

MONDAY-7:00 P.M.

JUNE 22, 2009

CITY COUNCIL

The City Council of the City of Elizabeth City held its second meeting of the month on the above date and time with Mayor S. S. Atkinson presiding. Those members in attendance were: J. M. Baker, L. A. Hummer, B. S. Meggs, E. K. Rivers, J. A. Stimatz and V. C. Watts. R. E. King and D. B. Evans were absent. Staff members in attendance were: City Manager R. C. Olson, City Attorney W. H. Morgan, City Manager Intern R. A. Lyons, Deputy City Clerk V. D. White, Finance Director S. E. Blanchard, Human Resource Director K. W. Felton, Police Chief C. E. Crudup, Planning Director J. C. Brooks, Inspections Director S. E. Ward, Electric Director K. F. Clow, Parks and Recreation Director J. D. Overman and Public Utilities Director P. A. Fredette.

Mayor Atkinson opened the meeting at 7:00 p.m. and welcomed those attending. He called upon Pastor Ernest Sutton 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 Atkinson called for the pleasure of Council regarding the prepared agenda.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman B. S. Meggs to approve the prepared agenda as presented. Those voting in favor of the motion were: Stimatz, Meggs, Baker, Hummer, Rivers and Watts. Against: None. Motion carried.

2} COMMENTS FROM THE PUBLIC:

The following individuals spoke before Council.

Mr. Sal Dalli, 169 Pelican Pointe Drive, Elizabeth City asked for help in obtaining a speed limit put on the waterway behind his home. He contacted the Wildlife but they said he had to come to you first for your consideration. If he gets that consideration he will be more than glad to follow it through to wherever he has to go to have a speed limit on that waterway so we can live safely.

Mr. Doug Styons, 302 Remar Court, Elizabeth City said he was with Styons Surveyors and he was present to answer any questions when you get to the revised plat for Pelican Pointe.

Mr. Danny Sawyer, 258 Sulidae Court, Elizabeth City stated he was here tonight in support of Coplon Development who is on the agenda tonight to re-plat some areas in Pelican Pointe Village in which he lives. The drainage in Pelican Pointe Village is not very good. He is not here to assess blame but over the last three or four months there has been one major improvement in the drainage and he contributes that to Coplon Development. He encouraged Council to support Mr. Coplon's proposal tonight.

Mr. Stephen J. Coplon, 1316 Becker Lane, Norfolk, Virginia but he resides at 103 Brant Court, Elizabeth City where he resides a couple of days a week. He would like to thank everybody for giving him the opportunity to come from Norfolk to Elizabeth City and make a new life for him and his wife. He also encouraged Council to look at his request favorable when it comes up later on the agenda.

Mr. Victor White, P. O. Box 1190, Kitty Hawk, North Carolina from Landmark Engineering and Environment and he is just introducing himself and saying that he is here in support of Coplon Development agenda item.

Ms. Melissa Venable, 5857 Harbor View Boulevard, Suite 202, Suffolk, Virginia stated she was here in support of Stockbridge at Tanglewood. She will be happy to answer any questions when that item comes up on the agenda.

Mr. Jeff Huentelman, 5857 Harbor View Boulevard, Suffolk, Virginia stated he was the engineer for Stockbridge at Tanglewood and here to answer any questions that you may have.

Mr. William Darden, 1001 Scenic Parkway, Chesapeake, Virginia said he is also here representing Stockbridge at Tanglewood. He looks forward with working with the City and is willing to answer any questions that you may have.

Ms. Loretta Walz, 502 Continental Drive, Elizabeth City stated that the members of the Rivers Bend Condo Association have joined forces with the Yacht Club Condos in regards to the property between the Yacht Club and Rivers Bend Condos. We thank the City for finally cutting the grass and weeds. We would like to appear before Council at the next meeting with a power point presentation regarding this piece of property. She appeared before Council several years ago on this property but very little if anything has been done other than cutting down the weeds. Many of us are very concerned as we see children playing in this area. There is rebar, concrete, mice and rats in this area as well. As property owners we have very serious concerns and would like the support of Council.

Ms. Sam Davis, III, 508 Continental Drive, Elizabeth City said he was representing Rivers Bend Condo Association and also himself. He would like to

personally invite each of you to the Chambers Business after Hours which is next Thursday from 5:00 p.m. to 7:00 p.m. You will also get the opportunity to see exactly what we are up here talking to you about which is the property between the Yacht Club and our place at Continental Drive.

3} APPROVAL OF THE MINUTES:

Mayor Atkinson called for action regarding the previous meetings minutes.

A motion was made by Councilman E. K. Rivers, seconded by Councilman J. A. Stimatz to approve the minutes of April 28, 2009 Budget Work Session, May 12, 2009 Budget Work Session, June 1, 2009 Budget Work Session, June 8, 2009 Regular Meeting and June 15, 2009 Budget Work Session. Those voting in favor of the motion were: Rivers, Stimatz, Baker, Hummer, Meggs and Watts. Against: None. Motion carried.

4} CONSENT AGENDA:

Mayor Atkinson asked City Manager Olson to read the items on the Consent Agenda. Following the reading, Mayor Atkinson called for action on the Consent Agenda.

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

Consent Agenda

a} Approve the following Budget Amendments:

**BUDGET AMENDMENTS
NUMBER 2009-6
JUNE 22, 2009**

BE IT ORDAINED by the City Council of the City of Elizabeth City that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2009:

SECTION I.

(103990.0000)	General Fund Balance Appropriated	\$223,000
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(104200.0600)	Administrative Group Insurance	\$4,500
(104200.1700)	Administrative Maintenance of Vehicles	3,500
(104200.3100)	Administrative Auto Supplies	2,000
(104600.4500)	Tax Collection Fees	18,000
(104700.0401)	Legal Fees	45,000
(105100.3100)	Police Auto Supplies	30,000
(105550.1300)	Garage Utilities	10,000
(105600.1300)	Street Utilities	50,000
(105800.1700)	Sanitation Maintenance of Vehicles	60,000

(To record overages in General Fund.)

SECTION II.

(103990.0000)	General Fund Balance Appropriated	\$25,000
(106600.7301)	Facilities Study	\$25,000

(To record appropriation for Facilities Study.)

SECTION III.

(106620.4594)	EC Blazers AAU16+ Under	\$ 500
(106620.4595)	Young Ballers United	500
(106620.5840)	River City CDC Work Camp	2,334
(106620.6000)	Contingency	(3,334)

(To record appropriations from Contingency.)

SECTION IV.

(103650.1000)	Waterfront Market Vendor Fees	\$7,000
(106200.4600)	Waterfront Market Expenditures	\$7,000

(To record revenues and expenditures for Waterfront Market.)

SECTION V.

(303710.0000)	Electric Energy Sales	\$3,300,000
(306600.4800)	Purchased Power Costs	\$3,300,000
(303490.4501)	Developers Fees	\$138,000
(308300.7322)	Elec Distribution Millbrooke Underground	\$138,000

(To record overages in Electric Fund.)

SECTION VI.

(303990.0000)	Electric Retained Earnings Appropriated	\$25,000	
(306600.7301)	Facilities Study		\$25,000

(To record appropriation for Facilities Study.)

SECTION VII.

(313990.0000)	W & S Retained Earnings Appropriated	\$155,000	
(318100.1300)	Water Treatment Plant Utilities		\$50,000
(318100.3302)	Water Treatment Chemicals		30,000
(318200.1300)	Wastewater Treatment Plant Utilities		60,000
(318200.3302)	Wastewater Treatment Chemicals		15,000

(To record overages in Water & Sewer Fund.)

SECTION VIII.

(313990.0000)	W & S Retained Earnings Appropriated		\$25,000
(316600.7301)	Facilities Study		\$25,000

(To record appropriation for Facilities Study.)

SECTION IX.

(633980.0000)	Aviation Park Other Financing Source	\$1,500,000	
(639008.8100)	Aviation Park Debt Payment – Bridge Loan		\$1,500,000

(To record Bridge Loan for Aviation Park.)

SECTION X.

(663290.0000)	Comm Revitalization Fund Interest Earned	\$25,600	
(669001.4600)	Community Revitalization Fund		\$25,600

(To record interest earned to date.)

ADOPTED, the 22nd day of June 2009.

Stephen S. Atkinson
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Adopted the following resolution approving Financing Term for the purchase of the Fire Department Paging System:

**RESOLUTION 0962
APPROVING FINANCING TERMS
FIRE DEPARTMENT PAGING SYSTEM**

WHEREAS, the City of Elizabeth City, North Carolina (the "City") has previously determined to undertake a project for the purchase of a paging system {the "Project"}, and the Finance Director has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1} The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated June 5, 2009. The amount financed shall not exceed \$80,105.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.52% and the financing term shall not exceed four (4) years from closing.

2} All financing contracts and all related documents for the closing of the financing (the "Finance Documents"), shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

3} The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The

Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4} The City shall not take or omit to take any action or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Code Section 265 (b) (3).

5} The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6} All prior actions of the City officers in furtherance of the purposes of this resolution are hereby ratified approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

ADOPTED, this 22nd day of June 2009.

Stephen S. Atkinson
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

3} Approved award of bids as follows:

a} Chemical purchases

Univar USA, Inc., Suffolk, VA

Water Treatment Plant	\$36,765.60
Waste Water Treatment Plant	\$66,420.00

AirGas Carbonics, Dallas, TX

Water Treatment Plant	\$16,060.00
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Chemical Lime, Ripplemead, VA

Water Treatment Plant	\$158,328.00
Wastewater Treatment Plant	\$ 52,776.00

Geo Specialty, Little Rock, AR

Water Treatment Plant	\$109,157.76
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Water Guard, Wilson, NC

Water Treatment Plant	\$17,824.00
Waste Treatment Plant	\$ 4,575.00

Water Treatment Plant Total	\$338,135.36
Waste Water Treatment Plant Total	\$123,771.00

b} Authorized City Manager to accept bid and purchase of a John Deere 50-D excavator from East Coast Equipment for \$48,821.45 and purchase of equipment trailer based on quote that is determined to be in the best interest of the City.

End of Consent Agenda

5} REGULAR AGENDA:

a} Pelican Pointe Modifications to PUD:

Mayor Atkinson called upon Planning Director Brooks for comments.

Ms. Brooks stated that the occupant, Stephen Coplon seeks modifications of the Planned Unit Development section of Pelican Pointe Villages. In 2003 Pelican Pointe was approved for Planned Unit Development with 106 single family lots, 65 townhouses and 101 lots for adult living. Twenty-nine lots for the adult living have been constructed. The remaining are vacant. Any changes in the original approval of the PUD require City Council approval. The applicant has purchased

the undeveloped lots in the villages and wishes to reduce the number of units. As a part of the development, storm water drainage issues are to be addressed. The applicant will be eliminating four structures and will be adding more off-street parking and open spaces to this particular area. The applicant has met with the Pelican Pointe Homeowners Association and received support for the proposed changes. Staff recommends approval of the reduction in the number of units for the Pelican Pointe Villages PUD from 101 units to 97 units.

Councilman Stimatz asked if there were any assistance that we can provide in terms of the 2-inch outflow pipe from the main reservoir. That is a State mandated thing and you are only allowed a 2-inch pipe. He would think maybe we could go to whomever and asked if we could make the pipe big enough to address the potential flow and help alleviate some of the drainage.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman E. K. Rivers to approve the reduction in the number of units for the Pelican Point Villages PUD from 101 units to 97 units. Those voting in favor of the motion were: Stimatz, Rivers, Baker, Hummer, Meggs and Watts. Against: None. Motion carried.

b} Preliminary Plat approval for Stockbridge at Tanglewood:

Mayor Atkinson called upon Planning Director Brooks for comments.

Ms. Brooks stated the applicant SAT-DEV, LLC is seeking preliminary plat approval for Phase I of Stockbridge at Tanglewood. This development is a part of a 213 acre tract that was annexed in 2008 on the South Side of Halstead Boulevard. Phase I consists of 56 acres with 6 commercial offices and institutional lots and 118 residential lots. It is being developed as a cluster development. There are three general business zoned lots on the west side of Mount Everest Drive South. These lots range in size from 1.5 to 2 acres. These lots are a portion of the preliminary plat of Parkway South at Tanglewood which was vacated at your April 27th meeting. Three lots on the east side of Mount Everest Drive South are zoned O & I and range in size from 1.4 to 1.7 acre. The residential lots range in size of 6,000 to 11,700 square feet. Fifteen percent of this development will be left open for open space and recreational space. The applicant is providing 1.4 acres sites for open parks and a private pool and club house. Nine acres have been developed as retention ponds and have been designed for a 100-year flood.

Mr. Stimatz said the Planning Commission had concerns over Parcel 17. In the overview memorandum you note the concerns of Parcel 17 ingress and egress off Mount Everest Drive South. They recommended for safety reasons that no

ingress/egress be placed on the eastern perimeter of this parcel. How successful have we been with these kinds of ingress only? He has a problem with this particular turn-in because we are trying to maintain a certain look on that corridor. The retention ponds are designed for a 100-year storm. Council has been very sensitive about anything that drains into Knobbs Creek and he feels the 100-year is great.

Mr. Stimatz referred to the UDO that states that items such as this should go before the Parks and Recreation Board. We need to follow our own policies. He would ask that a list of the Parks and Recreation Board members be brought back at our next meeting.

A motion was made by Councilman E. K. Rivers, seconded by Councilwoman V. D. Watts to accept the preliminary subdivision plat to include 6 conditions and to allow ingress off of Mount Everest Drive as well as bringing our UDO into compliance regarding the Parks and Recreation Board. Those voting in favor of the motion were: Rivers, Watts, Baker, Hummer, Meggs and Stimatz. Against: None. Motion carried.

6} COMMENTS AND INQUIRES ON NON-AGENDA ITEMS:

Mayor Atkinson advised that he would go around the table and ask for any comments or inquires.

City Manager Olson stated that if the rain stops we will be spraying for mosquitoes tonight.

Councilman Stimatz said he would like to let the gentleman know that you are not allowed to operate a personal watercraft at a speed that exceeds 10 mph at the point where Knobbs Creek enters the Pasquotank River and also in any area of the river that abuts the shoreline as part of the corporate limits of the City. He thinks that we have the ordinance and the problem that we are going to have is we can't enforce it. We don't have a marine patrol.

Councilwoman Meggs said she thought it was a very nice event Saturday afternoon, Juneteenth.

Councilman Rivers stated he had no further comments.

Mayor Pro Tem Baker stated she had no further comments.

Councilwoman Hummer stated she had no further comments.

Councilwoman Watts said she would like to thank the Chief of Police, Mr. Crudup; she wants to tell you that she had several calls to her house and they said to give you thanks for sending Officer Boyce. He is doing a great job and he is showing that he really cares for the community. He went out and actually gave some little old lady some security. To everyone that is listening at home she wants you to be in prayer for the Godfrey family.

Mayor Atkinson said among the many things that a mayor is responsible for to attend he was asked to participate Saturday night for the Benjamin House. They had a great turn-out. Over 600 people showed up to hear T Bubba from Nashville. It was a great show and it was a worthwhile cause. He thanks those that put it on as well as those that came out to show their support.

7} ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor Atkinson adjourned the meeting at 7:59 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Stephen S. Atkinson
Mayor