

**MONDAY-7:00 P.M.**

**AUGUST 22, 2011**

**CITY COUNCIL**

The City Council of the City of Elizabeth City held its second 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. Counselors attending were: L. A. Hummer, J. M. Baker, M. E. Brooks, L. M. Hill-Lawrence, 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, Public Utilities Director P. A. Fredette, Human Resource Director K. W. Felton, Fire Chief L. M. Mackey, Police Chief C. E. Crudup, Parks and Recreation Director B. V. White, Electric Director K. F. Clow, Finance Director S. E. Blanchard and ECDI Director R. Cross.

Mayor R. A. McLean established a quorum was present and opened the meeting by welcoming those in attendance. He called upon Councilwoman L. M. Hill-Lawrence for the invocation after which he led the Pledge of Allegiance to the Flag of the United States of America.

**1} APPROVAL OF THE AGENDA:**

Mayor McLean called for action on the prepared agenda.

Mayor Pro Tem L. A. Hummer asked to ***add to the Regular Agenda, Poole Street Tower Agreement Addendum and presentation of the Alley Study.***

Councilman M. E. Brooks asked to ***add to the Regular Agenda an update on 1165 S Highway 17.***

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

**2} COMMENTS FROM THE PUBLIC:**

Mr. Dana Talarrani, 206 North Dyer Street, Elizabeth City spoke to Council regarding the issue he had with getting his electricity turned on this past weekend.

**3} APPROVAL OF THE MINUTES:**

Mayor McLean called for action regarding the minutes of August 8, 2011.

***A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the minutes of the Regular Meeting held on August 8, 2011 as presented. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.***

**4} PRESENTATIONS:**

a} Proclamation for Hunger Action Month:

Mayor Pro Tem Hummer read a proclamation proclaiming the month of September 2011 as "**Hunger Action Month**" in Elizabeth City. Mayor McLean presented the proclamation to Ms. Liz Reasoner, Executive Director of the Food Bank of the Albemarle who made brief remarks.

b} Mayor's Essay Winners:

Mayor McLean presented \$100 checks to three of the essay winners. He assigned a student to six of the eight council members and advised that he would have names for the other two members of Council at a later date. These students will follow the Mayor and members of Council for one day.

**5} CONSENT AGENDA:**

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

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

**CONSENT AGENDA:**

a} Called for a public hearing to be held on Monday, September 12, 2011 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for each of the following:

1} Consideration of a rental housing licensing fee schedule to be in compliance with Senate Bill 683;

2} consideration of TA-02-11, Text Amendment to increase the number of internet sweepstakes cafés terminals from 20 to 40 and to amend shared parking to include any use.

b} Approved the installation of "No Parking" signs on the west side of Capital Trace.

c} Authorized the Contract Agreement between the City of Elizabeth City and Martin County Community Action Inc. for contractor services for the City's Weatherization Assistance Program.

#### **END OF CONSENT AGENDA**

#### **6} PUBLIC HEARINGS:**

a} Landlord Electric Turn On Fee:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson advised that in 1979, the City established a utility turn-of fee. In July of 1985, the utility turn-on fee for all customers was increased to \$25.75. Also in December 1985, the landlord turn-of fee was decreased to \$5.00. With the adoption of Senate Bill 683, the City saw a drastic drop in the revenue generated by the rental inspection fee. In an effort to make up the shortfall, the Council looked at those services directly benefit landlords that were not at par with the rest of the customers on the City's system. Increasing the landlord turn-of fee will generate approximately \$30,000 annually. Landlords do not pay the minimum for water or sewer unless they have actual uses that month nor do they pay the monthly trash pick-up fee. The City had roughly 1500 landlord electrical turn-ons last year alone. The Finance Committee considered this issue and recommended to Council to adopt this increase in landlord fees. The City Council also approved the increase in the landlord fees from \$5 to \$25.75. Due to the increase being made an item on our Fee Schedule a public hearing was needed followed by the adoption of an ordinance approving the increase as recommended.

Mayor McLean declared the meeting into Public Hearing. Since no one was present to speak for or against the proposed increase in fees, Mayor McLean declared the public hearing closed.

***A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to adopt the following Ordinance approving the increase in landlord electrical turn-on fee from \$5 to \$25.75. Those voting in favor of the motion were: Stimatz, King, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.***

**ORDINANCE #2011-05  
INCREASING THE TURN-OF FEE  
FOR  
LANDLORD ELECTRICAL SERVICE**

**WHEREAS**, the City of Elizabeth City established a Rental Housing Inspection Program in 2005 in an effort to address the City's substandard housing stock; and

**WHEREAS**, the inspection program was self-supporting through the collection of an annual rental licensing fee of \$25.75 on all rental units within the City; and

**WHEREAS**, the North Carolina General Assembly adopted Senate Bill 683 effective July 1, 2011 that limits the amount the City can charge for rental inspections, which impacted the sustainability of the Rental Housing Inspections Program in its present form; and

**WHEREAS**, during the Council meeting held on August 8, 2011, the City Council decided to continue the Rental Housing Inspection Program with two inspectors and to finance the program by delaying improvements to Edgewood Park until fiscal year 2012-2013 and increasing the landlord turn-on fee from \$5 which was established in December 1985 to \$25.75, the same amount charged all other customers; and

**WHEREAS**, the required Public Hearing was held on August 22, 2011 to receive public comment regarding this proposed fee increase;

**NOW, THEREFORE, BE IT ORDAINED**, that the City of Elizabeth City Council hereby increases the turn-on fee for landlord electrical service from \$5.00 to \$25.75; and

**BE IT FURTHER ORDAINED**, that this fee increase is effective immediately upon adoption of this ordinance.

**ADOPTED**, this 22<sup>nd</sup> day of August 2011.

---

Roger A. McLean  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

b} Establishment of an Electrical Availability Fee:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson explained that in 2009, Council approved a Memorandum of Agreement with four development groups in an effort to allow them to pay for underground electric service within their developments. The agreements called for the developer to pay \$2,000 per residential lot within 30-days of execution of the agreement. They were also to pay \$400 per platted lot that had not been sold. If the lot had been sold the developer was to pay the City the entire \$2,000. The remaining \$1600 per unsold lot was to be included in a Deed of Trust for each subdivision. Separate agreements were executed with Hunters Lake, Perkins Lane, Millbrook and part of Mariners Landing. The Millbrooke Subdivision owes the City \$110,400 in underground electric services while the Hunters Lake Subdivision owes the City \$230,000 for electrical services. In February of this year the Council modified the amount of money owed by Phillip Harrington for the Perkins Lane Subdivision. Mr. Harrington honored the commitment he made to the City and is now in the process of selling developed lots and undeveloped lots to two different builders. The Hunters Lake Subdivision has been foreclosed on by Gateway Bank. In an effort to collect the past due balance, staff would like to consider charging an electrical availability fee in those subdivisions where the developers failed to pay the City. The connection fee would be similar to a water and sewer impact fee and would be in the amount of \$1600 net amount that should have been paid. The City would collect the charge at the time the building permit is issued. The Finance Committee considered this matter and recommended that a public hearing be held in order to establish an electrical availability fee.

Mayor McLean declared the meeting into Public Hearing. Since no one was present to speak for or against the proposed fee, Mayor McLean declared the public hearing closed. He 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 adopt the following ordinance establishing the electrical availability fee as described effective immediately. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.***

**ORDINANCE #2011-06  
ESTABLISHING AN ELECTRICAL AVAILABILITY FEE  
IN HUNTERS LAKE AND MILLBROOKE SUBDIVISIONS**

**WHEREAS**, the City of Elizabeth City Council approved Memoranda of Agreements with the developers of the Hunters Lake and Millbrooke Subdivisions on November 23, 2009; and

**WHEREAS**, the Memorandum of Agreements provided for the developers to pay the City of Elizabeth City for underground electrical service installed in the subdivisions; and

**WHEREAS**, Hunters Lake Subdivision has been foreclosed by the Bank of Hampton Roads rendering the obligation uncollectable; and, the developers of Millbrooke Subdivision are unable to honor their obligation due to serious of financial problems; and

**WHEREAS**, the City Council held a public hearing on August 22, 2011 to receive comment regarding the establishment of an electrical availability fee for the Hunters Lake and Millbrooke Subdivisions;

**NOW, THEREFORE, BE IT ORDAINED**, that the City of Elizabeth City Council hereby establishes an electrical availability fee applying only to the Hunters Lake and Millbrooke Subdivisions in order to collect monies due the City; and

**BE IT FURTHER ORDAINED**, that the electrical availability fee is established as follows:

1} In the Millbrooke Subdivision, any future homes shall pay the \$1,600 electrical availability fee at the time of issuance of a building permit. The City also recognizes that nineteen homes have been built to date in the Millbrooke Subdivision and the City has not collected any

underground electric fees. Prior to the City voiding the Memorandum of Agreement with the developer, he shall pay the City \$1,600 for each home that has been constructed to date, which would equate to \$30,400.

2} Since Hunters Lake has been foreclosed on, the \$1,600 electrical availability fee shall apply to all future construction within the subdivision.

3} The electrical availability fee shall be adjusted at a rate of 2.5% per annum until paid beginning July 1, 2012.

4} The Hunters Lake and Millbrooke electrical availability fee shall become effective immediately.

**ADOPTED**, this 22<sup>nd</sup> day of August 2011.

---

Roger A. McLean  
Mayor

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

**7} REGULAR AGENDA:**

a} NCDOT Comprehensive Transportation Plan:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson advised that the North Carolina Department of Transportation is initializing the development of a Comprehensive Transportation Plan (CTP) for Elizabeth City and Pasquotank County. The CTP is a non-fiscally constrained, long range transportation plant that aims to identify and plan for future transportation needs. The plan is designed to look at multimodal forms of transportation including highways, public transportation and rail, bicyclists and pedestrians.

Mayor McLean called upon Mr. Mark Eatman with the North Carolina Department of Transportation Planning Research Branch for comments.

Mr. Eatman stated in 1997 Elizabeth City created a Thoroughfare Plan and now there is a new approach to the Planning that is called CTP. He explained why we need transportation planning. One of the main reasons is to identify existing and future transportation deficiencies and to generate information that the decision makers can use to guide future transportation decisions. The primary objectives are to improve the mobility and improve safety. The long range need of a CTP is to address transportation needs 20-30 years into the future. He showed an example of CTP Maps. He explained that a Travel Demand Model (TDM) helps to determine where the deficiencies are in the transportation system and to test solutions. The Strategic Highway Corridors (SHC) will be US 17 which is the future freeway running north-south through eastern North Carolina and US 158 future expressway running east-west through northern North Carolina. He has met with Pasquotank County and City staff regarding a preliminary travel demand model. He has also been doing preliminary data collection. He will be forming a CTP Steering Committee to develop CTP Vision Statement and a CTP Survey along with continuing to work on the Travel Demand Model and Data Collection.

b} Appointment to NCDOT Comprehensive Transportation Plan:

Mr. Eatman requested that Council consider appointing a member of the Council to serve on the NCDOT Comprehensive Transportation Committee.

Mayor McLean advised that he would bring this matter back to the next Council meeting for consideration and confirmation.

c} Applications to TDA Funding:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson advised that during the 2011-2012 budget process, \$50,000 was allocated to help fund outside agencies through Community Support Grants. In an effort to provide additional funding to a number of those groups, the Finance Committee discussed utilizing some of the City's Tourism Development Authority funds to supplement the \$50,000 set aside in Community Service Grants. It is staff's recommendation that Council authorize staff to submit TDA Grant Applications on behalf of the Arts of the Albemarle, Port Discover and River City CDC.

***A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to authorize staff to submit TDA Grant Applications on behalf of the Arts of the Albemarle, Port Discover and River City CDC's Juneteenth Festival. Those voting in favor***



**of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.**

d} Poole Street Tower Agreement Addendum:

Mayor McLean called upon Manager Olson for comments.

Mr. Olson advised that the Poole Street water tower has been empty for approximately 15 years. Pursuant to the Tower Attachment Agreement, US Cellular is requesting an addendum to the 2006 agreement which would allow them to add three additional antennas and six lines of coax. The existing antennas were attached to the water tower utilizing a corral configuration which US Cellular installed in 2006. The corral has adequate room to attach the proposed three additional antennas. No modification to the base station is needed. Under the 2006 agreement, US Cellular pays the City \$24,000 per year for use of the tower. Staff has negotiated increasing that amount to \$27,600. This issue was discussed with the Finance Committee and they requested that staff work with US Cellular to have the exterior of the tank painted. US Cellular is agreeable to prepay the first five years of the agreement so the City can paint the tower. US Cellular does not want to be involved with the hiring or supervising of a contractor to paint the tank.

**A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman J. A. Stimatz to authorize the Mayor to execute the addendum to the tower attachment agreement with the deletion of Paragraph VI for the Poole Street water tower with US Cellular and further, moved to authorize staff to seek quotes to repaint the Poole Street Water Tower. Those voting in favor of the motion were: Hummer, Stimatz, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.**

e} Alley Study:

Mayor McLean called upon Public Utilities Director Fredette for comments.

Mr. Fredette said the result of your June meeting where we discussed alleys first you asked that we have more detail on them. Amy Durden took on the task with the GIS Group of visiting each alley, taking pictures of them and doing some deed research on the alleys to determine how many of each type of alley and where they were. She did this and created a file for each of the alleys. We come back with the same type of recommendation. She identified 105 alleys in the City that have a total length of 33,620 feet. Of those we divided those into

three groups. Those alleys that are used to deliver public utilities cover 45 alleys or a total of 17,000 feet. We are proposing that those alleys be maintained on an annual basis so that the largest of our utility trucks can get access to it and maintain the overhead utility services in those areas. The second group of alleys that were identified there were 17 of them that represents about 3,600 feet of alleyway. These alleys are used only by the adjacent property owners and they used them for access. They may have a garage at the back of their house. We suggest that we maintain those alleys so that a car or light duty pickup truck can gain access to those properties. The third group of alleys represents those alleys that have no apparent uses. In some cases they are not apparent when you go through them. In those cases we would come back and recommend abandoning the alleyway. There are 42 of these types of alleys. We further suggest the Mayor appoints a subcommittee of Council to look at all these alleys. The subcommittee could study the alleyways and come back to Council with recommendations.

Councilman Stimatz said he had one general comment and it goes back to an earlier discussion we had about this. We need to be very careful about those properties that don't have access to the rear of the building from the front. Mainly Main Street, Colonial Avenue, Cedar Street and Maple Street. The houses on these streets are built so close together that there is no access to get to the back of the houses. We need to be careful about closing those alleys. If you deed it over to the property owners and somebody decides to put a fence on his half and not worry about it then the other guy can't get to his property and we have disadvantaged that property. The other thing is this. If you look at your map between Locust and Harney Streets you show that you come down through that alley and then you show that it is a red unused alley and he would offer that the northern part there is opened and used. You don't want to close that even though there aren't any utilities. The other thing you show an alley which all he remembers is the Daily Advance Parking Lot. You show an alley there. You show utilities are there. There is no real alley there.

***A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to authorize the Mayor to appoint a subcommittee to review all alleys in our city and come back to City Council with recommendations concerning each alley. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.***

Mayor McLean stated he would be making the appointments to the subcommittee within the next week.

f} Update on 1165 South Highway 17:

Mayor McLean called upon Councilman Brooks for comments.

Mr. Brooks express his concern over this property being fixed. He would like to receive an update every time we convene. He said he has talked to the NCDOT and they said that they would stabilize the bank next to the Barclift home. He just would like to have an idea of how that project is coming along.

Mr. Olson said he does not know if NCDOT has sent their surveyors out there. He does not know if they have a right of entrance yet with the Barclift family. We have had discussions about hauling the cobblestones to a staging area. We are still working with DOT on that. He is not sure where DOT is at in their planning stage in getting that work done.

**8} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

City Manager Olson stated the month of August we do have five Mondays in it. We have had some preliminary discussions with the County about having a joint City/County meeting. He has had some conversations with Chairman Griffin and he is looking to have the meeting this coming Monday. We have not finalized the agenda yet. He then gave a brief update on Hurricane Irene.

Mayor Pro Tem Hummer said she would like to thank and commend Chief Crudup and his officers for diligently bringing those individuals to justice who were responsible for the recent shootings and the terrible accident that resulted in involving innocent people. Hopefully, this will take care of some of the shootings. We feel better that they are now in custody.

Councilwoman Meggs stated she had no further comments tonight.

Councilman Stimatz stated he had no further comments to make.

Councilman Brooks stated he wanted to know about some signs being put up in public housing saying those not living in the housing cannot play on the playground or the basketball court. Is that legal? It is the Debry area and Harriott Heights area. Signs are popping up everywhere and the residents are coming to him.

Mr. Morgan asked him to meet with him after the meeting and he would advise him.

Councilwoman Hill-Lawrence stated she would also like to thank the Chief for the excellent police work that you have been providing for the citizens. It is really making a difference. People are certainly feeling a lot safer knowing that the

police are doing such an excellent job. The lights that are in the ponds are not working.

Councilman King stated a few months ago he talked about getting ready for homecoming and he would like to know from the City Manager that the sidewalks down Southern Avenue will be ready.

Mr. Olson replied that there are certain sections he can tell you now will be done. Whether the entire way will be done he does not know yet. A couple of the worst areas we will do some spot repairs. We have provided Council with a report on that earlier.

Councilwoman Baker stated she attended the groundbreaking of the Broadband event along with the Mayor and Lena Hill-Lawrence and it was a really nice event. It was very technologically advanced. It will do a lot for our area. She has a business owner that came to her saying that they were trying to communicate with a couple of our police officers by email and both of the officers told them that their emails were not working. Are we having a general problem with our emails or maybe just a couple? The only other thing that she has is she would like for us to adopt a resolution and send the resolution to DOT in support of the installation of a traffic light at the intersection of Four Forks and Peartree Road. There have been 16 people killed there over the years and DOT just wants to put in a four way stop. She thinks we should come together and support a resolution to place a traffic light there.

***A motion was made by Councilwoman J. M. Baker, seconded by Councilman R. E. King to adopt a resolution and send it to NCDOT in support the installation of a traffic light at the Peartree/Pitts Chapel/Four Forks Road. Those voting in favor of the motion were: Baker, King, Brooks, Hill-Lawrence, Hummer, Meggs, Stimatz and Walton. Against: None. Motion carried.***

Councilman Walton stated some times you need to be careful what you ask for. When we start labeling this City as the Harbor of Hospitality, when the young man came up and told us about the problem he had this weekend trying to make a transition from one city to another, it is something we need to take more due diligence in correcting the problem. When he called him and each council person is there to serve, his first thought was to call the emergency line but he had already done that. We don't need to give people the run around because you get enough of that type of thing every where you go. He called the Mayor and the Mayor is a problem solver and he said to call Mr. Olson. So he gave me Mr. Olson's number and the problem was solved in just one hour. We need to find out what went wrong in the process.

Mayor McLean stated this past weekend he wanted to say there are a lot of good people in this area. He attended two back to school bashes back to back. One was held at the Waterfront and it had about 500 people there. They gave out over \$7,600 worth of school supplies. Whenever he attends an event like that if there is a complaint he will get it. The boaters were upset because they couldn't get their boats in the water because of the number of cars parked there. He wants to make sure that we have some type of traffic control next time. There are a lot of good people doing a lot of good things for children and that is really good. He also attended a beautiful wedding at the waterfront. Those of the kind of things that our waterfront can be used for. He didn't realize how beautiful it was until you see people get married.

**9} ADJOURNMENT:**

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

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

Mayor McLean adjourned the meeting at 8:47 p.m.

---

Dianne S. Pierce-Tamplen, MMC  
City Clerk

---

Roger A. McLean  
Mayor