

MONDAY-6:00 P.M. NOVEMBER 10, 2008 SPECIAL WORK SESSION

The City Council of the City of Elizabeth City held a special 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 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. 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, City Manager Intern R. J. Lyons, Inspections Director S. E. Ward, Police Chief C. E. Crudup, Finance Director S. E. Blanchard, Human Resource Director K. W. Felton, Public Utilities Director P. A. Fredette and Planning Director J. C. Brooks.

Mayor Atkinson opened the meeting by welcoming those in attendance. He called upon Councilmember 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 approval of the prepared agenda.

Mayor Pro Tem J. M. Baker asked to remove Item #8-Committee Reports.

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to approve the prepared agenda to include the item above. Those voting in favor of the motion were: Stimatz, King, Baker, Evans, Hummer, Meggs, Rivers and Watts. Against: None. Motion carried.

2} TREE ORDINANCE:

Mayor Atkinson called upon City Manager Intern R. J. Lyons for comments.

Mr. Lyons advised that Council had previously been informed of the need for a Tree Ordinance for Elizabeth City. The trees add value to property and increase the aesthetic beauty of the area. Tree City USA designation is something that could increase the image of Elizabeth City. A Tree Commission is a big part of any Tree Ordinance and has some implications, especially for the trees located on city right-of-ways. This Commission would also be responsible for implementing an Arbor Day celebration. Anyone having problems with trees

located on private property will have protection over those trees if they are dangerous in this ordinance. Trees that abut city property or hang over city property will also be covered in this ordinance. A permit will be used by those wishing to remove or plant a tree in the right-of-way. The Commission will be able to assist staff with any tree related issues that may rise. He reviewed the proposed ordinance with members of City Council.

Councilman Stimatz stated he feels all the work on this issue has paid off but he has a number of areas that he has questions about. You talked about the Manager's designee and he feels that it should be listed as the canopy manager and then we add the definition of that position. It doesn't have to be a new separate position as it could be assigned to an existing employee. If we want to be known as a Tree City should we restrict the members of the Tree Commission to only city residents? We could say the committee consists of seven (7) members with two (2) members selected from the County. That way we might be able to tap into someone with arborist experience. He sited several areas that seem redundant to him and asked that these be removed. He doesn't understand why you have the Electric Department listed separate from the Public Utilities as the Electric Department falls under the management of the Public Utilities. He made brief suggestions for changes in the Clear Cutting, Unsafe Trees and Inspections of sites.

Councilmember Hummer stated she has a problem with the section that says the Public Utilities Director or his designee can enter upon anyone's property and remove any tree or part thereof which is potentially unsafe. She said she would not want anyone treading on her private property for several reasons. Someone may be allergic to the spray, may have some exotic plants or have pets that play in the yard. We also must be careful of people's constitutional rights on their private property. It was her understanding that we were going to adopt an ordinance tonight that would help us become a Tree City and not get into all this other stuff. She also asked how the Public Utilities Director will have time to inspect all the trees in the City.

Ms. Hummer continued by saying this ordinance will be fine if we enforce it, but right now the City does not enforce the ordinance that is on the books. You can go look at several streets and people have planted trees or shrubbery on City property and nothing is done about it.

Councilman E. K. Rivers asked if the City could be fined for not following its own ordinances.

Mr. Morgan said to the extent that we have insurance we could be fined but he believes the City could be fined but he doesn't believe our insurance will back us if we are in violation of our own ordinance.

Councilmember V. C. Watts said that she is also concern over the City entering onto someone's property without the direct permission from the property owner. She is for this ordinance but she does feel that we could have a little more conversation and perhaps work out some of the things in it before final adoption.

Mr. Olson said that we do give notice before entering upon someone's property. We have to give you due process.

Mayor Atkinson stated that Mr. Lyons has taken notes and he will overhaul the ordinance and bring it back to Council for action at that time.

Councilmember B. S. Meggs expressed her concern over not meeting the December 1, 2008 deadline to become a Tree City.

3} CODE ENFORCEMENT:

Mayor Atkinson called upon Planning Director Brooks for comments.

Ms. Brooks said that we were asked to bring something to Council to show what we are doing with code enforcement. Code enforcement's purpose is minimum housing enforcement, zoning regulation and public health nuisance. Over the past three years the Planning Department has sited over 30 citations for zoning and dumpster violations. In 2005-312 citations were issued, in 2006-291 citations, in 2007-205 citations and in 2008-271 citations have been issued. In 2008 there have been 271 citations and the City has abated 62 at costs of \$20,000. Also, 170 signs have been removed from right-of-ways and 148 signs have been removed from telephone poles. A lot has gone on in the year 2008.

Mr. Stimatz stated this is not what he asked to have. When he can see 23 violations on the height of trees on Main Street from his house to Muddy's and he sees unpainted houses and those covered in tar paper then there is a serious problem. We do not have a clue as to how bad our enforcement is. He thinks that we aren't enforcing our own code. When are we going to do something about it? He asked what does staff think we should be doing to get control of this situation. We need to get a handle on this issue.

Mr. Olson stated that staff realizes that we have a problem but there is a cost associated with this. We only have one code enforcement officer. We have asked for additional staff but Council has denied the request. We do not have a lot of people that are not doing anything. We are seeing a slow down in the economy and hopefully that will free up some of the staff in the inspections that can pitch in and help.

Mayor Atkinson said it is costly to do a lot of the things that we are talking about. He is concerned about the dumpsters that are not screened as they are supposed to be and that is one thing that we need to get control over. He suggests that the Manager and staff get a hand on this.

Councilman King said that he has a problem with all the abandoned vehicles. He sees these vehicles that have stickers on them but they are never removed.

Ms. Hummer said that she feels that there should be a full time person that follows up on all of these things. The political signs went unnoticed and signs were all over town.

Mr. Stimatz said he realizes that we have cost restraints but one of the problems is that there are no consequences if you are in violation. We need to see to it that there are consequences if you violate our codes. He asked Mr. Olson to look at the problems and report back to Council a proposal that will help eliminate these code violations. He asked Olson to report to Council what it would take to clear up violations citywide. He asked that three plans representing varying levels of effort toward a comprehensive cleanup be submitted. Perhaps we could tap into our volunteers that are willing to help the City to identify any violations. We the City need to follow our own rules. We need for staff to bring us back a plan that will eliminate this problem.

Mayor Atkinson asked that Mr. Olson, Chief Crudup, Mr. Ward and Ms. Brooks get together this week and come up with a plan for this issue that we can bring back to the Council.

4} MORATORIUM ON SUBDIVISIONS:

Mayor Atkinson said due to the lack of time he would like to move this item to our regular agenda that will be after this meeting.

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem J. M. Baker to carry Item #4-Moratorium on

Subdivision to our Regular Agenda of the City Council meeting following this meeting. Those voting in favor of this motion

were: Stimatz, Baker, Evans, Hummer, King, Meggs, Rivers and Watts. Against: None. Motion carried.

5} ADJOURNMENT:

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

Dianne S. Pierce-Tamplen, MMC
City Clerk

Stephen S. Atkinson
Mayor