MONDAY-7:00 P.M. JULY 23, 2012 CITY COUNCIL

The City Council of the City of Elizabeth City held its second meeting of the month on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor J. W. Peel presiding. Those members attending were: Mayor Pro Tem J. B. Walton, Counselors: J. M. Baker, M. E. Brooks, R. T. Donnelly, L. M. Hill-Lawrence, L. A. Hummer, K. K. Spence and J. A. Stimatz. City staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Human Resource Director K. W. Felton, Parks and Recreation Director B. V. White, ECDI Director R. Cross, Public Utilities Director P. A. Fredette, Inspection Director S. E. Ward, Electric Director K. F. Clow, Fire Chief L. M. Mackey and Assistant Police Chief J. A. Manley.

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

1} AGENDA ADJUSTMENTS AND APPROVAL:

Mayor Peel called for approval of the prepared agenda.

Councilman M. E. Brooks asked to add Summerfield/Chesterfield, Internet Sweepstakes and Bed and Breakfast emails.

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

2} PROCLAMATION:

a} Coast Guard Week – July 27 – August 3, 2012.

Mayor Peel presented a proclamation to Captain Donald E. Caulkin proclaiming the week of July 31 – August 3, 2012 as Coast Guard Week in Elizabeth City.

Captain Caulkin thanked City Council for their continued support and also the citizens of Elizabeth City. They have enjoyed more than a seven decade

relationship and on behalf of all the Coast Guard personnel he thanks you for the continued support.

3} PUBLIC COMMENTS:

Mr. Richard Chapman, 315 Live Oak, Newport, North Carolina. He is the owner/operator of Past Times Internet Sweepstake Café and he spoke to City Council regarding the $500 fee per machine that Sweepstakes Café owners have to pay, plus the $2,000 per machine deal. Last year he paid $13,500 plus another $13,500 when he added the additional machines. He requested that Council look into lowering the fee as it is getting increasingly hard to make ends meet.

Mr. Sonny DiGirolamo, 1010 Sundown Drive, and he is President of the Summerfield Homeowners Association and he spoke regarding an article in the Daily Advance regarding the hearing on Monday on the boats in front yards. There was a comment made by Councilman Brooks that he did not support the front yard boat ban. That puts us in a pickle because they have an active community association and have adopted a covenant that prohibits this. He has been trying to enforce this in his community because it is not allowed in front or side of properties. It is supposed to be parked in the back yard. We try to maintain our property out there. His fear after the statement by Councilman Brooks that it will be hard to enforced. He would like to see it clarified in the Daily Advance

4} APPROVAL OF MINUTES:

a} Budget Work Session – June 4, 2012:

Mayor Peel called for action regarding the minutes of the Budget Work Session held on June 4, 2012.

> ***A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the Budget Work Session held on June 4, 2012 as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.***

b} Work Session – June 25, 2012:

Mayor Peel called for action regarding the minutes of the Work Session held on June 25, 2012.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the Work Session held on June 25, 2012 as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

c} Regular City Council - June 25, 2012:

Mayor Peel called for action regarding the minutes of the City Council Meeting held on June 25, 2012.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker, to approve the minutes of the City Council meeting held on June 25, 2012 as presented. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

4} <u>CONSENT AGENDA:</u>

Mayor Peel called upon City Manager R. C. Olson to read the items on the Consent Agenda.

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

<u>CONSENT AGENDA:</u>

a} Called for a public hearing to be held on Monday, August 13, 2012 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building to receive comments regarding establishing a dangerous dog permit fee and a per inspection fee of the premises where the dog is held.

b} Authorized the execution of Utility Agreement B-4922, WBX Element - 40177.3.1 for the Church Street Extended Bridge Project.

c} Authorized execution of an Interlocal Cooperative Purchasing Contract with the Houston-Galveston Area Council for the purpose of purchasing a 2011 Pierce rear mounted aerial platform fire truck.

d} Authorized the live training burn at 609 N. Hughes Boulevard.

END OF CONSENT AGENDA

5} PUBLIC HEARINGS:

a} Ordinance Amending Section 42-85(1) of the City Code of Ordinance:

Mayor Peel declared the meeting into Public Hearing for consideration of amending Section 42-85(1) of the City's Code of Ordinances to decrease the height of uncontrolled growth of weeds, grass and other debris.

Mr. James Hurdle, 108 Marian Avenue, Elizabeth City stated the piece of property that he is concerned about is 1149 North Road Street. It sits between Gateway Bank and the new Dental School. That is family property and it has been farmed related for over 100 years. We have to have it cut with a bush hog and it is not like you can cut it with a lawnmower and cut it the height that you wish. How are they supposed to abide by this new height? It is in the Federal Land Bank and they want it cut once a year and that is all they will allow it cut.

Mr. Olson stated he had property up next to the street that is zoned commercial which he is actually trying to sell right now.

Since no one else wished to speak for or against the proposed amendment, Mayor Peel declared the public hearing closed.

Mr. Olson stated what we are requesting is a modification of Section 42-85 (1) of the City's Code of Ordinances to lower the height of grass from 18 inches to 12 inches. Once an individual has been given a citation they have 48 hours to abate the nuisance but we usually give them 7 days after we get the certified letter back before we actually do abatement. If it is 18 inches at that time by the time we actually get in there to abate the issue sometimes it is 24 inches high. He showed several slides of places within the City where the grass is 18 inches or higher. This item was brought to the City Council by the Mayor's Study Commission. They are recommending that the height be lowered from 18 inches to 12 inches.

Councilman Brooks said he thinks the 12 inches makes a lot of sense because to a child the 18 inches is over its head. He feels it should be lowered.

Councilman Stimatz stated the Hurdle property is 200 or 300 feet of the parcel that fronts the road. He thinks 12 inches is the right way to go as he has always thought 18 inches was ridiculous. Mr. Hurdle does have a legitimate point so the question would be how we can craft some language which addresses the

visibility from the road issue much like we did with the dumpsters. There is an exemption for dumpsters that are far enough off the road at Emerald Lakes. This particular property does not have a house on it.

Mr. Olson stated he feels like it should be based on case by case. This property does abut up to residential property on Villa Drive. He thinks it should be mowed once or twice a year no matter where it is located as it becomes a fire hazard in the fall when the grass dries.

City Attorney Morgan advised that he would like to offer that Council might consider exempting parcels that are a certain distance from the State or City right of way of a street or highway. That would allow the City to enforce the ordinance as to parcels or portions of parcels that are within 200 feet of the right of way but would help a situation like Mr. Hurdles' where at least part of the parcel is farther than that from the road.

A motion was made by Councilman R. T. Donnelly, seconded by Councilman K. K. Spence to adopt the following Ordinance amending Section 42-85(1) of the City's Code of Ordinances. Those voting in favor of the motion were: Donnelly, Spence, Baker, Brooks, Hill-Lawrence, Hummer, Stimatz and Walton. Against: None. Motion carried.

ORDINANCE #2012-15
AMENDING CHAPTER 42-HEALTH AND SANITATION
ARTICLE III PUBLIC HEALTH NUISANCES
SECTION 42-85 THREATS TO PUBLIC HEALTH AND SAFETY
ELIZABETH CITY CODE OF ORDINANCES

WHEREAS, the Mayor of Elizabeth City formed a 2012 Study Commission for the Improvement of the Energy Efficiency of Existing Residential Housing Stock to make recommendations on ordinance changes that would be in the best interest of the citizens of the City; and

WHEREAS, the members of the Mayor's Study Commission closely reviewed Chapter 42 Health and Sanitation, Article III Public Health Nuisances of the City of Elizabeth City Code of Ordinances and recommended modifying Section 42-85(1), lowering the uncontrolled growth of noxious weeds from **18 inches** to **12 inches**; and

WHEREAS, the required public hearing was called for on June 25, 2012 and held on July 23, 2012.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Elizabeth City:

SECTION I. Chapter 42-Health and Sanitation, Article III Public Health Nuisances, Section 42-85 (1) is amended by adding the following:

1. **Weeds, grass, and other debris. The uncontrolled growth of noxious weeds, grass, bushes, hedges or any growing material in excess of 12 inches, causing or threatening to cause a hazard detrimental to the public health and safety. This section is to be enforced as to any property located within 200 feet of any road or highway right of way or within 200 feet of any residential property.**

SECTION II. That all ordinances and sections of the Elizabeth City Code of Ordinances, and parts thereof, inconsistent herewith be and the same hereby are repealed to the extent of such inconsistencies.

ADOPTED, this 23rd day of July 2012.

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Joseph W. Peel
Mayor

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Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Ordinance amending Section 46-128 of the City's Code of Ordinances to disallow the parking of boats, boats on trailers and recreational vehicles in front yards between the street and front line of building line of the primary structure:

Mayor Peel called upon Mr. Olson for comments.

Mr. Olson said this item is an item brought forth by the Mayor's Energy Task Force which would modify Section 46-128 by adding a subsection B which states it shall be unlawful for any person to park or cause to be parked any boat trailer or any boat and trailer or any recreational vehicle, camper or similar type of vehicle containing sleeping arrangements excluding vans and pickups with attached campers in the front yard which shall be the area between the street

and the front building line of the primary structure or any building setback. He showed some examples to Council.

Mayor Peel declared the meeting into public hearing for consideration to disallow parking of boats on trailers, boat trailers, recreational vehicles, etc. in front yards between the street and the front of the building line of the primary structure.

Mr. Robert Pfeiffer, 1908 Rivershore Road, Elizabeth City spoke in opposition to this proposed amendment. He stated he it would be impossible for him to park his boat/trailer behind his home unless he removed a large tree.

Mr. Richard Bunn, Jr. 1100 Riverside Avenue, Elizabeth City spoke in opposition to this proposed amendment. He, too, would be in violation as he doesn't have room behind his home to park his boat.

Mr. James M. Morris, 959 Halls Creek Road, Elizabeth City spoke in opposition even though he does not reside within the City limits. He owns rental property within the City limits and he thinks if is unfair that the City Council feels that they can dictate what a homeowner has in their yard. He is asking that Council reconsider this proposed amendment.

Since no one else wished to speak for or against the proposed amendment, Mayor Peel declared the public hearing closed.

Councilman Stimatz said that he has a problem with the fact that at the present time we don't enforce the Code against the vehicles that aren't supposed to be there in the first place. They are not registered, they do not have any license, they are not in operable condition and they do not have an inspection code. Before we go leaping down everybody's throat on this issue he thinks he would like to see something that addresses if you want to park it in front of your house it has to be in a driveway, a designated driveway. Are we going to allow people to wash their car on their front lawn? His question to the Mayor and Committee is what was your goal? What was the problem that you were trying to fix with this ordinance?

Mayor Peel said he doesn't really have any problem with what is up there either. The problem that we were trying to fix would be we were trying to clean up places where vehicles were basically parked in the front and left there and were not being used.

Mr. Stimatz said we have an ordinance that specifically addresses that issue.

Councilman Spence asked if it was fair, unless you are in a housing development, to have this ordinance saying that you can't do this or that on your own

property. Is it fair to tell a person where they can park or how they can park in their yard that they are paying for? People are struggling paying their bills and you tell him he cannot park in his own yard then you are going to have a problem unless when he moved into the area there was an agreement that you cannot park it. If you know it before you moved there then he would support that. If it is his house and he wants to park there well it is his house and yard.

Councilman Brooks said he agrees with Councilman Spence and that is the point that he is trying to make. If you knew it before you moved into the area then it is on them. If he lived into a neighborhood and he had a boat and he wanted to enjoy the Harbor of Hospitality but he has no room in his back yard or on the side of his house you can't discriminate against him because he doesn't have as much property as someone else. If it is in your subdivision when they moved into that subdivision that is a whole different animal. He doesn't think we can be discriminatory in whether a person has a driveway, as some people may just have rocks there.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. A. Hummer to refer this item back to the Energy Task Force for further review. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

c} Amendment to Section 42-83 of the City's Code of Ordinances to define the term "Chronic Violator" and Section 42-92 to provide for use by the City of NCGS 1601-200.1 with regard to citing "Chronic Violators" of the City's Public Nuisance Ordinance.

Mayor Peel called upon Mr. Olson for comments.

Mr. Olson said that NCGS 160A-200.1 states that a City may notify a chronic violator of the City's public nuisance ordinance. If the violator is found to be in violation of the ordinance the City shall without further notice in the calendar year in which the notice is given, take action to remedy this violation. What this basically says is if we cite an individual three times within a calendar year and they fail to remedy the situation then we can go ahead and declare them a chronic violator and go in there and mow their property and charge the dollar amount back against their property as a lien. This is a recent change to State law that occurred in 2010. After conferring with the City Attorney we determined that we needed to make a number of changes to the City's Code of Ordinances. First of all we need to modify Section 42-83 to include the definition of a chronic violator which has been defined in this proposed ordinance. We are also looking for a modification to Section 42-90. What we have before you is two different

items. One is to establish the definition and then the actual chronic violator wordage which is in 42-90.

Mayor Peel declared the meeting into public hearing for consideration of amending Section 42-92 of the City's Code of Ordinances. Since no one who wished to speak for or against the proposed amendment, Mayor Peel declared the public hearing closed.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman K. K. Spence to adopt the following Ordinance amending Section 42-83 of the City's Code of Ordinances. Those voting in favor of the motion were: Stimatz, Spence, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer and Walton. Against: None. Motion carried.

ORDINANCE #2012-16
CHAPTER 42- HEALTH AND SANITATION
ARTICLE III, PUBLIC HEALTH NUISANCES
SECTION 42-83 DEFINITIONS
ELIZABETH CITY CODE OF ORDINANCES

WHEREAS, the Mayor of Elizabeth City formed a 2012 Study Commission for the Improvement of the Energy Efficiency of Existing Residential Housing Stock to make recommendations on ordinance changes that would be in the best interests of the citizens of the City; and

WHEREAS, the members of the Mayor's Study Commission closely reviewed Chapter 42 Health and Sanitation, Article III Public Health Nuisances of the City of Elizabeth City Code of Ordinances and recommended modifying Section 42-83, defining the term "chronic violator" in accordance with North Carolina General Statute 160A-200.1; and

WHEREAS, the required public hearing was called for on June 25, 2012 and held on July 23, 2012.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Elizabeth City:

SECTION I. Chapter 42-Health and Sanitation, Article III, Public Health Nuisances, Section 42-83 Definitions, the first two paragraphs are amended to read as follows:

Section 42-83 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context indicates a different meaning.

"*Chronic Violator* means a person who owns property whereupon, in the previous calendar year, the city gave a notice of violation at least three times under any provision of the public nuisance ordinance."

SECTION II. That all ordinances and sections of the Elizabeth City Code of Ordinances, and parts thereof, inconsistent herewith be and the same hereby are repealed to the extent of such inconsistencies.

ADOPTED, this 23rd day of July 2012.

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Joseph W. Peel
Mayor

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Dianne S. Pierce-Tamplen, MMC
City Clerk

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. A. Hummer to adopt the following Ordinance amending Section 42-90 of the City's Code of Ordinance. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

ORDINANCE #2012-17
AMENDING CHAPTER 42 HEALTH AND SANITATION
ARTICLE III PUBLIC HEALTH NUISANCES
ELIZABETH CITY CODE OF ORDINANCES

WHEREAS, the Mayor of Elizabeth City formed a 2012 Study Commission for the Improvement of the Energy Efficiency of Existing Residential Housing Stock to make recommendations on ordinance changes that would be in the best interests of the citizens of the City; and

WHEREAS, the members of the Mayor's Study Commission closely reviewed Chapter 42 Health and Sanitation, Article III Public Health Nuisances of the City of Elizabeth City Code of Ordinances and recommended adding an additional section (Section 42-90) that would define the terms and conditions associated with chronic violators who are multiple offenders who have been identified as being in violation of a public nuisance ordinance three (3) or more times during a calendar year; and

WHEREAS, the required public hearing was called for on June 25, 2012 and held on July 23, 2012.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Elizabeth City:

SECTION I. Chapter 42 Health and Sanitation, Article III Public Health Nuisance, Section 42 be amended by adding the following section to Article III Public Health Nuisances of the City's Code of Ordinances, to read as follows:

Sec. 42-90. Chronic Violator.

In accordance with North Carolina General Statue 160A-200.1 the City of Elizabeth City may notify any homeowner and/or business owner who has been determined to be a chronic violator of the City's public nuisance ordinance that, if the violator's property is found to be in violation of this article, the City shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expenses of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail.

SECTION II. That all ordinances and sections of the Elizabeth City Code of Ordinances are repealed, and parts thereof, inconsistent herewith be and the same hereby are repealed to the extent of such inconsistencies.

ADOPTED, this 23rd day of July 2012.

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Joseph W. Peel
Mayor

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Dianne S. Pierce-Tamplen, MMC
City Clerk

e} Amendment to Section 42-85 (10) of the City's Code of Ordinances to decrease the time buildings may be boarded up from one year to six months.

Mayor Peel called upon Mr. Olson for comments.

Mr. Olson said this is the final item brought forward by the Mayor's Task Force and it calls for a change in Chapter 42-85, Subsection 10. In that particular section we allow individuals to have their house boarded up for a period of 12 months. The proposed change would lower that time period to 6 months.

Mayor Peel declared the meeting in public hearing for consideration of amending Section 42-85 (10) of the City's Code of Ordinances. Since no one wished to speak for or against the proposed amendment, Mayor Peel declared the public hearing closed.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. M. Hill-Lawrence to adopt the following ordinance decreasing the time buildings may be boarded up from one year to six months. Those voting in favor of the motion were: Stimatz, Hill-Lawrence, Baker, Brooks, Donnelly, Hummer and Spence. Against: Walton. Motion carried.

ORDINANCE #2012-18
AMENDING CHAPTER 42-HEALTH AND SANITATION
ARTICLE III PUBLIC HEALTH NUISANCES
SECTION 42-85 (10) THREATS TO PUBLIC HEALTH AND SAFETY
ELIZABETH CITY CODE OF ORDINANCES

WHEREAS, the Mayor of Elizabeth City formed a 2012 Study Commission for the Improvement of the Energy Efficiency of Existing Residential Housing Stock to make recommendations on ordinance changes that would be in the best interest of the citizens of this City; and

WHEREAS, the members of the Mayor's Study Commission closely reviewed Chapter 42 Health and Sanitation, Article III Public Health Nuisances of the City of Elizabeth City Code of Ordinances and recommended modifying Section 42-85(10), decreasing the length of time a building may remain boarded up from ***one year*** to ***six months;*** and

WHEREAS, the required public hearing was called for on June 25, 2012 and held on July 23, 2012.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Elizabeth City:

SECTION I. Chapter 42 Health and Sanitation, Article III Public Health Nuisances Section 42-81(10) Threats to Public Health and Safety is amended to read as follows:

1. ***Vacant buildings*. All vacant buildings shall be maintained/secured, so as to discourage unlawful entry and/or vagrancy. Securing/boarding up of exterior windows and/or doors of vacant buildings from the outside shall not exceed six months. Property owners shall be notified a minimum of 30 days prior to charging a property with this violation.**

SECTION II. That all ordinances and sections of the Elizabeth City Code of Ordinances, and parts thereof, inconsistent herewith be and the same hereby are repealed to the extent of such inconsistencies.

ADOPTED, this 23rd day of July 2012.

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Joseph W. Peel
Mayor

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Dianne S. Pierce-Tamplen, MMC
City Clerk

6} <u>REGULAR AGENDA:</u>

a} Heat Pump Rebate Policy:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated included in the FY 2012-2013 budget as one of our energy weatherization program initiative there is $25,000 for a heat pump rebate

program. The City had a very similar program in the 1990's and the program ran for three years and the City averaged about 140 rebates per year. In 1990 the customers received $400 credit on their utility bill if they complied with the guidelines associated with the program. What staff is proposing is for the City Council to establish guidelines for the item that is presently included in the budget. He read the proposed guidelines.

A motion was made by Councilman R. T. Donnelly, seconded by Councilwoman J. M. Baker to adopt the Heat Pump Rebate Policy as presented effective July 1, 2012. Those voting in favor of the motion were: Donnelly, Baker, Brooks, Hill-Lawrence, Hummer, Spence, Stimatz and Walton. Against: None. Motion carried.

b} Summerfield – Chesterfield Heights:

Mayor Peel called upon Councilman Spence for comments.

Councilman Spence stated he has been getting calls from Summerfield and Chesterfield in reference to the clean up of their yards. They don't want to put the debris in the gutters because it will cause flooding but when they pick up every other week there will be a big dead spot in the grass. They were doing it every week but now with it being every other week it is leaving dead spots in the grass. A lot of people take very good care of their yards. It has been brought to his attention that we are under staff and that is why we are going to every other week. He thinks we need to post some positions if that is a problem because a lot of people spend a lot of money on their yards. If the issue is we don't have enough staff to get this done every week then we need to hire additional staff. We need to get this done every week.

Mr. Brooks stated he knows this is a public works thing. How many positions are there Public Works that are vacant that should be filled?

Mr. Olson replied that he thinks that is the question, how many of them should be filled. He will be happy to discuss this further in Closed Session.

Mr. Brooks said if you have the citizens that are paying taxes that are not getting the services that they are paying for it is not a question of if they need to be filled, they need to be filled. If you are paying your taxes, it shows on your utility bill that you are paying for trash pickup. Don't tell the people that ok we are not going to fill those positions. When you don't fill the positions where does that money go? Does it go back to the General Fund?

Mr. Olson replied that it stays in the General Fund.

Mr. Brooks asked how many positions do we have in Public Works that need to be filled and is not filled.

Mr. Olson replied in the General Fund there are six or seven positions. The Water and Sewer has four positions.

Mr. Brooks asked how long we have had those vacant positions. We really have an issue because it extends further than just the trash not being picked up. It extends to when we have a bad snow. It can happen in Elizabeth City and then we don't have the staff in Public Works to even do that. You multiply six times what ever the income in Elizabeth City that is going back to the General Fund. We can't have the people to suffer that are paying their taxes because we don't fill those positions. We need to post those positions. We need to do something about that be cause if the money is sitting in the General Fund and the people are not getting the services that they are paying for, it is not right.

Mr. Olson stated we have not changed our level of service. We are still supposed to pick up all vegetation waste once a week. This is the first time that he has heard that we have gone to every other week pickup. Every week we pick up vegetation.

Mr. Spence said he emailed you about two weeks ago that it was being done bi-weekly and he talked with Ms. Vivian and she said that Ms. Brothers had stated that the staff shortage was an issue and that is why it hadn't been done.

Mr. Olson said our level of service is that we pick up every neighborhood once a week. That is the level of service that we have. Now staffing issues have slowed that down and equipment has been a big issue. We have had a lot of issues with our leaf truck and that is why we worked them on Saturday of this week because that particular truck was down.

Mr. Spence said he used to work for the City. We didn't have the leaf truck to suck leaves up when he was working there. We had pitch forks and the big shovels. If it is going to save these people's property hire some people and give them a pitch fork and a shovel and they get paid for it. That is what he did and it didn't kill him and it will not kill them but we need the staff on line to do that. You have got supervisors riding around doing more work or just as much as the laborers do. If he is a supervisor there is no way he could supervise my staff and he is working every day doing just one thing. If I am driving a trash truck how am I going to know what my other people are doing. There is only one way you learn your people is to watch your people. We need to put some people on line.

Mr. Brooks said he agrees because even in the Third Ward they keep their property up pretty good. When he jogs or walks during the course of a day he sees trash or leaves that have been there more than two weeks and he didn't understand exactly what was going on, but if we are short staff the answer is clear. You can't work just a few people because those six people held positions. You can't let six people do the jobs for twelve people because you will burn them out. He would like to see us post those positions on line because we can't let the taxpayers down because we are trying to do whatever.

Mr. Olson stated that he would look into this situation.

c} Internet Sweepstakes:

Mayor Peel called upon Councilman Brooks for comments.

Councilman Brooks stated in the past we discussed in dept the amount of money the sweepstakes café owners were required to pay per machine. If he recalls correctly we came up with $300 to balance things out but the Council at that time raised the fee up to $500 per machine. One thing he knows about the Internet Sweepstakes owners is that they give a lot of money to the communities. They are a small business. The City has got to be friendly to small businesses and we can't drain them of every penny that they have where they can't help the community or survive. He thinks it is conducive for us to try and make it small business friendly. He thinks $500 is actually too much per machine. They can hardly survive with this fee.

Mayor Peel suggested that there were a number of us that were not privy to those conversations and if he were to vote on anything like that he would be voting with a very limited amount of information about it. Would you be amendable to putting this item on the next agenda or on the Finance Committee agenda?

Councilman Brooks said he would ask that the Clerk pull the minutes from those conversations.

Mr. Olson stated this is an adopted fee and it would require that we hold a public hearing and an adoption of an ordinance changing the fee. You just can't do it by motion. In addition, he has the most recent survey of fees from cities in North Carolina that is put out by the League of Municipalities. As of June 1st 2012 our fees is more than reasonable compared to other cities. He will be happy to provide the information with the minutes for the Finance Committee.

d} Bed and Breakfast Emails:

Mayor Peel called upon Councilman Brooks for comments.

Mr. Brooks stated a lot of emails are coming around about the B&B. He asked that Mr. Olson address it because he was in a war.

Mr. Olson said he doesn't think we are in a war. City staff asked one of our local B&B individuals to meet with us to discuss certain activities they have going on at that location. That is where we are at on it at this time. They refused to meet with us.

Mr. Brooks stated the emails were very more explicit than what you just said. Is there more to this than you are saying.

Mr. Olson stated we are trying to meet with the individual to try and find out more about the activities she is operating at the B&B. That is it.

Mr. Stimatz said he would like an opinion from the Attorney. He doesn't think this is appropriate to discuss until staff has worked it out.

Mr. Morgan said he thinks it is certainly appropriate for Mr. Olson to address it in generalities but we are getting to the point of where if you ask him too many specific questions it would probably be a proper item for Closed Session because we may be in a situation that involves legal action. He is not sure but he thinks it is too early to tell because it is his understanding that staff just wants to assess exactly what is going on as it have been thwarted in its attempts to do that.

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Councilman Donnelly stated he was going through some of the priorities that we identified and being a small business person these priorities were major and not so major based on the retreat that we experienced. He is looking forward to the establishment of a study commission to make local government more business friendly. Do we have a plan to get there?

Mayor Peel said he is working on that.

Mr. Donnelly said he can accept that and he would be more than willing to work with you on that.

Councilman Spence stated he had no further comments.

Councilwoman Baker stated she had no further comments.

Councilwoman Hummer stated she had no further comments.

Mayor Pro Tem Walton stated the reason he brought up the 2011-2012 amount of money that was put back into the General Fund was because the BEMO event is happening this weekend. Councilwoman Hill-Lawrence has done a tremendous job in trying to put forth an effort in trying to get the black elected municipal officials to get to this area. He would think it would be a step back if all of the City Council did not attend this event. Since it was put forth in 2011-2012 and we had some funds left over he would like for us to take into consideration that anyone that wants to go to that event take it out of that $400 that was left over that was put back into the General Fund last year.

Mr. Olson stated that we cannot do that because the Fiscal Year is already closed out. If City Council wants to allocate additional funds you can do so out of this years' budget. It can't go against last years' budget.

Councilwoman Hill-Lawrence stated she had no further comments.

Councilman Stimatz asked to remind everyone of the Coast Guard festivities planned for this weekend.

Councilman Brooks stated the Boot Camp is off and running. He asked that Council be supportive of the young people and those who are instructors.

Mayor Peel stated he would like to congratulate the AAU 16 and under Basketball Team for coming in second in the Nationals.

8} ADJOURNMENT:

There being no further business to come before the Council at this time, Mayor Peel adjourned the meeting at 9:01 p.m.

_____
Dianne S. Pierce-Tamplen, MMC
City Clerk

_____
Joseph W. Peel
Mayor