

MONDAY-5:30 P.M. AUGUST 26, 2013 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 J. W. Peel presiding. Those members in attendance were: J. M. Baker, M. E. Brooks, R. T. Donnelly, L. M. Hill-Lawrence, L. A. Hummer, K. K. Spence, J. A. Stimatz and J. B. Walton. City Staff members attending were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, City Attorney W. H. Morgan, Planning Director J. C. Brooks, Inspection Director S. E. Ward, Fire Chief L. M. Mackey, Parks and Recreation Director B. V. White, Finance Director S. E. Blanchard and Human Resource Director K. W. Felton.

Mayor J. W. Peel established a quorum was present and called the meeting to order at 5:30 p.m. He called for a moment of silent reflection after which he led the Pledge of Allegiance to the Flag of the United States of America.

1} AGENDA ADJUSTMENTS AND APPROVAL:

Mayor Peel called for any agenda adjustments and approval of the agenda.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilman R. T. Donnelly to approve the prepared agenda as presented. Those voting in favor of the motion were: Hummer, Donnelly, Baker, Brooks, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

2} CLOSED SESSION:

Mayor Peel called for a motion to retire into Closed Session as per NCGS 143-318.11 (a) (5) and NCGS 143-318.11 (a) (5).

A motion was made by Councilwoman L. A. Hummer, seconded by Councilwoman J. M. Baker to retire into Closed Session as per NCGS 143-31.11(a) (3), Consultation with the City Attorney and NCGS 143-318.11 (a) (5), acquisition of real property owned by Tony and Tammy Rice. Those voting in favor of the motion were: Hummer, Baker, Brooks, Donnelly, Hill-Lawrence, Spence, Stimatz and Walton. Against: None. Motion carried.

3} RETURN TO REGULAR SESSION:

Mayor Peel called for a motion to return to Regular Session of the meeting.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to return to regular session. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

Mayor Peel declared the meeting back into full session.

4} 2013-2014 STREET PAVING PLAN:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated as Council can remember from our budget work sessions, the City allocated \$900,000 for an overlay program here in the City. In addition to that you had two separate projects included in the Powell Bill Budget. They were Crescent Drive and Brooks Avenue. The total amount of money you have available is \$1,209,000. Also, during our discussions you had a number of priorities that you wanted us to do. They included West Church Street from Meekins to Perse and West Main Street from Hughes Blvd to Ashe Street. These projects were number one priority projects. In the planning for this year's resurfacing project, consideration was given to the condition of the underground utilities, specifically water, sanitary sewers and storm sewers. Over the past five years, staff has generally advised the City Council that underground utilities that were suspected of failure based on condition or age presented a contingent liability and any section of road above a utility of questionable condition should be avoided. He presented a list of proposed streets. He feels that we should be able to do all of the streets listed in the Number One Priority as well as all of the Number Two priorities. When we get to three and four and a couple of fives it becomes questionable whether or not we can spread the money that thin. We are seeking from you is authorization to go ahead and put this out for bid and move forward. We would bring back a contract from one of the asphalt companies and then we would have the bid awarded to that company.

A motion was made by Councilman J. A. Stimatz, seconded by Mayor Pro Tem L. M. Hill-Lawrence to authorize the City Manager to solicit construction bids for the 2013-2014 Street Resurfacing Project as soon as possible and he will bring those construction bids hopefully back to City Council during the September 23, 2013 meeting. Those voting in favor of the motion were: Stimatz, Hill-Lawrence, Baker, Brooks, Donnelly, Hummer, Spence and Walton. Against: None. Motion carried.

5} CITY CEMETERY CODE:

Mayor Peel called upon City Manager Olson for comments.

Mr. Olson stated as Council is aware we do have a number of cemeteries that we control. The person in charge of the cemeteries is Bobbie White. He would like for her to come forward and provide an overview of what she is recommending to address a multitude of different issues in the cemeteries which we don't own but we have inherited them.

Ms. White stated in trying to improve municipal cemetery management, several issues are faced. Modern cemetery management is a complex business and the administration of a historical municipal cemetery is unprofitable. The result is that the typical municipally-owned or maintained cemeteries are a financial liability, subsidized by tax funds often paid by citizens who never use municipal cemetery services. Historically, cemeteries were poorly planned. Most were not laid out in grids or patterns nor did they have standardized sized grave plots. Most of the older cemeteries are located near rivers or creeks and have high water tables such as Old Hollywood, Old Oak Grove and Episcopal. Most also have poor soil that do not allow for drainage or the stabilization of the surface soils and grass. The eight cemeteries maintained by the City of Elizabeth City are: Episcopal, Old Hollywood, Old Oak Grove, Highland Park, Culpepper Street, First Baptist Church, Herrington Road and "B" Street and Hughes Blvd and Burke Street. Essentially, the only cemeteries that still have burials are Old Hollywood, Old Oak Grove, Highland Park and on occasion Episcopal. In the past year there have been 19 burials registered with the City Clerk's office in Old Hollywood, 20 in Old Oak Grove and 12 in Highland Park. The cutting and trimming of the cemeteries is contracted by K-9 Lawn Care and this contract is overseen by the Parks and Recreation Department. We are very pleased with the care that K-9 has shown in all our cemeteries. All tree and debris removal as well as pathway maintenance is done by the Parks and Maintenance staff. By improving administrative practices it is hoped that there will be improvement to the overall operations and maintenance of the cemeteries. Published rules and regulations that are adhered to will contribute to an efficient operation. These regulations usually formalize restrictions on work performed in the cemetery and establish standards for containers, decorations and memorials. For municipal cemeteries, it is hard to be overly restrictive where explanations fail to convince complaining citizens that rules help preserve the dignity of the cemetery, public officials could often refer to them and to the even more restrictive rules of the local private cemeteries. Parks and Recreation staff has met several times with Captain John Young of the Elizabeth City Police Department to develop a more restrictive code where burials are concerned. Unfortunately, several grave sites have been disturbed throughout the years when a fresh grave was dug. The only way to prevent this from happening is to discontinue burials in the old cemeteries or to

have a staff person on site when each grave is dug. Our department purchased a GIS mapping system in 2012 for Old Hollywood and Old Oak Grove cemeteries. We have used interns from Elizabeth City State University to conduct the grave surveys and enter the information into the computer system. Once these cemeteries are mapped, it should help staff to determine who is buried in each plot. Section 18-2 of the City Code of Ordinances states: "Every undertaker shall within ten days from the date of each burial in a cemetery owned by the City, register such burial with the City Clerk on forms provided by the Clerk." When graves were once again disturbed in Old Oak Grove this past spring, it was found that some funeral directors did not have properly registered burials in city maintained cemeteries nor had they had the graves probed by the recreation department staff. Staff would like to have the ten day period to register a burial changed to within forty-eight hours prior to a burial. This would give our staff time to probe the gravesite and help assure that another person is not buried in that site. It would also assure that burials are registered with the City Clerk's office prior to internment. The issue is also covered in Section 18-33 "Opening new grave in old gravesite", which states, "In the making of an opening for a grave, no person shall open an old grave or dig therein or, if such old grave was not known to exist at the time the opening began, to continue to make such opening if such person finds or there is present the remains of any human person or receptacle in which any human person has heretofore been buried or which could have been used for the burial of any human person and was likely to have been used. No person shall fail to place any remains discovered either of the person or receptacle within such opening and to cover it in a manner so as to restore it to the same condition as it was before the opening." In historical cemeteries, it is very easy to mistake a gravesite as being vacant. Wooden caskets decay and through the years may be filled with soil as the ground caves. Grave markers once made of wood may also decay or be removed by the elements. It is often difficult when probing a gravesite to determine by the compaction of the soil if there is already a body buried. However, it is not difficult to see the remains in soil thrown along the sides of a cemetery. Without City staff or a funeral director present at each grave opening, we may never determine where the bones and remains found periodically belong. Section 18-60 states: "No person shall deposit or cause to be deposited any filth or unclean or offensive substances in any cemetery." While the following does not fall under the filth category, we would like to limit what is being placed at the grave sites. It has become a custom in the last few years to decorate around the grave site especially at holidays. Some have solar powered lights around the graves and headstones. Relatives are placing plastic flowers around the outline of grave sites as well as planting trees and shrubs. Staff would like to see a new ordinance worded to include trees, shrubs, artificial lighting, decorations and more than one stand/or vase of flowers not be allowed on or near grave sites. Trees and shrubs planted near the stones cause the stones to shift and topple. Staff would like to remove all small trees and shrubs that are planted near any

stones. The old trees that are fully grown throughout the cemeteries will not be removed unless they are diseased. These trees will be trimmed to remove any dangerous or diseased limbs. All this will help us to improve the looks of the cemeteries as well as save time when mowing and trimming around the graves.

Councilman Stimatz stated that in August 2008 we changed Section II to say "prior to burial". We changed it by ordinance. He is confused to why we are changing an ordinance that we have already changed to "Prior to Burial". Given that we have already done that would that not be sufficient or do you need the forty-eight hours.

Ms. White stated that we would like to have forty-eight hours because technically they could come at two o'clock and the burial could be at three o'clock and the grave is already dug.

Following additional discussion the following motion was made.

A motion was made by Councilman J. A. Stimatz, seconded by Councilwoman J. M. Baker to table action on this item until the next meeting. Those voting in favor of the motion were: Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Hummer, Spence and Walton. Against: None. Motion carried.

6} COMMITTEE REPORTS:

Mayor Peel called for a motion to move the committee reports to the regular agenda for the next meeting due to not having enough time to present these reports.

A motion was made by Councilwoman L. A. Hummer, seconded by Councilman J. A. Stimatz to move the committee reports to the regular agenda of the Regular City Council Meeting. Those voting in favor of the motion were: Hummer, Stimatz, Baker, Brooks, Donnelly, Hill-Lawrence, Spence and Walton. Against: None. Motion carried.

7} ADJOURNMENT:

There being no further business to come before the Work Session at this time,
Mayor Peel adjourned the meeting at 7:00 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Joseph W. Peel
Mayor