

MONDAY-5:30 P.M.

OCTOBER 27, 2010

WORK SESSION

The City Council of the City of Elizabeth City held its monthly work session 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, Deputy City Clerk V. D. White, Police Chief C. E. Crudup, Fire Chief L. M. Mackey, Parks and Recreation Director B. V. White, Public Utilities Director P. A. Fredette, Planning Director J. C. Brooks, Human Resource Director K. W. Felton, Finance Director S. E. Blanchard and Electric Director K. F. Clow.

Mayor McLean declared that a quorum was present and called the work session to order. He called upon Dr. David Kleinschuster for the invocation after which the Pledge of Allegiance was given to the Flag of the United States of America.

1} APPROVAL OF THE AGENDA:

Mayor McLean called for the approval of the agenda.

Mayor Pro Tem L. A. Hummer stated there was one change that she would like to make. She would like to reverse ***Item #6-Third Fire Station with Item #7-Update on Garden of Hope/Homeless Shelter.***

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

2} PRESENTATION – ECOSYSTEM ENHANCEMENT PROGRAM:

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

Mr. Olson stated that over the last couple of years there have been a number of questions concerning the ecosystem enhancement project that was done on Dawson Street. We have with us tonight Traci Morris Stapleton and another lady from her office who will give you an overview of the project. He asked to give a brief overview. In 2005 the City participated in an Ecosystem Grant Project. The purpose was to restore and create wetlands functions on 1.9 acres presently

owned by the City that is located on Dawson Street. The cost of the project was roughly \$400,000. That was all state money and no local money as part of that project. Tracie is the individual who is actually involved in this project from the very conception. She is also responsible for the annual or semi annual review and audit of the project. She is here tonight to answer any of the questions that you may have and give you an overview of the program and the purpose behind the program.

Ms. Tracie Morris thanked Council for the opportunity to talk with them. She is the project manager for the project. She has with her Heather Smith and she is currently working in this part of the state as project manager. They then presented a brief background of the program and the project. The Ecosystem Enhancement Program is actually part of the Department of Environment and Natural Resources. We have about 55 employees and we are based out of Raleigh. We were created about seven years ago through an agreement through DENR and the Department of Transportation and the Core of Engineers to handle mitigation throughout the state for streams and wetlands. Our mission is to work to restore functions. Wetlands restoration started out with securing conservation easements. That is what we have on the Dawson Street property. The goal of this project was to restore and create wetland function, vegetative structure and wildlife habitat of the lower coastal plain bald cypress-gum swamp in an aesthetically pleasing manner; and to incorporate the site into the Elizabeth City community in a manner that is conducive to fostering public interest in wetland restoration. They presented a short power point on the project.

Ms. Smith said that she is the current project manager for this project. Right now this project is in the stage of monitoring. We monitor programs of this type for a minimum of five years. This project is currently in its fourth year of monitoring. We monitor the vegetation and hydrology of the site. This project is meeting all of the success criteria.

Councilwoman Baker stated the Hunter Street area floods very badly and she doesn't know if it always has or if this is new since they done the mitigation program. You have 40 or 50 feet of waterway that will stay flooded up to a week or more in that area. Is this something that this project has created or if it was already there and has helped it.

Ms. Stapleton said our project actually created more storage for water because it did pull the fill off. It probably couldn't make it worse. Someone else may be able to speak to the history of the flooding in that area.

Mr. Olson said he thinks it is more noticeable now because it is part of the detour route because of the bridge being out. Most of the time people never went down that way unless you lived in that area. Now a number of individuals take

that way to get to their homes as a short cut and as you said that section of that road over the last few weeks has been under water. That goes all the way up in that residential area maybe two to three blocks.

Councilman Walton stated he would like an update on why we got involved with this project.

Mr. Olson said he really doesn't know. This was in the works prior to his becoming city manager. He thinks it originally started in 2002. Everything was in place or in the works at that particular time. As Council is well aware that area use to be a grassed area and there were one or two benches in there that were removed. It was a build area and it does feed that drainage that is behind the houses on Southern Avenue that water creeps all the way up to Park Street. That is one of the reasons that it was chosen because it is a way of cleaning that storm water drainage that comes from that area on Morgan Street and also that area behind those homes on Southern Avenue. He doesn't know why it was done.

Mr. Walton said with due respect and he is not trying to knock down the program but it doesn't look better now than it did before you started the project. To him it is more of an eyesore than it is beautification of the community. He knows we talked about people going through as a detour because of the bridge but there are still people living in that community when the bridge will be completed.

Ms. Stapleton said she knows to our eyes as to what we expect things to look like maybe more like a park but it looks good to us because we know what it is doing. It is functioning to remove pesticides or oil from the road or nutrients from a farm from the water in Charles Creek. To us it looks great because it is keeping that water on site and holding back a little bit of floodwater and it is processing stuff that you don't want in your water especially because kids play in that water in Charles Creek. It doesn't look like a park for sure but to her it looks like a really good wetland. She knows it is hard to take that in.

Councilman Stimatz said we are in the process of putting together a proposal for an eco park in our region. He doesn't know if you have been made aware of that but the question that he would have is how large a project you are looking for. Like if we wanted to reclaim the entire Knobbs Creek basin are you ready.

Ms. Smith said that our projects are based on the need for mitigation and at this time we don't have any need in the Pasquotank River Basin for mitigation projects. We did speak with someone today at Parks about an area along Charles Creek Park and how that can be used if the City ever has its own impact. They could try to do their own mitigation there. We are open to talking with the

City whenever they need advice or if they have a potential project but we may not always be able to accept that project due to our lack of need for the mitigation. Is the Eco Park for restoration or is it for informational/educational?

Mr. Stimatz said it is going to be both.

Councilman Brooks said you are mainly addressing parks. Charles Creek is where he has a question. At Knobbs Creek we have a problem with water flow over there. They were talking about digging deeper and that would upset your project. The part of your program as he understood it you were talking about lost functions. Because of the problem at Knobbs Creek water is backing up in Oxford Heights at a rate faster than it is going out. How could you get involved with that?

Ms. Stapleton said mitigation is very specific as directed by the Corp of Engineers and it probably wouldn't be helpful for that situation. It is more about restoring so we would be happy because that would be the natural flood regime of that area.

Mr. Brooks said he has a big problem with what you are saying. You are worrying about the eco system rather than the livelihood and the good living of people. Over on Dawson Street they didn't have those issues. Whatever you come up with that is good that it looks like that because you don't live there and have to look out your window knowing how it was as opposed to how it is. Since the bridge has been out and the ones that ride past that way now see how bad it is. It is an eyesore. We can do better. He is with Councilman Walton he is more in tuned with the livelihood and the living of people rather than it looks a mess but it is doing a function. He doesn't know how good a function it is doing as he is taking your word for it. He has big issues with that. He understands wetlands but the problem he has with Dawson Street is that residents and children in that area they used to play there. You are saying as long as it does whatever it is ok that they don't have anywhere to play. He has a big issue with that. Try to put yourself in their position. Your kids was out there playing and all of a sudden they let it grow up and say it is good for the wetlands and then your kids don't have anywhere to play and water backing up and it becomes an eyesore. He wonders if your point of view would be the same because you work with the ecosystem enhancement program.

Ms. Stapleton said this is what we do. Like Rich she wasn't around when the decision was made. It was just her job to restore a wetland there to make up what was lost before.

Mr. Stimatz said to restore the functions associated with wetlands streams and streams side buffers, one of the issues that we have with Knobbs Creek is we

think that its function as a runoff has been impaired because nobody has done anything for 80-100 years to maintain it. All of the trees and brush has fallen in there. We don't know if there are beaver dams all over the place and when you talk about restoring function that is part of our issue. That is really the bigger question for us. What is the natural flow of Knobbs Creek and who is responsible for maintaining it? No one wants to raise their hand. When you say natural flow he thinks you have to go back to some period of time in the past and say that was a natural flow and the problem we are now having with Oxford Heights and these other places is that natural flow has been impeded and so what is your role in helping us restore that natural function.

Ms. Stapleton said again this is a point where mitigation is incredibly specific about restoring function and it basically is taking something that isn't a wetland anymore and restoring it to a wetland. Restoration wouldn't involve something that is already a wetland.

Mr. Stimatz said your words restoring the function of a stream we think the function of that stream has been impaired.

Ms. Stapleton said that it may very well be. The only reason we wouldn't be able to work with it is because mitigation need is non existing there. It wouldn't be because it wasn't deserving or in need of help.

Mr. Stimatz said if you could go back and research that and if there is any help you can give us through your program we would appreciate it.

Ms. Smith said that we would need someone to let us know exactly where it is. If someone could send us a map and then we can at least look into it. Then she can schedule another visit out here just to look at it. There are other programs out there and there are Clean Water Trust Fund grants available.

3} THIRD FIRE STATION:

Mayor McLean called upon Fire Chief L. M. Mackey for comments.

Chief Mackey outlined the approached to a third fire station construction plan. As a part of the plan the fire department has sought discussions with the staff at ECSU on site selection and acquisition. They have looked with favor upon the proposals that we have made to the University. They have agreed in principal to assist us with property acquisition but to also to lend us assistance in grant writing from their professional grant writers on staff.

Chancellor Willie Gilchrist stated that the University is prepared to go before the Board of Trustees to provide the two and half acres of land that you need in

order to build a fire station closer to the citizens on the other end of the County. The land that we talked about would be very close to K. E. White Center. We used to have a farm house sitting there. There are four brick homes beyond that area. If we need to tear a couple of them down to include property for you we are willing to go before those boards of ours to get that approval. However, we did not want to do that without your written commitment that this is something you are going to do. The one piece that we talked about we know it is contingent upon grant writing and we have given our staff to help with this process as well. If after a period of time that we agree on, the attorneys and we can't find the funding they want the land back. In other words, he doesn't want to give you something and then you don't build anything on it and then it is your land. We want the land back if you don't build on it. We want that to be part of the agreement and we understand that it takes time. We are committed to providing the land and to work with the Chief to help write the grant proposals. We will do anything that they can to help this become a reality. We are willing to be a good partner in this project. We will wait for your letter endorsing this concept.

A motion was made by Councilman R. E. King, seconded by Councilwoman L. Hill-Lawrence to authorize staff to move forward with the negotiations to secure the land for the new proposed fire station. Those voting in favor of the motion were: L King, Hill-Lawrence, Baker, Brooks, Hummer, Meggs, Stimat and Walton. Against: None. Motion carried.

4} GARDEN OF HOPE/HOMELESS SHELTER:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson stated the house located at 709 Herrington Road was rehabilitated with CDBG funds and it is considered a CDBG asset. Council instructed staff to go forward with drafting a number of documents which dealt with this site which are included in your agenda packet. Two agreements are the lease agreement and the sub-recipient agreement. The lease agreement is very similar to the lease agreement that we had with Tabernacle of Faith. The term of the lease shall be for a five year period until October 31, 2015. There are provisions in the lease agreement to have two additional five year terms. Garden of Hope will pay \$1.00 per year for the use of the facility. They are responsible for paying all the utilities bills and for any ad-valorem property taxes associated with the lease. They must comply with all applicable laws including getting a Special Use Permit which is called for under the UDO. They are not allowed to make any alterations to the facility without prior approval of the City. They must maintain it in its present shape. They are not allowed to sub-lease the facility without the City's approval. They must carry \$500,000 insurance coverage. There are also a

number of miscellaneous provisions associated with the contract. The only major difference with the lease agreement is that this particular lease agreement allows for a 90-day written notice of termination. The City has always had the right to terminate the lease agreement for cause at anytime that we wanted too. The second agreement deals with the operation of the facility. The sub-recipient agreement is a document that is required by DCA since the property was purchased with DCA funds. Included is the following Statement of Work: "The Garden of Hope House, Inc. will be responsible for providing homeless women/families shelter at 709 Herrington Road and provide expected support services according to HUD CDBG regulations, State of North Carolina requirements and the City's Unified Development Ordinance and other local rules and regulations." The sub-recipient agreement is for a one year period and will have to be renewed on an annual basis. Under DCA rules the sub-recipient agreement requires a public hearing. City staff has taken the liberty of advertising for a public hearing to be held at your November 8th meeting. Because of the change in the Council meeting from Monday to Wednesday, we could not get the Council's prior authorization to get it in the newspaper the required ten days prior to the public hearing. Both these agreements accommodate what is called a Special Use Permit. Anyone that runs a homeless shelter in the City of Elizabeth City must have a Special Use Permit. Part of the process to obtain a Special Use Permit is you have to go through the TRC review process. The use is what was previously there. City staff will handle the review of this review. Then there has to be a public hearing before the Planning Commission. The next Planning Commission meeting is next Tuesday. We do not meet the publication notice deadline prior to it so we have worked with the Chairman and they will be holding a special Planning Commission meeting just to hear this particular item. The Board of Zoning Adjustments will hear this issue at their November 16th meeting. There are a number of things that have to come together to allow the Garden of Hope to operate the homeless shelter. They do not have a 501C3 but they have applied for it. We are not sure when they are going to get that but what they have done is they have enter into an agreement with the Northeast Coalition to End Homelessness. That is the only way that the Garden of Hope could operate the shelter within the City.

City Attorney Morgan stated that based on the discussions it is his belief that we should modify both those documents to make not only Garden of Hope House, Inc. a party but also the Northeast Coalition to End Homelessness. We need to include in both of those documents a statement that says, "Once the Garden of Hope gets its 501C3 approved status through the IRS within a ten day period following that time the Northeast Coalition will be deleted from the agreement." That is the only way we can envision allowing the Homeless Shelter to reopen and to serve the homeless people of the City. While DCA has given the City some leeway in reopening the building as a homeless shelter, they are not going

to wait indefinitely for that so something needs to be done relatively quickly. He thinks from a legal point of view handling it this way will work.

Mr. Olson said what staff is requesting tonight is that you go ahead and approve the lease agreement and authorize that the public hearing can be held regarding the sub-recipient agreement at your November 8th City Council meeting.

Councilman Stimatz said that he feels they should show us an efficient revenue stream, a clear financial plan and an operating plan that satisfies us that they are viable. He would prefer to have Northeast Coalition in the mix for at least a year. That will give the Garden of Hope a year to get a tract record and then we will feel real comfortable with them running the homeless shelter.

Mr. Gus Smith from the Northeast Coalition stated that they have entered into an agreement for one year with the Garden of Hope House. We are going to provide management services. We are going to help them get their 501C3 as rapidly as possible. We are helping them with their Board structure; we are going to help them with fund raising, grant writing and lay out for them their financial responsibilities. We will help them with their monthly financial reporting. We are going to work with them within that first year in all different types of fund raising as well as grant writing. We will teach them how to do grant writing. The grants will be written up front in the name of the Northeast Coalition to End Homelessness benefiting the Garden of Hope House. That is why the funds will be split 50-50. Once they learn how to write their own grants and they can go after their own grants then all the monies they receive from that will be theirs. We are there to help them get off the ground and make sure that the shelter runs properly. We have a need for this shelter.

A motion was made by Councilman J. A. Stimatz seconded by Mayor Pro Tem L. A. Hummer to approve the Lease Agreement with the Garden of Hope House, LLC and the Northeast Coalition to End Homelessness; hold a public hearing on Monday, November 8, 2010 in the City Council Chambers to discuss the Sub-Recipient Agreement with Garden of Hope House, LLC and Northeast Coalition to End Homelessness and to amend the proposed wording in the two agreements of the City Attorney to reflect one year instead of a 10-day period. Those voting in favor of the motion were: Stimatz, Hummer, Baker, Brooks, Hill-Lawrence, King, Meggs and Walton. Against: None. Motion carried.

5} MILITARY FLAGS IN PARK:

Mayor McLean called upon Parks and Recreation Director White for comments.

Ms. White said that staff has been working on the Veterans Day flags. We have ordered the flags and they have come in. We have one for every single branch of military service in the United States. She has also been working on four different scenarios proposed Veterans Park that will be located at Spot Park which is the area that is right beside the east bound bridge. She would like to get with the American Legion and the VFW to get their input as well.

Mayor McLean asked members of Council to give Ms. White a call in regard to the design of the placement of the flags. He asked Mayor Pro Tem Anita Hummer and Councilman Rickey King to take the lead in terms of working with Ms. White to help resolve the issues she is talking about.

6} COMMITTEE REPORTS:

Due to the lack of time, the Committee Reports will be given during the following meeting.

7} ADJOURNMENT:

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

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

Mayor McLean adjourned the meeting at 7:00 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor