

MONDAY – 7:00 P.M.

JULY 12, 2010

CITY COUNCIL

The City Council of the City of Elizabeth City held its first regular 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. A. Hummer, R. E. King, B. S. Meggs, J. A. Stimatz and J. B. Walton. Councilwoman L. Hill-Lawrence was absent. City Staff attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Lieutenant J. Lacombe, Public Utilities Director P. A. Fredette, Parks and Recreation Director B. V. White, Human Resource Director K. W. Felton, Planning Director J. C. Brooks, Building Inspector S. E. Ward, Electric Director K. F. Clow and Finance Director S. E. Blanchard.

Mayor McLean called upon Reverend Bonsai Caison for the invocation after which the Pledge of Allegiance to the Flag of the United States of America was given.

1} APPROVAL OF THE AGENDA:

Mayor McLean called for the Council's pleasure regarding the prepared agenda.

Mayor Pro Tem L. A. Hummer asked to add, ***Consideration – Authorization to execute Memorandum of Agreement with NCSU to the Consent Agenda; and, add to the Regular Agenda, Consideration of a change order for the Oak Grove Drainage Project.***

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

2} COMMENTS FROM THE PUBLIC:

City Clerk D. S. Pierce-Tamplen advised that no one signed up to make comments.

3} APPROVAL OF MINUTES:

a} June 14, 2010 Regular Meeting Minutes:

Mayor McLean called for approval of the June 14, 2010 Regular Meeting minutes.

A motion was made by Councilwoman J. M. Baker, seconded by Councilman R. E. King to approve the minutes of the June 14, 2010 Regular Meeting. Those voting in favor of the motion were: Baker, King, Brooks, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.

b} June 28, 2010 Regular Meeting Minutes:

Mayor McLean called for approval of the June 28, 2010 Regular Meeting minutes.

A motion was made by Councilman R. E. King, seconded by Councilwoman J. M. Baker to approve the minutes of the June 28, 2010 Regular Meeting. Those voting in favor of the motion were: King, Baker, Brooks, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.

4} PROCLAMATION:

Mayor McLean presented to H. P. Williams, River City Community Development Corporation's a proclamation in honor of their 20th anniversary of service. Mr. Williams made brief remarks.

5} CONSENT AGENDA:

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

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

CONSENT AGENDA

a} Approved the use of \$3,000 in CDBG Program Income to benefit Tabernacle of Faith's Homeless Shelter located at 515 South Road Street.

b} Authorized the execution of a Grant Agreement with DENR, Albemarle Pamlico National Estuary Program in the amount of \$25,000 for the development of an eco-park on Knobbs Creek.

c} Adopted the following Project Ordinance for Grant SBAHQ-10-0016 for the Aviation Park Phase II Project.

**PROJECT ORDINANCE
US SMALL BUSINESS ADMINISTRATION
GRANT #SBAHQ-10-0016
AVIATION PARK PHASE II**

BE IT ORDAINED, by the City Council of the City of Elizabeth City, North Carolina that pursuant to Section 13.2 of Chapter 159, of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted; and

Section I. The project authorized is the Aviation Park Phase II Project Ordinance to be financed with grant funds.

Section II. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document and the budget contained herein.

Section III. The following revenues are anticipated to be available to complete this project:

Small Business Administration	\$196,514
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Section IV. The following amounts are appropriated for the project:

Aviation Park Phase II Development	\$196,514
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SECTION V. Copies of this grant project ordinance shall be made available to the Budget Officer and Finance Director for direction in carrying out this project.

ADOPTED, this 12th day of July 2010.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

d} Authorized the execution of the Rural Center Clean Water Partners Supplement Grant Contract; adopted the following Project Ordinance and adopted the following resolution affirming residential water and sewer rates.

**PROJECT ORDINANCE
RAW WATER TRANSMISSION MAIN REPLACEMENT PROJECT
FROM THE WELL FIELD TO THE EAST SIDE OF KNOBBS CREEK
JULY 12, 2010**

BE IT ORDAINED, by the City Council of the City of Elizabeth City, North Carolina that pursuant to Section 13.2 of Chapter 159, of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section I. The project authorized is the Raw Water Transmission Main Replacement Project Ordinance to be financed with a combination of grant funds and City matching funds.

Section II. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document and the budget contained herein.

Section III. The following revenues are anticipated to be available to complete this project:

Rural Center Clean Water Partners' Infrastructure Program	\$500,000
City of Elizabeth City Matching Allocation-Escrow Funds	\$364,000

Section IV. The following amounts are appropriated for the project:

Raw Water Transmission Main Replacement Project	\$864,000
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Section V. Copies of this grant project ordinance shall be made available to the Budget Officer and Finance Director for direction in carrying out this project.

ADOPTED, this 12th day of July 2010.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

**RESOLUTION #1071
AFFIRMING RESIDENTIAL WATER AND SEWER RATES
FOR THE CITY OF ELIZABETH CITY, NC
JULY 12, 2010**

WHEREAS, the City of Elizabeth City has been awarded a \$500,000 Grant from the NC Rural Center Clean Water Partners Supplemental Grant Program; and

WHEREAS, the grant award is contingent upon the receipt by the Rural Center of certain documentation; and

WHEREAS, one of the grant award contingencies is an affirmation by the City Council that the City of Elizabeth City's water and sewer rates for 5,000 gallons usage is at 1.5% of the annual median household income for the 2000 Census;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elizabeth City affirms that the City of Elizabeth City's annual water and sewer rate for 5,000 gallons usage is computed to be \$700.44.

BE IT FURTHER RESOLVED, that 1.5% of the City's 2000 Census Median Household Income, which is used as the qualifier by the Rural Center, equates to \$362.90

ADOPTED, this the 12th day of July 2010.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

d} Appointments to Historic Preservation Commission:

Mayor McLean called for confirmation of Dorothy Rosenke and Gordon T. Adams, Sr. as members of the Historic Preservation Commission. Ms. Rosenke's appointment is for a three year term ending June 30, 2013; and Mr. Adams' appointment is to fill an unexpired term ending November 23, 2012.

e} Authorized the execution of a Memorandum of Agreement with NCSU in the amount of \$24,316.

End of Consent Agenda

6} REGULAR AGENDA:

a} Redesign of Electric Rate Structure:

Mayor McLean stated we had talked about this issue at a previous meeting to look at a way to give citizens a better chance to pay their electric bills in the winter time when it is critical that they had heat while insuring the City does not suffer any way relative to estimated revenues. He passed out a rate sheet that he secured from other cities. This work was done by the Greenville Utility Commission. He introduced the information to Council for your review and your conversation. Greenville is the only city with a Utilities Commission that is part of ElectriCities. The information gives you an example of the type of verbal rates each of these cities have. For instance, Tarboro in the winter time would charge 123.81 per 1,000 kWh used and in the summer time they go to 138.18. The City of Greenville charges 114.13 per 1,000 kWh used and in the summertime it goes up to 124.99. Even Dominion NC Power in the winter time they charge 95.49 per kWh charge and in the summer time they go up to 106.52. Fayetteville charge \$87.00 per 1000 kWh and they also show the same rate in the summer time. When you compare Elizabeth City it shows 135.80 per 1000 kWh charge and that is the rate that we keep during the summer also. He is introducing this to Council to say that when people lose their power in the winter it is much more critical than if they lose their power in the summer time. Just for example during the week of July 4th, we had 157 cutoffs and the week prior to July 4th he didn't get but one phone call because people in the summer time are able to adjust. Every week this past winter when there were cutoffs we receive a number of telephone calls and staff was really inundated with people that could not pay their bills or people who were being disconnected. He is suggesting this as a way to look at what other cities have done and a way to bring about a situation whereby we can do something to help our citizens pay light bills. We also looked at level pay. He had staff to do a general analysis where we currently have 447 on the equal pay plan. During the year we have had 127 customers who were disconnected from the equal payment plan because they simply could not pay their bills. He is giving this information for review.

City Manager Olson stated that during the Work Session of June 28th, city staff presented a proposal to City Council a modification or possible modification to our existing RS-1 electrical rate to a seasonally based rate. That is the rate that governs almost all of our residential customers. What we brought back to the Council at the June 28th meeting was an 8% rate reduction during the months of

December, January, February and March. To offset the reduction and receive the same amount of revenue, electric rates would need to be increased 3% for the months of March through November to offset the lost of revenue. During the work session the City Council asked that we do some additional modeling and also provide to each member of the Council what affect that new rate structure would have on each member of City Council. As he said in a memo he sent last week, we had six council members that saw a reduction in their utility bills, three saw an increase. Most of those pluses or minuses were within one to two percent of the overall bill cost. The Council then asked us to look at all 10,554 customers that we have on the RS-1 rate. We modeled that last week and we found that 90% of our customers fall within one to two percent above or below the rate we are estimating if we change that to 3% above or 3% below that is 98% of our customers. That is a high degree of confidence we have in the rate that we are bringing back before you. One thing that staff mentioned at the last meeting is the need to hire an outside consultant if we decide to look at not just the residential rate but the other five rate tariffs that we have that govern the rest of our customers. The staff mentioned rate design is an art but it is also a policy decision by the Council. From state perspective and the Council realizes this we need to make sure we received the same amount of revenue as we had budgeted in the Fiscal Year 2010-2011 Budget. In this particular rate it does that. What the Mayor alluded to in his comments a few minutes ago is the equal payment plan. As he said, we have 447 customers on the equal payment plan. In March we offered an incentive to our Customer Service reps to sign people up and they did extremely well. Unfortunately what we have experienced over the last few weeks is people are getting their bills and realizing they have a credit now and that the City is holding their money in anticipation of high bills they are going to have in the winter time. We have had a large number of individuals who recently signed up for the level payment plan drop off the plan because they perceived that we are keeping their money. We are keeping their money but it is being held in their account in reserves for the higher bills that they will be experiencing over the winter time. Historically, in the electrical industry your shoulder months, March, April and May, and also September, October, November are the months that you have the lowest amount of usage. You do anticipate having a credit during those months in the level payment plan. In the summer time you hope to break even and in the winter time the savings you had in the shoulder months will offset the higher bills you have in the winter time.

Councilman Walton stated that Rich said the people on level pay that some dropped off because they did not realize that you were holding some of their money. Was that hard to explain to them?

Mr. Olson replied that they received a bill and on their bill it gives them a running total of what they have in their account and most of those people had a credit in their account because the level payment plan went into effect based on twelve

months but their usage in those months were a lot less than what the level payment was. We have had some conversations with them. Some of it could be the way the economy is now, but they had concerns that the City was holding their money.

Mr. Walton said it should have been explained to them prior to signing up, don't you think.

Mr. Olson stated that it was explained to them.

Mr. Walton said then it must not have been clear because what you just explained is clearer that it was prior to this meeting.

Mr. Olson said of course the best time to do a level pay payment plan is in your high usage months which are December, January and February where you basically save the customer money and then you pick it up on the rest of the months. In the shoulder months their usage is down and therefore you will have a credit that you will use in the higher usage months.

Councilman Stimatz said the problem is we do not know if we are hurting or helping the people that are living week to week. We can only look at this globally. We are going to help more people than we are going to hurt. His gut instinct is to say give it a whirl. Try it for a year. We have to go to public hearing anyway. Then people can come in and talk about it. Then the question will be if they can shave electric use in the summer months. One group might break even and the others will save even more. This achieves some of our goals towards allowing them to make the choice about making their lives better. He doesn't have a problem with giving this a whirl. He would add this. He thinks we still have to buy the software, fix the software so that we can let people pick any day they want to pay. We have to tie that to level pay because it doesn't work otherwise. We have to do a better job of explaining what is going on because the people that gave up quite frankly he hopes you have a list of their names. If they came to him and complained that their bill was too high in December he would say, well if you were on level pay you would only be paying \$200 a month. You chose to get off so don't cry now. That is the whole point. We are holding their money but if they can't stand that, and then they are going to have to take the brunt later on when they are going to have to pay \$500 or \$600 in December. That is their choice. He is not here to hold people's hands. This helps them out but he still says we have to fix the software and pick your day. You go on level pay you pick the day you are to pay. It gives people more choices.

Councilwoman Baker said her concern is if people can't understand the level pay how can we expect them to understand the different rates? They all want to pay

less. They are all going to think that they are on the list that pays more. She does not see it working. She doesn't want to charge the people that want to be cool more than we charge the people that want to be warm. How do we know who they are? Are we going to pay money for this study to try and save money? How much is this going to cost us?

Mr. Olson said that we are comfortable with just studying the RS-1 rate. It has been years since we looked at the overall rate design for commercial customers and the other rate classifications. He did talk to some people at Power Resources which is one of the companies that does rate designs for a number of different cities. We are looking at \$25,000 - \$30,000 to do a rate study of all of our customers.

Ms. Baker said she is not in favor of it.

Councilman King said that was his concern with the commercial customers. When we look at commercial customers they are giving people in the City jobs. We need to start looking to be more business friendly. If a small business owner is hiring three people within the City and they live within the City they are paying electric. He is in favor of the study for the commercial. He thinks that we need to start looking to be more business friendly. We can tie that in with a different face of the City. We have not been very friendly and he feels we should start being a little bit more business friendly.

Councilman Walton said he agrees with Councilman King about the business portion of the City. The last budget would have been very crucial for us to talk more about it. At this time we need to try something different because if we never do you will keep on getting the same results. He doesn't think another study is something that we need to pay \$25,000 for.

A motion was made by Councilman J. B. Walton, seconded by Councilman R. E. King to call for a public hearing to be held on Monday, August 9, 2010 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building to try the Seasonal rates as proposed for one year.

Mr. Olson asked to say what the Council needs to do if you decide to do what Councilman Walton suggested is we need a motion to go to a public hearing at our meeting in August for the new rate. We will present you at that particular time the rate ordinance which you see in front of you're here.

Mr. King said that he is going to stick to us needing to look at the commercial rates. He asked if there was anything cheaper than the \$25,000-\$30,000 for a study.

Mr. Olson said that was just one company that he called that he knows they have done a lot of rate studies for a number of different agencies that are under the ElectriCities or the Eastern Agency umbrella. They are familiar with our base rates that we get charged for the purchase of the power. There are about three companies that do this type of work.

Mr. King asked if we could get ElectriCities to give us some money to help with this study.

Mr. Olson replied that he didn't believe so. They usually allocate \$4,000 to help out with rate studies. They have given that for the Customer Service Task Force.

Mayor Pro Tem Hummer asked if Mr. Olson would have some ball park figures as to what the study would cost at this time. She disagrees that people could save more money in the summer than in the winter. She thinks it is just as dangerous to be hot in the summer as to be cold in the winter because you hear horror stories everyday of people who have either turned off their air condition to save on their utility bill and maybe they die of heat exhaustion. She would hate to think that we had talked somebody into perhaps the fact that they could save some money when older people don't realize the dangers of not having some sort of cooling system. A lot of people who have breathing problems and even those that aren't on a respirator don't tolerate heat without air conditioning.

Councilwoman Meggs stated that this would not be an option. In other words everybody would have to do it or no one would.

Mr. Olson stated he would like to expound on that motion so we know exactly what the rate ordinance will say. The ordinance will say that the individual on the RS-1 rate will pay 13.09 cents per kWh for the power used in the months of March through November; and for the Months of December, January and February they will pay 11.68 cents per kWh. That is what the rate ordinance will specifically say.

Councilman Stimatz said he thinks that we don't have to handle the study question tonight. He thinks it is a good idea. He would like to see two things when we come back. One is the cost of doing a power rate study for the commercial and the other question is going to be there will be winners and losers there too. Some people will lose and some people will win. That one is going to be tough because a lot of small businesses are hurting already and we can't be hammering those folks. By the same token you want to attract large businesses. That is part of the study and he understands that. The other thing he wants to know is the cost to fix the software so that we can have "pick your

day". We have been talking about this for three years and we have never gotten around to it. Another question would be the funding source.

Councilwoman Baker stated maybe the pick your day on level pay may be resolved because the Customer Service Task Force focus groups are starting real soon and she thinks that will be a major issue and hopefully we will get a resolution to that and it will support our desires as well. She thinks that is very important as well. Every other company can do it practically and we should be able to also.

Those voting in favor of the motion were: Walton, King, Baker, Meggs and Stimatz. Against: Brooks and Hummer. Motion carried.

Councilman Brooks asked to say to those out there are talking about changing the electric rates from winter rates to summer rates and we are having a public hearing on August 9th don't sit there in your house looking at the TV and then let them change the rates that affect you and you don't come up and voice your opinion. In the winter months and summer months if it happens to affect you drastically, during the public hearing is the time to come up and voice your opinion. Don't wait until it turns out bad or good for you. Now is your chance. Come up here on August 9th. Listen to him, come up for the public hearing and voice your opinion about things that concern you.

Mayor Pro Tem Hummer said that people should pay attention because it is not optional, it will be imposed on you. We have enough things that are regulated and this one is going to be decided by your representatives.

b} Request for funding from outside non-profit organizations.

Mayor McLean stated that what happened here was he met with staff and these figures are not etched in concrete as you can change or do what ever you want to do with it. His recommendations are as follows:

Pasquotank-Camden Library	\$1,000.00
River City CDC	\$3,416.00
Carolina Cup Regatta	\$\$3,430.00 (Tourism)
Food Bank of the Albemarle	\$5,000.00
Skills, Inc.	\$1,000.00
Community Relations Commission	\$1,000.00
Port Discover	-0-
Habitat for Humanity	\$ 500.00
Healthy Carolinians of the Albemarle	\$ 500.00
Northeast Coalition to End Homelessness	\$4,000.00

Tabernacle of Faith	\$3,000.00 (CDBG)
Blazers AAU Team	\$ 500.00
Ocean Potion AAU Team	500.00

If this recommendation is approved that is going to leave around \$2,584.00 in the Contingency Fund.

Councilman King said he doesn't see anything here for Juneteenth. He would like to see Juneteenth added to this list.

Councilwoman Baker said she has several points. Number one, Port Discover the money that we gave them or have promised them through tourism development funds is for capital use. The money that they are requesting here is for programs for our youth. Our youth is always a big thing with this Council. She recommends:

Pasquotank-Camden Library	\$1,000.00
River City CDC	\$2,500.00
Carolina Cup Regatta	\$ -0-
Food Bank of the Albemarle	\$5,000.00
Skills, Inc.	\$ -0-
Community Relations Commission	\$ -0-
Port Discover	\$5,000.00
Habitat for Humanity	\$ -0-
Healthy Carolinians of the Albemarle	\$ 500.00
Northeast Coalition to End Homelessness	\$5,000.00
Tabernacle of Faith	\$ -0- (3,000 (CDBG)
Blazers AAU Team	\$ -0-
Ocean Potion AAU Team	\$ -0-

A motion was made by Councilwoman J. M. Baker, seconded by Councilwoman B. S. Meggs to recommend the above stated contributions be approved.

Councilman Brooks said that Councilwoman Baker went through this and proposed what she wanted. Then she made a motion and it was seconded before anyone else could go through and say what they may like to see funded. Now, we are voting on it. Some of the things she said were good, but we are already making a motion and he doesn't want to shoot down everything she said. We have a motion and a second and we are voting on everything she put forth without anyone else having any input. AAU Basketball you talk about them having to come forth and then you start talking about the homeless shelter and we want to see how they are going to manage the money but we didn't talk about the Northeast Coalition to End Homelessness and how they are going to

manage their money. If we are going to do one then let's do them all. Because it has been motioned and seconded he has to vote on the things that he thinks were done premature based on what he thinks is good. That is not good. Maybe we should have more discussion on what to do and what not to do as far as this. If it was up to him he would split it up so everyone would get the same amount. No matter what you give some people are going to think that they deserve more. We are picking out the ones that certain people favor. That is not good for the City.

Councilman Walton said that he agrees with Councilman Brooks this time and that is the way that we push things through a lot of time with this Council. Without given the opportunity but what is happening this is how we do things and that is not the right way to do things. Everyone on this Council should have some say so in every item. There is a group that is having a process right now. They are having something called boot camp over at the EC Middle School. Mike Williams is in charge of it. He wanted 20 young people to participate to see if he could change their discipline habits and things of that nature but he had to scale it down to eleven because he didn't have the funding. This is supposed to be about youth but for him to scale down from 20 to 11 it will not be a class act. Anything we do should be a class act or we shouldn't have it. Right now he is in the process of trying to acquire some money to have a graduation ceremony. He should have been given the chance to make his suggestions also.

A friendly motion was made by Councilman J.B. Walton to add Mike Williams "Boot Camp" into that motion to at least give him \$1500.

Councilman King said that he thinks it is very important to add to the Food Bank. The \$5000 he has no problem with but the problem he has is when you say Food Bank that money goes directly to the Food Bank and it serves seven counties. He is interested in serving Elizabeth City. He thinks that we should ear mark that money especially for the Food Pantry of Elizabeth City. If we go out there and give to the Food Bank we will be serving six other counties and we need to take care of our own first. We need to make sure that money goes to Elizabeth City Food Pantry. The next item he has is we added it up to \$19000 and still haven't set aside anything for Juneteenth. He hasn't heard that. Is the Boot Camp a part of PAL?

Mr. Olson stated that we had roughly \$3,000 left over in the PAL Program and we went ahead and fully funded Mike Williams Boot Camp. That money last year that would have been lost will fully fund that program.

Councilwoman Baker said on May 24th we had presentations from non-profits. We sent everybody a letter saying here is the process. You come before us and

tell us what you want. Make a presentation and then we will have a debating time and we will see what it is and we will give this on Thursday and these are the people that came before us. Is she not right? Tonight is our decision. It is not right to add more people to the list. They had their chance and they didn't come before us. She applauds Juneteenth as a celebration but she didn't vote for them this year because they didn't ask for any money. They didn't come on May 24th and ask for any money again and that is why she didn't put them in.

Councilwoman Meggs apologized to Councilman Walton but the point that she said to him was parliament procedure because she has always heard that before you can have a discussion you have to make a motion and it has to be seconded. Then you have a discussion. That was parliament procedure. You can vote this down or vote it up. This doesn't mean it is written in stone.

Mr. Walton said you are right and he accepts your apology.

Mayor Pro Tem Hummer stated she does not look at it as someone trying to push something through. She thinks our biggest problem is sometimes we don't get anything until we get here. She knows the Manager sent out an email or notice if there was anything we wanted we should let him know ahead of time. This is the first she has seen of the Mayor's recommendations and she would appreciate as Mayor Pro Tem to have it shared with her. She had three Council Members call her and she doesn't know what the answer is.

Councilman Stimatz said he sent his recommendations to the Manager. The vast majority Ms. Baker has listed. If you don't get your ore in the water, guess what, the boat isn't going to go in your direction. He thinks that when someone makes a motion what they are saying is this is what they proposed. It doesn't mean that is what is going to happen. That is why we have debate. He thinks the Juneteenth issue should be handled by the CRC. Let them look at it and then come back to Council with any requests for funding.

Those voting in favor of the motion were: Baker, Meggs, Brooks, Hummer, King, Meggs, Stimatz and Walton. Motion carried.

c} Change Order – Oak Grove:

Mr. Olson stated at the meeting on June 28th staff was directed to consider additional changes that would address concerns of the Oak Grove residents. The deepest ditch line in the project is on the West side of Newby Street. Staff has discussed constructing a culvert on the west side of Newby Street. The engineer has agreed that closing in that part of the system would be acceptable because it carries only a very small section of the Oak Grove area. The contractor has offered the City a change order to remove the existing culverts and ditch line,

which was installed and paid for under the terms of the original agreement, and for an additional cost of \$32,500. In addition to the removal of the culvert and ditch already constructed the change order includes the construction of about 700 feet of pipe, clean fill to cover the pipe in the ditch line, six catch basins that will be required and the cost to loam and seed over the culvert. The Contractor expects to complete the current scope of work during the week of July 19th. If the change as outlined herein is to be authorized for a change order of \$32,500 it must be done the week of July 12th otherwise there would be an additional cost to re-mobilize the site. The following changes were initiated to be funded from project contingencies include:

- *the driveway culvert extension for Mr. Munden
- *The connection of several short sections of culvert on the north side of the west end of Beechwood Avenue
- *Extension of a culvert between 100 and 102 Pinewood Avenue
- *Lowering of two sewer service connections off of Newby
- *Removal of four trees on Pinewood to accommodate the grading of the ditch line
- *Install a closed pipe and catch basins in front of the Cooper property on Newby Street (Replacement in kind).

The cost of the change orders to date is \$14,200. Since we do not have sufficient funds left in the contingency fund and because of the nature of this project he is bringing the change order for \$32,500 before Council to get some general direction on whether or not the Council wishes us to authorize the contractor to do that work.

Mr. Stimatz asked if the people that told us that we couldn't put a closed system in approve it.

Mr. Fredette stated what we said at the prior meeting that DOT objected or would not approve a closed system based on the recommendation of the engineer was correct. When Jeff Thompson looked at the ditch on Newby Street and isolated it from the rest of the Oak Grove Project he said that he could recommend closing that pipe in that area because it carried only the extreme west side of Oak Grove. We have not presented that recommendation to DOT at this point. It would be the consulting engineer's statement that it would not compromise the project if we closed it out.

Mr. Stimatz said we have not talked with NCDOT. We haven't talked with DENR. He just wants to make sure that you have gone back to them and gotten them to agree to this exception.

Mr. Olson said until the Council gives us permission to go forward with the change order there is no discussion with NCDOT or with DENR. If you don't approve the change order then why should we even go forward with those agencies? We are pretty confident that there will not be a problem with NCDOT on this project. We have had discussions with Sterling Baker, the Director of Maintenance for NCDOT about doing a modified system. He didn't seem to have any objections. That was discussed when we had the Elizabeth Street discussion three weeks ago.

Mr. Stimatz said that he just wants to make sure that people's expectations are not raised by the Council taking positive action and then blaming us because either one of them turns it down later on. You are saying the probability is very low and he doesn't want people thinking just because we voted for it to happen we still have to get permission. That is what he wants to make clear.

Councilwoman Baker asked is this going to be the end. Is this going to finalize Oak Grove?

Mr. Fredette said if he could get the project done at midnight tomorrow I would do that. The contractor is very close to finishing now. He told me he would be finished sometime the middle of next week. If we add this piece of the project to it, it will add some time to it so it will probably be three to four weeks away from finishing the project if this motion passes. This project has been neighborhood driven from day one so if we approve this he can't guarantee there won't be another request.

A motion was made by Councilman R. E. King, seconded by Councilman J. B. Walton to authorize the City Manager to execute an additional change order for the removal of the newly installed ditch line and replace it with about 700 liner feet of pipe and requisite catch basins for a cost of \$32,500. Those voting in favor of the motion were: King, Walton, Brooks and Stimatz. Against: Baker, Hummer and Meggs. Motion carried.

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

City Manager Olson stated he had no further comments.

Councilwoman Baker read several letters from boaters. She reported that the Customer Service Task Force held a meeting today. Hopefully, we will rap up the task force some time in September. The Committee has met almost every week since February and we wanted to get done by the end of June and we almost made it. Letters will go out tomorrow to schedule the Focus Groups. This is the Customer Service Focus Group. There will be four focus groups with five people

from each Ward in each Focus Group. These are by invitation and are private meetings and there will be no city officials there, no members of the Task Force as it will be just the facilitator and a scribe. They will be free to speak and won't be afraid to say what is on their minds. We will get a report in early September and then we will have a report for Council after that. She wanted to say that the fireworks were fabulous. Bobbie did a good job. It was a great event and a good fund raiser for the non-profits and some for profits that showed up to sell their wares. Good food and pop corn and things like that. She also wanted to thank Dr. Terryberry and Bernie Blystone for their assistance. It was one of the nicest fireworks that there has ever been. Before the fire works started if you were not there early the City received a distinguished flag of honor that was flown over the US Capital in April and in Afghanistan in May. The presentation was made by the Civil Air Patrol Cadets. She expressed her concern over how long it is taking them to tear the Charles Creek Bridge down.

Councilman Brooks stated he would like to commend Mike Williams for what he is doing for the youth and Bobbie White for the efforts she put forth on the fireworks. The contractors at public housing have started maintaining the yards. They are doing a great job. He told the people in Oxford Heights to come before Council and talk about their issues now. He said to the people on Carolina Avenue to hang in there that he feels it will work out to your benefit.

Mayor Pro Tem Hummer said she would like to bring up Triangle Park on Elizabeth Street again. Now that the playground equipment has been removed it is no longer a playground. How can you decommission a playground? The small children that live around there that are too young to walk to the school or Knobbs Creek have no place to play now. Her community watch people keep reminding her that last year the City Manager stated there was \$100,000 in the budget to be divided between the four wards for various things that need to be done and so she was wondering the status of that \$100,000. Can some of that money be used to start purchasing some playground equipment or have you found some?

Mr. Olson said the \$100,000 was in the Powell Bill and of course that money is restricted for roads and sidewalks. We are still looking through the budget but unfortunately we are still looking at the impact the County not funding us totally on the parks and rec budget and making the appropriate reductions in line items. We will bring that back to the Council in the form of some sort of budget amendment. We have one possible location to find that money but we have a number of other projects we are waiting on to see what those costs are because we are already committed to those projects.

Ms. Hummer said when a lot is vacant it soon becomes just a piece of property because already people have started throwing old tires on the property. There

were three old tires there this morning. She is not going to give up on this. Each council member has had a hot topic tonight and this is mine. She is expressing it on behalf of the children in the Second Ward. We hear so much about doing for the youth and we have some over there too.

Councilman King said he agrees with Mayor Pro Tem Hummer. He asks for the Parks to be on the agenda. We need to do something with our parks. We are talking about youth and that is a start. On Catalina we have baseball fields and a lot of people attend those games. It is something for the youth to do. We also have a playground over there that has one piece of equipment. We need to find the money to upgrade our parks. That is something that we can work on. He commended Bobbie White for her work on the fire works. They were excellent. Next year we need to try to get more vendors because the lines were so long to get a drink.

Councilwoman Meggs said she also wanted to thank to Bobbie for all her hard work. They were talking about the patrol group and she understood that the young one that was in charge of the group is Scott Hinton's son. His daughter was also in the line up. She had a nice lunch at a new deli here in town. It is called DeLicious and it is out by Food Lion on Weeksville Road. She also thanked Paul Fredette for the storm clean up.

Councilman Stimatz said it is never too late to meet this year's challenge. He gave \$500 and challenged his fellow council members to meet or beat it. He thinks it was a pretty pathetic response. Some people gave money. He is already pledging \$500 for next year's and he hopes you can come up with that within the next twelve months. For the folks in Oxford Heights, you need to send letters to Senator Marc Basnight and Representative Owens and NCDOT requesting that they fix the drainage problem at Main Street Extended. He hasn't seen any marketing information for the Elizabeth Street and Camden Bridge project yet. He is hoping that you will bring that to our first meeting in August. Cleaning up alleyways in the City is that something that we can use Powell Money on? He would like to see some work done on the alleyways. Finally, the dumpster at City Meeting Place is still unscreened. They have been unscreened since he moved to this City. We started an enforcement effort 18 months ago and nothing has been done. How can we approve a permit to do anything in there before we have made the owner screen the dumpsters for that space? Why are we approving anything? He would like a report on what enforcement action has been taken. We are not following up on issues.

Mr. Olson stated that we took it to the magistrate and they required that we notify the people one more time and July 31st is when they have to be in compliance. If not, we go back to the magistrate.

Councilman Walton stated that in education they have a test at the end of the year. If you fail it one time you keep going back to it until you get a chance to pass it. He is sure that we are going to be graded on the electric, Oak Grove and youth. We have touched on all three of those tonight. To him, Oak Grove will keep showing up until we do it right because he thinks we failed them when we first put it together because we didn't put it together the correct way. It will continue to keep coming to us until we do it right. He asked Mr. Fredette if he could get an update on Gladys Lister at 101 Beechwood.

Mr. Fredette stated he received a comment from a contractor that was working out there saying that she asked him about the possibility of replacing the concrete ditch that is along the front and side of her property. It would be difficult in fact more specifically she liked the looks of the ditches that we were building better than what was there now. Unfortunately, she has some very large trees that line the Beechwood side and a fence that is very close on the South side street side of that property. She has a ditch in there that is about 2-3 feet deep and has vertical sides. It has already been formed and concrete put in. The flow line is adequate or is compatible with what we have in there. He has taken no action on the contractor asking me. He told him to leave it like it is.

Mr. Walton asked if it was in the original contract because he remembers you stating that we would remove all driveways and ditches and put them back the way they were. Why would you eliminate one location compared to all other residents that are in the area?

Mr. Fredette said he just said why. In that case she had a concrete ditch. It was compatible and maintainable to what we were building and also she has very large trees and a fence line. To change it would require that we take down four or five 18 to 20 foot diameter trees and that we remove her fence before we could put in a ditch and it would not improve the flow situation in that area. It was not in the original contract.

Mr. Walton said so it was just a decision that was made.

Mr. Fredette said to do the work was not in the original contract.

Mr. Walton said to do the work was not in the original contract. So, in the original contract was what concerning her property. You had something drawn up on the whole project.

Mr. Fredette said that there was no action to be taken in front of her property. The cross section that was provided in the contract is the same as it is right now. He will verify that.

Mr. Walton said the last thing that he wants to expound on is we do have a Youth Initiative Group that will entertain those parks. We have already started to do some things with that. That is why it was so important to try to get some funding before we even got started but everything was shut down. When you shut down things before you get started you can't have a beginning, middle and then a closure on it because it was shut down. Now, what we ought to do is try to find some funding from somewhere to make these things happen. He doesn't know why we are so impatient now because the money is just not going to come from anywhere. It comes from a budget session. We did not budget that money so we have to find it or raise it. That is what we are in the process of trying to do.

Mayor McLean said that some of the members of Council attended a program that was sponsored by Dr. Sharp at Elizabeth City State University. They brought in roughly 20 young people from all across the state and nation to learn the art of aviation. That was a good program. He also spoke at an event at Elizabeth City State University VA NC LSAMP Program-Summer Bridge Program. There was another 20 young people attending that were from across the nation. They are also studying aviation. That was also a good program.

On Thursday we have the Change of Command at the Coast Guard Base. He wanted to say that moving to Elizabeth City 35 years ago that Elizabeth City to him is a City of Hospitality. He is having his family reunion on July 23, 24 & 25th. If you don't have a place to have it you won't get a place. Everything is booked. This Council has a chance to really move this City forward because citizens who live here are giving us a chance to do that. All we have to do is move beyond that point. We shouldn't look back but look forward because people are really putting their time and effort in making this City a true City of Hospitality.

The July 4th was a very good celebration. He would like to see a July 4th parade. We accepted a flag on behalf of the City. Councilmen Brooks, King and Stimatz represented the City. They are all veterans and they have given so much to their country.

On the playground equipment in our parks, in the last six days he has driven from Atlanta to Detroit and it is nice to go places where people have parks. They have places to take their kids and families to play. He is asking the City Manager to make sure that we get the playground equipment replaced in that park. Let's do what we can. He thinks that is something that we need to really do. He would also like for him to look at a bond referendum to fund our parks and recreational areas to bring them up to par so that we can all feel good about what we are going to offer to our citizens. He thinks a good parks system in Elizabeth City will draw people here as well as bring money here. He also wants

to take a look at the P & R Agreement between the City and the County. We took over the Parks and Rec based on a MOU and since that time the County reduced in terms of budget and right now we need to bring it to an acceptable level and we need to discuss that issue.

He stated he wanted to thank the staff. He wants to thank Dianne Tamplen. She is working sick. She goes into the hospital and comes out of the hospital and goes to work. How she does it, we just don't know. He wants to thank Vivian White for the good job that she is doing as well as Ms. Tamplen, City Manager Olson, City Attorney Morgan and city staff.

8} CLOSED SESSION:

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

A motion was made Mayor Pro Tem L. A. Hummer, seconded by Councilman J. A. Stimatz to retire into Closed Session for consultation with the City Attorney as per NCGS 143-318.11 (a) (3), to instruct staff on the position to be taken regarding proposed acquisition of property as per NCGS 143-318.11 (a) (5) and consideration of Closed Session Minutes, as per NCGS 143-318.10(e)qw. Those voting in favor of the motion were: Hummer, Stimatz, Baker, Brooks, King, Meggs and Walton. Against: None. Motion carried.

Mayor McLean declared the meeting into Closed Session.

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

Mayor McLean declared the meeting back into full session.

9} CLOSED SESSION ITEMS:

a} Closed Session Minutes:

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to approve the Closed Session Minutes as presented in Closed Session. Those voting in favor of the motion were: Stimatz, King, Baker, Brooks, Hummer, Meggs and Walton. Against: None. Motion carried.

b} Approval of refund to Selma White:

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to approve the refund to Selma White for a filing fee in the amount of \$500.00. Those voting in favor of the motion were: Stimatz, King, Baker, Brooks, Hummer, Meggs and Walton. Against: None. Motion carried.

c} Section 14-129 City Code of Ordinances:

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to suspend Section 14-129 of the City of Elizabeth City Code of Ordinances and direct the City Attorney to prepared conditions under which the City will operate in regard to Door to Door Canvassing Without Invitation. Those voting in favor of the motion were: Stimatz, King, Baker, Brooks, Hummer, Meggs and Walton. Against: None. Motion carried.

10} ADJOURNMENT:

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

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

Mayor McLean adjourned the meeting at 9:45 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor