

MONDAY-7:00 P.M.

JULY 11, 2011

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 R. A. McLean presiding. 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 Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Planning Director J. C. Brooks, Human Resource Director K. W. Felton, Parks and Recreation Director B. V. White, Finance Director S. E. Blanchard, Police Chief C. E. Crudup, Fire Chief L. M. Mackey, Inspection Director S. E. Ward and ECDI Director R. Cross.

Mayor McLean established a quorum was present and called the meeting to order at 7:00 p. m. He called upon Pastor King for the invocation after which the Pledge of Allegiance to the Flag of the Untied States of America was given.

1} APPROVAL OF THE AGENDA:

Mayor McLean called for approval of the prepared agenda.

Mayor Pro Tem L. A. Hummer asked to ***add a presentation by Mohammed Sayemuzzaman.***

Councilman J. B. Walton asked to ***remove Item 8-a Agreement with McDowell and Associates for design work associated with the Fairgrounds property from the Consent Agenda and place on the Regular Agenda for discussion.***

Councilwoman J. M. Baker asked for an ***update on the sub-recipient lease agreement with the Boys and Girls Club.***

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the agenda as presented 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. Darrell McKinley, 1716 Providence Road, Elizabeth City spoke regarding 1165 South 17. He expressed his concern on the City taking responsibility for this ditch and the fact that it belong to the NCDOT.

Ms. June Gibbs, Elizabeth City spoke regarding allowing Past Times to have additional terminals. She also spoke of the good things that the owner of Past Times does for the community.

Ms. Linda Gibbs, 307 Rhode Island Avenue, Elizabeth City spoke regarding additional terminals for the Internet Café Past Times.

Ms. Nancy Ceasar, 200 W. Main Street, Elizabeth City spoke in support of the City keeping the two inspectors on staff. She also spoke in favor of keeping the rental program intact.

Mr. Harple Cole, North Road Street, Elizabeth City spoke in support of the two inspectors. He spoke in opposition to an increase to the landlords in the turn on fees. He also asked that someone take a look at the ditch at Meadowland Mobile Home Park.

3} APPROVAL OF THE MINUTES:

a} Regular Meeting – June 13, 2011

Mayor McLean called for action regarding the minutes of June 13, 2011 Regular Meeting.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the minutes of June 13, 2011 Regular Meeting. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

b} Regular Meeting – June 27, 2011

Mayor McLean called for action regarding the minutes of June 27, 2011 Regular Meeting.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the minutes of June 27, 2011 Regular Meeting. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

4} PRESENTATION:

Mayor McLean called upon Mayor Pro Tem Hummer to read a proclamation proclaiming **July 2011 as Lyme Disease Awareness Month** in the City of Elizabeth City.

5} CONSENT AGENDA:

Mayor McLean called upon City Manager R. C. Olson to read the items listed on the Consent Agenda. After the reading, Mayor McLean called for a motion of approval of the Consent Agenda as presented.

Councilman Stimatz called for a point of order regarding the appointment to the AEDC Board. He said the appointment to boards/commissions have to be done by roll call vote by Council according to our rules.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to suspend the rules regarding the appointment to the AEDC Board. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Hill-Lawrence, Hummer, King, Meggs and Walton. Against: None. Motion carried.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the following Consent Agenda as presented. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

CONSENT AGENDA:

a} Approved the execution of an agreement with McDowell & Associates for design work associated with Phase III of the Roanoke Avenue Drainage Project in the amount of \$100,000.

b} Approved the contract with Recovery Group, LLC for debris management services.

c} Authorized the City Manager to execute the engineering contract amendment in the amount of \$34,800 with Rivers & Associates to complete the engineering design and permitting of the Greenway Trail project. Authorization to execute the amendment is subject to approval of said amendment by NCDOT.

d} Approved the appointment of Mayor R. A. McLean to fill the unexpired term of Councilman Brooks on the AEDC Board.

e} Approved a \$500 donation to the North Carolina Blazers AAU Basketball 15 and Under team and a donation of \$500 to the North Carolina Blazers AAU Basketball 13 and Under Team from Council's Fiscal Year 2011-2012 Community Support Grant Funds.

END OF CONSENT AGENDA

6} PUBLIC HEARING:

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

Ms. Brooks stated that the applicant, Pearl Street Pentecostal Church, is seeking a rezoning of 1.86 acres at 304 Pearl Street. The property is currently zoned R-6. The applicant is seeking to rezone the site to O&I, Office and Institutional. While the R-6 zoning classification will allow churches with a special use permits the setbacks or the side and rear yards are 50 feet. Complying with this setback will make the majority of this parcel unusable. Staff discussed the option of seeking a variance from the Board of Adjustments; however, the applicant wanted to pursue the rezoning. The O & I Zoning District is primarily intended to serve as a transitional buffer from intensive non-residential uses and residential uses. The O&I Zoning would allow the church to have a better use of the property and to reduce the setback. The UDO allows City Council to determine the setbacks in the O&I Zoning District and to reduce the parking requirements. It is recommended that the side and rear yards maintain a 15 foot setback if the site is redeveloped or expanded that the church have a minimum parking requirement of 50% of the minimum parking ratio. City Council has set precedent for this with the rezoning of St. Stevens Church in the Sawyertown neighborhood. This item was heard at the June Planning Commission meeting and there was one citizen from the neighborhood who spoke in support of this rezoning. The Planning Commission recommends approval of this rezoning with the previous stated setbacks and parking requirements.

Mayor McLean declared the meeting into public hearing.

Mr. Jason Mizelle, 117C Water Street, Elizabeth City spoke in favor of the proposed rezoning. Since there was no one else present that wished to speak for or against the proposed rezoning, Mayor McLean declared the public hearing closed.

Mayor McLean called for the pleasure of the City Council.

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. A. Hummer to approve rezoning request RZ-03-

11 by the Pearl Street Pentecostal Church to rezone 304 Pearl Street from R-6 to O & I Office and Institutional. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

7} REGULAR AGENDA:

a} Agreement with McDowell & Associates for design work associated with the Fairgrounds property:

Mayor McLean called upon Councilman Walton for comments.

Councilman Walton stated in reading what was sent out to us in our agenda, the word uncertainly kept coming up. As he looked over it he was asking if we are just putting money to waste if we go with the Fairgrounds project. The reason he says this is because he thinks Mr. Fredette brought us a deferred maintenance plan last meeting. It was dated in 1987. We talked about him bringing in a deferred maintenance for the present time. What we need is an update on what has been accomplished from the last time the deferred maintenance was given because if we continue to put things off in phases and never go back and update those phases the same type of thing can happen that happened 30-years ago because they have not done anything on the Fairgrounds in 30-years. He doesn't know what they did prior to that time. If nothing has happened and we keep phasing things you know Council do change over and managers change over. We need updates on what we have already accomplished before we can put forth a good deferred maintenance plan. What he is seeing here is they are trying to put a design together that is going to cost \$10,000.

Mr. Olson stated that is the estimated costs to do the design. A lot of it will deal directly with the permitting process. This is a very unique project because we are looking at changing what was historically the course of the water that went through the Fairgrounds property prior to 1980. Then it went through a ditch which is used to discharge the lime from the water treatment plant. Now they are looking at relocating that ditch to an area which would be west of the old city dump and taking it directly to Knobbs Creek. We have had some very preliminary discussions with the CAMA people and we don't believe that there will be any issues but until the actual plans are drawn up and submitted to CAMA we do not know if there is going to be a problem or not with this. The project itself is very simple. You are basically taking water from point A to point B, re-plugging a pipe that was unplugged in 1980. The issue is what will the Regulatory Agencies require the City to do for this project. This project was

included in this year's budget. We allocated \$75,000 to this project during the budget cycle.

Mr. Walton asked if there was a guarantee that this is going to work because you said it was so simple why didn't they do it in 1980 and then you wouldn't have this problem.

Mr. Olson stated what happened is when DOT widened Hughes Boulevard they came in and removed or installed the plug. What is happening now is all the water from the Fairgrounds property is going through the Sawyertown area and ending up on Elizabeth Street. Councilman Stimatz serves on the Stormwater Committee and he has attended two or three meetings where this project has been discussed.

Mr. Walton said he was in that Stormwater Meeting also and he is just asking if there is going to be a guarantee that this \$75,000 is going to move that water from point A to Knobbs Creek.

Mr. Olson replied that until we get the design done he has no idea what the engineering estimate is going to be. The preliminary engineering estimate given by Pat McDowell was \$75,000. For the actual construction part of the project he doesn't believe that included any design work.

Mr. Walton said so if it doesn't work the \$75,000 could possibly be wasted.

Mr. Olson said we are not going to spend \$75,000 if the engineering design work that we are spending \$10,000 doesn't show that it will work.

Councilman Stimatz said this was a specific project that was discussed, at length, in the Stormwater Task Force by all the members. The problem was it was probably the poster child for what is wrong with Stormwater utilities in the City. It was a project done in the 80's and there was no as built drawings, no maintenance plan, no follow up maintenance, there was no flow diagram or even any kind of flow impact follow up, there was no documentation of the agreement with DOT to keep the flow from crossing back over Hughes Boulevard into the Factory Street area and coming through to Elizabeth Street. It was the epidity of what is wrong with the storm water management in the City. With that in respective the Task Force picked this as the Number One problem to attack because it impacts so many people. It covers the end of Maple, Cedar and Colonial and it impacts the people on the other side of the railroad tracks and particularly Clay Foremen and his properties over there. It impacts all the people in Sawyertown because it puts additional water in that area that in 1981 was not supposed to go that way. It is important to fix it. We are not going to build something that is not designed to work. That is what this project is all about.

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. A. Hummer to execute the contract with McDowell & Associates for the design work associated with the Fairgrounds property in the amount of \$10,000. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

b} Rental Housing Program:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson asked to give a little history of what has occurred with the rental housing program. In 2005, the City created a housing inspection program. In that particular program we charged \$25 per rental unit which generated roughly \$90,000 per year. We hired two inspectors and the program was self sufficient based on the number of rental units paying the \$25 per year. Just a few weeks ago Senate Bill 683 was passed by the Legislature and signed by the governor which limits the amount of revenue we can generate via a rental inspection program. First of all the rental inspection program that we have is grandfathered under Senate Bill 683 because of how we had it set up. Getting back to the revenue source, the revenue that we can charge is via one to three units we can charge \$15, if you have three to twenty units we can charge \$25 and more than twenty units we can charge \$50. The analysis City staff has done indicates that our revenue will drop from \$90,000 to \$30,000 a year. We will have a \$60,000 shortfall. We have provided a number of different options that you can consider. During the last meeting we had a discussion on whether or not we can charge rental property owners a privilege license. We did receive an opinion by from the School of Government that in their opinion we cannot based on how our program is currently set up. We have looked at other options to first of all generate additional revenue for the program and/or abolish the program completely. One of the recommendations is raising the turn on connection fee for landlords. Right now the landlords only pay \$5 to have the utilities turned on in their name. Everyone else in the City pays \$25 for utility connection. This particular fee is directly related to landlords and the rental housing program. Whoever the utility service beneficiary is whether it is a tenant or landlord they would pay that particular fee. We would not charge the landlord the \$25 and also charge another \$25 when the tenant ties in. We have roughly 1500 landlord connections annually and that would generate roughly an additional \$30,000 per year. That would raise the total amount of funding for the program to \$60,000. That is adequate enough funds to keep one of our inspectors on staff. Unfortunately, the other inspector would have to be relocated into another city department or find other employment.

Councilman Brooks stated that stats that you have given and what we are saying is not matching. For the number of rental units that you are reporting that we have it seems to him that it would be impossible to do a good job with just one inspector. He was concerned at the last meeting that we gave non-profits \$30,000 additional dollars which brought it up to \$50,000. He thinks that is a travesty and you are pimping the residents of Elizabeth City. You have people that can't even keep their lights on but we can just give or throw \$30,000 out there. He is sure it has to do with politics and we will know for sure when we start disbursing the money. The additional \$30,000 could be used to help finance our rental inspector. He is sure that when we raised it to \$50,000 that we will not bring it back down to \$20,000 next year. The reason he has a concern is he was called about a resident at 106 West Cypress Street that is living in the house without sewer or electricity. At 706 Greenleaf the landlord is trying to get someone in that house and it is definitely in disrepair. If we run into those issues with two rental inspectors, what are we going to run into with one? This council needs to take a good look at that. We have had houses with bats in them that were being rented out. We are selling the people very short when we talk about eliminating a rental inspector but yet giving \$30,000 more to non-profits. If we find the inspector another job within the City would the salary be the same as what they are making as a rental inspector? He is hoping that Council understands how important it is to have two inspectors instead of one. He likes the option to increase the City's turn on connection fee for rental landlords from \$5 to \$25.

Councilman Stimatz said that one thing that bothers him about this is we are starting to mix funds again. We are going to the Electric Fund to solve a General Fund problem. The \$1 in sanitation fee creates roughly \$70,000 and we have been subsidizing the sanitation fee for years out of the General Fund and this is a General Fund issue not an Electric Fund issue. He is not adverse to raising the turn on rate to \$25. He would prefer to see a raise in the sanitation rate of \$1.

Councilwoman Baker said she would like to see what kind of stiff fees the speaker was speaking of before.

Mr. Olson stated that any fees that are charged go to the schools. We don't get to keep any fines collected.

Ms. Baker said she is definitely in favor of keeping both inspectors. She thinks it is critical that we do and she doesn't have the magic answer for raising the additional revenue that we need but she thinks if we don't have both inspectors we are going to be right back where we started with problems with our rental units and rental inventory. She doesn't know what else we can charge for. She

is not adverse to raising the sanitation fee as well. She thinks we need to look at more options and dig deeper.

Mr. Walton said he doesn't think it would be fair to our citizens as only twelve days ago we had time to come up and discuss the budget and now all of a sudden we are talking about raising fees. We had that chance to do it in the budget process. That is nothing that we need to do. He doesn't mind having the two inspectors but give the city manager a chance to work it out his way without raising fees because we would be doing a disservice to our citizens if we start raising fees.

Ms. Meggs said she feels that we should put the fee on the landlords and it should not be everybody in the City as that is not fair.

Mayor Pro Tem Hummer said she doesn't feel it is fair either to ask for an increase across the board for all customers. If we did that then everybody would be supporting the landlord program and we already know we have a lot of problems there. In the Finance Committee we were told that when the economy turns around if it is next year or when we get more revenue we could and probably would put this second rental inspector back in the program. We weren't told that we were going to turn them out without a job. We were told we had five vacancies and we could find a position for him. She doesn't know what the answer is as far as raising revenue but she is not going to vote to pass it on to everybody. We were also told that one person could handle it effectively but he may not be able to answer all the calls in timely manner.

Mr. Brooks asked if the salary would be conducive to what they are now making.

Mr. Olson replied that there would be a 25% reduction in salary in any of the vacancies that we now have within the City

Mr. Brooks said it is easy for us to make a decision like that when it isn't affecting our livelihood financially. We can't be so selfish and closed minded. Eliminate your salary and let someone talk to you about if this and if that and see how you feel about it. Sometimes we need to be sensitive to what is going on with other people. We can't be selfish and always think I or me. No one wants to address this but if we can give \$50,000 to non-profits and he is sure that could have helped in some way. He knows when we go to disburse that \$50,000 we will find out why that \$30,000 was added. It was given away. A council person said the other day that these are their tax dollars and they wanted to spend them the way she wanted to spend it. He is sure if they had the option to spend their tax dollars like they wanted too they wouldn't be giving \$30,000 to non-profits. We need to consider these things. We are still in a

recession and yet we are acting like there aren't people hurting. No one wants to revisit the extra \$30,000 you put in the non-profits.

Councilman King said he agrees with the Finance Committee in part. He can't see raising solid waste another dollar. He will comply with raising the landlord turn on fee from \$5 to \$25 because it is not fair to raise everybody a \$1 to support one program. He wouldn't do that. He does agree that we need both inspectors because he thinks they do a wonderful job. When this program first come about it was all about helping people with their electric. EIC inspects rental property and the City inspects rental property. EIC doesn't inspect the attics for installation. The main source of most rentals is losing heat through the attics. They have inspected several of his houses and they go through and look at the attic and see if it is properly insulated. He can't see raising the \$1 fee.

Mr. Stimatz asked to clarify something. The property owners of the City are already subsidizing their garbage pickup by \$3 a month through property taxes. If you raise the sanitation fee then the people whose garbage gets picked up pay for that service. That \$3 if you pass it on to only the rentals would be \$90,000 a year in property taxes we wouldn't have to collect or wouldn't have to raise. They are already paying. The property owners in this City are already paying. By raising it a dollar you at least are getting \$30,000 back from all the renters who aren't paying. You have to look at it in the big context.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman L. M. Hill-Lawrence to table action on this item and give instruction to the City Manager to look for several other alternative forces. Those voting in favor of the motion were: Hummer, Hill-Lawrence, Baker, Brooks, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

c} Update – Elizabeth Street Construction Project/Downtown Business Interruption:

Mayor McLean called upon Rebecca Cross, ECDI Director for an update on the Elizabeth Street Construction Project/Downtown Business interruption.

Ms. Cross stated city staff and the City Councilors have received inquiries from downtown businesses who have stated that they are being adversely affected by the Elizabeth Street Construction Project. We acknowledge that some of the downtown businesses are experiencing hardships at this time. We also recognize that the different types of business, destination business verses impulse based businesses will be affected differently depending the kind of business so the severity will vary. The contractors are making good progress on the downtown utility relocation project, despite the fact that they have faced a few unexpected

challenges. The contractors are notifying us of their plans to work every Saturday, weather permitting, between now and September. The businesses have reported that the workers themselves on the project have been doing a great job and have been very respectful and sensitive to the business owners and managers and patrons. The target date for substantial completion and to reopen the project site between Poindexter and Water Streets is mid-August. There are three other phases south of Elizabeth Street as the contractors move westerly along Colonial Avenue. The good news is that the most difficult part of the work will be behind us as we move westerly into the other phases of the work. Again, Water Street should be open by mid-August. There will be periodic road closure through the end of the calendar year. The contractor will be entitled to additional days based on the unforeseen problems he has encountered. Under the Construction Contract the contractor must provide access to all businesses within the project area. However, at certain times it may be difficult to get to a particular business due to the road construction. There will also be utility interruptions, but the contractor will give the business advance notice and where possible and this will be done at night. We have been very pleased by the general positive attitudes that our businesses have shown through this challenging time. They have all been reporting that they know it will be wonderful when it is complete and it is a project that needs to be done. She has been the City's point person and communicating with the merchants downtown and getting information and feedback from them. Just to summarize based on that information to keep the public informed that the downtown businesses are still opened and to encourage continue business for them we have been proactively assisting in the following ways:

- * Two light board signs have been placed in the downtown area, one along Elizabeth Street and one along Ehringhaus Street to show, "Detour to Downtown" routes to take;
- * A sign has been put up indicating that the City public parking lot on Poindexter Street is still open;
- * A slide is on Channel 11 encouraging people to "continue to shop, dine and experience downtown";
- * DBPA has included this same promotion to "experience downtown" in the Daily Advance and in their e-newsletter;
- * FYI updates are being posted on ECDI's website; Facebook posts and emails are going out from ECDI with information about downtown activities;
- * ECDI continues to schedule a variety of special events and activities in an effort to increase traffic downtown;
- * The Chamber of Commerce has also included a downtown business coupon insert sheet in their July newsletter;
- * The Mayor and City Council adopted an "Independents Week" proclamation for July 1-7 celebrating our local businesses;

- * Rebecca Cross wrote her weekly Sunday business column in the Daily Advance sharing information about the benefits to our community of shopping locally;
- * Vacancies are being addressed with projects such as the window decoration completion, and potential development projects;
- * And, the businesses themselves are coming up with more creative ways to market their businesses through things like social media and special activities and/or sales.

Some businesses have stated that their business has actually increased; but the vast majority has experienced a slight decline. It is hard to determine if the decline is construction related or related to the slowdown in the economy, or both. City staff will continue to work with downtown merchants to minimize the impact of the project in any way that we can.

d} Update 1165 US 17 South Drainage Issue:

Mayor McLean called upon Mr. Olson for comments.

Mr. Olson stated that Councilman Brooks asked that this be put back on the agenda. City staff has provided NCDOT a copy of the easement instrument and the work that was done by Pat McDowell on June 30th. On July 1st there was a meeting between NCDOT Division Engineer and Assistant District Engineer to discuss these documents. They have notified Paul Fredette that they have reviewed the documents and NCDOT's position is that the easement was a temporary easement. Mr. Sterling Baker is head of maintenance for this particular division and he indicates that DOT does not have the responsibility to maintain the drainage ditch which runs adjacent to 1165 S. 17. You have a confidential memo from the City Attorney which we will discuss in Closed Session.

Councilman Brooks said he is surprised that not one else is even trying to address this problem. The issue at hand is somewhere down the line this Council must understand that a problem as severe as this is wrecking havoc. Although it is located in the Third Ward that doesn't mean we are supposed to be silent and act like they are not citizens inside the City. He brought it up the last time and he understands the responsibility but the question is who is going to pay for the costs. DOT said it is the City's and the City says we don't want any part of it. In the meantime no one has any problem taking her tax dollars whether it is the County or the City. No one on Council speaks about it like this is Brooks baby. This is not Brooks baby as this is a problem with a citizen that lives within the City. He is in the Third Ward and he went to fight for Dunstan Lane and that is in the First Ward. He went to bat for Ms. Farmer. He went to bat for Rivershore Road and that is not in his Ward. He is trying to figure out

how we as a council sits here and think he is suppose to carry 1165 all by himself as dire as the situation is. He can't say much about it because he needs the whole council's help. If they don't help that is fine and this is an election year. We need to help this lady out on 17 South.

Ms. Hill-Lawrence said as Mr. Brooks is aware she and Mr. Cooper went out there and spent considerable time with the Barclift family.

Mr. Brooks said it comes down to who is going to take the responsibility. He can get an attorney that will argue with our attorney's opinion. As long as that lady is in the City of Elizabeth City the City shares some of that responsibility and no one can tell him otherwise. He is not saying that we take the bulk of what it takes to fix the problem. He agrees that the State should carry the ball. When we talk about the City having no responsibility and this lady is in the City and the problem is something that she hasn't created herself, come on.

Mr. Morgan asked to clarify one item. He thinks that Mr. Brooks indicated that DOT officials had said that this was the City's responsibility, he did not participate in a meeting with Mr. Baker and Ms. Byrum were present but he does not believe that DOT has said that it is the City's responsibility as they have just indicated that it is not theirs.

Mr. Brooks said he is saying that the City has a shared responsibility with DOT. No one told him that. She doesn't have the money to hire an attorney and file charges against the City. We are not in the business of hurting citizens. Somewhere down the line we have got to say that we can help so let's see what we can do to help. That is all he is asking.

Ms. Hill-Lawrence asked what it would take to fix her property in the correct manner.

Mr. Morgan said the figure that we heard from Mr. Fredette is \$100,000 to correct the problem.

Mr. Brooks said let's say the house falls in the canal and someone gets hurt or even a death occurs, who is responsible.

Mr. Morgan said he will not address that question in open session.

Mr. King said he has a problem with DOT not accepting the responsibility. This house was annexed in 1998 and it was sinking then. Why is DOT not taking the responsibility and saying that it is the City's responsibility. It should be DOT's problem more so than the City. He can understand sharing in the costs but DOT said they have nothing to do with it. We need to go back to DOT and discuss it

further. This canal didn't happen over night. We need to go back to the drawing table with them.

Mr. Stimatz said you should never be surprised that DOT will not take the responsibility. They don't want to spend the money. He will reiterate this specific point one of the handouts that we got in the Stormwater Task Force was the NCDOT Maintenance Manual. On page 2 of the manual it specifically states that DOT will maintain its drainage structures. It says they are responsible for the maintenance of its drainage structures. That may be the exact wording. That they chose not to exercise that is what they chose to do. When you go to the County's meeting this is an issue for the County now because DOT is not maintaining the drainage ways along the county roads and it is causing problems with the farmers, flooding like never before and it is a question of the money and political leverage to make DOT do its job faced with a budget of X in backlog of requests. People in the Legislature haven't wanted to raise the gas taxes or they have taken the money out of the DOT Budget to spend someplace else because they didn't want to raise taxes and DOT has had to make the best decisions that they can. It doesn't mean they are any less responsible. Until somebody holds their feet to the fire and that may be a judge he can tell you right now their manual is very specific. It is their manual and we didn't write it. They have the responsibility.

Ms. Hill-Lawrence said these are senior citizens that don't have a lot of resources. Somebody would have to take them to Raleigh to get to the head where you need to go. There is no sense in talking to people that can't help you. She would be willing to take them to Raleigh to wherever they need to go. They just do not have the resources to fix it themselves. Actually they don't know what to do. They are terrified because they don't know what to do.

Mayor McLean said there have been cases whereby people especially during hurricanes have lost their houses. If this house falls in the canal FEMA will probably come in and help out to some extent but we don't want to spend money on a problem that we can't fix and that is his whole issue. It could be fixed for less than \$100,000. He would like to ask the City Manager to bring us a report at our next meeting on the staff's recommendation for taking care of this problem. Even if it includes going to Raleigh and meeting with our legislators or meeting with the members of the DOT but we need to get this thing resolved. Just bring us a recommendation at our next meeting that we can vote on.

Ms. Hummer said she would caution individual council members from going out and making an offer to move their house unless the full Council voted to send them out to do that.

e} Resolution establishing position on proposed redistricting to split Pasquotank County:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson stated we put this on the agenda as a discussion item to see whether or not there is willingness by the governing body to take a formal position pro or con against the splitting of Pasquotank County. You have all seen a number of redistricting whether it is for the State representatives seat, the State Senate seat and the Congressional seats that are all coming forward. Those maps right now are being changed as we speak. The Congressional Map was supposed to be release today but was not. They are still working on it. Specifically what we are looking at is the House of Representatives seat that is presently held by Bill Owens. There is a map that is out there that would split Pasquotank County into two different House Districts and we need to know if there is a willingness of the City Council to take a formal position on this item or whether you would just like to see the process go forward in its present format.

A motion was made by Councilwoman B. S. Meggs, seconded by Mayor Pro Tem L. A. Hummer to send a letter opposing the proposed splitting of Pasquotank County.

Mr. Stimatz said before he will vote on that he does not know what the impact on our County will be. On the one hand you could have two representatives instead of one. That might be a better deal. If people want to base this on potential personalities that is the wrong thing to do. You have got to look at the facts. He does not know the impact either way. It hasn't been made clear to him, no offense to the Daily Advance as you haven't done a good job of outlining the pros and cons and maybe if you did then it would be easier for all of us. Before he can establish a position one half of him says it is silly to split a county but then again you look at the Congressional District especially if you look at Congressman Coble's district. He has the I-95 that runs down the state. That was done many years ago by the Democrats and everybody has lived with it. It sort of works. He is not prepared to vote it up or down on this issue until he sees something that compares it. We really don't know where the split would be. There may be benefits. He is not prepared to vote.

Councilwoman Baker said her first instinct was that it would benefit us to split the County. She is looking at other counties that are split and she has done very little research but she wouldn't vote to not split it. She doesn't think we have the information that we need either. In fact she would rather just table it until we get a final determination and final split. She doesn't even know if we need to take a stand on this issue.

Councilman Walton stated he looks at it a little different because anytime you split anything that means it becomes weaker. Take this Council as we are not a combined council let him tell you. Anytime you split anything it weakens it. You are more powerful with numbers. He has been told the reason they want to split it and put certain people in certain districts is for control. That is what politics is all about anyway.

Ms. Hummer said that she thinks Congressman Butterfield has expressed his concerns and his dismay at doing this and he is the one that has done so much for everything we have tried to do. He has helped us a lot and she thinks is an important thing to look at if he is concerned.

Mayor McLean called for a roll call vote.

Roll Call Vote

<i>Hill-Lawrence</i>	<i>yes</i>
<i>King</i>	<i>yes</i>
<i>Baker</i>	<i>no</i>
<i>Walton</i>	<i>yes</i>
<i>Hummer</i>	<i>yes</i>
<i>Meggs</i>	<i>yes</i>
<i>Stimatz</i>	<i>no</i>
<i>Brooks</i>	<i>yes</i>

Motion carried with six yes and two no.

e} Boys and Girls Club Sub-Recipient Lease:

Mayor McLean called upon Councilwoman Baker for comments.

Ms Baker stated she had heard a rumor that the Boys and Girls club is no longer in the facility because they lost funding or something. She called the Chairman to see if that was true and that is not true. They are still in the facility although they are not running a summer program. That got her thinking that we never renewed their sub-recipient agreement in that building. She wanted to bring that here tonight to see why that hasn't come back before us to renew the sub-recipient agreement. She knows there will be six to eight weeks with no summer programs. They had gotten with the Weeksville CDC who we did renew their sub-recipient agreement and told them that they are not running the summer programs because they cannot compete with bigger programs that have pools and larger facility. That is why they are not running their summer programs. They told the Weeksville CDC if they needed additional room during those weeks that they could use their space. She doesn't know why we have not revisited

that issue and she would like to renew their sub-recipient agreement so that they can stay in that building until such time they possibly sell their big facility and then can move on. We all agree the place is not large enough for all the kids that could attend.

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman B. S. Meggs to renew the Boys and Girls Club Sub-Recipient Agreement on the same terms that we renewed the Weeksville CDC Agreement.

Councilman Walton stated he was trying to follow what Councilwoman Baker is saying. You are telling him they are not opened because they have not signed the sub-recipient agreement that does not have to be signed until September 1st.

Ms. Baker said no she didn't say that at all Mr. Walton. She said they are open they are just not running a summer program. That is the information she got from the chairman.

Mr. Walton said what kind of program you can have for a Boys and Girls Club and not have a summer program when you are needed the most. To him it is not adding up.

Ms. Baker replied they had a summer program last year and they had 18 to 20 children.

Mr. Walton said he goes past the building all the time and he sees nothing happening over there. It is like a ghost building. It is almost like an abandoned building and we can do better than that. For them to not open during the summer to him that is really a slap in the face because kids need somewhere to be. They were active in that building a couple of years ago. Now there is nobody in the building and now you want to turn around and renew a sub-recipient agreement to a vacant building where there is nothing happening.

Councilman Stimatz said he has been approached by a number of the members of the board and they are happy with the space. They find it convenient and they want to run their programs out of there and it is their intent to continue to run their programs. The size of the programs is immaterial as long as they are running some programs. He sees no reason not to renew their agreement. Their board members are for continuing in that space.

Mayor Pro Tem Hummer asked weren't they suppose to report back to us as to what programs they are running and why would we renew a lease if we don't know whether or not they have these programs in place. Shouldn't we find out first before we put this on the table?

Mr. Olson replied that we do periodically receive reports from the Boys and Girls Club. He cannot tell you right now when the last report was received. We also receive monthly reports from Weeksville CDC. He personally receives these reports and reviews them every month. He thinks the issue at hand is that the existing sub-recipient agreement will expire on September 1st and pursuant to the agreement they were required to request renewal within six months prior to the expiration date and that is why they did it back in January. The City Council had the public hearing on the sub-recipient agreement and went forward with Weeksville CDC but decided to take no action on the Boys and Girls Club.

Mr. Walton said he still has a concern that there are no activities going on during the summer months when it is mostly needed. This is what he was talking about when he said it is a political split. People just want to help anybody in the building so they can be in the building so somebody else can't get in the building. If no programs are going on somebody needs to be in that building that will put programs in and continue the programs.

Mayor McLean said the information he received when he inquired about it was that they just don't have the money to do the summer programs.

Councilwoman Baker said she was told that is not true. The Chairman told her that they did have the funding but just didn't have the interest.

A motion was made by Councilwoman L. M. Hill-Lawrence, seconded by Councilman R. E. King to table this item and further asked that the City Manager look into this matter and bring a report back to us as to what is going on. Those voting in favor of the motion were: Hill-Lawrence, King, Baker, Brooks, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.

8} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

City Manager Olson stated he had no further comments.

Mayor Pro Tem Hummer said she had a citizen to ask her to thank the City for one demolition in particular in the area of Cypress Creek that has finally been cleaned up. It has been an eyesore for years. She was very appreciative as well as all the people in that neighborhood. We still have a lot more to do in that area.

Councilwoman Meggs stated she had no further comments.

Councilman Stimatz said we got a letter back in September of last year where there were three outstanding questions regarding the Hugh Cale Grant. He never saw a response. Could you get him that? He read the Wastewater Treatment Plant synopsis and it looks very promising. A resource that we don't tap is ECSU. They have a graduate business school. They have engineers. They have a lot of people over there with a lot of talent. We don't use them as the City. There are a lot of things like this kind of study that we got somebody to come in and do it. He would urge the City Manager and staff to look at how we can involve those students.

Councilman Brooks said the young ladies that were talking about the Sweepstake Cafés, he doesn't know of any major reason to not allow them to expand. It is always good news to hear of a business that is growing instead of falling by the wayside. Since Council approved the extended hours he doesn't know of any incidents that have happened contrary to our fears. He is really excited about the fact that we have businesses in the City that are growing so much that they need more space.

Councilwoman Hill-Lawrence said that we are having our second Community Crime Watch Meeting in the Fourth Ward on Monday night at 7:00 – 8:30 p.m. She invites all of you to come and share.

Councilman King said he asked a couple of weeks ago about the pond and fencing. He saw someone out there the other day that was actually trying to fish on the pond on Peartree Road and Road Street. One of those gates has come down or is broke and it needs to be fixed.

Mr. Morgan stated regarding the pond and the fence on South Martin Luther King, Jr. Drive he did speak with the adjoining property owner Thursday of last week. He has agreed to essentially swap a portion of his property for a portion of the City's existing property. He is waiting on the survey plat from McDowell & Associates. He spoke with Mr. Spivey of that office Friday and spoke with another representative today. We are full steam ahead on that as soon as he gets that document from them he will be able to prepare the final documents to finalize that.

Councilwoman Baker said she wanted to report another industry that is alive and well in Elizabeth City and that is tourism. She read several letters from several boaters that had stopped to visit us. She thinks it is fabulous that people take time to write about us and have a really good experience that they spread all over the country. If you have not been to one of the Rose Buddies parties look for it again in the fall when they start up again. It will really do your heart good to go talk to those people.

Councilman Walton said he agrees with Councilman Brooks if we extended the hours for that Sweepstakes Café and haven't had any incidents possibly we could bring back at our next meeting what we feel about them putting more machines in there. If nothing else businesses close around 10:00 p.m. so parking wouldn't be a problem. If nothing else we could have a conditional permit.

Mr. Olson stated to address the number of machines would require an amendment to the UDO to do that. One of the issues especially with this café is parking. To his knowledge we have not done a conditional use permit where we basically varied the hours on parking. Usually when you do a conditional use permit whatever the parking requirement is for anytime the business is open. If you vary them then it becomes a problem for enforcement.

Mayor McLean stated that this past week River City CDC had 400 people from all across the country to come here and rehab 40-50 houses. He is hoping that most of you saw these folks in action as it was something to behold. They spent a lot of money while they were here. They came to the fireworks on the 4th of July. If you missed the fireworks then you missed another good deal. He was so proud of his City. The City staff, Fire Department and Police Department really made him feel good. All of those who contributed to the funds are to be congratulated. He thinks we are going to have a parade next year. He wanted to thank City Council and encouraged that we work closer together and with our staff. Let's not try to surprise each other by catching each other off guard. We look better when we look as though we know what we are doing. We look better on TV and from the audience when we are aware of what others are doing. He asks that you work closely with each member of City Council to bring about situations whereby we can have a good operation that can be affective as well as feasible. He thanked the staff for all the work that they do.

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 Councilwoman B. S. Meggs to retire into Closed Session for consultation with the City Attorney as per NCGS 143-318.11 (a) (30; and consideration of the expansion of a business or industry as per NCGS 143-318.11(a) (40. Those voting in favor of the motion were: Hummer, Meggs, Baker, Brooks, Hill-Lawrence, King, Stimatz and Walton. Against: None. Motion carried.

10} RETURN TO REGULAR SESSION:

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman B.S. Meggs to return to regular session of Council. Those voting in favor of the motion were: Hummer, Meggs, Baker, Brooks, Hill-Lawrence, King, Stimatz and Walton. Against: None. Motion carried.

Mayor McLean declared the meeting back into full session.

11} ITEMS FROM CLOSED SESSION:

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman J. A. Stimatz to approve the submission of a Rural Center Building Reuse Grant on behalf of Island Breeze. Those voting in favor of the motion were: Hummer, Stimatz, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

11} ADJOURNMENT:

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

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

Mayor McLean adjourned the meeting at 10:25 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor