

**City Council Work Session
February 22, 2016**

The City Council of the City of Elizabeth City met in work session on Monday, February 22, 2016 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Joe Peel
Councilwoman Jean Baker (*arrived at 5:32 p.m.*)
Councilman Ray Donnelly
Mayor Pro Tem Anita Hummer
Councilman Tony Stimatz (*arrived at 5:34 p.m.*)
Councilman Michael Brooks
Councilman Rickey King
Councilman Johnnie Walton

MEMBERS ABSENT: Councilman Darius Horton

OTHERS PRESENT: City Manager Rich Olson
City Attorney Bill Morgan
Finance Director Sarah Blanchard
Planning Director June Brooks
Chief of Police Eddie Buffaloe
Electric Superintendent Karl Clow
Assistant to the Manager Angela Cole
Human Resources Director Katherine Felton
Assistant Public Utilities Director Larnetta Brothers
Assistant Fire Chief Barry Overman
ECDI Director Wade Nichols
IT Director Matthew Simpson
Inspections Director Stanley Ward
Parks and Recreation Director Bobbi White
City Clerk Vivian White

The City Council work session was called to order by Mayor Joe Peel at 5:30 p.m. Mayor Peel welcomed everyone to the meeting and recognized Councilman Michael Brooks to give the invocation, after which he led the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Peel requested the Council's pleasure regarding approval of the prepared agenda.

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Rickey King, to approve the agenda with any necessary adjustments. Those voting in favor of the motion were: Donnelly, Hummer, Brooks, King, and Walton. Against: None. The motion carried. (*Baker and Stimatz had not yet arrived.*)

2. Statement of Disclosure:

The City Clerk read the Statement of Disclosure. No conflict of interest disclosures regarding items listed on the agenda were made.

3. Presentation/Consideration – Approval of Resolution Adopting the Albemarle Regional Hazard Mitigation Plan Update.

Mayor Peel recognized City Manager Olson for his comments. Mr. Olson reported that Emergency Manager Coordinator Christy Saunders was present to explain to members of the City Council the Albemarle Regional Hazard Mitigation Plan. He noted that the Council had received the lengthy plan in an electronic format for their review. He stated that the resolutions adopted by some of the other governmental entities involved were also included for review. Mr. Olson turned the presentation over to Ms. Saunders.

Ms. Saunders stated that the purpose of a Hazard Mitigation Plan is to identify policies, actions and tools and implement projects that can help eliminate the risk or at least to reduce the severity of hazards on people and property during a disaster. She stated that Pasquotank County and the City of Elizabeth City had a hazard mitigation plan since 2005. She noted that the plan was updated in 2010. She advised that the plan had now moved toward a regional plan, which included eight other counties and seventeen municipalities. She stated that the focus of the updated plan was to see how hazards and resources match up on a regional basis. She noted that this type of plan was being developed all across the United States. She advised that the plan was funded by a hazard mitigation grant through Homeland Security and North Carolina Emergency Management.

Ms. Saunders stated that the Stafford Act requires states and local units of government to have a FEMA-approved Hazard Mitigation Plan as a pre-condition for receiving FEMA mitigation project grants. She also noted that the North Carolina Emergency Management Act also requires the plan in order to receive public assistance following a state-declared disaster.

Ms. Saunders stated that the plan identifies hazards of concern including hurricanes, floods, tornadoes, winter storms, severe thunder storms, and storm surge, as well as some manmade hazards such as hazmat incidents, wildfires and terrorism. She said that the plan also provides capability and vulnerability assessments for the region; and she explained the information reviewed in the development of each of them. She noted that the mitigation plan outlines the goals and strategies to be implemented at the regional, county and municipal level and focuses on prevention, property protection, natural resource protection, emergency services, structural mitigation and public education. She reviewed some of the mitigation goals and strategies listed in the plan for the Council.

Ms. Saunders reported that the plan had been adopted by Pasquotank County on February 15, 2016 and the required Public Hearing had been held on February 4, 2016. She requested that the City Council adopt the Resolution provided to adopt the plan for the City.

Mr. Olson stated that it should be noted that staff had checked with the State and learned that only one public hearing was required in order for all counties and municipalities involved to adopt the plan.

Mayor Peel asked if there were questions by members of the Council. Hearing none, he called for Council's pleasure regarding this matter.

Motion was made by Councilman Rickey King seconded by Councilman Ray Donnelly to approve the following resolution to adopt the Albemarle Regional Hazard Mitigation Plan Update. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King and Walton. Against: None. Motion carried.

**RESOLUTION # 2016-02-02
ADOPTING THE
ALBEMARLE REGIONAL HAZARD MITIGATION PLAN UPDATE**

WHEREAS, the citizens and property within the City of Elizabeth City are subject to the effects of natural hazards and man-made hazard events that pose threats to lives and cause damages to property, and with the knowledge and experience that certain areas, i.e., flood hazard areas, are particularly susceptible to flood hazard events; and

WHEREAS, the City of Elizabeth City desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, and 4 of Article 18 of Chapter 153 A; and Article 6 of Chapter 153A of the North Carolina General Statutes, has delegated to local

governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina, in Article 1 of Chapter 166A of the North Carolina General Statutes (adopted in Session Law 2001-214 - Senate Bill 300 effective July 1, 2001), has stated in Item 6.01(b) (2) “For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act;” and

WHEREAS, it is the intent of the City Council of Elizabeth City to fulfill this obligation in order that the City of Elizabeth City will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the City; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan and update it every five years in order to receive future Hazard Mitigation Grant Program Funds; and

NOW, THEREFORE, be it resolved that the City Council of the City of Elizabeth City hereby:

1. Adopts the Albemarle Regional Hazard Mitigation Plan; and
2. Vests the Emergency Management Coordinator with the responsibility, authority, and the means to:
 - a) Inform all concerned parties of this action.
 - b) Cooperate with Federal, State and local agencies and private firms, which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
3. Appoints the Emergency Management Coordinator to assure that the Hazard Mitigation Plan is reviewed annually and in greater detail at least once every five years.
4. Agrees to take such other official action as may be reasonably necessary to carry out the strategies outlined within the 2015 Albemarle Regional Hazard Mitigation Plan.

Adopted this 22nd day of February 2016.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk

4. Discussion/Consideration – Proposed Amendment to Downtown Maintenance Code/Call for a Public Hearing:

Mayor Peel recognized Angela Cole and ECDI Director Wade Nichols for the background on this matter. Ms. Cole reported that staff had been working on an amendment to the Downtown Maintenance Code at the request of the Council and the City's downtown partners and citizens. She stated that former ECDI Director Rebecca Cross had initiated the effort by working with Code Enforcement Officers, Building Inspections staff and City Administration. She noted that state statutes had also been reviewed to determine any parameters that needed to be considered.

Ms. Cole stated that the draft ordinance had been provided to the ECDI Board of Directors, which also included the Convention and Visitor's Bureau director, for their review. She said that the proposed amendment had been tweaked to include comments received from those partners.

ECDI Director Wade Nichols reviewed the amendments being proposed to the City's current downtown maintenance code. Mr. Nichols stated that aesthetic considerations could constitute a valid basis for action. He said the ordinance would apply to all commercial premises, buildings, and accessory structures in the Central Business District. He noted that the ordinance would be different for buildings that are residential in nature and those that are mixed use. He reported that the most stringent criteria in the case of mixed use would be the one that would apply. He advised that any abatement that may arise could possibly involve a decision by the Historic Preservation Commission. He noted that the ordinance would apply to both vacant and occupied properties.

Mr. Nichols reviewed the maintenance standards included in the ordinance for downtown commercial structures and pointed out that repairs and improvements should be made to resemble as closely as possible the original materials and design. He explained that the compliance section of the ordinance closely compares with other sections of existing ordinances; and reviewed the process that would be used in abatement.

Ms. Cole noted that the focus of the ordinance would cover the Central Business District as opposed to the Municipal Service District or the Historic Overlay for Downtown. She stated that the Central Business Zoning District was chosen because it encompassed a lot more properties that are typically deemed "downtown." She noted that the ordinance focuses on commercial properties and advised that residential structures would be captured through the City's existing Minimum Housing Code. She noted that mixed use properties would be addressed using the more stringent of the Minimum Housing Code and the Downtown Maintenance Code.

Councilman Stimatz stated that he had provided some feedback that had not been addressed in the presentation. He noted that the ordinance standards required wood to be used for replacement windows. He noted that in the historic district, vinyl and aluminum were allowed. He asked if replacements, such as windows, had to "be" historic or could they "look" historic. He noted that it would be difficult to see the difference - and asked "who cares?" He pointed out that there was an obligation to be energy efficient and he found it inappropriate to say that only wood could be used.

Councilman Stimatz pointed out that as proposed, items "g" and "m" in Section 10-89 of the ordinance created for staff a non-compliance issue. He used the Southern Hotel Building as an example and said that windows there had been boarded up for several years already, in contrast to the 30-day limit outlined in the ordinance. He stated that Section 10-89 also mixed together "standards" and "responsibilities." He suggested that the section should be rearranged for clarity.

Councilman Stimatz referenced the term "Administrative Search Warrant" and questioned who would issue such a warrant. Ms. Cole responded that it would be the Court system, but the City had not had a reason previously to pursue that resource.

Councilman Stimatz suggested that the ordinance should specify that it would be ordered by the Court.

Councilman Stimatz pointed out that “eminent threats to public safety” had not been addressed in the draft ordinance. He suggested that staff should include the remedy for those types of situations in the ordinance.

Councilman Stimatz stated that he did not think the proposed ordinance was ready to call for a public hearing and requested that staff bring it back for further discussion. He suggested that input from contractors might be helpful in further refining the ordinance.

Mr. Olson stated that staff would further revise the proposed ordinance and bring it back for further discussion during the March 14, 2016 Council meeting.

5. Discussion/Consideration – Issuance of Request for Proposals for Coast Guard Park Canoe and Kayak Rentals *(Recommended for approval by the Finance Committee during their meeting of February 18, 2016)*

Mayor Peel recognized Parks and Recreation Director Bobbi White for the background on this request. Ms. White stated that the City had purchased property at 708 Riverside Avenue in 2014 to improve the existing waterfront site and provide a park with water access to include canoe and kayak rentals. She stated that the proposed development included the construction of a parking lot, open air pavilion, boardwalk along the shoreline, a fishing pier, 10 boat slips, a floating canoe/kayak launch, a floating dock and repair or replacement of the existing bulkhead.

Ms. White stated that City staff had contacted several recreation departments in the state and nation that have canoe/kayak/paddleboard rental operations. She provided information regarding how this service is being handled in Craven County, the Town of Cary and the Town of Edenton in North Carolina and by Dayton, Ohio and South Bend, Indiana.

Ms. White stated that she had taken the Town of Edenton as an example in determining the types of equipment Elizabeth City would need, which resulted in an estimated cost of \$23,634. She pointed out that this cost does not include personnel, liability insurance or the cost of electricity or water for the building. She stated that staff would like to see if the City can secure a vendor to offer canoe/kayak/paddleboard rentals for the community, because of the costs involved with the City running the program. She recommended that the Council authorize staff to develop a Request for Proposals to determine interest.

Councilman Stimatz stated that he thought this was a great initiative and fit well with the results of the Youth Taskforce survey. He suggested that the City should not tell prospective vendors what the City wants the mix of equipment to be; rather let them come back with a proposal. He also suggested that the City should consider a Type V lifejacket rather than a Type III lifejacket. Councilman Stimatz stated that the City should have an allowable, mapped area of the river to be used for this activity.

Councilman Walton requested staff to bring back demographic figures to depict how persons living in other areas use such programs as this. Ms. White stated that she did not know if that information would be available, but she would try to find it.

Motion was made by Councilman Ray Donnelly, seconded by Councilman Michael Brooks, to authorize staff to develop a Request for Proposals and advertise same as soon as possible. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King and Walton. Against: None. Motion carried.

6. Committee Reports:

- a) EC-PC Economic Development Commission: Mayor Pro Tem Hummer, Councilwoman Baker, Councilman King and Mayor Peel

Mayor Pro Tem Hummer announced that the last EDC meeting contained a presentation regarding how the Albemarle Commission could help write grants for area entities. She stated that the Jump Start 2016 application award winner was the Flour Girls Bakery and announced that the new business would be located in the former City Wine Sellar building.

- b) Central Communications Advisory Board: Councilman Brooks

Councilman Brooks had no report.

- c) Fireman's Relief Fund Board: Councilman Brooks

Councilman Brooks had no report.

- d) NC Eastern Municipal Power Agency: City Manager Olson and Mayor Peel

Mr. Olson stated that Roy Jones, CEO of Electricities had visited Elizabeth City the previous week and he had included the results of their meeting in his FYI.

- e) Elizabeth City Downtown, Inc.: Councilman Donnelly

Councilman Donnelly stated that the Flour Girls Bakery hoped to open in mid-March. He noted that ECDI Director Wade Nichols had developed a phone application that lists all the businesses in the downtown. He noted the app can be downloaded from Google and the iPhone store.

- f) Elizabeth City Area Chamber of Commerce Board: Mayor Peel

Mayor Peel stated that the Chamber had met and were working hard to get ready for the annual Business Expo in March.

- g) Finance Committee: Mayor Pro Tem Hummer, Councilman Donnelly, Councilman Horton and Mayor Peel

Mayor Pro Tem Hummer noted that the committee had forwarded all items from its meeting to the full City Council for consideration.

- h) Parks and Recreation Advisory Board: Councilman Walton

Councilman Walton stated that Pee Wee signups were currently in progress. He announced that summer baseball tournaments at South Park had increased from the last season. He stated that the department is looking at transporting a barge from Wilmington for use with the fireworks celebration on July 4th.

- i) Elizabeth City/Pasquotank County Airport Authority: Councilman Stimatz

Councilman Stimatz announced that the Authority would meet on February 24, 2016.

- j) Storm Water Advisory Board: Councilman Stimatz, Councilman King and Councilman Brooks

Councilman Stimatz stated that the Board would meet in March.

- k) Tourism Development Authority: Councilwoman Baker

Councilwoman Baker stated that the Authority is working on a Request for Proposals for a new marketing coordinator. She said that part of the mission is to make the website more user friendly. She noted that the Authority is also looking to improve its events calendar to allow organizers to input their own events.

7. Adjournment:

There being no further business to be discussed, Mayor Peel adjourned the meeting at 6:25 p.m.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk