

The Washington City Council met in a regular session on Monday, October 10, 2011 at 5:30 pm in the City Council Chambers at the Municipal Building. Present were: Archie Jennings, Mayor; Bobby Roberson, Mayor Pro tem; Doug Mercer, Councilman; Ed Moultrie, Councilman; Gil Davis, Councilman; William Pitt, Councilman; Cynthia Bennett, City Clerk; Franz Holscher, City Attorney and Josh Kay, City Manager.

Also present were: Matt Rauschenbach, Chief Financial Officer; Robbie Rose, Fire Chief; Mick Reed, Police Chief; Allen Lewis, Public Works Director; Keith Hardt, Electric Director; Gloria Moore, Library Director; John Rodman, Planning & Development Director; Philip Mobley, Parks and Recreation Director; Susan Hodges, Human Resource Director; Lynn Lewis, Tourism Director; Mike Voss, of the Washington Daily News and Delma Blinson, of the Beaufort Observer.

Mayor Jennings called the meeting to order and Councilman Moultrie delivered the invocation.

APPROVAL OF MINUTES

By motion of Councilman Pitt, seconded by Mayor Pro tem Roberson, Council approved the minutes of September 6th, 12th, 26th 2011 as submitted.

APPROVAL/AMENDMENTS TO AGENDA

Mayor Pro tem Roberson suggested the following amendment to the agenda:

1. Move from Consent Agenda Item A to New Business I: Approve & Authorize – City Manager to execute a change order for the Festival Park Phase 2 contract (\$10,000) to a new contract (\$135,750)

Mayor Jennings suggested the following amendments to the agenda:

1. Add Budget Ordinance Amendment for Brown Street Bridge Replacement Project as item IX.A.1
2. Added item regarding Debris Removal – Cutler's Landscaping as Item X.J.
3. Add Report from Councilman Pitt regarding Legislative Updates
4. Add Presentation by Washington Sailing Club

Mayor Jennings acknowledged there were replacement pages for the following agenda items:

1. Replacement Page for Award/Execute Contract, Issue Notice to Proceed and Approve Purchase Order for Piedmont Natural Gas as item IX.B
2. Replacement Page regarding action item for Civic Center X.A.

By motion of Councilman Moultrie, seconded by Councilman Davis, Council approved the agenda as amended.

PRESENTATIONS

Don Stroud, Washington Area Historic Foundation stated each year the foundation produces a Christmas ornament which represents a historical structure in Washington. The first ornament produced was in 1996 which featured the Singleton Baptist Church, the Old Courthouse and Old City Hall. The structure represented this year is St. Peter's Episcopal Church which was originally constructed in 1824 but burned in 1864. The building was completed in 1873. Mr. Stroud, on behalf of the Washington Area Historic Foundation presented City Manager, Josh Kay with this year's Christmas ornament.

Kevin Clancy, Little Washington Sailing Club presented a Certificate of Appreciation to Washington Fire Department. The certificate is in appreciation of their invaluable assistance in recovering one of the sailing dinghies which had become lodged in the support structures of the railroad trestle.

CONSENT AGENDA

By motion of Councilman Pitt, seconded by Councilman Moultrie, Council approved the Consent Agenda as amended.

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- A. **Move from Consent Agenda Item A to New Business I:** Approve & Authorize – City Manager to execute a change order for the Festival Park Phase 2 contract (\$10,000) to a new contract (\$135,750)
- B. **Declare** – Surplus Fire Department EMS Vehicle #432 **and** Authorize the sale of this vehicle through electronic auction using GovDeals
- C. **Accept** – Grant funds from the US Department of Justice to purchase bullet proof vests (\$6,500) and adopt Budget Ordinance

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2011-2012**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1. That the Estimated Revenues in the General Fund be decreased in the amount of \$6,500 in the account Fund Balance Appropriated, account number 10-00-3991-9110.

Section 2. That the Estimated Revenues in the General Fund be increased in the amount of \$6,500 in the account Federal Grant - Vests, account number 10-10-3431 - 2302.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the 10th day of October, 2011.

ATTEST:

s/Cynthia S. Bennett, CMC
CITY CLERK

s/N. Archie Jennings, III
MAYOR

- D. **Approve** – Purchase Orders >\$20,000
- Requisition #10179, Stocks & Taylor, \$21,500, White Post Transformer project. Account 35-90-8370-7403.
 - Requisition #10170, Power Delivery Associates, \$331,005, Hurricane Irene contract crews, Account 35-90-6610-5730.
 - Requisition #10226, T&D Solutions, \$280,865, Hurricane Irene contract crews, Account 35-90-6610-5730.
 - Requisition #10241, City of Monroe, \$32,070, Hurricane Irene restoration assistance, Account 35-90-6610-5730.
 - Requisition #10263, Westinghouse Electric Supply, \$21,205, distribution reclosers, Account 35-90-8370-7000.

PRESENTATION: FEMA

Mr. Cal Jefferies, Community Relations – FEMA; Sandra Thomas, Inter-governmental Affairs Specialist – FEMA; and Bill Koonce – SBA explained the process that individuals and businesses need to follow after a disaster.

Individual Assistance Process

1. Register with FEMA
2. Visit Disaster Recovery Center
3. Inspector will visit property
4. Return forms promptly

Public Assistance Process

1. Request for public assistance process
 - a. Applicants briefing
 - b. Meeting of potential applicants
 - c. Submit request for public assistance
 - d. Schedule kick-off meeting
2. Project worksheet development
 - a. Records information
 - b. Applicant responsible for maintaining supporting documentation for small and large projects
3. Reimbursement process
 - a. FEMA obligates project funds
 - b. State received project funds from FEMA
 - c. Reimburses County/State Agencies
4. Closeout Process
 - a. Completion of all work
 1. Adjust large projects to actual costs
 2. Small projects can be adjusted if there is a substantial overrun in actual costs
 3. Prepare for audit by making sure backup documentation is in order
 4. Possible audit

- Category A- Debris Removal
Category B- Emergency protective measures
Category C- Road systems and bridges
Category D- Water control facilities
Category E- Public buildings and contents
Category F- Public utilities
Category G- Parks, recreational, and other

PRESENTATION: TYRONE WILSON & JOHN LANGKINS

ABA PROFESSIONAL BASKETBALL – EAST CAROLINA TOJANS

John Langkins and Tyrone Wilson gave a brief history of the American Basketball Association. Their basketball team is named East Carolina Trojans and wants to form a partnership with the City of Washington. The majority of the games will be played in Greenville at the Convention Center with at least three games in Washington and one in Ahoskie. Mr. Wilson suggested that possibly the games could be broadcast on Cable 9. Josh Kay, City Manager will meet with Mr. Wilson to coordinate his specific needs for this event and he will return at a later date with a business plan.

PRESENTATION: LITTLE WASHINGTON SAILING CLUB

Kevin Clancy presented the following report and update to Council:

2011 Highlights:

- Received permanent permit from CAMA for placement of Boat Platform at Dock J.
- Secured new classroom near waterfront.
- Received donated space for storage of equipment
- Andrea Radford returned as instructor for the 2 year.
- Hired part-time Program Director
- Session 1, 2 & 3 were 2 weeks each of 1/2 day classes
- Session 4, 5 were 2 weeks each of full day classes
- Session 6 was 1 week of full day ADVANCED Classes
- 79 Students (31 more than 2010)
- Awarded 7 scholarships
- Students - 27 Pitt Co; 18 out of Area; 32 Beaufort Co.
- Promotions: Facebook; website; WDN; UNCTV; WHDA; News & Views Henry Hinton -Chamber; Blue Water Sailing Magazine article by Bill Kund & Brochures.
- Several Parents volunteered in addition to our volunteer base of approximately 30-35 people from Beaufort & Pitt Co.
- Feedback has all been positive.
- Ended season with positive cash flow.
- Funding: WHDA, Donations from businesses, Water related clubs & interested citizens of our community.

Plans for 2012

- Repair platform and boats damaged by Hurricane Irene.
- Purchase 2 boats and other equipment lost in hurricane.
- Funding Source: New team has been selected to secure major sponsors, donations, grant applications and fundraising.
- Continued emphasis on recruiting scholarship students.
- Classes will include all day sessions, as well as 1/2 day classes.
- Beginner and Advanced classes.
- Sponsor a US Sailing Instructor Level 1 Course in May 2012
- New instructor will be needed. Search underway.
- Continue scholarship & swimming program for needy children
- Maintain positive cash flow.

Major Action 2012

- Break away from WHDA; Incorporate and apply for Non Profit Status
- Request City Council assistance in separation from WHDA.

				LWSC 2011/2012 (8/22/2011)		
				Budget	Actual	Variance
INCOME						
4010 - Revenue - Contributions				\$10,500.00	\$200.00	\$10,300.00
4140 - Donated Equipment						\$0.00
5180 - Revenue - Program Service Fees '11				\$2,200.00	\$3,200.00	(\$1,000.00)
5180 - Revenue - Program Service Fees '12				\$7,800.00		\$7,800.00
5410 - Revenue - Sales of Material (Net)				\$0.00	\$565.00	(\$565.00)
TOTAL INCOME				\$20,500.00	\$3,965.00	\$16,535.00
EXPENSE						
7220 - Salaries and Related Expense				\$5,000.00	\$3,900.00	\$1,100.00
7240 - Employer Benefits - Work Comp Ins				\$0.00		\$0.00
7250 - Employer Payroll Taxes				\$382.50	\$298.35	\$84.15
7590 - Professional Fees				\$3,600.00	\$700.00	\$2,900.00
8050 - Advertising and Promotions				\$1,490.00		\$1,490.00
8110 - Office Supplies				\$150.00		\$150.00
8140 - Postage, Shipping & Delivery				\$50.00		\$50.00
8170 - Printing, Copying, Fotos				\$1,000.00		\$1,000.00
8210 - Occupancy (rent, other fees)				\$2,000.00	\$300.00	\$1,700.00
8520 - Insurance - Non-Employee				\$2,300.00		\$2,300.00
8530 - Membership Dues - Organization				\$125.00		\$125.00
8590 - Misc Expense Other				\$0.00		\$0.00
8610 - Program Equipment Expense				\$3,500.00	\$524.40	\$2,975.60
8680 - Goodwill				\$400.00		\$400.00
TOTAL EXPENSE				\$19,997.50	\$5,722.75	\$14,274.75
NET ORDINARY INCOME				\$502.50	(\$1,757.75)	\$2,260.25
OTHER INCOME/EXPENSE						
9010 - Fixed Asset Sold				\$0.00		
9830 - Fixed Asset Purchases				\$0.00		\$0.00
TOTAL NET OI/OE						
Total Net Expenditures						
NET INCOME					(\$1,757.75)	
Funds Carried Over (Prior Year)					\$6,333.66	
Total Net Income & FCO					\$4,575.91	
WHDA LOC						
Cash on Hand					\$4,575.91	

MEMO – LOAD MANAGEMENT DEVICE REPORT

Listed herein is the load management switch installation project (by our contractor) activity through August 2011. Mr. Kay noted that staff will be re-working the memo to reflect additional information such as remaining switches in stock.

Total Load Management Switch Installations	813
Total Accounts with Load Management	620
Air Conditioner/Heat Pump Control Installations	657
Auxiliary Heat Strip Control Installations	449
Water Heater Control Installations	498
Total Appliance Control Installations for Project	1604

MEMO – PAINTING BROWN LIBRARY

Three quotes were received to paint the exterior of Brown Library. This work has been awarded to All Around Painting of Washington.

<u>Vendor</u>	<u>Cost</u>	<u>Delivery</u>
All Around Painting	\$ 8,000	20 days
Ross Ind. Services	\$14,300	15 days
McGowan Painting	\$16,370	25 days

The scope of work is as follows:

1. Pressure wash surface to remove contamination and loose peeling paint.
2. Apply an oil base primer and two coats of Sherwin Williams White Acrylic Super paint to overall building.
3. There are 4 areas where the window sill will need to be replaced with new material. Windows exposed to the weather will need to be reviewed for caulking and wood replacement. There are 5 wood panels that will need to be scraped and sanded down to the bare wood, primed, and 2 coats of paint applied.
4. Caulk or seal any holes or cracks in the surface prior to painting.

HUMAN RELATIONS COUNCIL

Update Multicultural Festival:

The planning is going great but still in need of more sponsors/donations. The event will be held October 23rd at the Civic Center from 3pm-6pm.

Discussion Hosting an Immigration Action Roundtable

The purpose of the roundtable is to discuss what immigration means to our community. The Board will be identifying ideas that the Obama Administration should be considering, and ways to engage our community in this important debate. If someone is available from Federal Government, they will attend the workshop. Vice-chairwoman Cherry opened the floor for suggested dates. Dates agreed on by Board members were Tuesday, November 15 to be considered as the primary date and Thursday, November 10 as the alternate date.

Update Domestic Violence

Board member Davis shared a discussion that occurred between him and a former Washington native who now lives out of town. This gentleman and his family lost a sister very tragically to domestic violence and he expressed a desire to make a onetime contribution of approximately \$50,000-\$100,000 in support of a shelter. Former chair Roberson voiced concerns that area churches are now interested in opening a center and hopefully with collaboration between the groups a resolution can be achieved by working together.

Discussed All reminders

WASHINGTON TOURISM DEVELOPMENT AUTHORITY

September-October 2011

- The Highway 17 billboard campaign won the Platinum Award for the Best Marketing Initiative from Destination Marketing Association of North Carolina at the recent Tourism Leadership Conference.



- The Civic Center & WTDA hosted a business after hours following the 2011 Beaufort County Business Expo held at the Washington Civic Center.
- The WTDA Board of Directors voted at its September meeting to pursue a contract with the Chamber of Commerce for provision of visitor services. If approved by the Chamber Board of Directors, this will result in the relocation of the WTDA administrative offices to the Washington Civic Center. Not only is this a positive financial move for the organization, but it will allow more focus to be placed on the marketing and management of the Civic Center and the marketing of Washington. The change is expected to take place in January.
- The Civic Center received considerable roof damage from Hurricane Irene. It wasn't until the strong storms of the last 3 weeks that we realized just how extensive the damage actually was. There has been a considerable amount of water present in the backstage and dressing room areas of the Civic Center. Temporary tarps were placed on the roof until repair work can begin. Lynn Lewis has coordinated with various City departments and contractors to move the repair process forward.
- We have just received confirmation that Cycle North Carolina has selected Washington as the location for its Spring Ride in 2012. This is a great event that brings a lot of people and revenue to our community. The event will be announced during the Fall Ride that is being held the week of October 3. Dates for the event are April 13-15.
- Lynn Lewis has been asked by the new county manager to serve on a planning committee related to the 300th anniversary of Beaufort County.

FINANCIAL REPORTS (WERE NOT AVAILABLE AT THIS TIME)

**BOARD OF COMMISSIONERS OF NORTH CAROLINA EASTERN MUNICIPAL
POWER AGENCY – APPOINT JOSH KAY AS SECOND ALTERNATE
COMMISSIONER TO THE NCEMPA BOARD OF COMMISSIONERS**

By motion of Councilman Mercer, seconded by Mayor Pro tem Roberson, Council appointed City Manager Josh Kay as Second Alternate Commissioner to the North Carolina Eastern Municipal Power Agency Board of Commissioners.

**AUTHORIZE – CITY MANAGER TO AWARD CONTRACT TO S.T. WOOTEN
CORPORATION OF WILSON, NC FOR THE REPLACEMENT OF THE BROWN
STREET BRIDGE AND APPROVAL OF PURCHASE ORDER**

City Manager, Josh Kay explained that on October 6, 2011 bids were received for the replacement of the Brown Street bridge. S. T. Wooten Corporation of Wilson, NC was the lowest bid for this project in the amount of \$602,046.58.

By motion of Councilman Davis, seconded by Councilman Moultrie, Council approved awarding the contract for the replacement of the Brown Street bridge in the amount of \$602,046.58 to S.T. Wooten Corporation of Wilson, NC and approved the corresponding purchase order.

Discussion was held concerning the overall cost of the bridge replacement.

**ADOPT- BUDGET ORDINANCE AMENDMENT FOR BROWN
STREET BRIDGE REPLACEMENT PROJECT**

(memo from Allen Lewis, Public Works Director) It is noted that at the August 8, 2011 Council meeting, this project was nearing the bid process and we received bids on Thursday, October 6, 2011. In fact, you have a Council action item to award the contract for this project in tonight's agenda. As you can tell from that action item, the low bid was more than the amount budgeted. With the low bid, we are currently \$57,078 short of having enough money to award this project. The proposed budget ordinance amendment proposes to increase the project fund by \$100,000, with the "excess" being available as a contingency. These funds would only be spent with Council approval. As noted during the August 8, 2011 Council meeting, the reason for the increase requested at that time was due

to a misunderstanding on how this project would be overseen during the construction phase. I was under the impression that City forces would be used to oversee the construction but this is not the case. We advertised for inspection services as required and at the same meeting you approved awarding this work to Summit Consulting out of Hillsborough for approximately \$79,000. The original estimate of \$600,000 was from the 2007 drainage study that Rivers and Associates completed which included an estimate between of \$400,000-\$475,000 for construction. The design engineering portion of the project was approximately \$175,000, slightly higher than I expected but I still felt comfortable with the \$600,000 overall price with us doing the inspection work. Obviously with the bids now in hand, this is not the case. (end memo)

Mr. Kay stated this budget ordinance will allow for any unforeseen issues that may arise, noting that approximately \$43,000 is for the contingency fund. The bridge should be completed by January 31st. Councilman Mercer voiced concern over drawing funds from the Powell Bill fund for this project instead of street paving. Staff will prepare an update regarding Powell Bill funds for the next Council meeting.

By motion of Councilman Davis, second by Councilman Moultrie, Council adopted a budget ordinance amendment to re-allocate funds for the Brown Street Bridge replacement project in the amount of \$100,000.

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2011-2012**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1. That the Estimated Revenues in the General Fund be increased in the following accounts and amount:

10-20-3316-3400	DOT Reimbursement - Brown St.	\$ 80,000
10-00-3991-9910	Fund Bal. Appropriated - Powell Bill	20,000

Section 2. That account number 10-20-4511-7300, Property Improvements - Brown Street portion of the General Fund appropriations budget be increased in the amount of \$100,000 to provide additional funds for completion of the Brown Street bridge replacement project.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the 10th day of October, 2011.

ATTEST:

s/Cynthia S. Bennett, CMC
CITY CLERK

s/N. Archie Jennings, III
MAYOR

**AWARD & EXECUTE – CONTRACT FOR LABOR AND EQUIPMENT AND
ISSUE NOTICE TO PROCEED FOR THE INSTALLATION OF DIRECT GAS
FIRED HEATING UNITS AT IMPRESSION'S**

Mr. Kay explained that this request is to award a contract for the labor, material and equipment to install up to five (5) direct gas fired heating units at the Impression's building, located at 234 Spring Road. On September 12, 2011 Council awarded this contract to Southern Piping Company. Shortly after the September 27, 2011 pre-construction meeting, citing unforeseen design costs, the company withdrew their bid. NCGS § 143-131 calls for informal bidding for all construction and repair contracts costing at least \$30,000 but less than \$500,000. The informal bidding statute sets out less detailed requirements for negotiating contracts in the event of a forfeited bid. In compliance with

limited statutory procedures, staff contacted three (3) companies (Piedmont Natural Gas, D and D Mechanical, LLC, and Brady Services, Inc) to solicit a bid. Piedmont Natural Gas is partnering with D and D Mechanical on the project.

Mayor Pro tem Roberson inquired about a bid bond. Mr. Kay stated a bid bond was not required for this project.

Project budget details

Grant	\$259,979
Impressions cash match	\$ 23,000
Total project income	\$282,979
Lighting contract	\$182,865
Heater bid	\$115,022
Construction management	\$ 9,993
Total project cost	\$307,880

*Supplement required from Impressions \$ 24,901

By motion of Councilman Pitt, seconded by Mayor Pro tem Roberson, Council authorized the Manager to negotiate the project, award the contract for labor and equipment for the installation of heating units, execute the contract and to issue the Notice to Proceed and Purchase Order to Piedmont Natural Gas in an amount not to exceed \$115,900.00

AUTHORIZE – MANAGER TO EXECUTE THE CONTRACT WITH EAST CAROLINA UNIVERSITY, SUBJECT TO THE ATTORNEY’S REVISIONS, FOR THE TALENT ENHANCEMENT CAPACITY BUILDING GRANT OPPORTUNITY

Mr. Kay explained that the Talent Enhancement Capacity Building Grant is provided to local governments to help build capacity and develop appropriate and competitive CDBG grants, administer CDBG grants, grant writing, economic impact analyses, community survey research and design, and feasibility study preparation. Talent Enhancement Capacity Building Grant funds may only be used to support activities that will result in projects that are eligible for CDBG funding within 15 months.

Deliverables:

1. Supplants staff salary with CDBG funds: Offsets over 50% of CD planner salary and requires no local match
2. Development and Project Management Training: Staff receives training at ECU through the Office of Community and Economic engagement
3. Builds relationships for future funding opportunities: Will assist in planning for future projects with CDBG, as you must submit an application for funding within the next 15 months.

These activities will help build capacity of both the staff and department, an outcome aligned with the goals of the Talent Enhancement Capacity Building Program.

Councilman Mercer voiced concern with the document being in draft form and subject to revisions. Mr. Kay expressed that this contract can be delayed if Council has concerns and is not comfortable with approving the document tonight.

By motion of Councilman Mercer, seconded by Councilman Pitt, Council continued this item until November 14th.

AUTHORIZE & APPROVE – CITY MANAGER TO CONTRACT WITH COMMERCIAL SOLUTIONS, INC. OF RALEIGH, NC TO REPLACE THE ROOF AT THE CIVIC CENTER AND APPROVE CORRESPONDING PURCHASE ORDER (\$34,126)

Mr. Kay stated the roof at the Civic Center has suffered damage from Hurricane Irene and continues to leak into the facility. Staff requested and received the bids listed below. Staff believes that the City will receive reimbursement from FEMA for this expense, therefore all initial costs will be charged through the Hurricane Irene account

codes. Mr. Kay explained the cost does not include any plywood replacement. Mayor Pro tem Roberson expressed concern regarding who, with the City, would be responsible for coordinating with the contractor that the shingles are being installed correctly, other than the Inspections Department. Mr. Kay stated the building inspectors are trained to do this, we do not have a staff member in addition to the Inspections Department that could perform this task. Mayor Jennings and Councilman Mercer stated the inspectors should oversee this job as they are trained in this field. Staff and Council will review a facilities maintenance program during the priority setting session to be held in the near future.

Bidder	Location	Shingle Warranty (Years)	Labor Warranty (Years)	Plywood Replacement (per square foot)	Price
Commercial Solutions, Inc.	Raleigh, NC	25	5	\$2.50	\$34,126.00
Commercial Solutions, Inc.	Raleigh, NC	40	5	\$2.50	\$43,118.00
Baldwin Homes, Inc	Bath, NC	30	2	\$2.00	\$42,895.00
Baldwin Homes, Inc	Bath, NC	Lifetime	2	\$2.00	\$46,895.00
Curtis Construction Co., Inc	Kinston, NC	40	2	\$2.25	\$46,960.00
Curtis Construction Co., Inc	Kinston, NC	25	2	\$2.25	\$34,906.00

By motion of Councilman Moultrie, seconded by Councilman Pitt, Council authorized the City Manager to contract with Commercial Solutions, Inc of Raleigh, NC to replace the roof at the Civic Center for a base cost of \$34,126.00 and approved the corresponding purchase order. Mayor Pro tem Roberson opposed.

ADOPT & APPROVE – RESOLUTION AND AUTHORIZE THE DISPOSITION OF PERSONAL PROPERTY BY PRIVATE SALE AND APPROVE TO CONVEYANCE OF SAID PROPERTY TO PARTNERSHIP FOR THE SOUNDS (SPROUT KIOSK)

Mr. Kay stated that Council has discussed the Sprout Kiosk in detail over the past few months. Currently, we have a verbal agreement with Partnership for the Sounds to place the kiosk near the Estuarium and we have also asked them to take over ownership of the kiosk once the grant is closed. This action item accomplishes the following in relation to the placement, maintenance, and ownership of the kiosk:

1. Authorizes the disposal of personal property (Sprout Kiosk) by private sale to the Partnership for the Sounds as authorized in the NC General Statutes;
2. Authorizes the City Manager to sign all necessary documents to proceed with the transfer at the end of the grant period; and
3. Through a Lease, Management, and Ownership Agreement, defines who the responsible party is and how the kiosk is to be maintained during the period between the adoption of the resolution and when the property is officially transferred, which occurs once the grant is closed.

Council discussed the need for relevant boards to review this item if they haven't already done so.

By motion of Councilman Pitt, seconded by Councilman Davis, Council adopted the Resolution authorizing the disposition of certain personal property (Sprout Kiosk) by private sale and approving the conveyance of said property pursuant to North Carolina General Statute §160A-279 and §160A-267 subject to approval from the appropriate boards and commissions. Mayor Pro tem Roberson opposed.

**RESOLUTION AUTHORIZING THE DISPOSITION
OF CERTAIN PERSONAL PROPERTY BY PRIVATE SALE AND
APPROVING THE CONVEYANCE OF SAID PROPERTY PURSUANT
TO NORTH CAROLINA GENERAL STATUTE 160A-279 AND 160A-267**

WHEREAS, pursuant to North Carolina General Statute § 160A-459.1, the General Assembly found it to be “in the best interest of the citizens of North Carolina to promote and encourage renewable energy and energy efficiency within the State in order to conserve energy, promote economic competitiveness, and expand employment in the State.” The General Assembly further found that “a city has an integral role in furthering this purpose by promoting and encouraging renewable energy and energy efficiency within the city’s territorial jurisdiction. In furtherance of this purpose, a city may establish a program to finance the purchase and installation of distributed generation renewable energy sources or energy efficiency improvements that are permanently affixed to residential, commercial or other real property.”

WHEREAS, the North Carolina Department of Commerce (NC-DOC) is the prime recipient of American Reinvestment and Recovery Act of 2009 (ARRA) funds awarded by the United States Department of Energy (US-DOE) under the Federally regulated State Energy Program through US-DOE Award Agreement DE-EE0000I 57. The City of Washington (City) is a sub-recipient of said ARRA funds under the NC-DOC Main Street Energy Fund Round 2: Solicitation No. 2010 Main Street 2 (Award) to fund, in part, the City’s Main Street Energy Fund Program (MSEF Program).

WHEREAS, the City is purchasing or has purchased a certain Sprout Kiosk as part of the City’s MSEF Program through contributions from the public and through ARRA grant funding from said Award.

WHEREAS, said Sprout Kiosk has been or will be erected upon property leased to the Partnership for the Sounds, Inc. (PFS), a private, non-profit 501(c)(3) corporation, by the City as well as Beaufort County as part of the Estuarium Education Center, known as the North Carolina Estuarium (Estuarium) that is operated and maintained on said property by PFS.

WHEREAS, the North Carolina State Energy Office (NC-SEO), which administers the ARRA grant funding awarded to the State and through which the Sprout Kiosk was, in part, purchased, has confirmed that ownership of the Sprout Kiosk can be conveyed by the City to PFS after the related grant has been closed out so long as there is an agreement between the City and PFS that specifies the Sprout Kiosk was paid for, in part, through ARRA funding and that requires records to be maintained of visitors as well as usage of the Sprout Kiosk for at least three (3) years for possible Federal audit.

WHEREAS, North Carolina General Statute § 1 60A-279 authorizes a city to convey personal property by private sale to a non-profit corporation if the city is authorized by law to appropriate funds to the non-profit corporation. North Carolina General Statute § 1 60A-279 further requires a city to attach to any such conveyance covenants or conditions which assure that the personal property will be put to a public use by the recipient entity.

WHEREAS, North Carolina General Statute § 1 60A-20. 1 authorizes a city to contract with and appropriate money to any private entity to carry out any purpose that a city is authorized to carry out and the City is authorized by, among other things, said Award and North Carolina General Statute § 1 60A-459. 1 to engage in said MSEF Program.

WHEREAS, the City has negotiated with PFS to convey the Sprout Kiosk described above to PFS in order that PFS may operate and maintain the Sprout Kiosk, which showcases solar panels, a wind turbine and weather station, as part of the Estuarium.

WHEREAS, the operation and maintenance of the Sprout Kiosk by PFS will assist the City by, among other things, promoting and encouraging renewable energy and energy efficiency within the City’s territorial jurisdiction in furtherance of its MSEF Program.

WHEREAS, PFS is a non-profit corporation organized and operating under the laws of the State of North Carolina for the purpose of, among other things, promoting ecotourism and environmental education initiatives in the Albemarle-Pamlico region by assisting local communities in developing strategies, demonstration projects, and information to foster ecotourism and environmental education initiatives.

WHEREAS, said personal property is surplus property of the City and its City Council desires to dispose of the same.

WHEREAS, the City Council is convened in a regular meeting.

NOW, THEREFORE, the City Council for the City of Washington resolves as follows.

1. The above described property is hereby declared to be surplus to the needs of the City.
2. The City Manager of the City is authorized to dispose of the above described personal property by private sale and to execute all documents necessary to convey title to and ownership of the Sprout Kiosk to PFS.
3. The consideration for the conveyance contemplated herein will include but not be limited to the agreement by PFS to put said personal property to a public use as that public use is defined by the Lease, Management, and Ownership Agreement entered into by and between the City and PFS, which Agreement is attached hereto as Exhibit 1 and incorporated herein by reference. Further consideration for the conveyance shall be the performance by PFS of its obligations under said Agreement.
4. The City Clerk shall publish a public notice summarizing the contents of this Resolution in accordance with North Carolina General Statute §1 60A-267.
5. The sale and conveyance contemplated herein may not be consummated earlier than ten (10) days from the date of said publication notice.

Adopted this 10th day of October, 2011.

ATTEST:

s/Cynthia S. Bennett, CMC
CITY CLERK

s/N. Archie Jennings, III
MAYOR

ADOPT – RESOLUTION TO ACCEPT A GRANT FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE AIRPORT LAYOUT PLAN AT WARREN FIELD AIRPORT (\$60,777)

Mr. Kay explained the agreement is for a Vision 100 grant. The amount of the grant is \$60,777 to be used as described for an airport layout plan (planning, design services, preliminary engineering -subconsultants). This is 90% of the total amount, while 10% is in the City's budget. The most recent layout plan that NCDOT/City has is dated 1968.

RESOLUTION

A motion was made by William Pitt, Councilman and seconded by
(Name and Title)
Ed Moultrie, Councilman for the adoption of the following resolution, and upon
(Name and Title)
being put to a vote was duly accepted:

WHEREAS, a Grant in the amount of \$60,777 has been approved by the Department based on total estimated cost of ~~\$67,530~~; and

WHEREAS, an amount equal to or greater than ten percent (10%) of the total estimated project cost has been appropriated by the Sponsor for this Project.

NOW THEREFORE, BE AND IT IS RESOLVED THAT THE City Manager
(Title)
of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

I, Cynthia S. Bennett, City Clerk of the
(Name and Title)
City of Washington do hereby certify that
(Sponsor)

the above is a true and correct copy of an excerpt from the minutes of the
City of Washington City Council of a meeting
(Sponsor)
duly and regularly held on the 10 day of October, 2011.

This, the 11 day of October, 2011.

SPONSOR SEAL



DOA FORM (12/10)

Signed: Cynthia S. Bennett
Title: City Clerk
Of The: City of Washington

By motion of Councilman Pitt, seconded by Councilman Moultrie, Council approved the resolution to accept a grant from the North Carolina Department of Transportation to fund the airport layout plan at Warren Field Airport in the amount of \$60,777. Councilman Mercer opposed.

**ADOPT – NEW WATER & SEWER RATE SCHEDULES
(EFFECTIVE JAN, 1, 2012)**

Mr. Kay noted that while staff was completing the form for our water use permit with the Division of Water Resources, we needed to document our water conservation plans which included a conservation-based rate structure. Conservation rate structures do not include a decreasing-block rate which we currently have in place. Under our current rate structure the unit price actually decreases as the volume increases. The flat rate structure proposed will meet the requirements of 15A NCAC 02E.0502 regarding conservation measures. To keep both water and sewer rate structures similar, we also are proposing to remove the decreasing-block rate currently in place in our sewer rate structure as well. Per Sections 38-42 and 39-42 of the City Code, water and sewer rates shall be reviewed and adjusted by City Council as needed. The majority of our customers will see no change, although some of our larger customers will see an increase in their bills.

Councilman Mercer expressed concern with the change in the rate for some of our larger customers (industries). Mr. Kay said that if the average usage stays the same for the large customers then they could see a possible increase of 6-8% if they do not lower their water consumption. He plans to meet with these five or six large users and try to determine ways for them to conserve water. The main idea is to give an incentive to conserve water. Mayor Pro tem Roberson suggested the customers need to be informed before the changes

are to take place. Councilman Mercer asked staff to make sure they comply with all of the requirements of 15A NCAC 02E.0502.

By motion of Councilman Moultrie, seconded by Mayor Pro tem Roberson, Council continued this item until November 14th.

Recess 7:00pm-7:10pm

AUTHORIZE & APPROVE – PURCHASE OF A ONE TON UTILITY BED PICK-UP TRUCK, NOT TO EXCEED AND APPROVE THE CORRESPONDING PURCHASE ORDER (\$25,000)

Mr. Kay explained that the Public Works department is in need of replacing a 2004 model one ton pick-up truck (equipment number 415) in which the engine has seized-up. The current truck has a diesel engine and the estimates to rebuild the existing engine are just under \$13,000, while a “crate” motor to replace the existing engine is over \$14,000. The state contract prices for a gasoline engine, one ton truck just expired but we have been told by the vendor that had the contract which just expired that we should be able to purchase a new one for less than \$25,000. We feel that it would be much more prudent to spend \$25,000 for a new truck than \$13-14,000 rebuilding/replacing the engine in a 7 year old truck. Funds will be moved from the contract services portion of the wastewater maintenance portion of the sewer fund to capital outlay in order to cover the cost of this purchase. We plan to sell the existing vehicle through GovDeals and place the revenue from that sale back into the contract services line item in this division of the sewer fund. This item is not a budgeted item, nor is it in the CIP as staff felt the vehicle would last much longer than it actually did.

By motion of Councilman Pitt, seconded by Councilman Moultrie, Council authorized the purchase of a one ton utility bed pickup truck, not to exceed \$25,000 as a replacement for equipment #415, approved the corresponding purchase order, declared the damaged vehicle as surplus and authorized the vehicle to be sold on GovDeals.

ADOPT – BUDGET ORDINANCE TO APPROPRIATE FUNDS FOR EXPENSES RELATED TO HURRICANE IRENE AND THE REIMBURSEMENT FROM FEMA (\$1,783,868)

Mr. Kay explained that the City has estimated its cost associated with Hurricane Irene to be \$1,783,868. Staff is working with FEMA on the reimbursement of eligible expenses. Adjustments will be made as expenditures and the reimbursement claims are finalized. The estimated cost by fund is:

Category A- Debris Removal	General Fund	\$ 338,368
Category B- Emergency protective measures	Water Fund	45,000
Category C- Road systems and bridges	Sewer Fund	45,000
Category D- Water control facilities	Electric Fund	1,050,000
Category E- Public buildings and contents	Solid Waste Fund	300,500
Category F- Public utilities	Airport Fund	5,000
Category G- Parks, recreational, and other	Total	\$1,783,868

By motion of Mayor Pro tem Roberson, seconded by Councilman Davis, Council adopted a Budget Ordinance to appropriate funds for expenses related to Hurricane Irene and the reimbursement from FEMA.

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
 OF THE CITY OF WASHINGTON, N.C.
 FOR THE FISCAL YEAR 2011-2012**

BE IT ORDAINED by the City Council of the City of Washington, North Carolina:

Section 1. That the Estimated Revenues in the General Fund be increased in the amount of \$338,368 in the account FEMA Funds - Irene, account number 10-00-3350-0013.

Section 2. That account number 10-00-4400-5730, Hurricane Irene Expenses, Miscellaneous Non-Departmental portion of the General Fund appropriations budget be increased in the amount of \$338,368 to cover hurricane expenses.

Section 3. That the Estimated Revenues in the Water Fund be increased in the amount of \$45,000 in the account FEMA Funds - Irene, account number 30-90-3350-0013.

Section 4. That account number 30-90-6610-5730, Hurricane Irene Expenses, Miscellaneous Non-Departmental portion of the Water Fund appropriations budget be increased in the amount of \$45,000 to cover hurricane expenses.

Section 5. That the Estimated Revenues in the Sewer Fund be increased in the amount of \$45,000 in the account FEMA Funds - Irene, account number 32-90-3350-0013.

Section 6. That account number 32-90-6610-5730, Hurricane Irene Expenses, Miscellaneous Non-Departmental portion of the Sewer Fund appropriations budget be increased in the amount of \$45,000 to cover hurricane expenses.

Section 7. That the Estimated Revenues in the Electric Fund be increased in the amount of \$1,050,000 in the account FEMA Funds - Irene, account number 35-90-3350-0013.

Section 8. That account number 35-90-6610-5730, Hurricane Irene Expenses, Miscellaneous Non-Departmental portion of the Electric Fund appropriations budget be increased in the amount of \$1,050,000 to cover hurricane expenses.

Section 9. That the Estimated Revenues in the Solid Waste Fund be increased in the amount of \$300,500 in the account FEMA Funds - Irene, account number 38-90-3350-0013.

Section 10. That account number 38-90-4710-5730, Hurricane Irene Expenses, line item portion of the Solid Waste Fund appropriations budget be increased in the amount of \$300,500 to cover hurricane expenses.

Section 11. That the Estimated Revenues in the Airport Fund be increased in the amount of \$5,000 in the account FEMA Funds - Irene, account number 37-90-3350-0013.

Section 12. That account number 37-90-4530-5730, Hurricane Irene Expenses, line item portion of the Airport Fund appropriations budget be increased in the amount of \$5,000 to cover hurricane expenses.

Section 13. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 14. This ordinance shall become effective upon its adoption.

Adopted this the 10th day of October, 2011.

ATTEST:
s/Cynthia S. Bennett, CMC
CITY CLERK

s/N. Archie Jennings, III
MAYOR

**DECLARE – SURPLUS PERSONAL PROPERTY AND ADOPT RESOLUTION
AUTHORIZING PURCHASING AGENT TO SELL BY PRIVATE SALE
(IMPRESSIONS MARKETING GROUP)**

The City Manager noted a chiller and two boilers at the City owned building leased by Impressions Marketing Group have become surplus. The chiller and one of the boilers are out of service. The other boiler will be taken out of service with the installation of direct fired gas heaters later this year. General Statute 160A-267 permits the sale of personal property valued at less than \$30,000 by private sale at a negotiated price with Council approval. This Council Action declares this property as surplus and adopts a Resolution authorizing the Purchasing Agent to sell.

By motion of Mayor Pro tem Roberson, seconded by Councilman Pitt, Council declared the specified personal property (a chiller and two boilers) at 234 Springs Road as surplus and adopted a resolution authorizing the Purchasing Agent to sell by private sale.

**RESOLUTION AUTHORIZING THE PURCHASING AGENT TO SELL SURPLUS
PERSONAL PROPERTY BY PRIVATE SALE**

WHEREAS, the City of Washington owns items of personal property that have become surplus for its current needs: and

WHEREAS, North Carolina General Statute G.S. 160A-266; 267 permits the City to sell such property by private sale, upon authorization by the City Council at a regular meeting and notice to the public: and

WHEREAS, the City Council is convened in a regular meeting;

**THEREFORE, THE CITY COUNCIL OF THE CITY OF WASHINGTON
RESOLVES THAT:**

1. The City Council authorized the Purchasing Agent to sell by private sale the following items of surplus personal property located at 234 Springs Road, Washington, NC:
 - (1) One Carrier Cent. Chiller model no. 19EX4141-736DM621, Serial no. 0595J49216.
 - (2) Two 200 HP Kewanee boilers.
2. The City Clerk shall publish a notice summarizing this resolution, and no sale may be executed pursuant to this resolution until, at least 10 days after the day the notice is published.

Adopted this 10th day of October, 2011.

ATTEST:

**s/Cynthia S. Bennett, CMC
CITY CLERK**

**s/N. Archie Jennings, III
MAYOR**

**APPROVE & AUTHORIZE – AGREEMENT TO LOAN AN ARTIFACT
(CANNON, CIRCA 1690) FOR DISPLAY AT THE NC ESTUARUM**

Mr. Kay explained that a cannon, circa 1690 was discovered underneath the ground on property owned by the City of Washington just north of Stewart Parkway and just east of Respass Street. The cannon was discovered during excavations that were performed in conjunction with a City stormwater sewer project. East Carolina University's Underwater Archaeology Department determined the cannon was historical in value and should be restored. Once restoration of the cannon was complete, the Partnership for the Sounds, Inc. agreed to display the cannon at the Estuarium Education Center, known as the North Carolina Estuarium. The City desires Partnership for the Sounds to continue to display the cannon at the Estuarium and requests approval of the associated agreement to loan the cannon (artifact) to the Estuarium for display purposes.

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council approved the agreement to loan an artifact (cannon, circa 1690) for display at the North Carolina Estuarium and authorized the manager to execute the agreement.

AGREEMENT TO LOAN ARTIFACT FOR DISPLAY

WHEREAS, a cannon, circa 1690, (Artifact) was discovered underneath the ground on property owned by the City of Washington (City) just north of Stewart Parkway and just east of Respass Street during excavations that were performed in conjunction with a City stormwater sewer project.

WHEREAS, it was determined by the Underwater Archaeology Department at East Carolina University that said Artifact was of considerable historical value and should be restored as well as displayed.

WHEREAS, the City caused the Artifact to be delivered to East Carolina University (ECU) in an effort to collect information concerning its origin.

WHEREAS, the City paid ECU to restore the Artifact and it was transported back to the City.

WHEREAS, the City owns the Artifact pursuant to Common Law. The North Carolina Office of State Archaeology (NC-OSA) has confirmed the City's ownership of the Artifact and that neither the State nor the federal government can lay claim to the Artifact due to the location of its finding and the operation of Common Law. NC-OSA further confirmed that it was unnecessary for the City to make a formal claim to assert its ownership of the Artifact.

WHEREAS, the Partnership for the Sounds, Inc. (PFS) has graciously agreed to display, and has displayed for some time, the Artifact at its Estuarium Education Center known as the North Carolina Estuarium (Estuarium).

WHEREAS, PFS has found said Artifact to be an asset to its Estuarium due to the Artifact's historical value and desires to continue to display the Artifact at the Estuarium.

WHEREAS, the City desires PFS to continue to display the Artifact at the Estuarium.

NOW THEREFORE, in consideration of the foregoing and for and in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, PFS and the City hereby agree as follows.

1. The parties hereto expressly recognize and acknowledge that the Artifact is owned by the City, nothing herein shall be interpreted in any way as affecting or impairing said ownership interest, the Artifact shall not be considered a fixture, and the City shall retain ownership of the Artifact at all times and until as well as after the termination of this Agreement.

AGREEMENT TO LOAN ARTIFACT FOR DISPLAY – Approved by City Council on October 10, 2011

2. The City shall loan and make available the Artifact to PFS and PFS shall have the privilege of displaying the Artifact in the Estuarium at locations to be designated by the Estuarium in order to display the Artifact to its visitors and patrons.

3. PFS shall solely be responsible for setting up and maintaining the display of the Artifact at its sole cost and expense.

4. Upon reasonable notice and not less than forty-five (45) days if the Artifact is on display or fifteen (15) days if the Artifact is not on display, the City, from time to time, may temporarily and/or permanently remove the Artifact at its sole cost as well as expense in a manner prescribed by PFS.

5. Upon reasonable notice and not less than forty-five (45) days if the Artifact is on display or fifteen (15) days if the Artifact is not on display, PFS, from time to time, may temporarily and/or permanently require the City to remove the Artifact at the sole cost and expense of PFS and in a manner prescribed by PFS.

6. Upon the permanent removal of the Artifact at the instance of either party as hereinbefore provided, this Agreement shall terminate.

7. PFS shall treat the Artifact with the utmost consideration and will provide care and protection to the best of its ability. However, it is understood by the City that PFS does not have the capability or facilities to provide special storage, treatment, or security measures beyond the standard operating procedures of the Estuarium.

8. Should the Artifact be damaged due to the negligence of PFS, PFS will be solely responsible for any care, repair, or restoration that is necessary to return the Artifact to its condition prior to such damage, which care, repair, or restoration shall be accomplished at the City's direction.

9. The City shall be responsible for any care, repair, or restoration of the Artifact that is necessary for any reason, including normal wear and tear, other than that which is necessary due to the negligence of PFS.

10. PFS shall include the Artifact under its standard property and liability insurance for loss or damage to the Artifact due to fire, theft, mistreatment, or other cause and shall compensate the City for any such damage or loss to the extent of such coverage. The City's recovery in this instance shall be limited to any proceeds that are actually received by PFS from said insurance coverage and that are attributable to the Artifact.

(Remainder of Page Intentionally Left Blank)

AGREEMENT TO LOAN ARTIFACT FOR DISPLAY – Approved by City Council on October 10, 2011

IN WITNESS WHEREOF, after due authority given, PFS has caused this Agreement to be signed in its name by its Executive Director, and the City has caused this Agreement to be signed in its name by its Manager and attested by its Clerk.

PRE-AUDIT CERTIFICATE

This Agreement has been pre-audited pursuant to North Carolina General Statute § 159-28 in the manner required by the Local Governmental Budget and Fiscal Control Act.

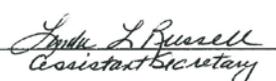

ATTEST

CYNTHIA S. BENNETT, City Clerk

CITY OF WASHINGTON

MATT RAUSCHENBACH,
Chief Financial Officer

CITY OF WASHINGTON
By: 
JOSHUA L. KAY, City Manager


Assistant Secretary

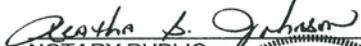
PARTNERSHIP FOR THE SOUNDS, INC.
By: 
JACKIE P. WOOLARD, Executive Director

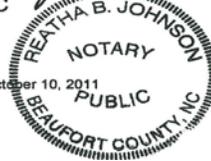
COUNTY OF BEAUFORT
STATE OF NORTH CAROLINA

I, Reatha B. Johnson, a Notary Public of the State and County aforesaid, certify that Cynthia S. Bennett personally appeared before me this day and acknowledged that she is City Clerk of the City Of Washington, a North Carolina municipal corporation, and by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by Joshua L. Kay, its Manager, sealed with its corporate seal and attested by herself as its City Clerk.

WITNESS my hand and official seal, this the 14 day of October, 2011.

My Commission expires: 12/14/2014.


NOTARY PUBLIC



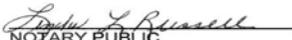
AGREEMENT TO LOAN ARTIFACT FOR DISPLAY – Approved by City Council on October 10, 2011

STATE OF NORTH CAROLINA
COUNTY OF Washington

I, Linda L. Russell, a Notary Public of the County and State aforesaid, certify that Jackie P. Woolard, who is personally known by me or has produced satisfactory evidence of identity, appeared before me this day and acknowledged that she is Executive Director of Partnership for the Sounds, Inc., a North Carolina non-profit corporation, and that by authority duly given executed the foregoing instrument and as the act of the corporation.

WITNESS my hand and official seal, this the 25 day of October, 2011.

My Commission expires: 10/25/2016


NOTARY PUBLIC



APPROVE & AUTHORIZE – CITY MANAGER TO EXECUTE A CHANGE ORDER FOR THE FESTIVAL PARK PHASE 2 CONTRACT (\$10,000) TO A NEW CONTRACT (\$135,750)

(memo from Philip Mobley, Parks and Recreation Director) After a meeting with Mark Smith Architect, Mr. Taylor with Stocks & Taylor and City Staff, it was recommended by Mr. Taylor that the City Staff handle the bidding and the landscaping project. The landscaping allowance within the base bid from Stocks & Taylor was \$10,000 of the total contract bid of \$145,700, for a new contract price of \$135,700.

Original Contract Price	\$145,750
Charge Order (reduction)	(10,000)
New Contract Price	\$ 135,750

A portion of the \$10,000 realized by the above change order will be used to cover the cost of landscaping within the Festival Park Phase 2 put out on bid by City Staff.

Mayor Pro tem Roberson expressed concern with the design and cost of landscaping and wanted to insure the design would stay the same. Mr. Kay stated the only change will be that now staff will take care of the bidding and landscaping for the project instead of the contractor.

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council approved and authorized the City Manager to execute a change order in the amount of (\$10,000) for the Festival Park Phase 2 contract with Stocks & Taylor Construction Co. for a reduced new contract amount of \$135,750.

AUTHORIZE – MANAGER TO AWARD CONTRACT TO CUTLER’S LANDSCAPING AND TREE SERVICES, INC OF WASHINGTON, NC FOR DEBRIS REMOVAL AND APPROVE CORRESPONDING PURCHASE ORDER

Mr. Kay stated that the Public Works staff requested informal bids from five contractors for debris removal from the City owned and maintained cemeteries as a results of Hurricane Irene, as well as removal of one stump from Lawson and Dimock in Smallwood. We were only able to receive two bids. The FEMA Project Specialist handling the City’s claims stated that we had met the bid requirements for this works.

Cutler’s Landscaping and Tree Service, Inc.	\$25,750
Wayne’s Tree Service	\$30,875
Phelps Tree Service	no bid
ENC Lot Development and Tree Service, Inc.	no bid
William’s Tree Service and Landscaping Service	no bid

By motion of Mayor Pro tem Roberson, seconded by Councilman Pitt, Council authorized the Manager to award a contract for debris removal in the amount of \$25,750 to Cutler’s Landscaping and Tree Service, Inc. of Washington, NC and approve the corresponding purchase order.

DISCUSSION – COMMITTEE OF THE WHOLE MEETING SCHEDULED FOR OCTOBER 24, 2011

Mayor Jennings explained that the majority of the Council along with the City Manager will be attending the NCLM Annual Conference from October 23rd-25th and will conflict with the Committee of the Whole which falls on October 24th.

By motion of Councilman Davis, seconded by Councilman Pitt, Council suspended the Committee of the Whole meeting scheduled for October 24th and will meet again on November 14th at 5:30pm.

LEGISLATIVE UPDATES

Councilman Pitt updated Council on the most recent legislative updates and distributed a copy of those updates to all members.

HALLOWEEN FESTIVITIES

The Washington Police Department Presents: The Terrorific Halloween Costume & Spooktacular Pumpkin Decorating Contests at Havens Gardens on October 28, 2011 from 5:30 p.m. to 8:30 p.m.

CHESS TOURNAMENT

Mayor Jennings noted a chess tournament will be held on October 29th at Washington High School.

**CLOSED SESSION – UNDER § NCGS 143-318.11(A)(6) PERSONNEL AND
NCGS § 143-318.11(A)(3) ATTORNEY CLIENT PRIVILEGE**

By motion of Councilman Pitt, seconded by Councilman Moultrie, Council entered into closed session under NCGS§143-318.11(a)(6) Personnel and NCGS§143-318.11 (a)(3) Attorney Client Privilege at 7:30pm

By motion of Mayor Pro tem Roberson, seconded by Councilman Pitt, Council agreed to come out of closed session at 8:00pm.

**ADJOURN – UNTIL OCTOBER 24, 2011 AT 5:30 PM, IN THE COUNCIL
CHAMBERS AT THE MUNICIPAL BUILDING.**

By motion of Mayor Pro tem Roberson, seconded by Councilman Pitt, Council adjourned the meeting until November 14, 2011 at 5:30pm in the Council Chambers at the Municipal Building.

Cynthia S. Bennett, CMC
City Clerk