

WEDNESDAY-7:00 P.M. DECEMBER 12, 2007 RECONVENED MEETING

The City Council of the City of Elizabeth City reconvened the December 10, 2007 meeting on the above date and time in the City Council Chambers of the Municipal Administration Building. Mayor S. S. Atkinson presided and council members present were: J. M. Baker, L. A. Hummer, R. E. King, B. S. Meggs, E. K. Rivers, J. A. Stimatz and V. C. Watts. Staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Finance Director S. E. Blanchard and Police Chief C. E. Crudup.

Mayor S. S. Atkinson opened the meeting by welcoming those attending. He gave the invocation after which Councilwoman V. C. Watts led the Pledge of Allegiance to the Flag of the United States of America.

1} APPROVAL OF THE AGENDA:

Mayor Atkinson called for the approval of the prepared agenda.

Councilman J. A. Stimatz asked to add to the agenda a report on the status of cell phones and radios within the Police Department.

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilwoman L. A. Hummer to approve the prepared agenda to include the above stated item. Those voting in favor of the motion were: Baker, Hummer, King, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.

2} COMMENTS FROM THE PUBLIC:

Mayor Atkinson asked the City Clerk if there were anyone to sign up to address City Council. Upon the reply of two with one wanting to give their time to another, City Clerk D. S. Pierce-Tamplen called Ms. Denise Hare to the podium.

Ms. Hare spoke regarding her unsatisfactory dealings with OIC.

3} REGULAR AGENDA:

a} Resolution authorizing signatory change – RS02-C-0926

Mayor Atkinson stated the first item under the Regular Agenda would be consideration of a resolution authorizing grant signatory changes.

City Manager Olson stated this resolution is a requirement to complete activities for the Hugh Cale Revitalization Strategies Grant. Various grant documents require designated signatories of City officials and staff.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman L. A. Hummer to adopt the following resolution authorizing Mayor Atkinson, City Manager Olson, Finance Director Sarah Blanchard and Chief Accountant Evelyn Benton as authorized signatories for RZ02-C-0926, (Hugh Cale Revitalization Strategies Grant). Those voting in favor of the motion were: Stimatz, Hummer, Baker, Meggs, King, Rivers and Watts. Against: None. Motion carried.

**RESOLUTION #07-121
AUTHORIZING CHANGE IN SIGNATORIES
FOR REQUISITIONS UNDER
REVITALIZATION STRATEGIES GRANT 02-C-0926**

WHEREAS, the City of Elizabeth City, North Carolina was the recipient of a \$1.7 million Revitalization Strategies Grant numbered RS02-C-0926 from the North Carolina Division of Community Assistance; and

WHEREAS, the grant guidelines require that signatories for requisition requests be authorized by name and title thru Council resolution; and

WHEREAS, the resolution previously adopted on January 20, 2004 is no longer valid, as former Mayor Charles L. Foster was an authorized signatory;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elizabeth City, North Carolina that the following persons are hereby authorized to sign, "Requisitions for Funds" for the City of Elizabeth City Revitalization Strategies Grant 02-C-0926 and that former Mayor Charles L. Foster is thereby removed:

***Steve Atkinson, Mayor
Richard C. Olson, City Manager
Sarah E. Blanchard, Finance Director
Evelyn H. Benton, Chief Accountant***

ADOPTED, this the 12th day of December 2007.

Stephen S. Atkinson
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

b} Adoption of 2008 Meetings Calendar:

Mayor Atkinson stated that in the package there is a calendar for the 2008 City Council meetings. The schedule provides for Regular Meetings to be held on the 2nd and 4th Monday of each month and for a Work Session to be held on the 4th Monday of each month. Note that there is only one meeting scheduled for the months of July and December.

A motion was made by Mayor Pro Tem J. M. Baker to adopt the following City Council Meetings Calendar for 2008 as presented. Councilman R. E. King seconded the motion. Those voting in favor of the motion were: Baker, King, Hummer, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.

CITY COUNCIL MEETINGS CALENDAR FOR 2008

January 14, 2008 – Regular Meeting
January 28, 2008 – Work Session and Regular Meeting
February 11, 2008 – Regular Meeting
February 25, 2008 – Work Session and Regular Meeting
March 10, 2008 – Regular Meeting
March 24, 2008 – Work Session and Regular Meeting
April 14, 2008 – Regular Meeting
April 28, 2008 – Work Session and Regular Meeting
May 12, 2008 – Regular Meeting
May 27, 2008 (Tuesday) Work Session and Regular Meeting
June 9, 2008 – Regular Meeting
June 23, 2008 – Work Session and Regular Meeting
July 14, 2008 – Regular Meeting
August 11, 2008 – Regular Meeting
August 25, 2008 – Work Session and Regular Meeting
September 8, 2008 – Regular Meeting
September 22, 2008 – Work Session and Regular Meeting

October 13, 2008 – Regular Meeting
October 27, 2008 – Work Session and Regular Meeting
November 10, 2008 – Regular Meeting
November 24, 2008 – Work Session and Regular Meeting
December 8, 2008 – Regular Meeting

c} Execution of Golden LEAF Grant Agreement

Mayor Atkinson called upon City Manager Olson for comments.

Mr. Olson advised that this grant agreement covers a \$2 million grant that they are willing to give the City for the development of the Aviation Commerce Park at the Airport. The grant agreement itself carries fifteen separate conditions and in Paragraph 6 of the Agreement there are the specific terms and conditions that are included in this grant and they are unique to this grant. He reviewed several of the terms and conditions. He advised that some of the items will need further discussion in Closed Session. City staff will have twenty-four months to complete this project. Staff estimates this phase of the project should take fifteen months. The funds are restricted for the use and development of the taxiway. It cannot be used for any other construction or improvements unless we seek a grant modification from Golden Leaf. We must be able to demonstrate to Golden Leaf that we have all the rest of the money secured and funding commitments before they will give us any of their money. He will discuss in Closed Session where we are in our funding commitments. Golden Leaf funds cannot be used for any type of land acquisition. Golden Leaf is requiring us to create 500 jobs at the Aviation Park by December 31, 2012. Each one of those jobs is valued at \$4,000. If we do not create those jobs within that five year period we will be responsible for paying Golden Leaf back \$4,000 per job for each one we do not create. We must provide Golden Leaf a copy of all lease agreements that we have in the Commerce and Industrial Park and immediately we must create 100 jobs in the construction of the second hangar.

Councilwoman Baker asked on the fifteen months or the twenty-four months that we have to complete the project, what happens if something happens and we can't meet that time frame.

Mr. Olson replied that it appears right now that everything will be ready within the fifteen months. He knows of other cities that have had problems with projects and Golden Leaf worked with them. In all likelihood they will work with you.

Mayor Atkinson asked if he felt pretty comfortable with us completing it within the fifteen months time period.

Mr. Olson replied that yes he did.

Councilman Stimatz questioned the reference of the company's name being written in Item #6, Section 14. At the present time it only references "the company". He feels that this should say DRS.

Mr. Morgan said that he thinks the way to address this concern would look at Paragraph #3 on Page 1. We would insert following DRS the words, "the company". He doesn't think Golden Leaf would have a problem with that insertion. That would clarify the contract.

Councilwoman Watts said that it looks like the 100 jobs that will be made available at the average wage of \$23 per hour are for persons who perhaps have degrees. It is not real sure to her if these 100 persons are with degrees such as Bachelors' or Master Degrees.

Mr. Olson replied that is a Closed Session item and we would be addressing that issue during that session.

Mayor Atkinson advised that since we do have to go into Closed Session that he would like to leave this item where it stands and complete our agenda.

d} Authorization to submit a PARTF Grant in January 2008.

Mayor Atkinson asked Parks and Recreation Director J. D. Overman for comments.

Mr. Overman advised that his request to Council is to obtain the authorization to proceed with application for PARTF Grant to be submitted in January 2008. This money would be for funding the construction and completion of the South Park Sports Complex. This past year the City and the County jointly received a grant that helped us to acquire the property and we have already made some improvements to it. Most of that grant money was for the acquisition of property. This grant would consist of the construction cost to build ball fields, trails, playground, parking and restroom facilities. The City and County will split the expenses and we are asking that we be able to apply and make application for matching money from the State Parks and Recreation Trust Fund.

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilwoman L. A. Hummer to grant the authorization to proceed with the application of a PARTF Grant application to be submitted in January 2008. Those voting in favor of the motion were: Baker, Hummer, King, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.

e} Status report on cell phones and radios within the Police Department:

Mayor Atkinson called upon Councilman Stimatz for comments.

Councilman Stimatz stated that this item was brought before a recent Crime Watch Group and the people were being informed that not all of the officers had cell phones. It appears that there is some history where the Council had made it a requirement that every officer had one. The people in the Crime Watch were concerned because the officer's radio didn't work and if he didn't have a cell phone, he or they may be at risk. He would just like to have the Chief comment on that.

Chief C. E. Crudup stated that currently we have 31 cell phones that are issued to the administrative staff, investigators and community police officers. Because of recent abuse a decision was made to take some of the phones from the officers. This is pretty typical among the officers when you experience abuse. They were using them for other reasons than work related issues. Since that time he has requested some additional phones to help facilitate our supervisor's needs while they work in our communities. He believes that is the reason why we have depleted the phones down to 31.

Mr. Olson said that this all happened prior to Chief Crudup coming here. Frank Koch was the Acting Chief of Police at the time. What we had when we had Nextel as a provider all police officers were given phones. We did have some abuse. We decided to void our contract with Nextel. The contract that we entered into with Version was a completely different contract which has certain limitations on it with a number of minutes and a number of phones associated with it. That was another reason we went from roughly 53 phones down to 31 in the police department.

Councilman Stimatz said the question is why didn't we hold the officers responsible for the abuse instead of taking their phones? That is like saying if you abuse your handcuffs we will take them away. These are grown men and women and they should be held accountable for misuse or abuse of the phones. We need to make the officers responsible. That is the concern that the citizens have expressed to him. You are saying that there are 31 staff admin and community patrol officers. How many actual officers on patrol don't have a phone? One has to wonder why we can't hold grown men and women accountable for using a phone responsibly and give the citizens what they want.

Chief Crudup stated that what he does is he looks at those situations case by case and sometimes the officer, if it is not a needed piece of equipment that we feel is vital to that officer or to the citizens safety, sometime we would be better

off by taking that piece of equipment from the officer so that we won't have to continue to do further disciplinary action. Some of those cases he believes he was told there was a lot of abuse. He would like to see every officer with a cell phone. That would be the ideal situation if we could have every officer with a cell phone. It would be a means for us to be in contact with them in an emergency situation. But, when there is abuse we have to take whatever action that we need to correct the problem.

Mayor Pro Tem Baker said that she believes she was on Council when we enacted that cell phone issue and it was partly because of a radio issue but she understands that we now have radio issues as well. If you are a police officer and you are out there and you don't have any way to get help we have got to look at that strongly. She understands that some officers are using their own personal cell phones, but they shouldn't be driven to that just because a few can't conform, not only is it costing the City money but it is also costing the city lost time if they talking the numbers of minutes that we saw in one billing cycle. That means at the same time, they are not actively producing for the City or the citizens. She is very troubled by that. Could you address the radio issue too as she understands that we have a lot of non functional radios?

Chief Crudup said that currently every officer is issued a working portable radio. Some of them are in poor condition but they are in working condition. But, do we need better equipment, yes we do. We do need radios and he has had this discussion with the manager. We have attended some meetings with the county looking at the State system and hopefully we are going to get some of those radios. We hope to equip some of our officers with those.

Ms. Baker asked when an officer uses his own personal cell phone on city business is he reimbursed for that and what does he have to do to prove that he is using that on City business.

Mr. Crudup said that since he has been here we have not reimbursed any officer for using his personal cell phone.

Councilwoman Meggs said that in the Riverside Crime Watch we got a message the other day that they were in dire need of money and they were doing a raffle. She sent a check in because she thought that it was something that was drastic needed. Is it something that the City should be paying for or should the citizens be paying for it?

Mr. Crudup said that he doesn't know where you sent a check to as we are not soliciting any funds for equipment. To answer your question as to who should be paying for the equipment, he hopes the City will consider paying for it.

Mr. Olson said that if the Council so desires, he will give you a full detailed report concerning everything on the radios. The Finance Department is the one that identified the abuse. Several times we have had officers that do not want to carry a city cell phone.

Mr. Stimatz said that another thing that has been brought up in numerous crime watch meetings is the problem with Central calling on the open radio and letting people know who made the call and people are concerned about that because they do not want to be identified.

Mr. Olson said that he wanted to set the record straight because the Chief is getting blame for something that he made himself. It was a decision made by the manager and the finance director because of what we perceived as excessive abuse. That is why the number is what it is. It was the manager's and finance director's decision when we went into the new contract with Version we prioritized who they believed needed to have the cell phones as well as those people who had abused the cell phones in the past. To his knowledge every police officer has a cell phone on his possession. It may not be a city cell phone but it is a cell phone which can be used. Concerning complaints associated with Central dispatch that is a concern and we have had discussions with Central dispatching concerning that issue.

Councilman Rivers said that basically anything with Central Communications whoever we have on our 911 Communications should be bringing this issue up to the 911 Board. We talked about that seven months ago. That issue needs to be taken to the Central Communications Board. We need to look at this issue during our budget sessions.

Councilman King said that in his opinion that we need to go with additional MDT's. He feels every vehicle should have one in it.

Mayor Pro Tem Baker said that she would like to clarify the Riverside Crime Watch. It is a raffle that they are doing. They are not actually raising money for the police department but they have decided that is where their proceeds would go would be to help argument whatever the police department needed.

Mayor Atkinson said that he is also aware of this raffle and they also talked about binoculars and digital cameras. They thought that was something that the officers could use. It seems to him that Chief Crudup inherited some issues and it sounds to him like you are on top of the situation. He thinks within the near future we will have a report back and we will hear good news in this regard.

4} CLOSED SESSION:

Mayor Atkinson entertained a motion to retire into Closed Session.

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman J. A. Stimatz to retire into Closed Session for consultation with the City Attorney pursuant to NCGS 143-318.11 (a) (3), and NCGS 143-318.11 (a) (4) to discuss matters related to location or expansion of industry. Those voting in favor of the motion were: Baker, Stimatz, Hummer, King, Meggs, Rivers and Watts. Against: None. Motion carried.

Mayor Atkinson declared the meeting into Closed Session.

Upon the end of the Closed Session.

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilman J. A. Stimatz to reconvene from Closed Session. Those voting in favor of the motion were: Baker, Stimatz, Hummer, King, Meggs, Rivers and Watts. Against: None. Motion carried.

Mayor Atkinson declared the meeting back into full session.

5} CLOSED SESSION ITEMS:

a} Golden Leaf Grant Agreement:

Mayor Atkinson entertained a motion regarding the execution of the Golden Leaf Grant Agreement.

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem J. M. Baker to authorize the Mayor to execute the Golden Leaf Grant Agreement. Those voting in favor of the motion were: Stimatz, Baker, Hummer, King, Meggs, Rivers and Watts. Against: None. Motion carried.

b} Letter of Understanding for Elizabeth City State University Foundation:

Mayor Atkinson stated that he would entertain a motion to execute a letter of understanding for the Elizabeth City State University Foundation.

A motion was made by Mayor Pro Tem J. M. Baker, seconded by Councilwoman L. A. Hummer to authorize the execution of a Letter of Understanding for the Elizabeth City State University Foundation to include the changes that were discussed in Closed

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

c} Carolina Transformer:

Mayor Atkinson entertained a motion regarding the Carolina Transformer Environmental Lawsuit:

A motion was made by Mayor Pro Tem J. M. Baker that we authorize the staff to join the potentially responsible party group and make payment to settle the Carolina Transformer Environmental Lawsuit. Councilman R. E. King seconded the motion. Those voting in favor of the motion were: Baker, King, Hummer, Meggs, Rivers, Stimatz and Watts. Against: None. Motion carried.

6} COMMENTS AND INQUIRES ON NON-AGENDA ITEMS:

Mayor Atkinson stated that he would go around the table and asked for comments on non-agenda items. He recognized City Manager Olson for comments.

City Manager R. C. Olson replied that he had no further comments at this time.

Mayor Pro Tem J. M. Baker said that she would like to wish our citizens a Happy Holiday Season and Merry Christmas from all of us.

Mayor S. S. Atkinson said that the only comments that he has is he certainly appreciates all the Council's work and we are starting off early this year. He does appreciate the harmony that we have experienced tonight and he is very grateful for that. He also knows that each of you is happy with that harmony. He knows for a fact that the community is happy with it. Congratulations to everybody. He hopes everyone has a nice Christmas and a Happy New Year and have a safe one.

7} ADJOURNMENT:

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

A motion was made by Councilman J. A. Stimatz, seconded by Councilman R. E. King to adjourn the meeting. Those voting in

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

Mayor Atkinson adjourned the meeting at 9:15 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Stephen S. Atkinson
Mayor