

**City Council Work Session
January 25, 2016**

The City Council of the City of Elizabeth City met in work session on Monday, January 25, 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 5:40 p.m.)*
Councilman Ray Donnelly
Mayor Pro Tem Anita Hummer
Councilman Tony Stimatz
Councilman Michael Brooks *(arrived at 5:35 p.m.)*
Councilman Rickey King
Councilman Darius Horton
Councilman Johnnie Walton *(arrived at 5:35 p.m.)*

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager Rich Olson
City Attorney Bill Morgan
Finance Director Sarah Blanchard
Planning Director June Brooks
Police Lieutenant John Young
Electric Superintendent Karl Clow
Assistant to the Manager Angela Cole
Public Utilities Director Paul Fredette
Fire Chief Larry Mackey
ECDI Director Wade Nichols
IT Director Matthew Simpson
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 Darius Horton to give the invocation, after which he led the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

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

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Darius Horton, to approve the agenda with any necessary adjustments. Those voting in favor of the motion were: Donnelly, Hummer, Stimatz, King, and Horton. Against: None. The motion carried. (Baker, Brooks and Walton 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 – UNC Capstone Research Project – Future Sea Level Rise in Pasquotank County:

Mayor Peel recognized Mr. Olson for an overview of this matter. Mr. Olson reported that present for the meeting were some of the members of a team from the University of North Carolina at Chapel Hill. He advised that the team had performed an assessment of the vulnerability to sea level rise in Pasquotank County and had recommended a number of mitigation strategies to combat the issue.

Mr. Olson stated that the team consisted of Bobby Harris, Radha Patel, Neil Sullivan, Molly Fischer and Cassy Karlsson. He noted that Mr. Harris, Ms. Patel and Mr. Sullivan were present to provide the results of their study; and stated that the three students were seniors at UNC and the study represented their Environmental Science Capstone Project. He stated that the project took approximately eight months to complete. He noted that the presentation had been given to the Board of County Commissioners in November 2015; and based on that report, City staff felt it would be appropriate to provide the information to the City Council.

Mr. Olson turned the presentation over to Mr. Harris, Ms. Patel and Mr. Sullivan. Using a series of PowerPoint slides, they explained what their study entailed in determining the sea level rise in Pasquotank County. Mr. Harris stated that their professor, Dr. David Salvesen met with ECPC Economic Developer Wayne Harris and County Planner Shelley Cox to determine the focus of the project prior to its beginning. He noted that over the past two decades, the sea level had risen in Pasquotank County an average of 3.2 millimeters each year. He stated that over the past century, the rate had been 1.6 millimeters per year; and pointed out that in the last twenty years, the rate had doubled. He stated that this increase was expected to continue at a much faster rate in the future. He advised that the information used by the team was based on data from the Intergovernmental Panel on Climate Change and several other sources. Mr. Harris stated that based on historic data, by the end of 2100, Pasquotank County will see almost two feet of sea level rise. Mr. Harris advised that based on the research conducted by the team, several mitigation strategies had been developed, as follows: (1) Limit development in flood prone areas, increase lot size in new developments, and raise freeboard requirements; (2) Preserve natural buffers and establish parks in flood prone areas; (3) Build community awareness by creating a community flood awareness forum and creating new caution signage; and (4) Protect critical infrastructure.

Mr. Harris pointed out the benefits of joining the Community Rating System and explained how participating in the system would provide discounts on flood insurance premiums. He noted that the Community Rating System contained four categories: Public Information; Mapping and Regulations; Flood Damage Reduction and Flood Preparedness.

Councilman Walton requested that the City Manager provide to the Council information regarding the number of residents in the City that have flood insurance. Mr. Olson stated that he would provide the information to the Council by a separate memo.

Mayor Peel thanked the team members for their work and for their informative presentation.

4. Discussion/Consideration – Proposed Storm Water Management Plan for Halstead Boulevard Extended:

Mayor Peel recognized City Manager Olson for his comments. Mr. Olson announced that Public Utilities Director Paul Fredette would cover this discussion with the Council. He noted that the matter had been briefly touched on during the recent Council retreat.

Mr. Fredette stated that staff had been looking into the issue of stormwater management in the Halstead Extended Area and had considered the potential of creating a stormwater management district. He stated that managing storm water in very low and flat areas such as is Elizabeth City is a challenge even with the best of today's technology. He noted that areas of the City that had already been developed, such as the downtown area, are particularly difficult to address, because they are so densely developed.

Mr. Fredette stated that the concept of a storm water overlay district for the largely undeveloped area adjacent to Halsted Boulevard Extended had been discussed by the Storm Water Advisory Board over the past 18 months. He stated that the area being considered is significant from a storm water management perspective, as it represents more than 28% of the total land area of the City and provided an opportunity to be proactive in addressing the issue of stormwater management without displacing people that have homes, businesses or other improvement on their property.

Mr. Fredette explained that the concept for storm water management for the Halsted Boulevard Extended area is to develop a single storm water collection and management system to service all of the undeveloped land. He said that he could not estimate the cost of the project at this time, could not provide the size of the retention pond needed, could not determine how the private improvements made to date would be integrated in that area and could not project the effect it would have on stormwater rates in the district if the plan is implemented.

Mr. Fredette stated that currently there are thirteen stormwater retention ponds in the Halstead Boulevard Extension area. He stated that the proposal being considered is to build a storm water facility, which would include a regional storm water pond to minimize the number of individual ponds and control structures currently being built. He proposed that a discharge control structure could be built and maintained by the City to be paid for by an assessment to the landowners that will benefit from the project in the proposed storm water management district. He noted that the benefits to the landowner include the ability to increase development density on their properties and to avoid the construction and maintenance costs of individual storm water management systems.

Mr. Fredette stated that the first step in the process is to involve some engineering analysis in order to prove the concept of a single pond and determine the sizing needed. He noted that a plan would have to be developed in order to get water to that pond.

Mr. Fredette stated that financially, the City needed to look at return on investment for the project. He said the landowners would benefit because they would not have to build retention ponds and control devices. He noted that there would also be an increased value of land, particularly to commercial developers. He stated that the City would need to determine if it is reasonable to charge stormwater fees in that special district that are higher than the rest of the City and if the City could expect that the fees would be paid in a reasonable amount of time in order to finance the improvements. He noted that the City would also have to consider regulatory issues. He noted that amendments would be needed to the existing stormwater ordinance. He stated that compliance with the City's NPDES Phase II Stormwater Permit would also need to be determined.

Mr. Fredette stated that staff's recommendation is for the Council to authorize the professional services agreement proposal presented to the City by McDowell & Associates to study and develop the concept for this project. He noted that the funds had been budgeted in the current fiscal year.

Councilman Walton asked if the location of the proposed new pond would make it more difficult for the residents of the Oxford Heights neighborhood. Mr. Fredette stated that what is important to the Oxford Heights neighborhood, as well as others downstream is the design of the control structure. He noted that the control structure would be planned in such a way as to meter out the water at a controlled rate to protect the surrounding area. Councilman Walton asked if another city had tried such a measure for storm water management. Mr. Fredette stated that the concepts being used are the same as for any other retention pond in the City, but he did not know if this type of project had been constructed in another location.

Mr. Olson explained the provisions of the City's Storm Water Protection Ordinance and provided examples for members of the Council regarding how retention ponds and control structures work.

Councilman Walton expressed his concerns regarding the proposed Halstead project and its impact on the Oxford Heights neighborhood. He stated that he was uncertain if spending \$75,000 for a study at the present time was wise.

Councilman Stimatz stated that the engineering principles involved for this project are exactly the same, whether it is for 100 acres or 100,000 acres. He noted that a regional facility would provide more density for development, which is more attractive to developers. He stated that the question is whether it is worth spending the money to determine the viability of creating this system. He noted that the cost to the City would be recouped from a storm water hook-up fee. He said that he viewed the idea as a long term investment for the City.

Mr. Olson stated that one of his concerns is that most of the property is currently not annexed into the City. He said that the City would need to determine the legal implications of doing a Municipal Service District both inside and outside the City. He noted that the Council would need to work with Pasquotank County regarding that concern.

Councilman Walton cautioned that he thought trying something unproven was a risky idea. Mr. Olson said that he did not know of a similar project in North Carolina, but did know of similar projects in South Florida. He said that it was fairly common to have storm water improvement districts, but the issue is whether state statutes would allow a service district in Elizabeth City/Pasquotank County.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Ray Donnelly to direct staff to evaluate the proposed concepts for storm water management in the Halstead area; and based on the results of that concept evaluation, have staff bring that back to us; and based on that the Council will take further action. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton and Walton. Against: None. Motion carried.

5. Discussion/Consideration – Issuance and Evaluation of Broadband Request for Proposals:

Mayor Peel recognized Mr. Olson for his comments. Mr. Olson stated that a fairly detailed memo had been provided in the agenda packet concerning the Nexgrid Broadband Proposal. He stated that in the fiscal year 2015-2016 budget, the largest single capital project was the Nexgrid system. He advised that when implemented, the system would create a wireless mesh throughout the City. He said that the system could be expanded to one gigabyte in the future.

Mr. Olson stated that the Council had authorized staff during the September 14, 2015 meeting to engage in a study to be conducted by the University of North Carolina School of Business and Professor Nicolas Didow. Mr. Olson stated that City staff has been involved in numerous meetings with Professor Didow and his students looking at ways to utilize the Nexgrid mesh system to maximize the City's profitability. Mr. Olson stated that research was being performed to determine if there was a private purpose that could utilize the City's surplus capacity.

Mr. Olson directed the Council to the document, which had been provided in the agenda packet. He said that the document was a Request for Proposals for third party vendors to determine if they would be interested in partnering with the City in the development of the Nexgrid system. He noted that the request allows the City to reject any and all proposals. He stated that the request had been placed in the marketplace on January 4, 2016 and is due back by February 6, 2016.

Councilman Stimatz stated that he would have liked to see the Request for Proposals before it was issued.

Motion was made by Councilman Tony Stimatz, seconded by Councilman Rickey King to authorize staff to evaluate the Nexgrid broadband proposals received and report back to the City Council. Those voting in favor of the motion were: Baker, Donnelly, Hummer, Stimatz, Brooks, King, Horton 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 stated that she had turned over chairmanship of the Commission to Commissioner Jeff Dixon. She noted that Councilwoman Jean Baker would serve as Vice Chair for the upcoming term and that she and Councilman King would serve as City representatives as well.

- b) Central Communications Advisory Board: Councilman Brooks

Councilman Brooks stated that the next meeting would be held on February 7, 2016.

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

Councilman Brooks had nothing to report.

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

Mr. Olson stated that the next meeting would be held on January 27, 2016.

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

Councilman Donnelly stated that ECDI had approved two façade grants for downtown businesses. He noted that the director had been participating in meetings with various potential downtown investors. He announced that the former JoVon fashions building would be occupied by Eclectic Jewelry sometime in the near future. He encouraged everyone to buy a \$5 discount card from ECDI to use at participating downtown businesses.

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

Mayor Peel reminded members of the City Council about the upcoming annual Chamber dinner and the upcoming Business Expo in March. He noted that the Chamber had begun sending the Manager's Weekly FYI to all of its members.

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

Mayor Pro Tem Hummer had nothing to report.

- h) Parks and Recreation Advisory Board: Councilman Walton

Councilman Walton stated that he had not yet met with the Board.

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

Councilman Stimatz noted that the next Authority meeting would be on Wednesday, January 27, 2016.

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

Councilman Stimatz stated that the Board would be meeting soon. He said they were waiting for camera-ready art to come back in order to approve the outreach program.

- k) Tourism Development Authority: Councilwoman Baker

Councilwoman Baker stated that the Authority will meet in Thursday, January 28, 2016.

7. Adjournment:

There being no further business to be discussed, Mayor Peel adjourned the meeting at 6:47 p.m.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk