

MONDAY – 7:00 P.M.

JUNE 11, 2012

CITY COUNCIL

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

Mayor Peel established a quorum was present and called the meeting to order at 7:00 p.m. He welcomed those attending and called for a moment of silent reflection after which he led the Pledge of Allegiance to the Flag of the United States of America.

1} AGENDA ADJUSTMENTS AND APPROVAL:

Mayor Peel called for approval of the prepared agenda. He stated that he would like to ***remove Item 9a – Reappointment to Community Relations Commission and he would like to add Memorandum of Agreement with the Elizabeth City/Pasquotank County School System.***

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman L. M. Hill-Lawrence to approve the prepared agenda to include the above noted items. Those voting in favor of the motion were: Hummer, Hill-Lawrence, Baker, Brooks, Donnelly, Spence, Stimatz and Walker. Against: None. Motion carried.

2} PUBLIC COMMENTS:

Mr. Raymond Staten, 1010 Raleigh Street, Elizabeth City addressed City Council regarding the North Carolina Blazers 14 and Under Team. He informed Council that the team was invited to the Super Showcase which is the top 40 teams in the country. They need a lot of money to help make the trip possible. Today he comes to the City asking assistance on financially helping the team make this trip. He would like to request a contribution of \$1600 from the City of Elizabeth

City to help defray the costs of the Showcase in order that the players may attend this event.

Mr. Warren Ellis, 312 West Main Street, Elizabeth City spoke to Council regarding code enforcement of illegally parking on Harney Street. Any help with this situation will be greatly appreciated.

3} APPROVAL OF THE MINUTES:

a} Work Session – May 29, 2012

Mayor Peel called for approval of the May 29th, 2012 Work Session Minutes.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the May 29th, 2012 Work Session Minutes as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

b} Regular City Council – May 29, 2012

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the May 29th, 2012 Regular City Council Meeting Minutes as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

4} CONSENT AGENDA:

Mayor Peel called upon City Manager Olson to read the item from the Consent Agenda.

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman L. M. Hill-Lawrence to adopt the following Consent Agenda. Those voting in favor of the motion were: Baker, Hill-Lawrence, Brooks, Donnelly, Hummer, Spence, Stimatz and Walton. Against: None. Motion carried.

Consent Agenda

a} Authorized the live fire training at 310 S. Martin Luther King Drive.

End of Consent Agenda

5} PUBLIC HEARINGS:

a} CUP -01-12 for Kevin Stroud and Erick Rainwater to operate an Internet Sweepstakes Café at Suite D, 900 West Ehringhaus Street.

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

Ms. Brooks stated Kevin Stroud and Erick Rainwater requests a Conditional Use Permit to operate an Internet Sweepstakes Café at 900 Ehringhaus Street. The applicants plan to use a 1500 square foot space immediately adjacent to their pawn shop and have up to 40 machines. The applicants can meet the development standards of the UDO relating to parking and other operating requirements. As you may recall a Conditional Use Permit for an Internet Sweepstakes Café was issued to a different unit in this building in 2009. The applicant failed to act on the permit within two years thereby allowing the approval to expire. Planning Commission reviewed this application at their May 1, 2012 meeting. They recommended approval with 8 conditions. Since that time the applicants have been working with staff in order to coordinate the use permit renewal with the privilege license year. Staff recommends that if City Council approves this that you will initially approve the first year for a 14 month time frame and then thereafter the use permit would be renewed annually by City Council in September. Planning Commission and staff recommend that CUP-01-12 be approved with the nine conditions as attached to your manager's letter.

Mayor Peel declared the meeting into public hearing for consideration of CUP-01-12. There being no one who wished to speak for or against the issuance of the CUP, Mayor Peel declared the public hearing closed. He called for the pleasure of Council regarding this request.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve CUP-01-12 with the following nine conditions for Kevin Stroud and Erick Rainwater to operate an Internet Sweepstakes Café at Suite D, 900 West Ehringhaus Street. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

Conditions:

1} The applicant shall comply with the Unified Development Ordinance Conditional Use Permit (as per §§4-10 and 4-11) and Development Standards (as per §11-4.44.1) criteria regulating

use permits and the Internet Sweepstakes (electronic gaming) Café land use;

2} The applicant shall comply with the Building and Fire Code regulations as enumerated in the Staff Report and any applicable regulations as enforced by the Building Inspector and Fire Marshall;

3} The maximum number of terminals shall be limited to 40;

4} The property owner and/or applicant shall provide separate refuse containers for plastic bottle recyclables as per NCGS 130A-309(f);

5} The permit shall not be transferrable to another location or unit within the Ehringhaus Office Park development;

6} The conditional use permit shall become null and void should the Internet Sweepstakes (gaming) Café operation cease for any reason;

7} The property owner shall reinstall all landscaping and vegetative screening as per the approved site plan prior to Certificate of Occupancy approval (as per §11-3.5); and

8} The property owner of record shall have the approved permit recorded with the Pasquotank County Register of Deeds within ten (10) business days after notification of decision. The authorized use shall not commence until the property owner provides documentation to the Zoning Administrator of recordation and index under the record owner's name as grantor.

9} The use permit be initially approved for 14 months in order to coincide with the privilege license year then thereafter be renewable by City Council in September.

b} Public Comments on proposed FY 2012-2013 Operational Budget:

Mayor Peel declared the meeting into public hearing for consideration of the FY 2012-2013 Operating Budget. Since there was no one present that wished to speak for or against the proposed budget, Mayor Peel declared the public hearing closed. He called upon City Manager Olson for comments.

Mr. Olson stated that he would like to just hit the highlights of what is included in the budget. The proposed fiscal year 2012-2013 budget totals \$72,989,602 which is reflected in the budget ordinance which is attached to staff's write up. Tax rate called for within the budget is 49.5 cents per \$100 of the assessed valuation. The total valuation for the City of Elizabeth City is \$1,374,274,662. We continue with the 6 cents per \$100 valuation for the Municipal Service District Tax. There will be a 1.5% COLA for all City employees and continuation of the longevity and a Christmas bonus. It does reflect a sanitation fee increase of \$2.00 but all other fees and utility rates stay the same. Major projects included in the budget are: Construction of a second electric delivery point, sewer line improvements on Brooks Avenue and Crescent Drive, Phase III of the Roanoke Avenue Drainage Project, installation of a fixed area network, purchase of a new ladder fire truck and construction of a new pavilion at Charles Creek Park. You have all the expenditures limits for each one of the respective departments in the budget ordinance.

6} REGULAR AGENDA:

- a} Memorandum of Agreement with Elizabeth City/Pasquotank County Board of Education:

Mayor Peel called upon Chief Larry Mackey for comments.

Chief Mackey stated we have been working with the school system for several months trying to bring this program to fruition this year. They want to start this program within the school system in September. Our basic part in this will be simply to supply any and all equipment that the school system would need to teach high school students fire protection classes. Here in Elizabeth City any time you want to teach fire protection classes whether it be on the collegiate level or the secondary schools you have to do it with the cooperation of local agencies. The State of North Carolina School District does not buy fire trucks or life saving equipment at all. Any time he would go out into the County as a State Certified Fire Service Instructor to teach a class in a volunteer department the equipment that he would use to teach that class would have to come from that agency or another agency. This is simply what we would be doing. It benefits the City and this area in general because under normal circumstances we hire inexperienced or fire fighters with very limited fire service training. We basically have to train them to a level that they can go in the house and fight a fire. What this program will do is in high school give kids an opportunity to receive basic certification of Level I and II Fire Fighter training in high school so that when they come out of high school they actually can get a job with a fire service agency or emergency service agency. We are asking that you lend your support in this endeavor.

Councilman Stimatz said that you used the phrase "reasonable time" in a number of different areas of the MOA. He finds that becomes a subjective measure. He thinks you should define what that means. He thinks you need to tell them what the reasonable time is. He didn't understand why you have the phrase "provide worker's compensation insurance for employees of ECFD." He thought we already do that. He doesn't know why it needs to be in the agreement.

City Attorney Morgan said he thinks it is really no legal significance.

Mr. Stimatz continued by saying it is not quite clear when you say you are loaning them the critical equipment but if you need it somebody has to go get it. That is what he is reading. It is just not clear and he thinks you need to make it clear that we are going to pick it up. You say "when notified that the equipment should be returned to ECFD", he thinks you should say it will be picked up by ECFD. The training within the building issue, "ECFD requires structures throughout the calendar year which can be used for training in practical applications. When requested ECFD will pass this information to PCHS and help coordinate practical training within these structures." Are we assuming the liability or will that be covered.

Mr. Olson replied that they will be covered by PCHS.

Mr. Stimatz said then we need to say: "We will responsible for obtaining all paperwork pertinent to training by anyone." That would include us and in other words we will take care of that. The only other change is where it says, "Elizabeth City Fire Department shall allow PCHS to use vehicles, apparatus and equipment while teaching." Are you going to give them the ladder truck? He thinks you should tighten that up a little.

Councilman Donnelly stated that "request in advance for the use of ECFD equipment including identifying what type of equipment and the amount." What does "and the amount" mean?

Chief Mackey explained that for instance if they were going to do SCBA training they may need three air packs, four air packs that would be the number of pieces that they may utilize.

Mr. Donnelly said he thinks that should be clarified a little bit more. He would change "which" to "whom." Other than that he thinks it is a great agreement and a great concept.

Mayor Peel called for the pleasure of Council on this item.

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman L. A. Hummer to authorize Mayor Peel to execute the proposed Memorandum of Agreement between the City of Elizabeth City and the Elizabeth City/Pasquotank County Board of Education; and include those comments made by City Council. Those voting in favor of the MOA were: Baker, Hummer, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Mayor Pro Tem Walton stated today he road by the Dog Corner Park and he saw Mr. Simpson and he told him a problem that they are having now is with the skate boarders. They go on the cement with their skate boards and it is messing up the cement. How can we do away with that problem? We might need to put up a fence.

Mr. Olson responded by saying he has notified the police department and Chief Manley is aware of the problem and the same with Lt. Etheridge. The memo was just sent to them late this afternoon. It is his understand from an email he receive from Ms. White that they have caused some damage to the benches out there where they tried to do their riding. The police department has been put on notice if they see that type of activity to go and talk with the kids.

Councilwoman Hill-Lawrence stated that she attended the Town Hall Day and enjoyed the session. She also had a good meeting with the Black Elected Municipal Officials and they are really looking forward to their meeting that will be held in Elizabeth City.

Councilman Stimatz stated he had no further comments tonight.

Councilman Brooks stated he had no further comments tonight.

Councilman Donnelly stated he has a few things from ECDI. First of all the Art Walk went very smoothly despite the tornado threat. The film festival commenced and it was rained out last week but another film will be shown tomorrow night. Hopefully it will not rain tomorrow night. It starts at 8:30 p.m. Harbor Nights went well. Every first Friday of the month at 6:00 p.m. through September. The waterfront market is moving along quite well. It runs from 9:00 a.m. till 1:00 p.m. every Saturday. The Music on the Green will begin but he will talk about that later in the year. It will begin July 31st and continue through September 18th. That will be taking place down at the waterfront from 6:00 to 8:00 p.m. and last but not least the River City Community Development

Center Juneteenth celebration is at the Waterfront Park this Saturday from noon until 9:00 p.m.

Councilman Spence stated he had no further comments tonight.

Councilwoman Baker stated she had a couple of things. One is about the basketball court and some kids were going by the house the other day with basketballs and she asked them how did they like the new court and they said the rims were not up yet. She just wanted to make sure they are up before tomorrow. They are excited for it to be coming. Another thing is the geese are back at the water front. They are out in force. She wanted to thank everybody that had any part in or attended the Taste of the Albemarle. It was a very successful event. It was probably the best food that we have ever had in the past. It was very well attended and a good fund raiser for AoA. She also went to Raleigh last Wednesday for Town Hall Day and it was very interesting. She thinks that we need to have more of a presence in Raleigh because the people that we met with were very please that we brought Elizabeth City's issues to our State Legislators. She thinks we need to make a better effort to let them know who we are, that we are here and need help too.

Councilwoman Hummer asked the City Manager to get with Mr. Warren Ellis about the parking situation he brought to us tonight.

Mayor Peel stated he attended the Juneteenth pageant on Saturday and it was a very nice affair with a nice crowd. It is a good experience and opportunity for young women to get some good training development.

8} CLOSED SESSION:

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

A motion was made by Councilwoman L. M. Hill-Lawrence, seconded by Councilwoman J. M. Baker to retire into Closed Session for consultation with the City Attorney as per NCGS 143-318.11 (a) (3). Those voting in favor of the motion were: Hill-Lawrence, Baker, Brooks, Donnelly, Hummer, Spence, Stimatz and Walton. Against: None. Motion carried.

9} RETURN TO REGULAR SESSION:

Mayor Peel called for a motion to return to regular session of Council.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman K. K. Spence to return to regular session of Council.

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

10} ADJOURNMENT:

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

A motion was made by Councilman M. E. Brooks, seconded by Councilman J. A. Stimatz to adjourn the meeting. Those voting in favor of the motion were: Brooks, Stimatz, Baker, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

Mayor Peel adjourned the meeting at 8:01 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Joseph W. Peel
Mayor