

MONDAY-705 P.M.

AUGUST 23, 2010

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. Council Members attending were: J. M. Baker, M. E. Brooks, L. Hill-Lawrence, L. A. Hummer, R. E. King, B. S. Meggs, J. A. Stimatz and J. B. Walton. City Staff attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Planning Director J. C. Brooks, Public Utilities Director P. A. Fredette, Police Chief C. E. Crudup, Human Resource Director K. W. Felton, Parks and Recreation Director B. V. White, Finance Director S. E. Blanchard, Electrical Director K. F. Clow, Inspections Director S. E. Ward and Fire Chief L. M. Mackey.

Mayor McLean established a quorum was present and called the meeting to order at 7:05 p.m. He welcomed those attending as well as the listening audience. He called upon Bishop Frank Weeks 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 pleasure of Council regarding the prepared agenda.

City Manager Olson stated he would like to add to the Consent Agenda:
Consideration to call for a public hearing to receive citizen's input regarding CDBG funding opportunities; and a discussion concerning downtown parking.

Mayor Pro Tem Hummer asked to remove ***Item #9-b-Appointments to Parks and Recreation Advisory Board from the agenda.***

Councilman Stimatz asked to remove ***Item #7-d-Municipal Agreement from the Consent Agenda and place under the Regular Agenda for discussion.***

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

2} COMMENTS FROM THE PUBLIC:

Ms. Ceclia Hill-Crockett, 435 Cedar Avenue, New York spoke regarding her concerns with the drainage project in Oak Grove. She is very disappointed in the way that it looks at this time.

Ms. Cynthia Pierce, 4012 Apollo Court, Elizabeth City also spoke regarding the residents of Oak Grove concerns with the drainage project in Oak Grove. They are very disappointed in the way it looks and she, along with the residents will continue to protest until something is done to improve it.

3} APPROVAL OF THE MINUTES:

a} June 1, 2010 – Special Meeting

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the Special Meeting held on June 1, 2010. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

b} August 9, 2010 – Special Meeting

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman J. M. Baker to approve the minutes of the Special Meeting held on August 9, 2010. Those voting in favor of the motion were: Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs, Stimatz and Walton. Against: None. Motion carried.

4} CONSENT AGENDA:

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

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

Consent Agenda

a} Adopted the following Resolution supporting the Highway 17 Association Economic Impact Study:

**RESOLUTION #1081
IN SUPPORT OF HIGHWAY 17 ASSOCIATION
ECONOMIC IMPACT STUDY**

WHEREAS US 17, the Ocean Highway, was once the primary north-south transportation route in the coastal plain of eastern North Carolina; and

WHEREAS the building of the Interstate Highway System diverted significant amounts of traffic away from US 17; and

WHEREAS US 17 has not received the attention and funding required to upgrade the facility, leaving more than 50 miles in dangerous, inadequate two lane conditions; and

WHEREAS because of a lack of an improved US 17, eastern North Carolina lags behind the rest of the state in recruiting manufacturing industry, attracting tourists to the region's destinations, providing the transportation infrastructure needs of our state's two ocean ports and meeting the growth demands of the military; and

WHEREAS there is a substantial amount of poverty, economic distress and social difficulty in eastern North Carolina due to the lack of economic opportunity that safe and adequate highways provide; and

WHEREAS an improved US 17 will enable eastern North Carolina to recruit and retain industrial jobs whose companies require access to four lane highways that will link products and services to eastern US markets; and

WHEREAS an improved US 17 will enable the tourism industry to showcase the wonderful recreational, environmental and heritage tourist destinations found in eastern North Carolina, that other states can promote because of access to the Interstate System; and

WHEREAS an improved US 17 will greatly enhance the ability of North Carolina's ocean ports at Wilmington and Morehead City to move goods in and out of those facilities and link the ports to markets across the country; and

WHEREAS some of the most strategically important military bases in the United States are found in eastern North Carolina, and whose growth is negatively impacted by an unsafe, inadequate two lane US 17; and

WHEREAS the true benefit of US 17 as a fully improved, four lane coastal corridor cannot be known definitively unless a comprehensive economic impact analysis is conducted; and

WHEREAS such an economic impact study for the US 17 corridor will encourage the North Carolina Department of Transportation to fully fund the improvements to the highway and accelerate the planning, design, permitting, right of way and construction processes; and

WHEREAS such a study will provide reliable facts and data and insightful analysis that will greatly benefit counties, municipalities and regional economic partnerships in their business recruitment and development activities.

NOW, THEREFORE, BE IT RESOLVED that the City of Elizabeth City does hereby join with its neighbors on the US 17 Corridor in requesting that funds in the amount of at least \$250,000 be appropriated, granted or otherwise provided to enable the completion of a comprehensive study to demonstrate the economic impact of a four lane corridor for Eastern North Carolina.

ADOPTED, this 23rd day of August 2010.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Approved Mayor McLean attending Congressman Butterfield's Summit in Washington, DC on September 13 & 14, 2010.

c} Called for a public hearing to be held on Monday, September 13, 2010 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building to receive public comments on the proposed Emergency Water Shortage Response Ordinance.

d} Called for a public hearing to be held on Monday, September 13, 2010 at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building to receive public comments regarding a CDBG Economic Recovery Infrastructure

grant for Pearl Street (\$550,000) or a larger CDBG Grant for Pearl Street and Road Street (\$1,000,000) .

End of Consent Agenda

5} PUBLIC HEARINGS:

a} CUP-02-10 – Conditional Use Permit to allow the operation of 2 Internet Sweepstakes machines at 110 Ehringhaus Street.

Mayor McLean called upon City Attorney Morgan for comments.

Mr. Morgan said in between the work session and tonight’s meeting, he was approached by one of the principals of the Kamini, LLC which applied for this conditional use permit. He indicated that his LLC would like to withdraw the application for the Conditional Use Permit. He indicated to him that since the public hearing had been scheduled that we needed to open the public hearing, call upon him to withdraw the application for the record and he would like for him to go on record and announced to Council when the machines will be removed from the building. Once he is through speaking, we can close the public hearing and no further action would be necessary.

Mayor McLean declared the public hearing open for consideration of CUP-02-10.

Prem Amarnathan, representative of Kamini, LLC, came forward and advised he would like to withdraw his application for the Conditional Use Permit.

Since no one else wished to speak for or against CUP-02-10, Mayor McLean declared the public hearing closed.

A motion was made by Councilman R. E. King, seconded by Councilwoman L. Hill-Lawrence to accept the withdrawal of CUP-02-10 as requested. Those voting in favor of the motion were: King, Hill-Lawrence, Baker, Brooks, Hummer, Meggs, Stimat and Walton. Against: None. Motion carried.

b} RZ-02-10 to rezone 34.68 acres of property owned by the City of Elizabeth City located off Wellfield Road from R-15 to I-2.

Planning Director J. C. Brooks stated that the City of Elizabeth City requests a rezoning of 34.68 acres parcel on the north side of Wellfield Road from R-15 Residential to I-2-Industrial. This parcel was annexed into the City in September 2009. When a parcel is annexed it automatically comes in as R-15 Zoning classification. This parcel is located at the westernmost end of Wellfield Road

and is land locked. Surrounding land uses are agricultural in nature, cell tower sand forest. This request to rezone this parcel is so the City's firing range can be moved from its current location on the south side of Wellfield Road. A firing range requires an I-2 Heavy Industrial Zoning along with the Conditional Use Permit. The existing property owned by the City on the Southside of Wellfield Road is also zoned I-2 Heavy Industrial. This rezoning request was heard at the July 6th Planning Commission meeting and they are recommending approval of this rezoning.

Mayor McLean declared the meeting into public hearing.

Betty and Hunter Morris, 782 Wellfield Road, Elizabeth City stated they had no issues with the gun range moving from where they are now to back of their property. The only concern they have is if there would be any restrictions placed on the adjoining property once the gun range is in place. They also expressed concern regarding the condition of the road that goes back to the firing range.

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

Mr. Olson stated there would not be any additional restrictions on their property and we have to maintain the range within our property. City staff was just educated on who owns the road. We were under the impression that we were not the owners of the road but that we had an easement on the roadway and Jimmy Winslow was the legal owner of the property. He will talk with Mr. Fredette about what we can do to improve the roadway. We will do some title search work to determine who the actual owner of the road is.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman J. A. Stimatz to approve the rezoning of 34.68 acres (pin. 7994842061) owned by the City of Elizabeth City, located on Wellfield Road from R-15-Residential to I-2-Industrial. Those voting in favor of the motion were: Hummer, Stimatz, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

c} Revision to Code of Ordinances –Section 14-129:

Mayor McLean called upon City Attorney Morgan for comments.

Mr. Morgan stated that during two recent council meetings we discussed the need to revised our ordinance commonly referred to as, "the peddler's ordinance". It has come to our attention that our ordinance and the ordinance

of many other towns and cities in the state are deficient in as much as they forbid altogether peddlers or door to door salesmen solicitors from coming upon private property unless they are invited to be there. What he has done based upon the research that he has completed is prepared a proposed revised Section 14-129 of our code of ordinances. All that he did was to expand sub paragraph A. He included the peddlers will be not be allowed on private property except for the hours of 10:00 a.m. to sunset Monday through Saturday excluding state and federal holidays. In addition, on a case by case basis we give the city manager the leeway to impose additional reasonable restrictions upon peddlers or solicitors who may apply for licenses. Keep in mind; this does not change in any way the requirement that a peddler or solicitor have a license issued by the City. That will not change. He believes the revised ordinance would be defensible and he thinks it is the appropriate action to take.

Mayor McLean declared the meeting into public hearing. Since no one wished to speak for or against the proposed amendment, Mayor McLean declared the public hearing closed.

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. A. Hummer to approve the following ordinance revising Section 14-129 Door-to-door canvassing without invitation of the City of Elizabeth City Code of Ordinances. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

**ORDINANCE # 1081
AMENDMENT TO
CHAPTER 14, BUSINESS REGULATIONS
ARTICLE V. PEDDLING AND SOLICITATION
DIVISION 1. GENERALLY
SECTION 14-129**

WHEREAS, the City Council of the City of Elizabeth City feels that Chapter 14-Business Regulations, Article V. Peddling and Solicitation, Division I. Generally, Section 14-129 needs amending; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Elizabeth City that the following Section 14-129-Door to door Canvassing without invitation be amended to read as follows:

Section 14-129. Door-to-Door Canvassing Without Invitation:

a} No peddler, hawker, itinerant merchant, transit vendor or solicitor for the sale of merchandise or periodicals, whether the same be delivered at the same time of the soliciting or later delivered by mail or otherwise, shall go in or upon private residences, offices or places of business, not having been requested or invited to do so by the owner, or occupant thereof, for the purpose of soliciting the sale of merchandise or periodicals except between the hours of 10 a.m. and sunset, Mondays through Saturday, excluding State or Federal holidays. Additional reasonable restrictions may be imposed hereunder by the City Manager or his designated representative on a case-by-case basis.

b} Each day's violation of this section shall constitute a separate offense; providing nothing in this section shall apply to the sale of one's own products as a farmer or a sale by the individual of the products of his own labor.

BE IT FURTHER ORDAINED, that all ordinances and sections of the Elizabeth City Code, and parts thereof, inconsistent herewith be and the same hereby are repealed to the extent of such inconsistencies.

ADOPTED, this 23rd day of August 2010.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

6} REGULAR AGENDA:

a} Municipal Agreement between City of Elizabeth City and NC Department of Transportation for Elizabeth Street.

Mr. Olson stated this is an agreement between the City of Elizabeth City and the NC Department of Transportation. It is called a Municipal Agreement and it concerns the Elizabeth Street project.

Councilman Stimatz said based on some discussions with the Manager and the Attorney we need to change the motion. We need to do this to make sure that everything comes together.

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. A. Hummer to adopt the attached resolution subject to execution of other supporting agreements authorizing Mayor Roger A. McLean to execute the Municipal Agreement for NCDOT #U-4438. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

**RESOLUTION #1082
APPROVING MUNICIPAL AGREEMENT
WITH THE NC DEPARTMENT OF TRANSPORTATION FOR
IMPROVEMENTS TO ELIZABETH STREET AND BRIDGE NO. 19**

WHEREAS, the North Carolina Department of Transportation and the Municipality desire improvements within the Municipality under Project U-4438, City of Elizabeth City, Camden/Pasquotank Counties, said plans to consist of roadway improvements from US 17 Business (North Road Street) to east of the Pasquotank River, which includes the replacement of Bridge No. 19 over the Pasquotank River in Elizabeth City, and,

WHEREAS, the agreement further provides for the Municipality to be responsible for the utility relocation.

WHEREAS, the Department agrees that actual utility relocation will be completed at no cost to the Municipality.

NOW, THEREFORE, BE IT RESOLVED, that said project is hereby formally approved by the City Council of the City of Elizabeth City and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the municipal agreement with the North Carolina Department of Transportation.

ADOPTED, this 23rd day of August 2010.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Review of Proposals for Management of 709 Herrington Road Homeless Shelter:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson stated that Council terminated the lease for the Tabernacle of Faith for 709 Herrington Road. Tabernacle of Faith did utilize that address for a homeless shelter. Part of the termination clause was that City Council authorized staff to send out RFPs to see if there are any other entities that were interested in running the shelter. We only received one proposal. It was from the Garden of Hope House. A committee reviewed the RFP that we received. We had some issues with the RFP that was submitted. The Garden of Hope House is a recognized non-profit here in State of North Carolina however it does not have its IRS certification for a 501C-3 Corporation. The agency has not ever managed a homeless shelter before. It has written a number of grants but has not received any funding to date. The individuals who make up the team of the Garden of Hope House are some very highly qualified individuals; however, they have not worked together or been involved in the shelter business before. They are somehow affiliated with the Cornerstone Missionary Baptist Church. They will be targeting women and children, the same of what Tabernacle of Faith did in their shelter. City staff has concerns with the liability because of no secure revenue source to help fund the operation. That was one of the issues that Tabernacle of Faith also ran into. We have no financial history as we would not expect with a new agency. Staff concerns have nothing to do with the individuals just that the lack of a tract record they have in providing this service. Staff is recommending that Council reject the RFP received from the Garden of Hope House and authorize staff to go forward with the sale of 709 Herrington Road. Once we have that property sold we will bring back the proceeds from the sale and the Council can then determine how you want to use the program income to benefit low and moderate income individuals within the community.

Councilman Stimatz asked if this is the property that we purchased with Hugh Cale Grant money.

Mr. Olson replied that is correct.

Mr. Stimatz asked if this was the property that we renovated with Hugh Cale money.

Mr. Olson replied that is correct.

Mr. Stimatz said this is the property we bought again for \$91,000-correct.

Mr. Olson stated he thinks the auditors in their audit showed something different on that.

Mr. Stimatz said we paid for the property twice. We didn't pay twice but the taxpayers paid twice. The program funds paid for it and this will be a net loss for the program. He is assuming that whatever we get out of this we will put back into the Hugh Cale Grant.

Mr. Olson replied that under the CDBG guidelines we would have to utilize the proceeds to benefit low and moderate income. It could be in the Hugh Cale area or could be in other parts of town. It could be a homeless shelter as the Council is well aware of there is a number of groups out there looking at creating a homeless shelter. That money could be used to help fund or give that homeless shelter group seed money.

Mr. Stimatz said then the Hugh Cale money is closed out and all we have to do is to meet the target audience.

Mr. Olson replied Hugh Cale Grant is not closed out but all we have to do is have year four and five signed off by the State. We have a 2:30 phone call on Thursday with representatives of DCA to discuss the deficiencies that were called for in the audit that was done.

Mr. Stimatz said we are not bound to put it back into that vehicle as long as we target low to moderate income persons.

Mr. Olson replied that is staff's opinion but that is something we will be discussing with the State come Thursday afternoon.

Councilman Walton said you said that this group is affiliated with Cornerstone Missionary Baptist Church and this group is set up with people of high standards.

Mr. Olson said that the individuals who are involved are individuals that do have in our opinion a considerable amount of expertise in the social welfare system. However, they have never actively been involved in a homeless shelter before.

Mr. Walton stated a homeless person wants somebody and they don't care who it is that will help support them. How much expertise do you need to help a homeless person?

Mr. Olson said that staff's primary concern is that we do not know because of lack of financial information how they are going to be able to run the shelter. They have received no grants or did not provide a profit and lost statement nor any type of banking related financial information that would allow us to determine what their financial capabilities are.

Councilman King stated that he is concerned because there are a lot of homeless people here in Elizabeth City. This Garden of Hope he doesn't know anything about. He has heard of them. He has to agree with Councilman Walton, a homeless person how much help do you need to run a homeless shelter. He understands it is a financial cloud there. He recommends that we send out another RFP to see if we can find someone to run the shelter. There are too many homeless people in this City to sell this building if we can help some homeless people.

Councilwoman Hill-Lawrence stated she concurs with King and Walton that to close the homeless shelter would be detrimental to that community in particular because there are a number of homeless people and if the economy keeps falling we may be in the line. A church like Cornerstone is supporting this venture, that is a reputable church and it is in the Hugh Cale Community. She doesn't think they would sign off on something that was not legit. She would like to meet this group. She would also like to see the proposal.

Councilwoman Meggs said we do have a homelessness coalition and what is their role in this.

Mr. Olson said the homeless coalition is looking at several alternatives right now. He believes they have had some discussions with the County concerning maybe using the old jail facility. That is one item that has been discussed. If the City were to receive proceeds from the sale of 709, it could be given to the Homeless Coalition to benefit homeless people because that would meet one of the national objectives of the CDBG program.

Councilman Walton said he sees the option from the city would be to sell it to a low income family and use the funding which he doesn't approve of. He would like to table this issue until we can investigate it a little bit more.

A motion was made by Councilman J. B. Walton, seconded by Councilwoman L. Hill-Lawrence to table this matter until further information is gathered; and, further moved that we send out RFP's with a 45 days time frame to solicit other groups to come forward and operate the shelter. Those voting in favor of the motion were: Walton, Hill-Lawrence, Baker, Brooks, Hummer, King, Meggs and Stimatz. Against: None. Motion carried.

c} Parking Ordinance:

Mayor McLean called upon City Manager R. C. Olson for comments.

Mr. Olson stated there has been a great deal of discussions over the years concerning parking in the downtown area. This particular item did come up at the ECDI last meeting. The last formal parking study the City had done was in 2003. There have been very little changes to it since it was approved seven years ago.

Planning Director J. C. Brooks explained how she operates the UDO when it comes to parking in the downtown area. She stated there is a section in UDO that cites parking in the City. There is one section that says the administering permit provider can modify the parking requirements in the UDO if it finds that additional parking may be required by the use or if the majority of the customers are walk in type customers. What we have been doing the past five years for the downtown area is to calculate the number of parking spaces that would be required by the UDO and waive those parking requirements except for the number of employees you have. There are ten to twelve businesses downtown that we calculated the number of parking spaces that would be required and the number of parking spaces that we waived based on the number of employees that the application told us at the time. Probably the most parking spaces that we required for parking of employees downtown was two to three for each business. Some cases there were probably ten-twelve parking spaces waived. There are substantial reductions for these business downtown.

Mr. Olson said that a lot of people believe that there is a different parking requirement in the downtown area. That is not correct. The parking in the downtown area is the same as what it is at Wal-Mart, Lowes, Port Elizabeth or any of those other places; however, the Code does allow June to use her discretion when determining the amount of parking needed within the Central Business Center. The reason why is the City provides public parking downtown whereas in other locations such as Lowes or Wal-Mart they provide the parking for themselves. The waiver that she gives or the reduction is based on her interpretation of the Code and the changes that need to take place to benefit everyone in the downtown area. He knows there are a couple of councilpersons that have some questions and city staff will be happy to answer any of those questions.

Councilman Stimatz said this is an item that actually Councilman King asked him to put on the agenda. We have talked about it previously. The reason that we looked at this is people don't know there are any restrictions. If we want to keep our downtown vital we must make it easy for businesses. If we want to be

business friendly and we talked about that at the retreat then one way to do it is to make the downtown attractive. One way to make it attractive is exempt those businesses which locate down there from the parking requirements. The parking downtown is what it is. They are taking a risk coming downtown that they are going to draw the people they want. We can't create any more. It is congested and it is all built up. We don't have the ability to develop. With that regard the idea was to look at the municipal service district, the people that pay the extra money that nobody else pays to help fund ECDI, etc. is to give them a break. The break is if you are a municipal service district property then you will be exempt from the parking regulations. In essence, June has been doing it and he gives her credit for that, but this way, a} there is no extra work for her to do and; b} when people look they will see automatically that they are exempt. It is a barrier out of their way. That was the idea of bringing this to Council.

A motion was made by Councilwoman B. S. Meggs, seconded by Councilman R. E. King to have staff bring back to Council a revision to this section of the Ordinance to exempt those properties and businesses located within the Municipal Service District.

Mr. Olson said he wants to make certain what Council wants us to do. You want us to exempt from the MSD or Central Business District all parking requirements. If we were to do that, we would need to modify the UDO to do that. Before we can take that before the Council it needs to go through the planning process and they make a recommendation to the Council. We can go ahead and send a memo to Council outlining what the provisions would be to Article 11-2.3 that would do just that. Then we would go ahead and run a parallel tract through the Planning Commission then have a call for public hearing once the Planning Commission makes that modification.

Councilman Walton asked if he was hearing that we are trying to allow people that own businesses to park downtown.

Ms. Brooks said what she currently does now is she waives a portion of the minimum required parking in the UDO. What he is hearing Council say that they want us to bring back is to waive all the parking requirements. Normally what we have been doing and we have received complaints from businesses that John Doe's employees are parking in front of Susie Jones business all day long. There are probably pros and cons of waiving the parking but technically she probably waives 80% of the minimum required parking downtown as it is now. If this works it is great but what do you do when employees refuse to park in the City parking lots and they are parking on the streets in front of the customers businesses.

Mr. Walton said we don't have enough parking spaces as it is but then you allow all the businesses that park at their own spots we will have a bigger problem.

Mr. Olson said he thinks there are two separate issues here. One is the parking requirements for a business. Right now retailers are one space per 200 square feet. The other way that we enforce it downtown is there is no place downtown where there is not a two-hour parking limit. That is when Ms. Brown goes out and writes tickets. That is how we enforce the people not parking downtown in a specific spot in front of a specific business. They are inter-related to a certain degree but one is more an enforcement issue and the other is a code issue or UDO issue.

Mr. Stimatz said we want you to bring something back. You may come back and say we shouldn't do away with everything or we should require a smaller number. He thinks the idea is how we can make it easier. It would be interesting to know if you added up all the square feet of businesses in the MSD if there is even enough parking downtown to support the businesses that are here now. He thinks the answer would be no. We are trying to manage something that can't be managed.

Ms. Brooks said she would be glad to bring back parking information for you.

Mayor McLean called for a vote on the motion.

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

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to suspend the enforcement of that provision of the UDO pending this position of that change only as it applies to Municipal Service District properties or businesses. Those voting in favor of the motion were: Stimatz, King, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

d} Motion to clarify ordinance:

A motion was made by Councilwoman J. M. Baker, seconded by Mayor Pro Tem L. A. Hummer to clarify as far as the Conditional Use Permit criteria and the ordinance for public gaming that we clarify that the establishment shall be restricted to patrons and employees at least 18 years of age to enter premises to not only play the games.

Ms. Baker said she is just saying a person to be able to go into one of these internet gaming establishments has to be eighteen to enter the door. There has been some confusion as to whether it has to be 18 to play the game or 18 to go into the premises. She wants it clear that it is 18 to enter the premises.

Mr. Olson asked if it was her intent where the Internet Sweepstakes gambling is an accessory use to put those same restrictions on any individual that goes into that premises where an accessory use has to be age 18; or just those sweepstakes cafés where it is the primary use.

Ms. Baker said accessory use as well.

Mr. Morgan stated we might have a legal issue there because if you had a business establishment that met the proper criteria for having these machines as an accessory use then you are forbidding minors from going in that business establishment all together. As he understands what you are saying, Ms. Baker, you are just asking to go on record as a Council that it is the intention or are you directing your statement to the existing section of the UDO 11-4.44.1 that defines Internet Sweepstakes Café Electronic Gaming Operations and talks about the rules that apply to those establishments. Are you just trying to clarify Council's position on subparagraph F, the Age Restriction portion?

Ms. Baker said the age restriction portion where it says the establishment shall be restricted to patrons and employees at least 18 years of age. That to her says the whole establishment. That is what she wants to say.

Mr. Morgan said that he can envision a scenario whereby an accessory use in a convenience store or elsewhere where the owner/applicant was able to segregate the area where the machines are located from the other areas of the store. As he interprets your motion, that would not be allowed. He is a little concerned about that. He asked if she minded withdrawing that motion and allowing him to do some digging on the subject.

Ms. Baker and Ms. Hummer withdrew the motion and second.

Councilman Brooks said he agrees with Attorney Morgan. He can understand if the internet was the primary. If that was all that they did then you could probably restrict them from going in the building at 18. But, if it is a convenience store, you have a legal matter there.

A motion was made by Councilwoman J. M. Baker to instruct staff to begin the regular process to initiate the change in the Ordinance to remove the possibility of an accessory use for these

types of businesses. Councilman J. A. Stimatz seconded the motion. Those voting in favor of the motion were: Baker, Stimatz, Brooks, Hill-Lawrence, Hummer, King, Meggs and Walton. Against: None. Motion carried.

7} COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

Councilwoman Baker stated she didn't have any further comments.

Councilman Brooks said last time he didn't get a chance to comment on it, but we have 25 people on the Youth Task Force and they had the Youth Challenge where Mike Williams headed up. We had 11 young men going through a military type boot camp. They had great participation and had the uniforms and the whole nine yards. He was really disappointed that no one from the Youth Task Force attended the graduation ceremony. Secondly, we keep talking about the conference center and he believes that we should repair the Boys Club. We can do something to repair this Club. We need a place that your youth can go. Finally we have citizens coming up before Council and talking about the displeasure with the completion of the project in Oak Grove. We need to try to do something. He doesn't know what it can be as we know money is tight.

Mayor McLean asked Mr. Brooks to comment on his follow up on Tamika Gordon.

Mr. Brooks said the City Manager sent him a memo and when he read the memo he will stand firm that young lady came up here and told blatant lies. She might not have presented herself well but when you are about to get your lights cut off and as an adult someone tells you to shut up and he believes those words were used. Something triggered her actions. Two things she said that drew his attention. First of all she said when it first happened she called her mother and see if her mother had bond money. That tells him that she wasn't out of control but had sense to call her mother and asked her that. But she said something else that gave him hope with our youth and made me believe what she said was on the correct side. She said if it had been nine years ago, it wouldn't have matter rather her mother had bond money or not. That tells me she has had some guidance and control. He is very anxious to see the completed task of the Customer Service Task Force. He is still not satisfied with what happened down there. He comes to City Hall quite often and that is not the first time he has heard a complaint against that particular person.

Mayor Pro Tem Hummer said she had two things. She has already requested the City Manager to start spraying for mosquito control and she is sure that as soon as the weather lifts that will be started. They have already identified the West Nile Virus in Virginia Beach so it is serious this year. Also, about things for youth the Mayor, City Manager, Councilman Walton and she actually looked at the Boys

Club the other day and some other areas. We haven't put it aside as we are looking at things.

Councilman King said that last meeting we were talking about Brooks Avenue. Where are we at on it?

Mr. Olson replied Council asked him to bring that back at the September 13th meeting. We are in the process of gathering data. The critical decision is based on whether or not the City receives a CDBG Grant for North Road Street. That will help us determine what our priorities are.

Councilwoman Hill-Lawrence said she would like to report on the Conference that she attended last week in Wilson, North Carolina. It was for the North Carolina Black Elected Municipal Officials organization that is part of the NC League of Municipalities. It was a wonder conference. A lot of council members and mayors were there from throughout the state. She was instrumental in persuading the president to allow Dr. Sharpe to do a presentation on Aviation Education at Elizabeth City State University. Most of them didn't know we had an aviation park going on in Elizabeth City. They were very glad to get the information. Out of that conference she thinks Dr. Sharpe was able to get the Mayor of the City of Durham to offer internships to the students at ECSU to do their internships at the Raleigh-Durham International Airport. That was a good thing. They invited him to come back to our conference in October to do a presentation to a larger audience than what we had. We had a reception that Congressman Butterfield attended. We gathered a lot of information. She really appreciates the opportunity to attend the conference. She wants to meet everybody that she can and to listen to other people at other cities and see what they are doing. The bottom line is we want to hold some of those Statewide offices. We want Elizabeth City represented at the State level as well. She does want to say that she brought Council a written report of the Conference.

Councilwoman Meggs said she had no further comments at this time.

Councilman Stimatz said we have a vibrant downtown and Encore Theater will be having a production of Annie Get Your Gun starting in early November. He invites everyone to come down there and enjoy the production.

Councilman Walton stated as a Fourth Ward Council person it is his duty to bring about the concerns of the Fourth Ward. Mr. Fredette, at the last meeting he asked you to bring back the percentage of the piping that has been completed. Did you get that information?

Mr. Fredette replied that the percentage of piping is about 30% of the Oak Grove Drainage project. The other 60% is open ditch. The 30% includes the driveways.

Mr. Walton said then we are one third of the way there if we try to improve what we already have. We are one third of the way if we complete the task. We need to listen to the concerns of the people. They had a protest on Friday. Quite a few showed up and showed their dissatisfaction. At the present time they are probably thinking that they are second class citizens and we know they are not. In the future meetings he is going to open it back up to try to do some of the things that will make it better for the Oak Grove Community. You go out there now and all those houses that possibly could have been sold three or more months ago, nobody will buy those houses now because they have been put at a disadvantage. Some of those people when they walk outside of their house if you walk around the side, the advertisement might list it as waterfront property but it is not what it is. You take one step one way or the other and you are in the water. That is not good. We can fix that. We need to do better than what has been done thus far. We are going to revisit those things in the future.

City Manager Olson asked to clarify a statement made by one of the speakers tonight. The speaker stated that the City pays for the electricity down at the docks and that is untrue. The City does not provide any utility to any boaters down in the dock area. This is just a point of clarification.

Councilwoman Baker stated Port Discovery held an open house for elected officials chairmen and chief officers of corporations in the downtown area and non-profits on last Tuesday. It was really a well attended and nicely done presentation. It had some of the kids in there playing some of the games, doing some of the activities that they have for the children down there. We are always looking for things for our youth to do and that is a primary thing that is free for kids. It is part of the HAS incentive downtown. They have flight simulator and all kinds of critters that kids can learn from. They have little boxes where you go and it gives you a question like what can you learn here or what can you do here. All the parts that a kid needs to learn about a specific item is in that little box. It is just a free fun place for kids to go. It is something for our youth. They have programs all the way into high school.

Mayor McLean said he wanted to thank Council for giving him the opportunity to attend the trip at Myrtle Beach. It was a good trip. He had a chance to talk with other Mayors and other officials and based on what he heard from most of them Elizabeth City has the best chance to get from Point A to Point Z. We have so much to work with here. We have the Coast Guard Base, ECSU, COA, Mid-Atlantic University and we have a lot of good people in Elizabeth City. All we have to do is work together. Come together and make good decisions for the

people. It is important that officials understand current issues facing our community. He was happy to be there because we had a Mayor's Forum where we heard from Mayors from Kings Mountain to Rocky Mount. Next year we need to bring it on to Elizabeth City.

From time to time he does get good letters about staff. He got a letter from Josh Tunnell who praised our Planning Department for the good job they are doing.

City Manager Olson explained the concept of the Broadband Technology. A coalition of different communities throughout the northeast part of the state did join together basically under the general direction of Wayne Harris to put an application together to apply for federal stimulus money for Broadband network. We are one of the applications that were funded by the Department of Commerce. This has the potential to be the largest economic benefit project ever for northeast North Carolina. Right now the problem we have is we have very few legacy providers within the northeast part of the State which means we are held captive to companies such as Century Link or Time Warner. Once that backbone is put in place major institutions whether it is ECSU, COA, the Hospital, the City could go ahead and tie directly into the Internet. That means our cost of purchasing Internet will go down substantially. Also, the cost of getting internet from third parties such as Time Warner, Century Link should also decrease because there would be more competition within the area. The project is supposed to be executed and installed by 2013. The total application value is \$132,000,000. The majority of that is going to come to the northeast part of the state. We are fortunate that the federal regulation requires a 25% match and Golden Leaf have decided to underwrite the local match for that project. It now appears that we will be getting internet access or backbone in northeast North Carolina at no cost to the citizens.

Mayor asked that everyone pray for Montress Respress, son of Yvette and Colbert Respress. He is 24 years of age and living in Seattle, Washington. He had a heart attack and is now in a coma. He is doing much better but he still needs our prayers. He is a member of our Arm Forces.

In our special session in September he would like to ask Council to have included on the agenda the status and implementation of agreed upon goals and objectives that were discussed at our retreat.

8} 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 Councilman R. E. King, seconded by Councilman J. A. Stimatz to adjourn the meeting. Those voting in favor of the motion were: King, Stimatz, Baker, Brooks, Hill-Lawrence, Hummer, Meggs and Walton. Against: None. Motion carried.

Mayor McLean adjourned the meeting at 8:53 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor