

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

**SEPTEMBER 22, 2008**

**CITY COUNCIL**

The City Council of the City of Elizabeth City held its second regular meeting on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor S. S. Atkinson presiding. Members attending were: J. M. Baker, D. B. Evans, L. A. Hummer, R. E. King, B. S. Meggs, E. K. Rivers, J. A. Stimatz and V. C. Watts. Staff members attending were: City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Deputy City Clerk V. D. White, Electric Utilities Director P. A. Fredette, Police Chief C. E. Crudup, Interim Fire Chief B. Overman, Parks and Recreation Director J. D. Overman, Finance Director S. E. Blanchard, Electric Director K. F. Clow, Planning Director J. C. Brooks and Inspection Director S. E. Ward.

Mayor S. S. Atkinson opened the meeting and welcomed those attending. He called upon Pastor Felipe Alfonso for the invocation after which the Pledge of Allegiance was given.

**1} AGENDA APPROVAL:**

Mayor Atkinson called for approval of the prepared agenda.

***A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman J. A. Stimatz to approve the agenda as presented. Those voting in favor of the motion were: Baker, Stimatz, Evans, Hummer, King, Meggs, Rivers and Watts. Against: None. Motion carried.***

**2} COMMENTS FROM THE PUBLIC:**

Mayor Atkinson asked City Clerk Pierce-Tamplen the number of persons signing up to speak under this section of the Agenda. Upon a reply of two having signed up with one giving their time to the other, she called Holley Koerber, 600 W. Main Street, Elizabeth City to the podium.

Ms. Koerber spoke regarding her opinion of comments made in the Daily Advance by Councilwoman Hummer in reference to the recent trip to Myrtle Beach, South Carolina taken by six members of Council, Mayor, Manager and Electric Director. She also discussed the 2000-2008 out of town meetings that Ms. Hummer attended.

**3} PROCLAMATION:**

Mayor Atkinson presented a proclamation to Dena Richardson, Elizabeth City Fire Department declaring the week of October 5-11, 2008 as Fire Prevention Week. Ms. Richardson made brief remarks.

**4} CONSENT AGENDA:**

Mayor Atkinson asked Ms. Blanchard to read the Consent Agenda after which he called for action by Council.

***A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman D. B. Evans to approve the following Consent Agenda as presented. Those voting in favor of the motion were: Baker, Evans, Hummer, King, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.***

Consent Agenda:

a} Called for a public hearing to be held on Monday, October 6, 2008 beginning at 7:30 p.m. in the City Council Chambers of the Municipal Administration Building for the following:

1} Application R-07-08 to rezone .26 acres at 203 West Main Street from Central Business District (CB) to Office and Institution, O&I.

2} Amend the Code of Ordinances – Section 58.2. Fishing and Crabbing at Waterfront Park and Mariner’s Wharf.

b} Accepted the Historic Preservation Annual Report.

c} Authorized execution of Communication System Easement with Embarq.

End of Consent Agenda:

**5} REGULAR AGENDA:**

a} OSSI Software for mobile data terminates.

Mayor Atkinson called upon Chief Crudup for comments.

Chief Crudup advised the Elizabeth City Police Department has been approved to purchase field reporting software for the mobile terminals. This field reporting software will be a vital part of the department’s efficient records management system as it will allow officers to enter incident and arrest reports from their

vehicles. It will also allow for silent dispatch to occur. The following is a quote from the Department's software vendor:

Sungard (OSSI)                      \$102,726.26

This quote outlined the product description, the unit price, the extended price and the annual maintenance of the software purchased.

At the last meeting Council expressed concerned and asked if Sungard was the sole source provider of this software. He reported that Sungard is the sole provider of the OSSI software. Staff recommends the purchase of this software.

Ms. Blanchard asked to advise this software came in \$150,000 below the budgeted amount.

Mr. Stimatz stated he would like to direct staff to prepare a Request for Proposal to get some cost estimates to do an information technology and/or communication assessment.

***A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem J. M. Baker to accept the recommended purchase of the field reporting software from the sole source provider, Sungard in the amount of \$102,726.26. Those voting in favor of the motion were: Stimatz, Baker, Evans, Hummer, King, Meggs, Rivers and Watts. Against: None. Motion carried.***

b} Appointment to Various Boards:

Mayor Atkinson stated he would like to present the following names for confirmation as members of the various boards as listed.

Senior Citizens Advisory Board – 4-year term – Max Singletary

Parks and Recreation Advisory Board – 4-year term – Arnold Sykes and Debbie Leete

Alcoholic Beverage Control Board – 4-year term – Robert Vaughan

Mr. Vaughan and Ms. Leete are reappointments and Mr. Singletary and Mr. Sykes are new appointments.

***A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman R. E. King to approve the individuals as listed above for membership on the various boards/committees. Those voting***

***in favor of the motion were: Baker, King, Evans, Hummer, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.***

c} Request from the Food Bank:

Mayor Atkinson recognized Ms. Blanchard for comments.

Ms. Blanchard stated the Food Bank has made a request for \$10,000. That would be half of the Contingency Fund. The City Manager is recommending we appropriate \$3,000 at this point and then revisit this again in May 2009.

Mr. Stimatz said we put \$10,000 in the budget for homeless support. There is a concern this would not be for Elizabeth City specifically.

Mayor Atkinson said it was his understanding the \$10,000 of the \$20,000 Contingency Fund was un-earmarked for this type of thing when it came forward.

Mr. Rivers said when he read the proposal he saw that a minimum of 51% of those served were from Elizabeth City. We also need to let them know when they will be able to come back and request additional funding. People use the Food Bank and especially in these hard times. He has no problem with contributing \$5,000 at this time. When you deal with the homeless and food we are addressing a critical need of those less fortunate. Any one can go to the Food Bank and obtain assistance.

Ms. Watts said she was in full agreement with what Mr. Rivers has said. All of the agencies are mainly the ones who are able to shop at the Food Bank that supply food to those in need.

***A motion was made by Councilman E. K. Rivers, seconded by Councilman R. E. King to contribute \$5,000 to the Food Bank at this time. Those voting in favor of the motion were: Rivers, King, Baker, Evans, Hummer, Meggs, Stimatz and Watts. Against: None. Motion carried.***

d} Northeastern Coalition:

Mayor Atkinson recognized Mr. Phil Donahue for comments.

Mr. Donahue with Albemarle Hospital stated he was here representing the Northeastern Coalition to End Homelessness. This organization has applied for and received Articles of Incorporation and we have a tax exempt number and are

waiting for the 501-C-3 status. The Coalition is currently operating under the Albemarle Hospital Foundation. The organization has recently completed a strategic plan and we feel we are ready to start assisting some of the homeless in our area. We plan to provide food, clothing, and shelter vouchers for the homeless and we are attempting to secure funds to allow us to obtain our short term goals. Many of the churches have been feeding the homeless. Our Mission Statement is: "The mission of the Northeastern Coalition to End Homelessness is to provide relief for those individuals who are living without shelter while striving to eliminate homelessness in the Albemarle Area". What he is here to request is for the City to support our Coalition a portion or the entire \$10,000. We feel we have a good plan in place. What we are trying to do is work with all the agencies in the community and he thinks they have been successful and now they are ready to assist people.

Ms. Baker asked if the Tabernacle of Faith was a member of this group.

Mr. Donohue stated they were not a member but has attended some of the meetings. What we would like to do is to work with both of the existing shelters as close as we can. They need to be a part of this effort.

Ms. Hummer said she knows over the years Reverend Robinson has had a hard time. She is not sure if Council is aware of it and no reflection on the Customer Service staff as she would hope the City Manager would tell Council before anything like this was about to happen, but they almost had their utilities cut off. It is heartbreaking to think there are homeless people out there and the City is going to cut off their utilities when people are working so hard to provide shelter for these people.

Mr. Donohue said once they received their 501-C-3 status they will be approaching the local churches for assistance.

Mr. Stimatz said we did not earmark the money in the budget for the very reason we don't want to get into a political mine field. It is his feeling this group would be between us and all those groups asking for money. The Coalition would determine who had the best chance of winning. That is the role that he envisioned you would take. You would not be a service provider but a service coordinator.

Mr. Donohue said one of the problems is that we have identified 111 people and the problem is going to continue to grow. At some point in time we are going to have to look at building a shelter. That is not necessarily what this group is looking to do now.

***A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem J. M. Baker to direct staff to develop either a memorandum of understanding or local agreement with the Coalition to define roles and responsibilities and once that's been drafted it comes back to Council for approval and based on that documents we would transfer funds through that document.***

Mr. Rivers said you keep referring to a plan, when you come up with that plan, will we be able to get a copy and that way we will be informed. Then when the funds are spent we would like to have something showing how those funds were spent.

Mr. Donohue said what they were still working on is trying to bring all the parties to the table. It is a working progress but we will certainly share it with you.

Mr. Rivers questioned what would be the purpose of an interlocal agreement? Are we saying they have to do this in order to get funding? He has read the letters; heard the presentation and listened to the departments that have set around the table and he feels we should just give them the \$10,000 and move on. Next year, if something goes wrong you don't have to reward the \$10,000. He would like to see the politics stay out of this. Things can change tomorrow.

Mr. Donohue said he feels we do need the Memorandum of Understanding so both parties will know exactly what the expectations are.

***Those voting in favor of the motion were: Stimatz, Baker, Evans, Hummer, King, Meggs, Rivers and Stimatz. Against: None. Motion carried.***

e} Code Enforcement:

Mayor Atkinson called upon Councilman Stimatz for comments.

Mr. Stimatz said he thinks we should have a work session on this issue. The questions for the Manager and staff are:

1} The list of discrepancies and any action updates from the survey earlier this year done by the Planning Staff.

2} We have some rather major enforcement fiascos going on. He would like discussion on these items on a work session or even a special meeting:

a} The tar paper house. (Been over two years).

- b} Status of building on Halstead Boulevard that has tar paper on sides
- c} Building at corner of River Road and Weeksville Road ( old Buddy Price store)
- d} Property on Riverside where a duplex was turned into a four plex plus.
- e} What is our strategy?
- f} What's our priority?
- g} How are we dealing with these major code violations?
- h} What is the City going to do about enforcing the code on itself? (There are 100 trees on Main Street in violation of the City's Code on the height of trees above the sidewalk.)

He wants to know what is our strategy; where are we going, do we need more staff, and do we do a six month push and battle the bulge and wipe them out or what. That is the discussion he would like to have at some other point with the Manager and some clear sense from the staff on what they want to do.

Ms. Watts inquired about the letter that is sent out to persons who may be breaking the law so to speak. What is the protocol on this? Who sends the letter? Her concern about it is she has read one of the letters and her understanding is that this is the first letter. Unfortunately for her it was quite harsh as at the end of it to say that you will be in trouble of a misdemeanor. She feels a letter after perhaps two years then this type of letter would be more in line. It was very disturbing that it was so harsh the first time. She would like copies of the letters (first, second and third) that are sent out to those in violation of our codes.

Mayor Atkinson asked the Chief if he would also get copies of the letters written by the Enforcement Officer.

Inspections Director Ward explained the procedures as set forth by the State's Minimum Code. He asked to add several of the properties Mr. Stimatz mentioned we are already seeking bids for demolition.

f} Electric Policy:

Mayor Atkinson called upon Councilman Stimatz for comments.

Mr. Stimatz stated he would like to save this item until our next meeting because it requires the Manager to bring us a policy for us to vote on because we are making a change to the policy manual. We need to close the loop on old business and the old business is the Manager told us this was a policy decision

by Council that we needed to make and therefore he would like for us to close the loop on it. What he is looking for staff to bring back is:

a} What staff discussed at the meeting, which at the time, I believe it was two extensions and then one extension by the customer service supervisor if you paid 50%. That is not the current policy in place.

***A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem J. M. Baker to table this item until our next scheduled meeting. Those voting in favor of the motion were: Stimatz, Baker, Evans, King, Meggs, Rivers and Watts. Against: None. Motion carried.***

## **6} COMMENTS AND INQUIRES ON NON-AGENDA ITEMS:**

Mayor Atkinson advised he would go around the table and those wishing to make comments may do so.

Councilman D. B. Evans said first he would like to say he had the opportunity to attend the Leonard Skynard deal that we put on and it was very nice and he was glad to see the City was able to do something like that. He is sure it brought people from other counties and from other states to see it and that is good for our tourism. They could see what we had to offer by coming to visit.

He also had the opportunity of going to the dedication ceremony for the Rose Buddies. He thought it was very nice. It is nice to see we are continuing the Harbor of Hospitality and the wine and cheese. He enjoyed that event. In fact he even got up and danced

Councilwoman Watts said she would like to say something and she wants to give a little update on Oak Grove. Unfortunately, we are delayed one more time. We are in mid or beyond January now. We are still fighting and hoping and she wants you to continue to pray because it seems like it is going to take an all mighty God to get what we need done in Oak Grove.

Thank you Mr. Mayor and she really appreciates everything that everyone is doing and it is not often she hears anyone thank Vivian and Ms. Dianne but you two do a super job with answering the phones because she calls quite a bit. Thank you so much for what you do. It is really appreciated.

Councilwoman Hummer said she would like to mention an event she attended yesterday on behalf of the Mayor. This was an invitation from Berea Baptist Church. They have a new minister, Reverend John Wofford. He is a young man who is very much interested in our community. He invited local leaders,



government leaders, school leaders, fire and police personnel and this was an invitation to see their new family life center which is really outstanding. They are having various gospel groups to come in and she thinks there will be one in October. She would like to thank the people of the congregation of Berea Church for their graciousness. They made all of us feel so welcome. She pledged her support of help in the family life center and she would encourage other council member to get to know this pastor. You will enjoy knowing him.

Also, she welcomes any constructive criticism and she believes she gets her share of it and she also criticizes herself. She thinks we all do that and she thinks that is one of our rights. But, when the facts are put out there that aren't exactly as they were then she will take the opportunity to correct those. A statement was made during public participation that, "she said the funds for the trip to Myrtle Beach came out of the Electric Fund". That was the newspaper's statement, that wasn't hers even though it came out that way. The Seaside Resort she was registered for in 2006 was an Electricities event at Myrtle Beach, South Carolina and there was some miscommunication on her being registered and she cancelled once she found out about it. She thinks it cost the City \$25 to correct that. The other quote, "Sea Side Resort" was our school for councils and mayor's the earlier part of this year at Kitty Hawk. I spent one night in a hotel and I paid my hotel bill. The receipt is readily available in the Finance Director's office or the City Manager's office. I do thank the person who came up and pointed all of this out for the public. She did want to take the opportunity to correct some things that were incorrect. She does stand by her statement she thinks it was not well received by the public because of the electric rate increase at that particular time.

Mayor Pro Tem Baker said she just wanted to say she attended the second Sign Ordinance meeting. A community meeting was held last Wednesday. It was the second meeting and she found it most interesting and as you know, the Planning Department is undergoing some significant changes to our ordinance and she would like to see grass roots people involved in coming forth with their opinions on things that are going to impact the way they do business and the way they run their businesses. She thinks there is another meeting and she does not know if it is scheduled yet but look for it coming up and if you are impacted by signs or if you need signs to run your business which who doesn't, get involved and come and voice your opinion. There are certainly things that the City would like to see the way we want our city to look but there is room for negotiations, there is room for both parties to win for our city to look really good going forward. Look at the Halstead Connector Road out by Wal Mart and all. That is how we want to look. We designed those signs out there so they are not all over the place and we don't have sign clutter out there. We are looking at the whole side of the agenda so look for those meetings coming up and get involved.

Councilwoman Meggs said there were six ladies that came from New Bern to Elizabeth City and she took them on a tour and they loved downtown. They thought it looked so great. Then she went out towards Charles Creek Bridge and went over the bridge and from there for the next so many blocks she was truly embarrassed to even say this was part of our City. She has been Chairman of the Community Image and if that was not terrible to look at as our community image. There should be somewhere, somebody, someplace down the line that something can be done. There is that half burned up building and here we are sitting here and talking about all these other places well just go over to Riverside Avenue for about a half mile. You will see the worst of Elizabeth City.

Councilman Stimatz said he would like to applaud staff. We had a number of issues recently where they have gone out to the stake holders. We are holding these public forums. The Crime Task Force held one on the child protective ordinance. He thinks this is great. It is what the community likes to see. They like to know they have a voice and not just sit out there and listen to us talk. He encourages you to keep doing that. He gets a lot of great feedback and he applauds the staff for taking the time and effort to reach out to the community and involved them in what is going on like the tree thing, etc.

Mayor Atkinson said he only has a couple of things. Number one is to jump back to Vivian White and Dianne Pierce-Tamplen, being in the Mayor's office as much as he is; he can honestly say there is a lot more going on there than answering the phone. They do a great job and he personally and he thinks that he can speak for the City Manager without these folks we would be in deep trouble. He will leave it at that. Thank you very much ladies for everything you do. I know it is quite a bit and he appreciates it.

He also would like to thank Ms. Hummer for attending the Berea Baptist Church event as he was out of town last week. He does appreciate you doing that. He knows you always do a good job.

Also, he wants to thank Mayor Pro Tem for her participation for the Rose Buddies celebration. He heard from numerous people in the community about it being a nice event and he is sorry he missed it but he also heard Mayor Pro Tem did a great job.

The last thing he wanted to mention is he just got the word this afternoon and he would like to congratulate one of our directors, Paul Fredette, on his current marriage. He didn't know about it and he would like to extend congratulations from the Mayor and all City Council.

**7} ADJOURNMENT:**

There being no further business to come before the Council at this time, Mayor Atkinson adjourned the meeting at 8:04 p.m.

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

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Stephen S. Atkinson  
Mayor