

The Washington City Council met in a regular session on Monday, May 13, 2013 at 5:30 pm in the City Council Chambers at the Municipal Building. Present were: Archie Jennings, Mayor; Doug Mercer, Councilman; Edward Moultrie, Councilman; Bobby Roberson, Mayor Pro tem; William Pitt, Councilman; Richard Brooks, Councilman; Josh Kay, City Manager; Cynthia S. Bennett, City Clerk and Franz Holscher, City Attorney.

Also present were: Matt Rauschenbach, Administrative Services Director/CFO; Stacy Drakeford, Fire & Police Services Director; Allen Lewis, Public Works Director; Keith Hardt, Electric Director; John Rodman, Community/Cultural Resources Director; Kristi Roberson, Parks and Recreation Manager; Susan Hodges, Human Resource Director; Gloria Moore, Library Director; Lynn Lewis, Tourism Director; David Carraway, IT Department and Mike Voss, Washington Daily News.

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

**APPROVAL OF MINUTES FROM APRIL 15, 19, 22, AND APRIL 25, 2013**

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council approved the minutes from April 15, 19, 22 and 25, 2013 as presented.

**APPROVAL/AMENDMENTS TO AGENDA**

Mayor Jennings reviewed recommended amendments to the agenda:

- Adding under Consent Item C: Accept \$3,000 NFL Football camp grant on behalf of Terrance Copper and Adopt Budget Ordinance
- Add under Section VI Item C: Memo General Fund Budget Transfer – Trees (\$8,750)
- Add under Section X Item H: Accept Deed Conveyance of 45% of the Industrial Park property from the County and Authorize the City Attorney to coordinate suggested revisions
- Add under Section X Item I: Adopt Budget Ordinance amendment to fund clawback of the CDBG Carver Machine Works Grant

By motion of Councilman Moultrie, seconded by Mayor Pro tem Roberson, Council approved the agenda as amended.

**PRESENTATION: COUNCILMAN PITT AND MAYOR PRO TEM ROBERSON – NCLM LOCAL ELECTED LEADERS ACADEMY – RECOGNITION CERTIFICATE**



**CONSENT AGENDA:**

- A. Authorize/Adopt – Repurchase Of Cemetery Lot R-161, Plot 4 In Oakdale Cemetery For \$600.00 And Adopt Budget Ordinance Amendment

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2012-2013**

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

Section 1. That the Estimated Revenues in the Cemetery Fund be increased in the amount of \$600 in the account Transfer from General Fund, account number 39-90-3980-1000.

Section 2. That account number 39-90-4740-4901, Repurchase Cemetery Lots, portion of the Cemetery Fund appropriations budget be increased in the amount of \$600 to provide funds for the repurchase of cemetery lot R-161, plot 4.

Section 3. That account number 10-00-4400-3900, Transfer to Cemetery Fund, Miscellaneous portion of the General Fund appropriations budget be increased in the amount of \$600.

Section 4. That the Estimated Revenues in the General Fund be increased in the amount of \$600 in the account Fund Balance Appropriated, account number 10-00-3991-9910.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This ordinance shall become effective upon its adoption.

Adopted this the 13<sup>th</sup> day of May, 2013.

Attest:

s/Cynthia S. Bennett  
City Clerk

s/N. Archie Jennings, III  
Mayor

B. Approve – Purchase Orders >\$20,000

➤ Requisition #12753, \$32,000, to ST Wooten Corporation for asphalt for street patching, account 10-20-4511-4500.

➤ Requisition #12780, \$25,050, to Edwards Machine & Welding to degrit sewer system, account 32-90-8220-7000.

C. Accept \$3,000 NFL Football camp grant on behalf of Terrance Copper and Adopt Budget Ordinance

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2012-2013**

**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 for the NFL youth football camp in the following account:

10-00-3839-8900	Miscellaneous Revenue	\$3,000
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Section 2. That the General Fund appropriations budget be increased or decreased in the following account:

10-10-4310-3303	Supplies- Football Grant	\$3,000
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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 13<sup>th</sup> day of May, 2013.

Attest:

s/Cynthia S. Bennett  
City Clerk

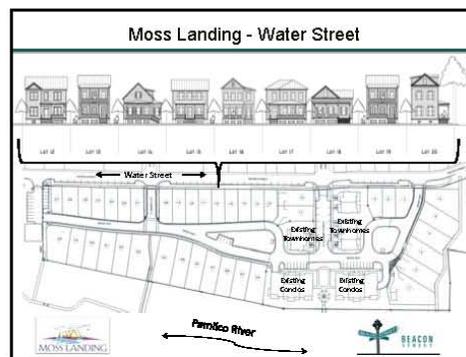
s/N. Archie Jennings, III  
Mayor

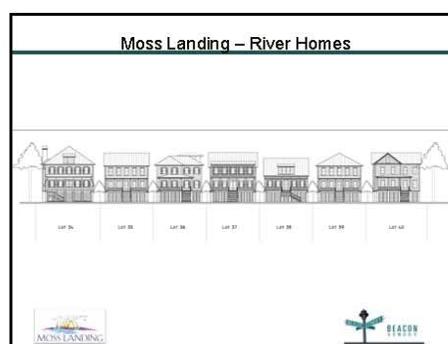
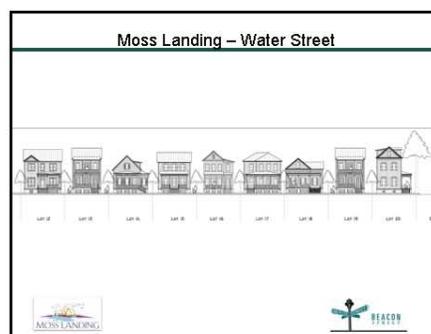
By motion of Councilman Mercer, seconded by Councilman Pitt, Council approved the Consent Agenda as presented.

**SCHEDULED PUBLIC APPEARANCES:**

**JIM WILEY – BEACON STREET – SINGLE FAMILY DEVELOPMENT**

Jim Wiley, President of Beacon Street Development Company, which is a Raleigh based residential developer of neighborhoods, explained they have the balance of the Moss Landing property (undeveloped land) under contract. The development will be a single family home product with parking under the homes.





The current timeline is to close on the property this summer and move quickly with construction thereafter.

**LARRY & KIM WILLIAMS – SEA TOW – LIFEJACKET LOANER PROGRAM**

Mr. Larry Williams of Sea Tow presented the lifejacket loaner program to Council. It is their desire for the City to form a partnership with Sea Tow in order to place a lifejacket loaner stand along the waterfront. The program is to promote wearing lifejackets and the importance of having them on your boat. This is a partnership with the Coast Guard along with grant funds from the Sport Fish Fund and Sea Tow International. This program comes at no cost to the City. Sea Tow will provide the lifejackets, manage the stand and remove it from the waterfront at the end of the season as well as during storms or heavy winds.

By motion of Councilman Pitt, seconded by Mayor Pro tem Roberson, Council authorized the partnership between Sea Tow and the City of Washington for the Life Jacket Loaner Program on the Washington waterfront.



**COMMENTS FROM THE PUBLIC:**

Charles "Skip" Major discussed concerns with noise and safety on Stewart Parkway and in the downtown area. The concerns are contributed to speeding vehicles, loitering, noise and loud vehicles. He also discussed safety issues with speeding vehicles and possible accidents with traffic exiting Bridge Street and speeding down Main Street. He said he doesn't ever remember tickets being written by police officers on West Main Street for speeding. Boaters, cyclist and downtown patrons/merchants do not like the noise and loitering going on in the parking lots downtown.

Scott Siprell, 129 Van Norden Street, echoed Skip Major's concerns with speeding, noise and loitering in the downtown area.

Willie Askew came forward to address sidewalks on Carolina Avenue and requested extending them to the shopping center area in order to keep people from having to walk in the street. Mayor Jennings directed staff to investigate this request. Mayor Pro tem Roberson expressed the issue with the narrowing of the NCDOT right-of-way in that area.

**MEMO – CONTRACTS FOR WATER TREATMENT CHEMICALS**

Contract awarded as follows:

**BID TABULATION**

<u>Vendor</u>	<u>Cost per Unit</u>	<u>Estimated Usage</u>	<u>Item</u>	<u>Chemical</u>	<u>C &amp; S Chemical</u>	<u>DPC Enterprises</u>	<u>Ultrin Solutions</u>	<u>Brenntag</u>
Bid for: Water Treatment Chemicals Opened: 2:00 PM, Friday April 26, 2013								
A. <u>Amerochem</u>								
Potassium Permanganate	\$2.17/lb.	\$ 45,750.00						
Sodium Hexametaphosphate	\$1.07/gal.	\$ 34,240.00						
Anhydrous Ammonia	\$.82/lb.	\$ 7,790.00						
Hydrofluosilicic Acid	\$.3145/lb.	\$ 11,007.50	1	Potassium Permanganate		no quote	no quote	2.17/lb
Liquid Aluminum Sulfate	\$385.00/ton	\$ 32,725.00	2	Sodium Chloride				
Sodium Bisulfite	\$ 2.15/gal	\$ 43,000.00	3	Liquid Chlorine-Ton Cylinders				
			4	Hydrofluosilicic Acid				
B. <u>Cargill Salt</u>			5	Anhydrous Ammonia				
Sodium Chloride	\$105.35/ton	\$179,095.00	6	Liquid Aluminum Sulfate	575.00/ton			
			7	Sodium Hexametaphosphate				2.28/lb
C. <u>Jones Chemical</u>			8	Sodium Bisulfite				
Liquid Chlorine – Ton Cylinders	\$900.00/ton	\$ 16,200.00	9	Sodium Hypochlorite				
D. <u>Sterling Water</u>								
Sodium Hexametaphosphate	\$ 1.089/lb.	\$ 19,602.00						
<b>TOTAL</b>		<b>\$389,409.50</b>						

Recommendation: I recommend that we purchase Item 1,4,5,6,8 and 9 from Amerochem. Item 2 to continue to be purchased from Cargill Salt. Item 3 we continue to purchase from Jones Chemical. Item 7 from Sterling Water.

**BID TABULATION**

Bid for: Water Treatment Chemicals  
Opened: 2:00 PM, Friday April 26, 2013

<u>Item</u>	<u>Chemical</u>	<u>Cargill Salt</u>	<u>Morton Salt</u>	<u>GEO Chemical</u>	<u>Amerochem</u>	<u>Chem South</u>	<u>USALCO</u>	<u>Sterling Water</u>	<u>General Chem.</u>	<u>Jones Chemical</u>	<u>Tanner</u>
1	Potassium Permanganate				2.17/lb	2.80/lb	no quote				
2	Sodium Chloride	105.35/ton	105.35/ton								
3	Liquid Chlorine-Ton Cylinders								900.00/ton		
4	Hydrofluosilicic Acid				.3145/lb						
5	Anhydrous Ammonia				.82/lb						88/lb
6	Liquid Aluminum Sulfate			434.50/ton	385.00/ton				529.00/ton		
7	Sodium Hexametaphosphate				2.28/lb	1.85/lb		1.089/lb			
8	Sodium Bisulfite				2.15/gal						
9	Sodium Hypochlorite				1.07/gal						

Recommendation: I recommend that we purchase Items 1,4,5,6,8 and 9 from Amerochem. Item 2 to continue to be purchased from Cargill Salt. Item 3 we continue to purchase from Jones Chemical. Item 7 from Sterling Water.

**MEMO – WARREN FIELD TERMINAL DESIGN SUBCOMMITTEE**

With the design work having started on the new terminal building at Warren Field, the engineer/architect team would like to meet in the near future with a group of City representatives to review the work done thus far. It had been suggested in an earlier meeting that we possibly have a representative from Council, a member of the Airport Advisory Board and staff oversee this work; At this time, no subcommittee has officially been created.

Councilman Mercer recommended expanding the committee to include two representatives from the general public.

By motion of Councilman Mercer, seconded by Mayor Pro tem Roberson, Council approved the appointment of a subcommittee to work with the architect regarding the design of the Warren Field terminal and to expand the committee to five members (Airport Advisory Board (1), Staff (1), Council (1), General public (2)).

By motion of Councilman Moultrie, seconded by Mayor Pro tem Roberson, Council appointed Doug Mercer as the Council representative for said subcommittee.

By motion of Councilman Mercer, seconded by Mayor Pro tem Roberson, Council appointed Jack Hill as the Airport Advisory Board representative on the subcommittee.

Mayor Pro tem Roberson recommended Gil Alligood as one of the “general public” members of the subcommittee. Mayor Jennings recommended Patrick Nash as the second “general public” member for the subcommittee. By motion of Councilman Moultrie, seconded by Councilman Brooks, Council appointed Gil Alligood and Patrick Nash as the “general public” members for said subcommittee.

**MEMO – JULY 4, 2013 FIREWORKS**

In March of 2012 City Council authorized the City Manager to sign the Release, Hold Harmless and Indemnification agreement with Bridge Harbor, LLC. City Council also authorized the City Manager to sign the Agreement with East Coast Pyrotechnics, INC. The Manager was authorized to sign these agreements for future years as long as the release or agreement did not change. The Release, Hold Harmless and Indemnification Agreement from the City to Bridge Harbor, LLC for the use of Bridge Harbor, LLC's property during the July 4, 2013 has been executed. The Agreement with East Coast Pyrotechnics has also been executed. The City will, again, partner with Lee Chevrolet and the Washington Harbor District Alliance for the July 4th festivities

**MEMO – GENERAL FUND BUDGET TRANSFER – PLANNING AND INSPECTION DEPARTMENTS**

The Budget Officer transferred \$3,000 of funding between the Planning and Inspection departments of the General Fund to provide additional funds needed to mow nuisance lots for the remainder of the fiscal year.

**MEMO – GENERAL FUND BUDGET TRANSFER – CITY MANAGER AND CODE ENFORCEMENT DEPARTMENTS**

The Budget Officer transferred \$9,000 of funding between the City Manager and Code Enforcement departments of the General Fund to provide additional funds needed to demolish abandoned homes. The Budget Officer transferred \$20,000 of funding between the Planning and Code Enforcement departments of the General Fund to provide additional funds needed to purchase a truck that was in the proposed 2013/2014 budget. The Budget Officer transferred \$8,000 of funding between the Planning and Municipal departments of the General Fund to provide additional funds needed to refurbish the kitchen in City Hall that was in the proposed 2013/2014 budget.

**MEMO – GENERAL FUND BUDGET TRANSFER – FIRE AND EMS DEPARTMENTS**

The Budget Officer transferred \$2,700 of funding between the Fire and EMS departments of the General Fund to provide additional funds needed to purchase medical supplies.

**MEMO – GENERAL FUND BUDGET TRANSFER – MISCELLANEOUS AND OUTSIDE AGENCY DEPARTMENTS**

The Budget Officer transferred \$5,000 of funding between the Miscellaneous and Outside Agency departments of the General Fund to provide additional funds needed for the Dock Dogs event.

**MEMO – GENERAL FUND BUDGET TRANSFER – CITY MANAGER AND HUMAN RESOURCES DEPARTMENTS**

The Budget Officer transferred \$3,000 of funding between the City Manager and Human Resources departments of the General Fund to provide additional funds needed for an employee appreciation luncheon planned for May 23<sup>rd</sup>.

**MEMO GENERAL FUND BUDGET TRANSFER – TREES (\$8,750)**

The Budget Officer transferred \$8,750 of funding between the City Manager and Parks & Grounds Maintenance departments of the General Fund to provide additional funds needed to remove and replace the trees that border Jack's Creek.

**PUBLIC HEARING ON ZONING: NONE**

**PUBLIC HEARING – FY 2013-14 BUDGET**

Mayor Jennings opened the public hearing regarding the FY 2013-2014 Budget. City Manager, Josh Kay explained there has been four budget workshops and one Committee of the Whole meeting designated for reviewing the budget.

Comments from the public:

Trent Tetterton questioned why the underground utilities project for the downtown area was removed from the FY 2013-2014 budget. Mayor Jennings explained there were two projects that were presented to be partially funded over at least two years; the Wayfinding Plan and Streetscape/Underground utilities project. Council saw fit to bring forward funding to complete the entire Wayfinding Plan and the streetscape/underground utilities project will be funded at a later time. Councilman Mercer explained this

will allow time to design the project properly for the streetscape/underground utilities project and the impact this work would have on the downtown area during construction.

Beth Byrd, WHDA commended Council for moving forward with the Wayfinding Plan and offered WHDA's assistance whenever/wherever possible.

There being no further comments from the public, Mayor Jennings closed the public hearing.

**COMMENTS FROM THE PUBLIC: Continued**

Joe Taylor expressed concern with noise, speeding and loitering downtown. Mr. Taylor said the Police Department has done a great job in responding to speeding vehicles downtown and noise concerns, but they can't be there all of the time.

Dot Moate commented regarding the noise and loitering downtown, most especially a very loud motorcycle that is constantly speeding downtown.

RECESS 6:15pm-6:20pm

Mayor Jennings requested moving the closed session forward and amend the agenda again to include an additional closed session under NCGS 143-318.11 (a)(6) Personnel.

By motion of Mayor Pro tem Roberson, seconded by Councilman Brooks, Council agreed to amend the agenda to included an additional closed session under NCGS 143-318.11 (a)(6) Personnel.

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

By motion of Councilman Pitt, seconded by Councilman Brooks, Council agreed to enter closed session at 6:30pm under § NCGS 143-318.11(a)(3) Attorney/Client Privilege and 143-318.11(a)(6) Personnel.

By motion of Councilman Moultrie, seconded by Councilman Brooks, Council agreed to come out of closed session at 6:45pm.

**HUMAN RELATIONS COUNCIL**

Fair Housing/ 'Taste of Washington' Event

**Four presenters for the April 9, 2013 Fair Housing Forum:**

- Ms. Mary Curtis, Representative, North Carolina Human Relations Commission
- Mr. David Caddigan, Fair Housing Project, Legal Aid of North Carolina
- Mr. Brandon Madden, Representative, Attorney General Roy Cooper's office
- Mr. Marc Recko, Executive Director, Washington Housing Authority, Inc.

**Restaurants**

- Plantation House
- Kentucky Fried Chicken
- Marabella Pizza & Grill
- Food Lion Highway 264
- Wal-Mart

**WASHINGTON HARBOR DISTRICT ALLIANCE**

**City of Washington Marketing Funds**

As reported in a letter dated April 24<sup>th</sup> and sent to City Council and Mayor, all \$18,000 dollars allotted by the Council through the city funding have been spent as directed. None of those funds have been spent for any general funding matters. A meeting has been set with the Washington Tourism Development Authority, the City and WHDA to review marketing plans by each organization to better coordinate those efforts.

**Maritime Team**

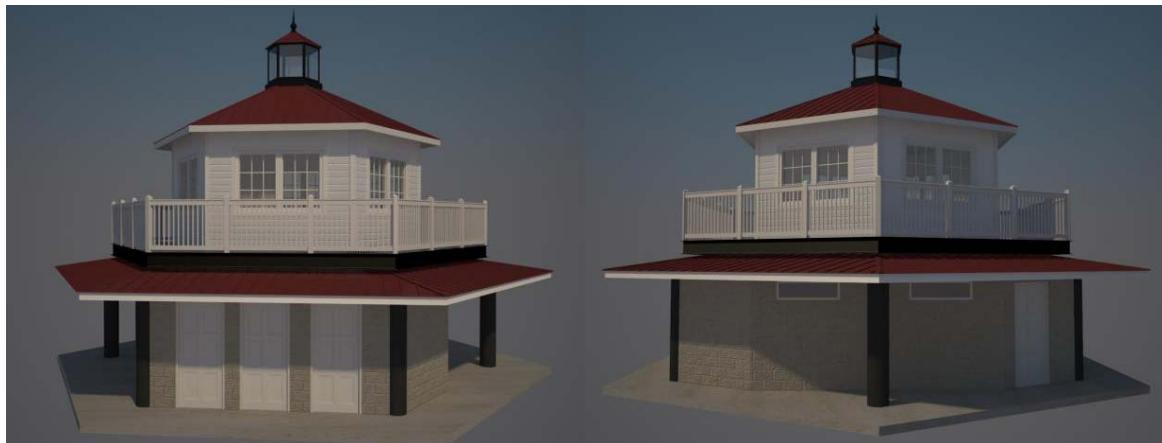
The Maritime Team continues to meet to support their priorities for the improvement of the Washington waterfront. They are working closely with John Rodman on the design and construction of the Lighthouse Boater Facility and bathrooms. The design has been set and the project should be out for bid.

Rendering of design:

At the last Maritime meeting, possible scenarios for the management of the Washington waterfront were discussed. After review this comment was sent to Josh Kay.

On Thursday the WHDA Maritime Team met and discussed several items of importance to the waterfront docks. Mr Rodman made a presentation itemizing six possible ways to organize the management of the waterfront docks. The Maritime Team voted in favor of reorganizing the Waterfront Docks as a separate department under the Community & Cultural Services Director. This was option #4 presented by Mr. Rodman. Fred Watkins Maritime Team Chairman

Other priorities of the team are; keeping true to the plans laid out in the [Washington Revitalization and Reinvestment Strategy](#), Fuel capabilities at the Washington docks, approval by Council for all commercial boating industries to have the ability to use the Washington docks, and the eventual build out of the docks and the people's pier.



**Shop, Dine & Play in Downtown Washington Campaign (New for 2013)**

The first efforts of this campaign were Taste the Good Life and a 10,000 count mail piece Postcard

An 8.5 x 11" postcard was sent to 10,000 homes in Cypress Landing, Parts of Washington and Greenville. This was the first of a series of postcards. The response went well. The next postcard will go out in June. That postcard will go to the same upper income demographic in Greenville but will also include areas in New Bern.

Over 10 eating establishments make the Harbor District a wonderful dining destination! Shop, Dine & Play in Little Washington.

**Washington HARBOR DISTRICT**  
Shop, Dine & Play!

**DOWN ON MAIN STREET**  
CASUAL DINING AT ITS FINEST!  
A fun, affordable, locally owned restaurant with full ABC permits and an awesome menu selection.

**1/2 OFF APPETIZER WITH DINNER PURCHASE**  
Monday - Thursday 11am - 5pm, Friday - Saturday 11am - 10pm, Sunday 12pm - 10pm

**ON THE WATERFRONT**  
Fresh Seafood & Steaks  
Billy's Char-grilled Oysters  
Waterfront Patio Dining  
\$0 Seat Oyster Bar  
Live Entertainment

**ZATONA**  
Authentic, fresh, healthy and delicious Mediterranean fusion cuisine. Full service bar and a large covered deck for outside dining overlooking Washington's historic waterfront.

**Marine Market**  
Anything a Fisherman Needs!  
Join Us on Saturday Parking! Saturday, April 13th 9:00AM - 6:00PM

**Little Shoppes**  
A Unique Shopping Experience!  
Vintage & Modern Furniture  
Home Decor  
Hand Made Pottery

**La Bella SLICES & ICES**  
10% OFF Order of \$10.00 or More!

**Taste the Good Life deemed a success**

The Taste the Good Life event held jointly with the Chamber of Commerce on February 21st in the Washington Civic Center has been reviewed. The event met a number of the goals set; It showcased our restaurants and reinforced the idea that downtown Washington is now a dining destination. It brought out the younger 30 to 40 year olds, which are a very difficult market to reach and it raised money for both organizations.

**Car Show being added to 4th of July Festivities**

Steve Lee of Lee Chevrolet has asked that a car show be included in the plans for the 4th of July festivities. The show will be entitled "Best Old Car Contest". The prizes will include trophies and \$500.00 for first place, 300.00 for second place and 200.00 for third place.

WHDA will also be hosting the band called the Dickens Band, we will have a clown or juggler for the kids, a hot dog eating contest hosted by Coldwell Banker, a corn-hole tournament and food vendors.

**Upcoming Events:**

**Artwalk this Thursday, May 9th**

This event has proved to be very supportive to the downtown merchants. Artwalk fulfills the need of doing smaller events that attract people into the downtown that tend to spend money in the stores.

**Music in the Streets, May 17th**

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Because of rain our first MITS was cancelled. WHDA anticipates big crowds for the one this month. Lavon Drake (Promotions Chair) and Beth Byrd met with Stacey Drakeford to discuss ways to handle emergency situations that could happen at any event. Chief Drakeford is discussing this with staff and will get back to WHDA with best practices should a situation arise (other than dialing 911).

**Merchants**

We are pleased to report that a new retail store, The Pink Buoy has recently opened downtown. It is situated next to another new store called the Cottage Junkies on Market Street.

**Outreach**

In a further effort to reach out to the public to educate them on WHDA and the downtown. Trent Tetterton recently published this article in the Washington Daily News. <http://www.wdnweb.com/2013/04/26/whda-hosts-main-street-managers/>

**Board Continues to Meet:**

The WHDA Board meets every third Wednesday of the Month at 8:30AM at the Chamber of Commerce. The meetings are open to the public and any interested person is invited to attend.

**FINANCIAL REPORTS (EMAILED AS AVAILABLE)**

**APPOINTMENTS: NONE**

Councilman Mercer inquired if Mayor Jennings had reviewed the application for appointment to the Historic Preservation Commission for the vacant position. Mayor Jennings explained that being we are one month away for appointments to all boards, he prefers to make that nomination during that time.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

**ADOPT – RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION FOR A CONTIGUOUS ANNEXATION FROM WIMCO, INC.**

City Manager, Josh Kay explained this is the first step in the voluntary annexation process. On May 1, 2013, Wimco, Inc. presented a petition for a contiguous annexation for a parcel of land. The property contains 2.16 acres and is located on Carolina Avenue just north of 15<sup>th</sup> Street.

By motion of Councilman Mercer, seconded by Councilman Moultrie, Council adopted the resolution directing the City Clerk to investigate a petition for a contiguous annexation received under General Statute 160A-31.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on May 13, 2013 by the Washington City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Washington deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Washington that: The City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

**Attest:**

s/Cynthia S. Bennett  
City Clerk

s/N. Archie Jennings, III  
Mayor

**APPROVE/AUTHORIZE – THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF COOPERATIVE AGREEMENT AND THE NC DIVISION OF COASTAL MANAGEMENT AGENT AUTHORIZATION FORM WITH NC WILDLIFE RESOURCES COMMISSION (MASONS LANDING BOATING ACCESS AREA)**

City Manager, Josh Kay explained the NC Wildlife Resources Commission completed a similar project at Havens Gardens in March of 2012.

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By motion of Councilman Mercer, seconded by Mayor Pro tem Roberson, Council approved and authorized the City Manager to execute the Memorandum of Cooperative Agreement and the NC Division of Coastal Management Agent Authorization Form with the NC Wildlife Resources Commission for the Masons Landing Boating Access Area.

**ADOPT – NCDENR ADOPT-A-TRAIL GRANT**

Josh Kay, City Manager explained NCDENR has approved the City's application for the Adopt-A-Trail Grant to acquire and install an AccuDock canoe launch facility at the Haven's Garden Boat Ramp for the Pamlico-Tar-Blueway System. There is no City match required. This will not affect the boaters or boat ramps. Councilman Mercer asked if we can do this project without consulting with NC Wildlife Commission. Mr. Kay stated this request can be tabled until confirmation is received from the NC Wildlife Commission.

**AMEND – CHAPTER 10, ELECTRIC UTILITY, SECTION 10-45: DEPOSITS OF THE WASHINGTON CITY CODE**

Josh Kay, City Manager explained this is an outstanding codification that Council approved in 2011. There are no revisions from what Council approved June 27, 2011 when Council amended the "Deposits Electric" section of the Fee Manual for the fiscal year 2011-2012 subject to the City Attorneys revision. The policy and Ordinance have been amended consistent with this action.

By motion of Councilman Moultrie, seconded by Mayor Pro tem Roberson, Council amended Chapter 10, Electric Utility, Section 10-45: Deposits of the Washington City Code.

**AN ORDINANCE TO AMEND CHAPTER 10, ELECTRIC UTILITY,  
SECTION 10-45: DEPOSITS  
OF THE WASHINGTON CITY CODE**

**WHEREAS**, North Carolina General Statute § 160A-311 *et seq* grants municipalities the authority to operate public enterprises, including electric power generation, transmission, and distribution systems, as well as to adopt adequate and reasonable rules by ordinance.

**WHEREAS**, Chapter 10, Electric Utility, Article I, In General, Section 10-1, Authority of City Council, vests in City Council the duty to enact and enforce rules and regulations governing the management and control of City properties, including the electric utility.

**WHEREAS**, Chapter 10, Electric Utility, Article I, In General, Section 10-9, Service policies, provides that policies regarding the provision of electric service shall be adopted by City Council.

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Washington, North Carolina as follows.

**Section 1.** That Chapter 10, Section 10-45 – Deposits, be replaced in its entirety with the following.

**Sec. 10-45. Deposits.**

(a) *Residential.*

- i. Any person or entity applying for electric services to be furnished to residential premises shall make a deposit in accordance with a schedule as adopted from time to time and maintained in the City of Washington Fee Manual or, at the city's discretion, in an amount equal to two-twelfths (2/12) of the average annual charges based on utility billing history at the specific location of the service request. Such deposit requirements may be satisfied as follows:

- (1) A cash deposit or a billed deposit over a period not to exceed three (3) months, which deposit shall be refunded by a credit to the customer's account at the end of the first six (6) month period during which the customer has paid at least six (6) bills on time and service has not been disconnected for failure to pay and has not had any returned checks or drafts on the

account;

- (2) Proof that the deposit refund requirements of subsection (a)(i)(1) of this section have been met at another location within the city's system for which the customer is responsible; or
  - (3) A personal, written guarantee of payment by a current city customer who has satisfied the deposit refund requirements of subsection (a)(i)(1) of this section.
- ii. *Increases.* A deposit may be increased or a new deposit may be required, at the city's discretion, after the customer fails to pay a bill in a timely manner three (3) times during any three (3) year period, has service terminated for nonpayment, or has a check or draft returned because of insufficient funds or a closed account. The amount of deposit resulting from any such increase or from the requirement of a new deposit shall be in accordance with the provisions in this section (a).
- (b) *Commercial.*
- i. Any person or entity applying for electric services to be furnished to commercial premises may be required to make a deposit in an amount, if any, to be determined based on that person or entity's credit information along with the history of usage at the service address. Generally, a deposit shall be in an amount equal to two-twelfths (2/12) of the estimated annual charges at the service address. The initial deposit shall be based upon the city's estimate of the customer's anticipated, annual usage. After six (6) billing periods following the initial deposit, the customer's actual usage will be reviewed, and the deposit adjusted, to reflect such actual usage. If the amount of the deposit is decreased, the difference shall be credited to the customer's account. If the amount of the deposit is increased, the difference shall be billed to the customer. At any time after the first six (6) billing periods, the city reserves the right to adjust the then current deposit based upon the customer's actual usage during the preceding six (6) billing periods. Such deposit requirements may be satisfied as follows:
    - (1) A cash deposit or billed deposit, which deposit shall be refunded by a credit to the customer's account at the end of the first twenty-six (26) month period during which the customer has paid at least twenty-four (24) bills on time and service has not been disconnected for failure to pay and has not had any returned checks or drafts on the account;
    - (2) Proof that the deposit refund requirements of subsection (b)(i)(1) of this section have been met at another location within the city's system for which the customer is responsible; or
    - (3) A surety bond or letter of credit that is issued by an entity satisfactory to the city, is in an amount equal to the amount of the required deposit, and is irrevocable for a period of at least twenty-four (24) months from the date of the application.
  - (ii) If the customer chooses to use its credit history at another location(s) to satisfy a deposit requirement, the customer shall designate such location(s). If service is disconnected at any such location for

nonpayment, the city may disconnect service to any or all such locations where the customer is served until the customer pays its account(s) in full and otherwise meets the deposit requirements of this section.

- (iii) *Increases.* A deposit may be increased or a new deposit may be required, at the City's discretion, after the customer fails to pay a bill in a timely manner three (3) times during any three (3) year period, has service terminated for nonpayment, or has a check or draft returned because of insufficient funds or a closed account. The amount of deposit resulting from any such increase or from the requirement of a new deposit shall be established, and be subject to later adjustment, in the same manner as an initial deposit is established, and subject to later adjustment, in accordance with this section (b).
- (c) *Contractors.* Building contractors requesting temporary electric services will not be required to provide a deposit. However, each building contractor or his representative will be required to make a written request that includes, among possibly other things, the date, the location of the service and the name in which the service is requested.
- (d) *Credit, refund, transfer.* When service is disconnected at the customer's request, any deposit on the account shall be credited to the customer's final bill. If there is any balance remaining in a deposit after such a credit is administered, the city will hold the final bill and mail it, along with a city check for such balance, to the customer at the address given by customer. If the disconnected customer does not provide the city with a valid forwarding address, any such balance will be held for thirty (30) days at City Hall before being placed into an inactive status file. Deposit returns only apply to customers who move off the city's system entirely and not to those customers who transfer service from one location to another location within the City's system; in which case, the deposit shall be transferred with the service.
- (e) *Termination of service.* Customers may terminate electric services in person or by phone.

Section 2. All ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall become effective May 13, 2013

This the 13<sup>th</sup> day of May, 2013.

Attest:

s/Cynthia S. Bennett  
City Clerk

s/N. Archie Jennings, III  
Mayor

**APPROVE/AUTHORIZE – IMPRESSIONS LEASE ASSIGNMENT AND RATIFY THE  
MAYOR'S EXECUTION OF THE ASSIGNMENT AND ASSUMPTION OF LEASE  
AGREEMENT**

City Manager, Josh Kay noted that Impressions is being acquired by idX Corporation and has requested to have the lease assigned. A revised lease will be negotiated in the near future. Exhibit A of the Assignment is the existing lease with Impressions and has been omitted from the agenda.

By motion of Mayor Pro tem Roberson, seconded by Councilman Mercer, Council approved, authorized as well as ratified the Mayor's execution of the Assignment and Assumption of Lease Agreement.

**APPROVE/AUTHORIZE – IDX LANDLORD SUBORDINATION AGREEMENT AND RATIFY  
THE MAYOR'S EXECUTION OF THE LANDLORD LIEN SUBORDINATION AGREEMENT**

Impressions is being acquired by idX Corporation and has requested a landlord lien subordination agreement.

By motion of Councilman Mercer, seconded by Mayor Pro tem Roberson, Council approved, authorized as well as ratified the Mayor's execution of the attached Landlord Lien Subordination Agreement.

**APPOINT – MATT RAUSCHENBACH AS ACTING CITY MANAGER**

The last working day for City Manager Josh Kay is May 24, 2013. Newly appointed City Manager Brian Alligood does not start his official duties until July 1, 2013. It is recommended that Matt Rauschenbach be appointed as the Acting City Manager during the period May 24, 2013 through June 30, 2013 and that during this time that he be empowered with all of the duties and responsibilities of the Office of City Manager as set forth in the City Charter, Washington Code of Ordinances, and North Carolina General Statutes.

By motion of Councilman Mercer, seconded by Councilman Moultrie, Council appointed Matt Rauschenbach as the Acting City Manager for the period of May 24, 2013 through June 30, 2013 and that he be empowered with all of the duties and responsibilities of the Office of City Manager as set forth in the City Charter, Washington Code of Ordinances, and North Carolina General Statutes.

**ACCEPT DEED CONVEYANCE OF 45% OF THE INDUSTRIAL PARK PROPERTY FROM THE COUNTY AND AUTHORIZE THE CITY ATTORNEY TO COORDINATE SUGGESTED REVISIONS**

City Manager, Josh Kay noted that the City contributed 45% of the debt service on the Industrial Park property purchase. The agreement required conveyance of a like % of the property to the City when the debt was repaid. The agreement required the City be reimbursed 45% of the proceeds from any property sales. Copies of closing documents related to any property sales have been requested from the County and a report will be provided to Council after review of the closing documents.

Councilman Mercer questioned a particular section of the deed that describe the "grantors primary residence" and noted this property doesn't include a residence. City Attorney, Franz Holscher explained this particular language is required in all deeds and the grantor is required to either confirm or deny that the primary residence is not included in the deed.

By motion of Mayor Pro tem Roberson, seconded by Councilman Brooks, Council accepted the deed conveyance of 45% of the Industrial Park property from the County and authorized the City Attorney to coordinate suggested revisions.



8K.1817 PG 358

INSTRUMENT # 2013002929

FOR REGISTRATION REGISTER OF E  
Jennifer Leggett Whitelburg  
Beaufort County, NC  
May 17, 2013 11:09:20 AM  
Book 1817 Page 358-361  
FEE: \$26.00  
INSTRUMENT # 2013002929

BEAUFORT COUNTY LAND RECORDS

ROUTING FORM 39242

MMA 4-11-13  
Land Records Official Date

NO REAL ESTATE  
TAX PAID

PREPARED BY: MAYO & MAYO ATTORNEYS AT LAW 102 WEST 2ND STREET WASHINGTON, N.C 27889  
NORTH CAROLINA  
BEAUFORT COUNTY

THIS DEED, Made and entered into this the 15<sup>th</sup> day of April, 2013 by and between **THE COUNTY OF BEAUFORT**, A body corporate and politic of the State of North Carolina, with offices located at 121 West Third Street, Washington, NC 27889, hereinafter referred to as party of the first part; to **CITY OF WASHINGTON**, a municipal corporation existing pursuant to and by virtue of the Laws of the State of North Carolina, with offices located at 102 East Second Street, Washington, NC 27889, hereinafter referred to as party of the second part;

W I T N E S S E T H :

That the said party of the first part pursuant to resolution of its governing board adopted April 15, 2013 at a special called meeting and under the provisions of Chapter 160A, Section 274(b), of the General Statutes of North Carolina and Interlocal Agreement dated June 5, 2001 as amended with the City of Washington, did approve conveyance of the property hereinafter described as provided in the aforesaid Interlocal Agreement and in consideration of the sum of Ten Dollars and other good and valuable consideration paid by said party of the second part, the receipt of which is hereby acknowledged, does bargain, sell and convey an undivided forty-five (45%) percent interest unto the

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said party of the second part, its successors and assigns, the following parcel or tract of land located in the City of Washington, Beaufort County, North Carolina, more particularly described as follows:

It being all of Tract "A" containing 124 acres as the same is shown on map entitled "Beaufort County Economic Development Commission (Portion of J.D. Briley Property), dated August 1, 2001, prepared by Mayo & Associates, P.A., a copy of which is recorded in Plat Cabinet F, Slide 84-8, Beaufort County Registry, and also platted on Map of Beaufort County Industrial Park dated June 20, 2002 of record in Plat Cabinet G, Slide 51-10, Beaufort County Registry and being the same as was conveyed to Beaufort County by J.D. Briley and wife, Glenda Briley by Deed Book 1230, Page 31 to which further reference is herein made and incorporated for a more complete and detailed description.

BUT SAVING and EXCEPTING therefrom the following parcels:

1. A recombination of Lot One (1) and a portion of Lot Two (2) now designated as being all of Lot No. 1 & 2A, Beaufort County Industrial Park containing 10.00 acres by coordinates excluding Rd., R/W, and being the same as shown on map dated April 16, 2012 entitled "Lot 1 & 2A-Beaufort County Industrial Park" prepared by Mayo & Associates, PA of record in Plat Cabinet H, Slide 85-10, Beaufort County Registry, as was conveyed to A. E. Holding, LLC in Deed Book 1784, Page 307 to which map reference is herein made and incorporated for a more complete and detailed description.

2. Parcel 4 consisting of 8.452 acres conveyed to STEC No. 06-3015 LLC of record in Deed Book 1532, Page 909 in Plat Cabinet G, Slide 43-8, Beaufort County Registry.

3. Parcels 7A & 7B consisting of 4.072 acres and 1.50 acres as was conveyed to Brooks Boat Works Inc. of record in Deed Book 1449, Page 498 and Deed Book 1583, Page 281 in Plat Cabinet G, Slide 51-10, Beaufort County Registry.

4. Parcel 8 consisting of 5.79 acres conveyed to Blue Goose, LLC of record in Deed Book 1811, Page 798 and Parcel 9 consisting of 6.656 acres of record in Book 1811, Page 777 in Plat Cabinet G, Slide 51-10, Beaufort County Registry.

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5. Parcel 12 consisting of 7.002 acres conveyed to Egret Boats, LLC of record in Book 1490, Page 569 in Plat Cabinet G, Slide 51-10, Beaufort County Registry.

6. Parcel 13 consisting of 5.0 acres conveyed to the Committee of 100 of record in Book 1354, Page 924 in Plat Cabinet G, Slide 43-8 and Plat Cabinet G, Slide 51-10, Beaufort County Registry.

TO HAVE AND TO HOLD a forty-five (45%) percent interest in the aforesaid parcel or tract of land and all privileges and appurtenances thereunto belonging unto the said party of the second part and its successors and assigns in fee simple, forever, but SUBJECT to the following:

1. Such easements and rights of ways of record in Plat Cabinet G, Slide 51-10 and Industrial Park restrictions of record in Book 1230, Page 61, Beaufort County Registry.

2. Non-compliance with any local, county, state or federal governmental laws, ordinances or regulations relative to zoning, subdivision, occupancy, use, construction or development of the subject property.

3. The above described property **DOES NOT** include the Grantor's primary residence.

And the said party of the first part does covenant that it is seized of said premises in fee and has the right to convey a forty-five (45%) percent undivided interest in fee simple subject to the foregoing exceptions and restrictions, and that subject thereto, the same is free from incumbrances.

IN TESTIMONY WHEREOF, the County of Beaufort said party

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of the first part has caused this Deed to be executed in its official name by its Chairman, attested by its Secretary, and its official seal to be hereunto affixed, all pursuant to proper authority duly given.



THE COUNTY OF BEAUFORT  
BY: Jerry Langley  
JERRY LANGLEY, CHAIRMAN

Sharon C. Singleton  
SHARON C. SINGLETON, CLERK

NORTH CAROLINA  
BEAUFORT COUNTY

I, Bashonda B. Dalberry a Notary Public in and for the County and State aforesaid, do hereby certify that SHARON C. SINGLETON, personally appeared before me this day and acknowledged that she is the Clerk of THE COUNTY OF BEAUFORT, and that by authority duly given and as the act of the County of Beaufort, the foregoing instrument was signed in its name by its Chairman, sealed with its official seal and attested by herself as its Clerk.

Witness my hand and Notarial Seal, this the 16<sup>th</sup> day of May, 2013.

Bashonda B. Dalberry  
NOTARY PUBLIC

My Commission Expires: January 9, 2018



**ADOPT BUDGET ORDINANCE AMENDMENT TO FUND CLAWBACK OF THE CDBG CARVER MACHINE WORKS GRANT**

City Manager, Josh Kay noted that Carver Machine Works did not generate the required jobs to be in compliance of the CDBG Grant for sewer expansion down River Road to their facility. The City and the County indemnified Carver from any clawback and as a result are equally responsible. Our portion is \$111,141.61. The payback can occur with a onetime payment from the Sewer Fund or over three years from the same fund.

A motion was made by Councilman Pitt to adopt a budget ordinance amendment to fund the clawback of the CDBG Carver Machine Works and payback funds at one time. Motion dies for lack of a second.

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council adopted a budget ordinance amendment to fund the clawback of the CDBG Carver Machine Works grant over a three year period.

Mayor Jennings thanked everyone involved for their work on this project.

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF WASHINGTON, N.C. FOR THE FISCAL YEAR 2012-2013**

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

Section 1. That the Estimated Revenues in the Sewer Fund be increased by the following amount to pay the clawback of the Carver Machine Works CDBG grant:

32-90-3991-9910 Fund Bal. Appropriated \$ 111,142

Section 2. That the Sewer Fund appropriations budget be decreased by the following amount:

32-90-6610-5703 CDBG Clawback Carver Machine \$ 111,142

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 13<sup>th</sup> day of May, 2013.

Attest:

s/Cynthia S. Bennett  
City Clerk

s/N. Archie Jennings, III  
Mayor

**ANY OTHER ITEMS FROM CITY MANAGER: None**

**ANY OTHER BUSINESS FROM THE MAYOR OR OTHER MEMBERS OF COUNCIL**

**DISCUSSION – LOITERING/LOUD MUSIC DOWNTOWN/WATERFRONT**  
**(COUNCILMAN PITT)**

Councilman Pitt discussed the behavior and actions going on in our waterfront area. There are citations being written, not only is speeding and noise and issue, but vandalism as well to park benches, etc.

Councilman Mercer suggested have an officer patrol the downtown and Haven's Gardens area on a regular basis during Friday and Saturday nights. Discussion was held regarding possible installation of speed humps on the parkway.

Mayor Jennings suggested closing the parking lot at Haven's Gardens at the same time the restrooms are closed. Mr. Kay explained that when the groups are moved from one area to another then they make the triangle from the waterfront, Haven's Gardens and to the mall area and back again. Mayor Pro tem Roberson also suggested looking at the parking lot near Back Water Jacks. Councilman Moultrie suggested posting signs regarding the noise ordinance, loitering, speeding, etc.

Stacy Drakeford, Director of Police and Fire Services explained the history of the issues downtown. When he came to the City the citizens felt the Police Department was picking on the children so he took another approach to the problem instead of moving the children from location to location by giving verbal warnings. In the last few months, citations have been written for speeding, loitering, littering and open containers of alcohol. At this time we are in the process of trying another approach. More officers have been placed in the downtown area, but the children aren't getting the message. It is now time to be more aggressive. Trying to get the kids to police themselves, is not working. Instead of giving out so many warnings, we are now writing citations. Director Drakeford stated, "we will solve this problem" and we are trying to change a behavior with technical tools such as citations.

Mayor Pro tem Roberson inquired about the possibility of a bicycle officer. Director Drakeford explained he is in the process of getting an officer certified for this position, but until then, foot patrol has been increased.

**STATUS OF 911**  
**(COUNCILMAN BROOKS)**

Councilman Brooks inquired about the status of the 911 change from the City to Beaufort County. Mr. Kay explained that Director Drakeford will provide an update at a later time to Council regarding his perception of the transfer of 911 from the City to the County.

**ADJOURN – UNTIL MONDAY, MAY 20, 2013 AT 12:00 NOON IN THE COUNCIL**  
**CHAMBERS AT THE MUNICIPAL BUILDING**

By straw poll, Council was in agreement to pass the budget on May 20<sup>th</sup>.

By motion of Mayor Pro tem Roberson, seconded by Councilman Brooks, Council adjourned the meeting until Monday, May 20, 2013 at 12:00 noon in the Council Chambers at the Municipal Building.

\_\_\_\_\_  
Cynthia S. Bennett, CMC  
City Clerk