

**City Council Work Session
August 25, 2014**

The City Council of the City of Elizabeth City met in work session on Monday, August 25, 2014 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Joe Peel
Councilwoman Jean Baker
Councilman Ray Donnelly
Mayor Pro Tem Anita Hummer
Councilman Tony Stimatz
Councilman Michael Brooks
Councilman Montravias King

MEMBERS ABSENT: Councilman Kem Spence
Councilman Darius Horton

OTHERS PRESENT: Acting City Manager/City Clerk Vivian White
City Attorney Bill Morgan
Planning Director June Brooks
Chief of Police Eddie Buffaloe
Electric Department Superintendent Karl Clow
Assistant to the City Manager Angela Cole
ECDI Director Rebecca Cross
Human Resources Director Katherine Felton
Public Utilities Director Paul Fredette
Fire Chief Larry Mackey
Inspections Director Stanley Ward
Parks and Recreation Director Bobbi White

The City Council work session was called to order by Mayor Joe Peel at 5:30 p.m. Mayor Peel welcomed everyone to the meeting and recognized Roger Braun to give the invocation, after which all in attendance recited the Pledge of Allegiance.

1. Approval of Agenda:

Mayor Peel called for any adjustments to and approval of the agenda.

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Montravias King, to approve the agenda with any necessary adjustments. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks and King. Against: None. The motion carried.

(No adjustments to the agenda were requested.)

2. Statement of Disclosure:

The City Clerk read the Statement of Disclosure. No conflict of interest disclosures regarding items listed on the agenda were made.

3. Presentation: Update on Success and Marketing Efforts by Convention and Visitors Bureau/Tourism Development Authority by Cahoon and Cross:

Mayor Peel recognized Charlotte Underwood, Director of the Elizabeth City Area Convention and Visitors Bureau. Ms. Underwood introduced Margaret Cahoon of the marketing firm, Cahoon and Cross, to assist her during their presentation.

Ms. Underwood stated that tourism is a multi-million dollar industry in Elizabeth City and advised that during 2013, domestic tourism in Pasquotank County generated an economic impact of \$55.04 million. In addition, she said that travel generated \$8.13 million in payroll; that state and local tax revenues amounted to \$4.19 million, and that more than 460 local jobs are directly attributable to travel and tourism. Ms. Underwood stated that 164 employees work in 15 local hotels, motels, inns and bed and breakfast establishments. She advised that the Convention and Visitors Bureau collaborates with a host of community partners on a diverse assortment of events, such as the Great Race, Potato Festival, Art Splash, ECSU events and various sports promotions. In addition, she stated that the Convention and Visitors Bureau continues to promote partnerships through such things as an advertising cooperative, the Rose Buddies program for visiting boaters, and a radio show on WRVS. She reported that media efforts were paying dividends with articles being published in such publications as *Wayfarer*, *Our State Magazine*, *Recreation News* and a variety of television station features.

Margaret Cahoon provided an interactive presentation of the newly launched website for the Convention and Visitors Bureau. She described the site's robust capabilities and demonstrated the newly expanded database calendar featuring things to see and do while visiting in Elizabeth City.

Councilman Stimatz inquired if the events calendar sponsored by the Convention and Visitors' Bureau can be considered "the" City events calendar. Ms. Cahoon responded that the calendar is designed for the Convention and Visitors Bureau as the primary focus and the events featured are targeted for those people looking to visit the area. She advised that the calendar had been expanded to include local activities as well as those within the region. Councilman Stimatz responded that it has been a problem not having a centralized calendar because there are oftentimes events scheduled in conflict with other events, which prevents attendance by members of the community. Ms. Underwood stated that ECSU and COA are beginning to provide more and more information, in addition to the members of the H.A.S. group. She pointed out that, as people began to realize the benefits of the Convention and Visitors Bureau calendar, more people will begin to use the feature. Councilman Stimatz asked if the City could designate their calendar as "the" official calendar of events. Mayor Peel asked if the

website could accommodate that request, to which Ms. Cahoon responded in the affirmative.

4. Discussion – Review/Synopsis of Historic Preservation Commission Decisions:

Mayor Peel recognized Planning Director June Brooks for a review of this discussion.

Ms. Brooks explained that Councilman Stimatz had requested in an email of June 17, 2014 a synopsis of all Historic Preservation Commission decisions for the last ten years be presented during this work session; in particular those that went beyond the aesthetic and demanded something more or different, especially with respect to design and/or material.

Ms. Brooks reported that over the past two months, staff has advised Council members on several occasions of the actions that the Historic Preservation Commission has taken. She advised that the Historic Preservation Commission receives its authority as a quasi-judicial board from NC General Statutes Chapter 160A, Article 19 Part 3A; and also follows the 47 Department of Interior Preservation Briefs for restoration and rehabilitation. She stated that it is staff's opinion that the Historic Preservation Commission has never exceeded the aesthetics and demanded something more or different than what the Preservation Briefs recommend. Ms. Brooks provided a synopsis of the 203 applications that have been reviewed over the past 10 years and reported that City staff administratively approved 75 of the applications and the Commission approved 128.

Ms. Brooks stated that the Council has also been advised of the information that is available on the City's website with regard to the Historic Preservation Commission. She said that since the Historic Preservation Commission is staffed by the Planning Department, their information is accessed through the Planning Department's page. She advised that although some work on historic structures can be classified as routine maintenance, it is important that property owners contact City staff to verify the degree of restoration before proceeding with their renovations.

Ms. Brooks reported that City staff has developed a spread sheet for proposed posting on the City's website that will show HPC applications, submittal dates, action dates and actions taken, pursuant to Councilman Stimatz' request. She said that staff has also posted minutes for the HPC dating back to January 2013 on the website and would continue to improve the information that is available on the City's site going forward.

Councilman Stimatz stated that the reason he opened this dialog is because citizens continue to tell him that "the HPC made me do X, Y and Z." He said that it is hard for him to know what had been done without the data. He thanked Ms. Brooks for compiling the information.

Councilman Stimatz pointed out that when looking through the City's website for HPC information, he finds the data to be fractured. He said that the HPC does not have its own page within the Planning Department site that shows the members of the Commission, their contact information, what the mission of the HPC is, how to become a member, and links to the various forms, documents and brochures needed to receive a Certificate of Appropriateness. He stated that one must hunt through the Planning Department section to find the information; and he suggested that a website cleanup is needed.

Councilman Stimatz proposed that posting an approved list of improvements, such as approved fence styles and colors, would be very helpful to the public toward receiving administrative approvals. He also advised that some property owners in historic districts do not know that their properties are subject to the historic guidelines. He stated that his point with this dialog was to help people self-facilitate the process as much as possible without burdening staff or the HPC. Ms. Brooks responded that it remains very important for historic property owners to contact City staff before beginning any improvement to ensure compliance.

5. Consideration – Adoption of Policy and Procedures for Appointments to City Boards, Commissions and Committees:

Mayor Peel recognized City Clerk Vivian White for comments regarding this matter. Ms. White stated that Rules 30 and 31 of the City Council Rules of Procedure briefly address the process for making appointments to various boards, commissions and committees. She pointed out that there are many components of this process that have not been defined; and reported that since the City previously did not have a written policy for board appointments and record keeping, staff prepared the draft document for the Council's review and consideration.

Ms. White stated that the proposed policy would establish such things as length of term, when none exists per state statute or local ordinance, attendance at meetings, conflict of interest, the selection process and advertising, notification of appointees, recognition of appointees, record keeping and required reporting. She advised that due to the length of the document, it is staff's recommendation that the policy be adopted as a stand-alone policy document and not amended into the Council's Rules of Procedure. She pointed out that Section 6 of the proposed policy contained a reference to the requirement that some board members must complete the City's General Disclosure Form; and advised that the reference was placed in the policy in anticipation of the Council adopting that requirement during the discussion of Item 6 on the Work Session agenda by the City Attorney.

City Attorney Morgan stated that he had identified two possible revisions to the policy for the Council's consideration. He suggested that in Section 4, in the third line of the first paragraph, the word "consecutive" be inserted between the words "two" and "terms". He advised that this might allow for a situation where a person may have served his/her two terms but, in the interest of preserving experience on a board, could

come off for a term and then go back on for another two terms. He also suggested that in Section 5, a procedure may need to be defined regarding a process for being granted an excused absence from a meeting, rather than leaving it to “the whim of the chairperson”. For instance, he stated that prior notice may be required specifying some appropriate reason for not attending.

City Attorney Morgan stated that overall the document was good and he recommended the Council’s consideration for adoption.

Councilman Stimatz pointed out that Section 4 of the document placed a two-year length of term and two term limitation for members of the City Council and asked why the Council would limit itself in this situation. He suggested that the Council could always not appoint Council members for successive terms if they became excessive and suggested the paragraph of Section 4 referring to Council appointments could be deleted to avoid having to make waivers.

Councilman Stimatz stated that Section 7 of the document should include the requirement that information regarding current membership on all boards, committees and commissions shall be available on the City’s website for public inspection and not simply accessible to the City Council in a book format.

Councilman Stimatz said that there are many procedures the Council has such as its travel policy and this proposed policy, which are not a part of the Council’s Rules of Procedure. He stated that he thought these policies should be noted as addenda or appendices to the Rules of Procedure; and recommended the proposed appointment policy be adopted an Appendix A. The City Clerk inquired of the City Attorney if a super majority vote would be required for adoption in that instance; and the City Attorney responded that he believed that it would. The City Attorney stated that if the policy is adopted as a stand-alone document, its adoption and subsequent modifications could be accomplished by a simple majority vote. Councilman Stimatz responded that he was not as concerned about that part of it as he was in the public knowing how the Council works. Councilman Stimatz pointed out that at some point the Council could adopt a change to the Rules of Procedure to state that “from time to time appendices may be adopted without requiring a super majority vote”. The City Clerk advised that the policy, if adopted, could be uploaded to the Boards and Commissions section of the City’s website for public viewing.

Mayor Peel pointed out that City Attorney Morgan mentioned two possible changes to the policy in his opening statement. Mr. Morgan agreed and stated that the insertion of the word “consecutive” in the first paragraph of Section 4 between the words “two” and “terms” and the deletion of the second paragraph of Section 4 had been discussed. He pointed out that if the Council added the word “consecutive”, appointments would have to come back to the Council for action beyond that requirement, but it would enable persons to serve additional terms if the Council desired. Councilman Stimatz agreed and proposed that the Council add the word “consecutive” in the third line between the words “two” and “terms”.

With regard to City Attorney Morgan's suggestion that a process to define excused absences be included in Section 5, Councilman Stimatz stated that he did not think that was necessary since the proposed policy stipulated that absences were subject to approval by the board, commission, or committee.

There was a consensus of the City Council to amend the proposed policy to include the various suggestions made during the discussion.

6. Consideration – Adoption of Code of Ethics Disclosure Policy for HPC, BZA and PC/Adoption of Rules of Procedure for City Boards – City Attorney Bill Morgan:

Mayor Peel called on City Attorney Morgan for his comments regarding this matter. Mr. Morgan stated that during the July 2014 City Council meeting, a brief discussion was held regarding a possible requirement for members of the Historic Preservation Commission (HPC), the Planning Commission (PC) and the Board of Adjustment (BZA) to complete the annual ethics disclosure statement that is completed by the Council and City staff. He said that the HPC and the BZA are creatures of state statute and are controlled by the General Statutes. He stated that the Planning Commission also has statutory rules to follow. He advised that there is a "pecking order" for these three boards to follow, which is essentially state statutes, the City's Unified Development Ordinance, the rules that will be discussed during this presentation and finally Roberts Rules of Order for questions not dealt with in the rules themselves.

Mr. Morgan stated that he had reviewed the three sets of rules already in place for each of the boards and found that all three currently have adopted rules that were well-written. He pointed out that each set of rules already covers ethics; and each also requires that the Council's own Rules of Procedure dictate the way meetings are to be conducted. In view of that information, Mr. Morgan advised that the requirement for meeting the same ethics rules had already been provided; and with that being the case, he recommended that the members of each of the three boards, HPC, PC and BZA, complete the annual Ethics Disclosure. Mr. Morgan stated that he did not feel the requirement would be overly burdensome and it would be a good reminder that we must all be mindful to avoid any appearance of impropriety in decision-making.

Councilman Stimatz commented that the only thing he wanted to be certain of is that the three sets of rules for each entity are the same. City Attorney Morgan responded that his review revealed that the rules are essentially the same, but each set of rules also contained things specific to the particular entity, as well.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly, to require that the Code of Ethics Disclosure policy be applied to the HPC, BZA and PC. Those voting in favor were: Baker, Donnelly, Hummer, Stimatz, Brooks and King. Against: None. The motion carried.

Councilman Stimatz inquired of the City Clerk if the disclosure statement should be read at the beginning of HPC, BZA and PC committee meetings. The City Clerk responded that the Council's Rules of Procedure require that boards conform to the Council's rules; and in view of that requirement, the disclosure statement should be read.

7. Committee Reports:

- a) EC-PC Economic Development Commission: Mayor Pro Tem Hummer, Councilwoman Baker, Councilman Donnelly and Mayor Peel

Mayor Pro Tem Hummer stated that Hockmeyer Equipment Company hosted the last meeting of the EDC and provided a tour of the plant, which was very interesting. She reported that Director Wayne Harris of EDC gave a tour for a representative of the Port of Virginia of the Aviation Park and other industrial sites in Pasquotank County; and that Mr. Harris would be attending the North Carolina Business and Economic Summit on September 8 – 9 being sponsored by the North Carolina Congressional Delegation.

Councilwoman Baker reminded the Council of "Operation Jump Start", which was discussed during the Committee of 100 meeting. She stated that the program is designed to try and fill some of the empty storefronts downtown. She stated that a launch party is being planned and more information would be forthcoming.

Mayor Peel stated that the Thompson Thrift Shopping Center project is moving forward and a groundbreaking ceremony is being planned, possibly for September 19.

- b) Central Communications Advisory Board: Councilman Spence

Councilman Spence was not present to make a report.

- c) Fireman's Relief Fund Board: Councilman Brooks

Councilman Brooks reported that no meeting had been held.

- d) NC Eastern Municipal Power Agency: City Manager Olson and Mayor Peel

Mayor Peel stated the Duke Energy Progress purchase of NCEMPA generating assets is moving forward and still looks good.

- e) Elizabeth City Downtown, Inc.: Councilman Donnelly

Councilman Donnelly announced that ECDI had met the standards and qualifications to be designated as a National Main Street Program for the third year in a row. He stated that ECDI will be participating with Ghost Walk October 10 – 11 and will sponsor a USO mess hall type dining arrangement. He stated that the ECDI Board is exploring organizing a group of advocates who will wander the downtown checking on businesses to address any issues that may arise.

- f) Elizabeth City Area Chamber of Commerce Board: Mayor Peel

Mayor Peel stated that the Chamber is doing well and is getting ready to launch a new online magazine.

- g) Finance Committee: Mayor Pro Tem Hummer, Councilman Donnelly, Councilman Horton and Mayor Peel

Mayor Pro Tem Hummer stated that the items discussed during the Finance Committee meeting are included on the regular agenda with a recommendation of approval. She announced that the Committee will be meeting to review Community Support Grant Applications and will formulate a funding recommendation for Council's consideration.

- h) Parks and Recreation Advisory Board: Councilman Horton

Councilman Horton was not present to make a report.

- i) Elizabeth City/Pasquotank County Airport Authority: Councilman Stimatz

Councilman Stimatz stated the ramp project is moving ahead and terminal repairs are progressing well. He said that a new entryway sign is being designed for Consolidated Road/Weeksville Road to let people know where the airport is located. He reported that contract fuel sales are going well.

- j) Storm Water Drainage Advisory Board: Councilman Stimatz, Councilman Donnelly and Councilman Brooks

Councilman Stimatz reported that the Board plans to meet in September.

- k) Tourism Development Authority: Councilwoman Baker

Councilwoman Baker stated that the new tourism website is very exciting and that the Council had an opportunity to view it during the presentation earlier in the meeting. She reported that the theme for the 18th Annual Ghost Walk is World War II in the Albemarle and the event will be held October 10 and 11. She stated that an additional 8,000 brochures had been purchased for Ghost Walk and will be placed in every welcome center in North Carolina and at other strategic locations along I95 and I40 to expand marketing efforts. She said that attendees will be tracked by Zip Code to determine the success of the marketing efforts.

8. Adjournment:

There being no further business to be discussed, Mayor Peel adjourned the meeting at 6:44 p.m.

Joseph W. Peel
Mayor

Vivian D. White, NCCMC
City Clerk