

MONDAY – 5:30 P.M.

SEPTEMBER 22, 2008

WORK SESSION

The City of Elizabeth City Council held its monthly work session on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor S. S. Atkinson presiding. Council members in attendance 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 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 Councilwoman B. S. Meggs 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 Atkinson called for action regarding the prepared agenda.

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

2} UPDATE ON AVIATION PARK GROUNDBREAKING CEREMONY:

Mayor Atkinson called upon Dwayne Harris, Economic Development Director.

Mr. Harris advised that the dirt will actually be turned at the Aviation Park on October 1st. We will celebrate that event on October 9th. This will be one of the most important ceremonies we have had since he has become the Economic Developer. The part is a cooperative effort involving four or five funding agencies, Elizabeth City State University, College of the Albemarle, the City, the County, his office and we are going to try to bring everybody together for this celebration on October 9th. It will be October 9th, at 10:00 A.M. at the Aviation Park site. Refreshment will be served. He briefly went over the tentative list of guests.

3} UPDATE ON PROPOSED TREE ORDINANCE:

Mayor Atkinson called upon Randall Lyons, City Manager Intern for comments.

Mr. Lyons stated that the tree ordinance that Council review on August 25th has undergone some of the changes that council recommended. Due to some city staff concerns, the tree ordinance is being further revised. To help with this process a public meeting will be held on September 30th in the old chambers at 6:00 p.m.

The adoption of this ordinance would not only bring Elizabeth City closer to the goal of becoming a Tree City, but also set some standards for the trees, shrubbery and other arbor that make our City beautiful, improve the environment and potentially increase property values. He presented a copy of the current version of the tree ordinance. He asked that Council review the proposed ordinance and respond to questions and recommendations back to him. He will incorporate those changes and recommendations and bring back at a later meeting for action at that time.

A motion was made by Councilman E. K. Rivers, seconded by Councilman R. E. King to bring this issue to public forum to be held on September 30, 2008 at 6:00 p.m. in the Chambers in the Midgett Building. Those voting in favor of the motion were: Rivers, King, Baker, Evans, Hummer, Meggs, Stimatz and Watts. Against: None. Motion carried.

4} MAJOR CAPITAL PROJECTS UPDATE:

Mayor Atkinson called upon Public Utilities Director P. A. Fredette for comments.

Mr. Fredette advised that Aviation Project has been discussed. You are looking at a project that is over \$7 million. We expect to start construction within the next couple of weeks. We will know a lot more after Wednesday as we have a between the two contractors. There was a notice that we would be c losing Consolidated Road for two to four weeks that will occur sometime before the holiday season. He will give updates on that when possible.

The Hughes Boulevard project is about \$2.2 million project. As of today he was told that the package was on the desk of Anita Reid from the DENR. She is currently reviewing it and she is expected to complete her review this week and sign it so that we can proceed next week. We have a highway encroachment agreement for that project starting at the Rum Quarter Pump Station traveling north up to the railroad crossing on Hughes Boulevard just south of Knobbs Creek.

Also, part of that project is the Knobbs Creek Pump Station. That pump station was bid some time ago because of the time commitment for the contractor to hold it has expired it is being rebid and that will be open on the 25th of September. We are expecting that cost to be about \$800 - \$850,000.

We also have the Knobbs Creek force main that goes from the pump station to the plant and that project was bid some time ago. It was bid at \$565,000. The contractor said that he will hold his bid if we covered the increase in cost for the pipe. Both of these projects are being managed by the County and they have yet to make a decision on them. The County will pay for whatever is equivalent to a 12" pipe and we have to pay for whatever is more than that.

The Wellfield project was bid in March 2007. That bid was \$1.4 million. We are very close to getting approval for that project. The delay after the bid was securing the property ownership where the wells are actually going to be located. The state has agreed to review the project. That approval is expected in the next two weeks and then we can start construction.

The Oak Grove drainage project erosion control permit was denied. There was additional information required before that approval will be given. The project engineer has resigned due to some medical problems. Jeff Thomas from Hobbs and Upchurch is working on that project and wrote to him at the end of last week that upon his review he was uncomfortable putting out that project as designed. They will redo the design and resubmit it for approval. His schedule is to start construction on January 17th, 2009. We are moving forward with this project as quickly as we can.

Last, the Greenway Trail project on Halstead Boulevard Extended had their first review meeting with the State. They spoke to a number of the requirements that are going to be placed on that project. This project is more or less on schedule.

While he was at the DOT today he asked about Roanoke Avenue. He had asked them to do core samples before they started to mill it. When we did Southern Avenue when they cleaned off the top to shape the road, what they did they found out there wasn't as much payment as they first thought and it ran into considerable overrun because they had to over excavate and refill that area. He is concerned the same with Roanoke Avenue. He mentioned that to them in June. As of today they remembered that commitment however, they had not done the cores yet. That project was let for construction in April or May of this year. The contractor has one year to complete it.

The water project at the Wellfield is coming up in October. The official word from Fred Hill is that we have to complete the Wellfield before he will allow us to put in more extensions. If he holds true to that word that would put us at a year out. It will put us out to June-July of next year before we can put on new homes.

Mr. Stimatz asked that at some date he would like an update on sewer and water current capacities at the current build out level. These are the ones that we are working on and he would like at some point maybe next month an update on all the projects that we are not doing because we do not have the money. We have the water tank down town, the water treatment plant, the potential expansion capacity at the wastewater treatment plant and those are just those that he remembers within the three to five year window.

5} CLOSED SESSION – CONSULTATION WITH CITY ATTORNEY:

Mayor Atkinson advised that Council needed to retire into Closed Session as per NCGS 143-31.11(a) (3), consultation with the City Attorney to preserve the attorney-client privilege.

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilwoman V. C. Watts to retire into Closed Session as per NCGS 143-318.11(a)(3). Those voting in favor of the motion were: Baker, Watts, Evans, Hummer, King, Meggs, Rivers and Stimatz. Against: None. Motion carried.

Upon the end of the Closed Session:

A motion was made by Councilman E. K. Rivers, seconded by Councilman R. E. King to return to regular session of Council. Those voting in favor of the motion were: Rivers, King, Baker, Evans, Hummer, Meggs, Stimatz and Watts. Against: None. Motion carried.

6} ITEM FROM CLOSED SESSION:

Mayor Atkinson called for action regarding the item discussed in Closed Session.

a} Special City Council Meeting:

A motion was made by Mayor Pro Tem J. M. Baker to, on October 6, 2008 at 10:00 a.m. in the City Council Chambers; hold a Special City Council Meeting to conduct a hearing to determine the jurisdiction issues, applicability and validity of the purported

appeal of the Hugh Cale Opportunities Industrialization Center filed September 4, 2008, and any responses from the City's Special Counsel thereto; and settlement of all matters related to all disputes arising under the Sub-Recipient Agreement between the City and the Hugh Cale Opportunities Industrialization Center dated October 26, 2008, if any. The City Attorney is further given the authority and directions to set the procedure and to issue notice of the hearing and procedure; consistent with the City's CDBG Sub-Recipient Appeal Procedure. Councilwoman V. C. Watts seconded the motion. Those voting in favor of the motion were: Baker, Watts, Evans, Hummer, King, Meggs, Rivers and Stimatz. Against: None. Motion carried.

b} Rescind Minutes:

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem J. M. Baker to rescind the approved minutes of February 8, 2008 Special Work Session. Those voting in favor of the motion were: Stimatz, Baker, Evans, Hummer, King, Meggs, Rivers and Watts. Against: None. Motion carried.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman V. C. Watts that the minutes of the February 8, 2008 Special Work Session be done verbatim and made ready for approval by Council at our 29th September Joint Meeting with the County. Those voting in favor of the motion were: Stimatz, Watts, Baker, Evans, Hummer, King, Meggs and Rivers. Against: None. Motion carried.

7} COMMITTEE REPORTS:

Mayor Atkinson advised that he would call upon each committee's representative(s) for a report.

Albemarle Economic Development Commission:

Mayor Pro Tem Baker said that we have a meeting on Wednesday morning. Last week we had a Marketing Committee meeting and it was a presentation by a marketing group, Cahoon and Cross to discuss the upcoming capital campaign to continue our marketing campaign. They also gave us information on updating our web site. These materials will be available at our meeting on Wednesday. We also talked about the Committee of 100 quarterly meeting that will be held October 1st at the Pines at 12:00 p.m. The capital campaign will be unveiled at that time.

Councilwoman Meggs said what she wanted to say is going back to the Tree City that this came out of the Community Image Committee that is under Economic Development. If we don't do it by this December that means we have to wait another whole year before we can apply again.

Central Communications Advisory Board:

Councilman King was unable to attend.

Councilman Stimatz said that he attended this meeting. He was invited by the Chairman to show up because of his recent interest in 911 Communications Center. It was interesting to note that many of the issues that we have thought of and our constituents have told us about are indeed factual. The most telling moment was when a member of the Commission asked the Director do we have a complaint process. He replied that; no we don't. That is the crux of the issue for the citizens. There is no process or procedure. He will say that they are working on improving some of the standard operating guides. They are working on a quality assurance program. They have been listening to tapes and have learned a lot from listening to the tapes and there is room for improvement. He feels they are open to improving and making it better. There was an issue that came up that night regarding the towing authority. Concern was expressed that someone from Camden County was being called to tow cars in Pasquotank County. It is clear there are some policy and processes that need to be tied down. He thinks that there is an agreement that a little more documentation of everybody's roles and responsibilities would help us all.

Elizabeth City-Pasquotank Airport Authority:

Councilman Stimatz stated we heard what Mr. Harris had to say and we are moving ahead with that. Again, the issue with transferring the land has to do with transferring the money and that is caught up in the paper work in the process and it is more like how do you do it rather than are we going to do it or do we have the money. What document are we going to use to make this happen?

Firemen's Relief Fund Board:

Councilwoman Watts said that the Fireman Committee only meets several times a year and we have already had our meeting and she has spoken about that already.

Joint Land Use Plan Committee:

Councilman Stimatz said no update on the Joint Land Use Plan. We haven't heard back from our friends at CAMA. We are still waiting for that.

Joint Redevelopment Commission:

Councilman King said that haven't met since the last report.

Solid Waste Committee:

Councilman Evans said he had no report from this committee.

Water Committee:

Councilwoman Hummer said that usually asks the City Manager to comment on the technical issues that came out of that meeting and she would like to ask Mr. Fredette if he would like to comment on where exactly the project is at this time.

Mr. Fredette reported within the past week he set down with John Gregory regarding the technical issues of how and where we buy water. It would technically not be proper to mix our ground water with their ground water. So there is a proposal to meter water at their pump station off of Forrest Park Road and another proposal of how we are going to meter water from the Halstead Boulevard Extension. Both he has not had time to go over with the Manager yet. The technical issues are being addressed.

6} ADJOURNMENT:

There being no further business to come before the Work Session, Mayor Atkinson adjourned the meeting at 6:38 P. M.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Stephen S. Atkinson
Mayor