non-profits. He expressed his concern with the city attorney obligating the city for the transcript from the Rivers' resident challenge. He gave his suggestion on the remedy for this issue.

Johnnie B. Walton, 401 New York Avenue, Elizabeth City spoke regarding his concern over the proposed 10% increase in the electric rates. He feels that is to high an increase at one time. We have a lot of senior citizens who are on fixed incomes that just can't afford that high increase. He also spoke regarding the removal of the \$50,000 for non-profits. He feels that you should do more than the proposed \$10,000.

#### **4} CONSENT AGENDA:**

Mayor Atkinson called upon the City Manager to read the Consent Agenda.

Following the reading of the Consent Agenda,

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

Consent Agenda:

- a} Approved the execution of 2008-2009 Elizabeth City Housing Authority Protective Services Contract.
- b} Adopted the following Resolution supporting House Bill 274 – Street Gang Prevention Act and instructed the Clerk to forward same to Representation Bill Owens.

**RESOLUTION #08-5-8  
SUPPORTING HOUSE BILL 274  
STREET GANG PREVENTION ACT**

**WHEREAS**, gang violence is a growing problem throughout the State of North Carolina and has been recognized by North Carolina League of Municipalities, the North Carolina Metropolitan Coalition, Governor Mike Easley, the Governor's Crime Commission and the North Carolina Department of Crime Control and Public Safety as a significant public safety issue that threatens our schools, neighborhoods and communities all across North Carolina; and

**WHEREAS**, the City of Elizabeth City has three known gangs and over one hundred gang members actively being investigated and tracked by local law enforcement officials; and

**WHEREAS**, the City of Elizabeth City and its citizens have committed to bring an end to gang violence and to find an effective means of deterring criminal activities through cooperative programs locally, statewide and nationally; and

**WHEREAS**, the Elizabeth City Council, in an effort to improve neighborhoods and safety in all areas of the City, has adopted a goal to address gang activity through gang awareness, education, information sharing and enforcement; and

**WHEREAS**, the General Assembly has introduced House Bill 274 Street Gang Prevention Act that promises to protect every person from fear, intimidation, and physical harm caused by the activities of violent groups and individuals; and

**WHEREAS**, House Bill 274 will make it illegal to threaten a person or the family of a person leaving a gang; increase penalties for crimes committed while conducting gang activities; allow government agencies to confiscate property used by gang members; and provide grants focusing on gang violence and gang related crimes in order to make our communities safer for all citizens,

**NOW, THEREFORE, BE IT RESOLVED**, that the Elizabeth City Council urges the General Assembly to adopt House Bill 274 and appropriate funds for prevention and intervention programs as proposed and bring the initiatives supported by the legislation into law in order to protect the citizens of Elizabeth City and North Carolina.

**ADOPTED**, this the 27<sup>th</sup> of May, 2008.

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Stephen S. Atkinson  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

c} Accepted the update on TA-01-08 Window Signs

End of Consent Agenda

**5} REGULAR AGENDA:**

a} Adoption of Resolution authorizing the City Manager to execute necessary documents to grant NCDOT a permanent utility easement.

Mayor Atkinson called upon Mr. Olson for comments.

Mr. Olson stated that he could see based on staff's memo why everyone is a little confused. It states US 158 West of the Camden Bridge. We are talking about a 500' property, roughly 17' wide on the north side of US 158. That would be going from the Marina Restaurant to the bridge.

Mayor Pro Tem Baker said that she removed it from the Consent Agenda because of the confusion of the east and west.

***A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilwoman B. S. Meggs to adopt the following resolution authorizing the City Manager to execute the necessary documents to grant the NCDOT a permanent utility easement along a portion of Route 158 east of the Camden Bridge. Those voting in favor of the motion were: Baker, Meggs, Evans, Hummer, Rivers, Stimatz and Watts. Against: None. Motion carried.***

**RESOLUTION #08-05-9  
AUTHORIZATION APPROVING DOCUMENTS TO GRANT  
NCDOT A PERMANENT UTILITY EASEMENT ALONG  
PORTION OF ROUTE 158 EAST OF THE CAMDEN BRIDGE**

**WHEREAS**, the City Council of Elizabeth City, North Carolina, at its Board Meeting of May 27, 2008, discussed the business of conveying a right-of-way to the North Carolina Department of Transportation, an agency of the State of North Carolina, and

**WHEREAS**, the construction of State Highway Project R-2414A, 34430.2.4 makes it necessary for the North Carolina Department of Transportation to acquire a permanent utility easement;

**NOW, THEREFORE, BE IT RESOLVED**, and by this resolution the City Council does hereby authorize the City Manager to execute the necessary papers on behalf of the City of Elizabeth City.

**ADOPTED**, this 27<sup>th</sup> day of May 2008.

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Stephen S. Atkinson  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

b} Adopted the following Budget Amendment to record final budget amendment for close out of Hugh Cale Revitalization Strategies Grant.

Mayor Atkinson called upon Mr. Olson for comments.

Mr. Olson said that during the April 28<sup>th</sup> meeting this particular item was placed on the Consent Agenda for your approval and subsequently because of questions you only approved two of the three sections that were included in the original budget amendment. This budget amendment addresses accounting associated with the Hugh Cale Revitalization Strategies Grant close out.

Finance Director Blanchard informed the Council that an audit firm, McGladrey and Pullen, out of Morehead has agreed to do the audit of this grant. They are expecting to conduct the audit in the latter part of July or the first of August. They will be providing us an engagement letter.

Ms. Watts asked Mr. Olson what happened to the idea of the State conducting an audit.

Mr. Olson replied that he was not actually involved with that as he believes that was Councilman Stimatz that had that conversation. He believes that we were to hire an outside firm and the audit would be done under the authority of the State Auditor.

Mr. Stimatz said that he doesn't have a decision for it but he talked with the deputy auditor and at the time he indicated that the State doesn't normally step in as they were resource constrained. Their preference was for us to go ahead with our own audit and if need be they might consider allowing that auditor to use the State Auditor's authority to inspect books, etc. His understanding was that we were still going ahead with our own auditor. If we went through the list of six and couldn't get there that would be the time we go to the State Auditor and say look we can't find anybody that wants to play, so can you help us out. He has a problem with the phrase that says all grant revenues have been received when one of the revenue items is program income and we know for a fact that there is \$91,000 in Program Income from the sale of 709 Harrington that we haven't gotten back yet. He takes exception to that particular, "all grant revenue has been received."

Ms. Blanchard replied that all grant revenue from the State has been received.

Mr. Stimatz replied that unfortunately your document doesn't reflect that. He understands that but what you are showing here is revenue and you show program income. If you want to take that line out of there then you need to

take out all grant revenue have been received because all grant revenues have not been received.

Ms. Blanchard said that all DCA grant revenues have been received.

Mr. Stimatz said that he understands that Ms. Blanchard but when you read this document, the document shows program income has a revenue and that is not revenue from DCA. You can amend it to say, "All grant revenue funds from DCA has been received." You need to qualify that or take it out.

Mayor Atkinson said that Mr. Stimatz makes a valid point as he understands him fully. If that will work for Council we will move forward.

***A motion was made by Councilwoman B. S. Meggs to approve the following budget amendment to include the amendment stated by Councilman Stimatz. Councilman J. A. Stimatz seconded the motion. Those voting in favor of the motion were: Meggs, Stimatz, Baker, Evans, Hummer, Rivers and Watts. Against: None. Motion carried.***

**BUDGET AMENDMENT  
HUGH CALE REVITALIZATION STRATEGIES GRANT  
MAY 27, 2008**

**BE IT ORDAINED**, by the City Council of the City of Elizabeth City that the following amendment be made to the Hugh Cale Revitalization Strategies Grant Fund for the fiscal year ending June 30, 2008:

SECTION I. That the Hugh Cale Revitalization Strategies Grant be amended as follows:

Revenues

(693490-1000)	DCA Funds	\$1,513,206
(693490-6000)	City of Elizabeth City ECNC	62,500
(693490-7000)	Transfer Revolving Loan Fund	150,000
(693590-1000)	Program Income	<u>195,735</u>
		\$1,921,441

Expenditures

(699022-4200)	Grant Administration	\$ 151,111
(699002-4300)	ECNC Housing Counselor	104,450

(699002-4500)	OIC Program Administrator	37,500
(699002-4940)	Acquisition	559,623
(699002-4950)	Rehabilitation	282,478
(699002-4960)	Facilities Construction	658,128
(699002-5400)	Clearance & Demolition	<u>128,151</u>
		\$1,921,441

(To record final budget amendment for Hugh Cale Revitalization Strategies Grant close-out. All grant DCA revenues have been received.)

**ADOPTED**, this 27<sup>th</sup> day of May 2008.

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Stephen S. Atkinson  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

c} St. Stephens Missionary Baptist Church Parking:

Mayor Atkinson called upon Planning Director Brooks to come up and address this item.

Ms. Brooks stated that this item was on your April 18<sup>th</sup> City Council agenda and at that time the applicant had identified 37 off street parking spaces to meet the church needs with 750 seating capacity. Council asked St. Stephens to revisit the parking that was available to meet the needs for the proposed church. Based on the seating capacity of 750 seats, the Church would be required to provide 188 parking spaces. At that time, staff recommended Council to not go below a minimum of 50% of the requirement. That would mean that 95 parking spaces need to be provided. Staff met with St. Stephens on several occasions and they have identified new properties that they own that could be used for additional parking. Staff is still of the opinion that they should provide at least 50% of the parking. It is also recommended if you choose to approve the 80 parking spaces that they have provided that the church reduce their proposed seating capacity to 640 seats. This would meet the 50% parking requirement.

Mayor Pro Tem Baker stated that on the rough drawings of the proposed parking it shows 15' buffer which what is shown in the UDO. Our UDO also calls for 10" buffers if they put up fences.

Ms. Brooks said that is correct. What they have provided is the best information that they had at the time. If they can reduce their buffers and put up the fencing we would be willing to look and work with them to see if they could get more parking. It is possible that we could find more spaces.

Ms. Watts said that if they do that are you saying that the number that they want here that would help to meet that.

Ms. Brooks said what she is recommending and she may be confusing here is staff is recommending that whatever number of parking spaces that they provide set a limit on it where it has to meet at least 50% of their parking spaces. If they can find a way to find more than 80 parking spaces then we would recalculate the seating capacity to increase the number.

Ms. Watts said her question is in lieu of what Mayor Pro Tem said about the fencing, could you get a few more parking spaces but however is that enough to provide them for 750 seats in the sanctuary.

Ms. Brooks replied that she didn't think that it will be. It may give them a rough estimate of from five to ten more parking spaces.

***A motion was made by Councilwoman V. S. Watts that we go ahead and do what staff has provided and agree to having the seating spaces be 640 rather than the 750; and also that it would include four locations for parking lots with a total of 80 spaces or 50% . Mayor Pro Tem J. M. Baker seconded the motion.***

Councilman Rivers asked if that had to meet the new standards where every thing is paved.

Ms. Brooks said that it would but we would work with the church. If it is not going to be used on a permanent basis we could probably work with them with a gravel lot until they are able to pave it.

Mr. Rivers asked for that to be explained.

Mr. Olson stated that issue is something that probably needs to be discussed at the staff level. He thinks from the Council perspective you want a stabilized parking lot. You don't want a mud hole as long as it is a stabilized surface it will work. There are a lot of different techniques they are using right now where you

don't go out and put asphalt because of storm water draining issues. There are things that are very cost effective that would work for them.

Mr. Rivers said that he just wanted to make sure. He can't go for it because we are moving forward with a complex and the numbers they are asking for is 750 and we want to reduce it down to 640. Right now they are at 500 and they have parking issues but it is for one day a week. It has been laid out what they are planning to tear down to make additional parking. They are already there and he can't understand why we can't just go forward with their existing parking. When parking became a problem they started looking for other lots. That number is without on street parking. When people say 30 parking spaces but that is not including that they have two streets. We are not just talking 80 parking spaces because you also are talking about street parking as well. They are going to have parking. O&I specifically says that Council sets the parking regulation based off large industries that come in to see if they meet the different conditions. He thinks that we need to allow the church 750 seating capacity. We are putting extra expenses on the church. He thinks we should allow the church to go forth.

Mayor Atkinson asked Ms. Brooks if she met with the members of the church over this last period of time. At that meeting were they in agreement with this issue.

Ms. Brooks said that they brought in drawings and we worked with them. They did lose some parking spaces based on their drawings and once we compared it to the UDO and the drawings that you have here are the ones that they revised and brought back to us. That is the maximum number of spaces that they could get. We did discuss doing shared parking with other commercial establishments in the neighborhood so they did investigate that. They knew that we were looking for the 50% and the 80 that they gave may not give them the 750 seat capacity.

Mr. Stimatz said that we are not saying that they cannot have 750. What we are saying is based on the parking that they are currently showing us we will certify them for 640 permanent seats. If they come up with the other 14 they can go to the 750 which is half of the standard. When we talk about setting standards understand that we have already brought the standard back by half. There is a reason why we have standards and we have rules and we have regulations and we have legislation because people are supposed to follow them. The important thing here is that Council has decided to bend this rule for them to accommodate what they are doing. It is not that they can't have 750 people in there but what we are saying is when you get your parking up we will certify it.

Mayor Atkinson called for action on the motion.

***Those voting in favor of the motion were: Watts, Baker, Evans, Hummer, Meggs and Stimatz. Against: Rivers. Motion carried.***

**6} COMMENTS AND INQUIRES ON NON-AGENDA ITEMS:**

Mayor Atkinson called upon the Manager and Council Members for comments.

Mr. Olson stated that he needed to remind Council of a couple of events. We do have Town Hall Day on June 4<sup>th</sup> and we have a budget work session beginning at 5:30 tomorrow.

Mayor Pro Tem Baker said that she wanted to say that she attended along with four other council people yesterday the Memorial Day presentation at Westlawn. It was very well done. There was a good representation from the community. She is hoping that the presentation here helped to swell those numbers but she thought that it was well done.

Councilwoman Hummer said that she would like to say that last Thursday a group of Council Members and a Representative from the Norfolk Mayor's office came to Elizabeth City to look at our surveillance cameras set up. They are purchasing nine cameras for the east Ocean View area and she thought that it was very flattering that they wanted to come and look at a city of a smaller size. They were shown by Chief Crudup and Captain Koch in the area where the cameras are located and they were also shown how the cameras show up in the patrol cars. Then they went to the police station and looked at the main unit. That was very interesting in that they pulled up some old data showing an actual crime in process that was captured on camera and on tape. We told them that we had several delays but because of that it really turned out well for us because we have the latest and the best camera on the market. That is very encouraging. They talked to some of the neighbors in Sawyertown and they told them they were quite happy and that they had seen a difference. This is why we planned to put more in our budget this year. Also, Channel 13 came down yesterday and they came by her house and interview her. It is very good that we have gotten this coverage and on the gang prevention act that was passed today the key thing to that is now we will have a North Carolina General Statue that will hold up in prosecuting these gang members. It will also be a felony to fire a gun from a car into a dwelling. She for one is glad to hear that that this has passed.

Mr. Stimatz said the he has been very fortunate last week and again tomorrow and Thursday he will be judging senior projects at the high school. This time it will be Pasquotank High School. If you haven't done it before it is a very rewarding experience and a great opportunity to see our young people doing

some very interesting and quite challenging projects and providing and defending them very well. The other thing is something to think about along with the cameras is for communities to cost share on the cameras. If the community wants a camera they can cost share with us. That would allow us to buy more cameras at a reduced cost to the City. It would give them some ownership. He would like to give that some consideration about how we might want to structure something like that.

Ms. Watts asked if there was a place to put the non-profit organizations back up to \$50,000 in our budget or does she make a motion to put it on our next agenda for discussion. Again if you are just tuning in she wants to reiterate her condolences to the Captain Vaughan family. He was a fireman. He was the first African-American Captain here in Elizabeth City. She is very proud to announce that. He will sorely be missed. She knew him, she sang with him and sang with his father and he is going to be terribly missed. Elizabeth City's workforce was very well represented at the funeral.

Mayor Atkinson said that as most of you know we had our first farmer's market last weekend on Saturday. It started off a little wet but the sky cleared and the sun came out. We had a good turn out. There were several hundred people there. Most of the vendors sold out in the first hour and a half. We are looking forward to this coming Saturday.

**7} ADJOURNMENT:**

There being no further business to come before the Council at this time, Mayor Atkinson adjourned the meeting at 8:32 p.m.

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

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Stephen S. Atkinson  
Mayor