



AUGUST 13, 2012
5:30 PM

Opening of Meeting

Nondenominational Invocation

Roll Call

Approval of minutes from July 23, 2012 **(page 4)**

Approval/Amendments to Agenda

I. Consent Agenda:

- A. Accept/Adopt – Cornerstones of Science Grant **and** Adopt Budget Ordinance Amendment (\$675) **(page 26)**
- B. Approve – Revision of the assigned pay grade for Municipal Code Enforcement Officer Pay Grade **(page 28)**
- C. Adopt – Budget Ordinance Amendment to appropriate funds for expenses related to Gustnado **(page 29)**
- D. Approve – Purchase Orders >\$20,000 **(page 32)**

II. Comments from the Public:

III. Public Hearing on Zoning: **6:00 PM**

- A. None –

IV. Public Hearing – Other:

- A. None –

V. Scheduled Public Appearances:

- A. Steve Murray – Hunger Action Month
- B. Richard Andrews – PTRF Camping Platforms
- C. Joe Davis – Appeal **(page 36)**
- D. Jason Briley – Quarterly Update Northgate

VI. Correspondence and Special Reports:

- A. Memo – ECU Research Vessel Riggs Dockage **(page 42)**



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- B. Memo – Budget Transfer (**page 44**)
- VII. Reports from Boards, Commissions and Committees:
 - A. Human Relations Council (**page 46**)
 - B. Washington Harbor District Alliance (**page 48**)
 - C. Financial Reports (**emailed as available**)
- VIII. Appointments:
 - A. Appointments – to Various Boards, Commissions, and Committees (**page 50**)
- IX. Old Business:
 - A. Approve – City of Washington Logo (**page 59**)
 - B. Accept/Adopt – Planning Board recommendation **and** Adopt an ordinance to amend Article V, Housing, of the Code of Ordinances to update the Minimum Housing Code (**page 60**)
 - C. Adopt – Final Budget Ordinance and Project/Grant Ordinance Amendments for FY 11/12 (**page 85**)
- X. New Business:
 - A. Approve – Request to waive Elizabeth II Dock Fees (**page 88**)
 - B. Adopt – Budget Ordinance Amendment for Stormwater Improvement Project (\$14,494) (**page 90**)
 - C. Adopt – Budget Ordinance Amendment for the Electric Fund (**page 93**)
 - D. Accept/Authorize/Adopt – Grant Award and Authorize City Manager to sign grant agreement **and** Adopt Project Budget Ordinance (\$200,000) (**page 95**)
 - E. Adopt – Agreement to participate in a Regional Hazard Mitigation Plan (**page 113**)
 - F. Adopt – Declaration of Official Intent to Reimburse for FY 12/13 installment purchase expenditures (**page 124**)



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- G. Accept/Approve – Bid and Approve a Resolution stating the intent of the City of Washington to lease certain surplus real property at Warren Field Airport located on Airport Road (**page 127**)
- XI. Any Other Items From City Manager:
A. None
- XII. Any Other Business from the Mayor or Other Members of Council
A. Discussion – Ban the Box campaign
B. Discussion – Legislative update 2011/12 and announcement of vacancies of the League Board of Directors
C. Discussion – Exempt/non-exempt status of employees at pay-grade 22 and above
- XIII. Adjourn – Until Monday, August 27, 2012 at 5:30 pm, in the Council Chambers at the Municipal Building.

The Washington City Council met in a regular session on Monday, July 23, 2012 at 5:30pm in City Council Chambers at the Municipal Building. Present were: Archie Jennings, Mayor; Doug Mercer, Councilman; Ed Moultrie, Councilman; William Pitt, Councilman; Richard Brooks, Councilman; Bobby Roberson, Mayor Pro tem; Josh Kay, City Manager; Cynthia Bennett, City Clerk and Franz Holscher, City Attorney.

Also present were: Matt Rauschenbach, Administrative Services Director/C.F.O.; Robbie Rose, Fire Chief; Allen Lewis, Public Works Director; Gloria Moore, Library Director; John Rodman, Interim Community and Cultural Services Director/Planning Director; Stacy Drakeford, Interim Fire and Police Services Director; Susan Hodges, Human Resources Director; Keith Hardt, Electric Director; Lynn Lewis, Tourism Director; David Carraway, IT; Kristi Hardison, Parks and Recreation Manager and Mike Voss, Washington Daily News.

Mayor Jennings called the meeting to order and Mayor Pro tem Roberson delivered the invocation.

Councilman Mercer introduced, Timmy Baynes, Executive Director of Mid-East Commission.

APPROVAL OF MINUTES

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council approved the minutes of June 11, 18 & 25, 2012 as presented.

APPROVAL/AMENDMENTS TO AGENDA

Mayor Pro tem Roberson requested adding under Item XII.G: Discussion of airport update.

City Manager, Josh Kay requested the following amendments to the agenda:

1. Closed session under NCGS 143-318.11(a)(6)Personnel
2. Purchase order under the consent agenda for \$21,086.00 to Whitehurst & Son Fence Co. for fence repairs at Warren Field Airport as a result of damage from the gustnado on 7-1-12, account 37-90-4530-5740.

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

PRESENTATION: CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING – 16th CONSECUTIVE YEAR



CONSENT AGENDA

By motion of Councilman Pitt, seconded by Councilman Brooks, Council approved the consent agenda as presented.

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

*Requisition #11643, \$34,151.54 to Atlantic Power Systems of NC for peak shaving generator service contract, account 35-90-8370-1600.

*Requisition #11687, \$23,383.50 to Survalent Technology for a three year support agreement of the SCADA system, accounts 30-90-8100-1603, 32-90-8220-1603, 32-90-8230-1603, 35-90-8370-4500.

*Requisition #11764, \$21,086.00 to Whitehurst & Son Fence Co. for fence repairs at Warren Field Airport as a result of damage from the gustnado on 7-1-12, account 37-90-4530-5740.

**PENNY SERMONS & RANDALL WOODRUFF –
BEAUFORT COUNTY TRICENTENNIAL CELEBRATION**

Beaufort County Manager, Randall Woodruff and Tri-centennial Celebration member, Penny Sermons reviewed the scheduled events listed below.



EVENT	LOCATION	DATE
82 Airborne All American Chorus	Southside High School	August 15, 7:00 – 8:30 pm
BCAC Exhibit Artifacts representing the county's history	Washington Civic Center	September 6
NC Symphony, Craig Woolard Band, Heritage Day	Washington Waterfront, Festival Park	September 22 Noon-9:00
Quilt Show	Washington Civic Center	September 28, 10:30
Smoke on the Water	Washington	October 26- 27
ECSU Choir Elizabeth City State University	Northside High School	December 6, 7:00

COMMENTS FROM THE PUBLIC

Susan Murrell asked if a discussion was going to be held regarding Ruth's House. John Rodman, Planning Director advised that this discussion would be held at the Board of Adjustment meeting on August 16th.

Charles Daniels, discussed drainage & flooding issues at Iron Creek that have been going on for nine years. Council members explained that this issue has been going on long enough and it's time to fix it. Mr. Daniels asked if the City has given permission to Rick Stevens to proceed with the next phase in the development. Mayor Jennings stated permission would not be granted for the next phase until Mr. Stevens resolves the issues with drainage. Allen Lewis, Public Works Director explained that his staff could remove the silt in the drainage pipe and will also look at any possible issues with beavers or blockages. Mr. Lewis noted that this portion of the subdivision is built in a very low lying area and the roads are only 7 feet above sea level which makes it difficult for the water to drain. The innovative storm drainage techniques used by the developer on this portion of the development apparently do not work as hoped.

DELAY ADOPTION – DELAY ADOPTION OF THE ANNEXATION ORDINANCE TO EXTEND THE CITY OF WASHINGTON CORPORATE LIMITS FOR NON-CONTIGUOUS PROPERTY OWNED BY EASTERN PRIDE, INC. UNTIL THE APPROVAL OF AN ANNEXATION AGREEMENT WITH THE TOWN OF WASHINGTON PARK

At the June 11, 2012 City Council Meeting, Council adopted a resolution calling for a public hearing on the request for an annexation of the non-contiguous property currently owned by Eastern Pride. The property is located at 620 River Road and containing 1.76 acres.

Mayor Jennings opened the public hearing. John Rodman, Planning Director explained this is a voluntary annexation petition from Eastern Pride. It is the City's policy that any commercial activity that requires/requests city water/sewer is required to submit a petition for annexation. Certain standards have to be met for annexation to be granted. One of those standards is that a parcel of property can't be located closer to one municipality than it is to the municipality that is annexing the property. If that occurs, then an annexation agreement with the other municipality (Washington Park in this situation) must be approved. Washington Park prefers that the agreement include just a single parcel. It is suggested that the annexation ordinance be delayed until the annexation agreement can be drafted with Washington Park. Mr. Rodman stated that the City would not be required to hold an additional public hearing on the annexation ordinance, although a public hearing would have to be held to approve the annexation agreement.

Mayor Pro tem Roberson inquired if the jobs created at Family Dollar would count toward the required number of jobs for the Carver Machine Works grant obligation? Mr. Kay explained that the jobs can be counted through the Rural Center grant only.

There being no public comments, Mayor Jennings closed the public hearing. No action was taken and the adoption of the annexation ordinance was delayed until further notice. City Manager, Josh Kay will forward the draft annexation agreement to Council for their review.

MEMO – LOAD MANAGEMENT DEVICE INSTALLATION REPORT

Load Management Device Installation Report

Project Start Date : October 2010

	June 2012	Project to Date
Total Load Management Device Installations	56	1434
Total Accounts Added with Load Management	53	1116
Appliances Control Installations		
Air Conditioner / Heat Pump	53	1170
Auxiliary Heat Strip	43	582
Electric Furnace	0	221
Water Heater	49	900
Total Encumbrances to Date		
Load Management Devices		\$66,550
Contractor Installations		\$160,000
Total Project Encumbrances		\$226,550
Total Expenses to Date		
Load Management Device Purchases		\$66,550
Contractor Installation Expenses	\$7,850	\$155,560
Total Project Expenses		\$222,110
Average Cost per Load Management Device Installed		\$154.89
Average Installed Cost per Controlled Appliance		\$77.31
Load Management Devices Remaining in Stock	66	

Councilman Mercer expressed concern with some of the data in the load management report.

MEMO – WATER AND SEWER BUDGET TRANSFER

The Budget Officer transferred \$1,322 of finding between divisions of the Water Fund and \$4,144 between divisions of the Sewer Fund in order to cover overspent departments with inter-departmental funds, thus avoiding additional appropriations.

Councilman Mercer asked when the June financial reports would be distributed. Mr. Rauschenbach explained that the preliminary report will be sent out by the end of the week.

MEMO – REPORTING OF REALLOCATION OF FUNDING – GENERAL FUND, WATER FUND, SEWER FUND, STORM WATER FUND, AND ELECTRIC FUND

The following reallocations of funding between divisions within the General Fund, Water Fund, and Electric Fund have been approved by the City Manager in order to cover overspent departments with inter-departmental funds, thus avoiding additional appropriations:

General Fund:

-Decreased Miscellaneous Department by \$65,000
-Decreased Police Department by \$19,910
Total Departmental Decreases - General Fund \$84,910

-Increased Mayor’s Office Department by \$383
-Increased Human Resources Department by \$2,955
-Increased Equipment Services Department by \$23,500
-Increased Street Maintenance Department by \$22,842
-Increased Street Lighting Department by \$1,000
-Increased Public Works Director Department by \$810
-Increased Storm Water Improvements Department by \$10,000
-Increased Recreation Administration Department \$23,420
Total Departmental Increases - General Fund \$84,910

Water Fund:

-Decrease Water Treatment Department by \$2,075
-Increase Water Construction Department by \$2,075

Electric Fund:

-Decrease Purchase Power Department by \$205,800
-Increase Debt Service Department by \$168,000
-Increase Miscellaneous Department by \$37,800
Total Departmental Increases – Electric Fund \$205,800

HUMAN RELATIONS COUNCIL



*102 East 2nd Street
 Washington, NC 27689
 Phone: 252-975-1280
 Fax: 252-974-6461*

**Human Relations Council (HRC) Report for the month of June
 Monday July 23, 2012 City Council Meeting**

MISSION STATEMENT

- To promote social and economic equality in the community, working with Local Government and other resources
- To appreciate the cultural and ethnic diversity of the citizens of Washington and Beaufort County
- To encourage citizens to live and work together in harmony and mutual respect

Scheduled Public Appearances: – Mr. Buzz Cayton representing DV HELP Inc. submitted a report on Domestic Violence. Mr. Cayton voiced State law requires you to operate a shelter 12 months before funding. At the end of the year you will qualify for grant funding. Mr. Cayton advised Representative Bill Cook is working on changing the State law requirement – House Bill 757. If this happens, each county would be eligible for funding and counties could partner together. Currently, we are trying to accomplish providing temporary shelter. Three counties would like to partner together, Martin and Washington County (Martin County contacted us along with the Mayor in Plymouth).

The mission of DV Help Inc. is to assist and support victims of domestic violence, sexual assault and rape in order to nurture individual independence and restore human dignity. This is accomplished by providing the following services:

- 24-hour domestic violence/sexual assault crisis line
- DV HELP emergency shelter
- Medical and legal assistant/accompaniment
- Non-judgmental counseling
- Confidentiality
- Referral and information (DV Help Inc. is partnering with Path Ways to Life – Path Ways to Life have agreed to tall all of our clients and will be providing this service to Washington without charge *with the nearest office being in Greenville. Mr. Cayton advised if we create enough need they are willing to put an office in Washington.
- Provision of basic necessities
- Children’s and parent’s programs
- Health and general education programs
- Support Groups
- Workshops and seminars
- Educational program for men who batter

SEAFORD COUNTY
 Hospital, Community
 and In-Home Mental Health Services
 for Adults and Children



1202 E Firetower Rd
 Greenville, NC 27858
 tel 252 695 0268
 www.pwstolife.com

April 26, 2012

To Whom It May Concern:

Pathway to Life, Inc. is excited to partnership with Domestic Violence/Sexual Assault H.E.L.P., Inc. to provide care to the Beaufort and Martin County Community. Our agency is committed to provision of the following for those who qualify: comprehensive intake assessments, medication evaluations, treatment planning, case management, counseling/therapy services, and additional enhanced services. Individuals who can best be served by alternative providers or supports will be referred and linked to ensure appropriate level of care.

Pathways to Life, Inc. adheres to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The HIPAA Privacy Rule provides federal protections for personal health information held by covered entities and gives patients an array of rights with respect to that information. Coordination of care is an integral part of service, and Pathways to Life, Inc. accomplishes this via written Release of Information signed by client/legal guardian. As an active provider of mental health services, Pathways to Life, Inc. maintains liability insurance.

Pathways to Life, Inc. is privileged to be part of the Domestic Violence/Sexual Assault H.E.L.P., Inc. project. Together we can assist individuals in developing and building successful futures. If you have any questions or concerns, please do not hesitate to contact Varinia Soler, Hispanic Relations Coordinator, at (252) 695-0269 (x2004) or via e-mail at vsoler@pwstolife.com.

Sincerely,


 LaMont Chappell
 CEO of Pathways to Life, Inc.

Ms. Kimberly Grimes, Crime Prevention Outreach Manager updated Human Relations Council members on the upcoming "Summer Football Camp" and National Night Out. National Night Out has been scheduled for August 7th from 4-8 pm at Beebe Memorial Park.

Update – Multicultural Festival 2012 – Board member Howard voiced a meeting had been scheduled with former board member Nattalie Castro on Friday, June 15, 9:30 am at the Mid-East Commission Office.

Request – Martin County Community Action Board – Seeking two members from Beaufort County for representation on their board. Contact: Mr. Reginald Speight at 252.792.7111 ext. 34.

FYI – items addressed at this time – inclusive of May report to City Council and the Special Assistance Program offered through DSS (Utilities Assistance – contact Andrea Starkey at 252.975.5500, appointments & utility bill discussion.

FINANCIAL REPORTS (EMAILED AS AVAILABLE)

Mr. Rauschenbach explained that the preliminary report will be sent out by the end of the week.

APPOINTMENTS – TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES

By motion of Mayor Pro tem Roberson, seconded by Councilman Brooks, Council appointed Raymond Freeman to the Board of Library Trustees, to fill the expired term of Mima Dixon, term to expire June 30, 2018.

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council reappointed Mara Graves to the Board of Library Trustees, term to expire June 30, 2018.

By motion of Councilman Mercer, seconded by Mayor Pro tem Roberson, Council appointed Karen Tripp to the Animal Control Appeal Board to fill the expired term of Inez Kosto, term to expire June 30, 2015.

The appointments to the Historic Preservation Commission and Electric Utilities Advisory Board were continued until August 13th.

*Recess 6:25pm - 6:35pm

AWARD/AMEND – DEMOLITION CONTRACT FOR THE STRUCTURE LOCATED AT 507 WEST 2ND STREET AND AMEND THE BUDGET ORDINANCE

City Manager, Josh Kay noted staff was directed to rebid the demolition contract for the structure located at 507 West 2nd Street. The recommendation from staff is that Council approve the lowest bid, which was from Roanoke Electric Corp. in the amount of \$14,700 and adopt the budget ordinance amendment to increase funds for contract services and demolition of buildings or structures for \$15,000.

Offered property for sale 1st Bid offering -bid removed
2nd Bid offering -none received

Historic Preservation Commission granted COA April 3, 2012

Adopted demolition ordinance—June 11, 2012

TJ’s Marine Construction	\$24,600
At Your Service	\$17,000
Roanoke Electric Corp.	\$14,700
St. Clair Trucking and B.E. Singleton failed to submit bids.	

By motion of Councilman Moultrie, seconded by Mayor Pro tem Roberson, Council awarded the demolition contract for the structure located at 507 West 2nd Street to the lowest responsible bidder, Roanoke Electric Corporation, in the amount of fourteen thousand seven hundred dollars (\$14,700) and adopted the budget ordinance amendment for the City of Washington to increase funds for Contract Services -House Demolition by \$15,000.

Councilman Mercer requested a submission date and penalty clause be included in the contract. Councilman Brooks stated a neighbor would like a time line or notice of when the house will be demolished. Mr. Kay stated they will have Roanoke Electric communicate with staff and staff will communicate with neighbors.

**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 account number 10-00-3991-9910, Fund Balance Appropriated portion of the General Fund revenue budget be increased in the amount of \$8,389 to provide funds for the demolition of the house on 507 West Second St.

Section 2. That account number 10-10-4350-4500, Contract Services- House Demolition, Code Enforcement portion of the General Fund appropriations budget be increased in the amount of \$15,000.

Section 3. That account number 10-00-9990-9900, Contingency, Contingency portion of the General Fund appropriations budget be decreased in the amount of \$6,611.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall become effective upon its adoption.

Adopted this the 23rd day of July, 2012.

Attest:

s/Cynthia S. Bennett, CMC
City Clerk

s/N. Archie Jennings, III
Mayor

ACCEPT/AUTHORIZE/ADOPT – GRANT AWARD AND AUTHORIZE CITY MANAGER TO SIGN GRANT AGREEMENT AND ADOPT PROJECT BUDGET ORDINANCE

Mayor Jennings explained this item addresses the old Health Department building located at 403 North Harvey Street adjacent to Jacks Creek. City Manager, Josh Kay reviewed the total grant amount is \$185,021, a Federal FEMA Grant of \$138,766 and a City contribution of \$46,255.25. The City purchased this property for \$68,000 more than a year ago and it is anticipated this will be the City’s match.

By motion of Councilman Pitt, seconded by Mayor Pro tem Roberson, Council accepted the grant award from the NC Department of Public Safety, Division of Emergency Management, adopted the project budget ordinance in the amount of \$185,021, and authorized the City Manager to sign the Pre-Disaster Mitigation Grant Agreement.

ADOPT – ELECTRIC RATE SCHEDULES

Electric Utilities Director, Keith Hardt explained the two electric rate schedules provided in the agenda package:

1. Generating Facilities Service Schedule
2. Excess Facilities Charge Rate Rider

The Excess Facilities Charge Rate Rider provides for the monthly payment by the customer to cover the installed cost and maintenance of facilities installed for the customer that are above and beyond the standard offer installation. This Rate Rider is a new rider in its form, although the practice of an excess facilities charge is currently in use and covered by our operating guidelines and conditions of service.

Councilman Mercer expressed concern with the Excess Facilities Charge Rate Rider not being addressed in the fee schedule. Mr. Hardt explained this was operating procedure long before his employment with the City. Mr. Kay stated it would be implemented and placed in the fee schedule.

By motion of Councilman Pitt, seconded by Councilman Brooks, Council adopted the Generating Facilities Service Schedule (Schedule GF1) and the Excess Facilities Charge Rate Rider (Schedule EFC) to be effective for electric service billed on or after 1 August 2012. Motion carried 4-1 with Councilman Mercer opposing.

ADOPT – BUDGET ORDINANCE AMENDMENT FOR OXIDATION DITCH REPAIRS AT THE WASTEWATER TREATMENT PLANT

City Manager, Josh Kay explained the memo on page 129 – 130 of the agenda package outlining the significant failure on one of the oxidation ditch mixers in our original oxidation ditch. Staff provided to options for Council review:

1. Budget Ordinance Amendment
2. Delay degritter (least desirable)

(begin memo from Allen Lewis) On Tuesday, July 3, 2012, we experienced a significant failure on one of the oxidation ditch mixers in our original oxidation ditch. A large chunk of steel below the water line from an anti-vortex baffle corroded into and fell on the mixer blade while the mixer was running. This has damaged the blades well as the gear box that drives the mixer. Since that time we have pumped down the oxidation ditch so we can get in and fully evaluate the damage. From the top side we have a preliminary assessment and cost analysis, however please understand these are very preliminary and based on previous similar cost analysis, however please understand these are very preliminary and based on repairs made many years ago. The numbers provided here are best attempts to eliminate the cost of these attempts to estimate the cost of these repairs.

Crane Services:	\$ 3,000
Machine Shop	\$12,000
Sandblast and Paint	\$ 6,000
Gear Box Repairs	\$24,000
Misc/Contingency:	<u>\$ 5,000</u>
Total	\$50,000

Obviously the crane services are to lift the mixer blade out of the ditch. Machine shop costs are for the repair of the steel anti-vortex baffle, draft tube and mixer shaft. While we have the ditch pumped down, we also plan to have the exposed steel, sandblasted and painted as to prevent further damage in the near future. Thankfully, we have a new mixer blade in stock and will not have to replace this \$25,000 + item. While not included in this estimate, we will also try to find someone to repair the

damages to the existing blade and have it rebalanced in lieu of buying a new spare. While we budgeted \$75,000 in plant maintenance this year, we by no means could foresee this event taking place. In lieu of spending two-thirds of our entire FY budget for this line item on this one repair, we propose one of two options for funding these repairs. Option one includes a Budget Ordinance Amendment which is attached along with the corresponding Council Action Item. This obviously completely depletes contingency in the sewer fund as well as \$17,424 in fund balance. The second, much less desirable option would be to defer rehab work on degritter number two, one more year. Currently we have budgeted \$45,000 in line item 32-90-8220-7000 for the repairs to this degritter. We can do our best to hold this together for one more year with “duct tape and bailing wire” and use these funds to make the repairs to the oxidation ditch. This degritter, like an ever increasing number of parts of the twenty five year-old plant, is at a point of needed repairs. The corrosive environment of a wastewater treatment plant and the 24/7 operation of the plant ensures that repairs of this type will always be necessary.

Regardless of the option taken for these repairs, we want to set up a new line item in the wastewater treatment plant budget to tract the exact costs of these repairs. The new line item is shown in the attached budget ordinance. (end memo)

Councilman Mercer expressed concern with patching the problem and he proposed to fix the repairs even if it costs more than \$50,000. He suggested staff come back next month with the actual cost to repair instead of just estimates and approve the budget ordinance then. Mr. Kay also requested that Council approve any necessary purchase orders associated with this project. Mr. Rauschenbach requested that the presented budget ordinance of \$50,000 be approved, then if the repairs are over Council can approve the change next month. Councilman Mercer noted that \$75,000 exists in the budget for repairs and staff can use that money to make the repairs to the oxidation ditch and bring the actual costs next month for approval.

By motion of Mayor Pro tem Roberson, seconded by Councilman Brooks, Council approved necessary repairs for the oxidation ditch at the wastewater treatment plant and the corresponding purchase order with no individual purchase order to exceed \$50,000.

AUTHORIZE – MAYOR TO SIGN THE CONVEYANCE OF SEWER FORCE MAIN IMPROVEMENTS (ALDERBROOK POINTE L.P.)

City Manager, Josh Kay explained that Alderbrook Point, L.P. and the City entered into an agreement in May 2011 in which Alderbrook installed a new sewer force main downstream of their development on the north end of Pierce Street. This force main was necessary, along with pump station improvements, due to sewer capacity issues downstream of the development. The work has been completed, is fully functional and has been approved by staff. This document provides conveyance of the sewer force main from Alderbrook to the City.

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council authorized the Mayor to sign the Conveyance of Sewer Force Main Improvements.

BK 1 7 8 8 PG 7 1 0



INSTRUMENT # 2012003969

FOR REGISTRATION REGISTER OF DEEDS
Jennifer Leggett Whitehurst
Beaufort County, NC
July 24, 2012 12:02:58
Book 1788 Page 710-712
FEE: \$26.00
INSTRUMENT # 2012003969

Drafted By and Return To: George E. Hollodick, P.O. Drawer 25008, Winston-Salem, North Carolina 27114

STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT

CONVEYANCE OF SEWER FORCE MAIN
IMPROVEMENTS

THIS CONVEYANCE OF SEWER FORCE MAIN IMPROVEMENTS made this the ^{23rd} day of ~~July~~, 2012, from ALDERBROOK POINTE L.P., a North Carolina limited partnership, ("Alderbrook"), to the CITY OF WASHINGTON, NORTH CAROLINA, a public body and body politic and corporate, ("City"). Alderbrook and City, as used herein, shall include said parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine and neuter as required by context.

RECITALS:

- A. Alderbrook and City entered into that certain Sanitary Sewer Force Main, Service and Easement Agreement (the "Prior Agreement") dated May 31, 2011, recorded at Book 1753, Page 522, Beaufort County Registry, which Prior Agreement is incorporated herein by reference as if fully set forth.
- B. In connection with its development of the Subject Property, Alderbrook installed the force main (the "Improvements") as required by the Prior Agreement, including but not limited to Section 5.1 thereof.
- C. Pursuant to the Prior Agreement, Alderbrook desires to convey to City, and City desires to accept from Alderbrook, the Improvements which shall become part of City's public sewer system.

NOW, THEREFORE, Alderbrook, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and legal adequacy of which are hereby acknowledged, has given, granted and conveyed, and by these presents does give, grant and convey unto the City, its successors and assigns, the Improvements. City hereby accepts the Improvements and covenants that the Improvements shall become part of City's public sewer system, with City responsible for all maintenance, repair and replacement obligations with respect to the Improvements except to the extent of Alderbrook's full warranty set forth below. Pursuant to the Prior Agreement, Alderbrook hereby warrants that the Improvements were constructed in accordance with the applicable designs and engineering drawings and specifications referred to in the Prior Agreement, are not defective, and will be suitable for their intended purposes for twelve (12) months from the date of this Agreement.

TO HAVE AND TO HOLD said Improvements unto said City, its successors and assigns, forever upon the terms set forth herein.

Alderbrook covenants to and with the City, its successors and assigns, that Alderbrook is the owner of the Improvements and that said Improvements are free from any and all liens and encumbrances other than various matters of record. Capitalized terms not otherwise defined herein shall have the meaning set forth in the Prior Agreement.

BK 1788 PG 711

IN WITNESS WHEREOF, Alderbrook and City have hereunto set their hands and seals, or if corporate, has caused this document to be executed by its duly authorized officers, and its seal to be hereunto affixed, as of the day and year first above written.

By: ALDERBROOK POINTE L.P.
NRP ALDERBROOK POINTE LLC,
general partner

By: [Signature]
Name: T. Richard Bailey, Jr.
Title: Manager

STATE OF OHIO

COUNTY OF Cuyahoga

I, Sandra R. Lewis-Horton, a Notary Public of the County and State aforesaid, certify that T. Richard Bailey, Jr., either being personally known to me or proven by satisfactory evidence, personally came before me this day and acknowledged that he is the Manager of NRP ALDERBROOK POINT, LLC, the general partner of ALDERBROOK POINT LP, a North Carolina limited partnership, and that he, being authorized to do so, voluntarily executed the foregoing for the purposes stated herein.

WITNESS my hand and official stamp or seal, this 3rd day of July, 2012.

[Signature]
Notary Public
SANDRA R. LEWIS-HORTON
Notary Public, State of Ohio
My Commission Expires Feb. 21, 2015
Recorded in Cuyahoga County

My Commission Expires:
February 21, 2015

BK 1788 PG 712

PRE-AUDIT CERTIFICATE

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



CITY OF WASHINGTON
[Signature] (SEAL)
Matt Rauschenbach,
Chief Financial Officer

CITY OF WASHINGTON
By: [Signature]
Name: M. Aschue Jennings, III
Title: Mayor

ATTEN:
Cynthia S. Bennett
City Clerk

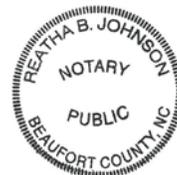
COUNTY OF BEAUFORT
STATE OF NORTH CAROLINA

I, Reatha B. Johnson, a Notary Public of the State and County aforesaid, certify that Cynthia Bennett, personally appeared before me this day and acknowledged that she is the 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 Cynthia S. Bennett, its City Clerk, sealed with its corporate seal and attested by herself as its City Clerk.

WITNESS my hand and official stamp or seal, this 23 day of July, 2012.

[Signature]
Notary Public

My Commission Expires:
12/14/2014



APPROVE – CLASSIFICATION AND PAY GRADE CHANGES

City Manager, Josh Kay reviewed the classification and pay plan changes. Mr. Kay explained the justification of the recommended changes. It was further noted that the City has not had a comprehensive review of all City positions and classification since 2004 and several positions have been identified as having experienced significant change since the last study. In accordance with City Personnel Policy, we are recommending the reclassification of several positions in order to reflect accurately the current duties and responsibilities and position classification. In addition, we are requesting the establishment of several new positions and classifications. Mr. Kay voiced that within the next year or two, as we progress with the re-organization, a full classification and pay study will be needed to document current and accurate job descriptions and to ensure equitable pay levels. Mr. Kay requested Council to authorize the recommended reclassifications and assignments to grades and classes to be effective July 2, 2012.

By motion of Mayor Pro tem Roberson, seconded by Councilman Brooks, Council agreed to extend the meeting until 7:30 pm.

Councilman Mercer requested clarification on certain aspects of the number of employees concerning the waterfront docks and business plan (Marina Master Plan). Mr. Kay explained this plan will continue to be refined.

By motion of Councilman Mercer, seconded by Councilman Pitt, Council approved the assignment of classes to grades and ranges for fiscal year 2012-2013 as presented by the City Manager, with the provision that anything grade 22 or higher shall be classified as exempt unless specifically prohibited by the Fair Labor Standards Act and authorized the City Manager to implement the recommended reclassifications effective July 2, 2012. Motion carried 4-1 with Councilman Moultrie opposing the motion.

Councilman Moultrie voiced that the provision regarding pay grade 22 wasn't in the recommendation and Councilman Mercer stated this was his motion.

Mayor Jennings inquired what would be the impact on classifying those positions as exempt. Mr. Kay explained they would not be eligible for overtime as exempt employees and this will have an impact on overtime for our operating strategy. Mayor Pro tem Roberson voiced it would have an impact but we have to make sure we are in compliance with the Fair Labor Standards Act. Staff requested to take these positions to the Department of Fair Labor Representatives or the Mapps Group to gain some insight. Discussion held.

ADOPT – FINAL BUDGET ORDINANCE AND PROJECT/GRANT ORDINANCE AMENDMENTS FOR FY 11/12

City Manager, Josh Kay reviewed the final budget ordinance and project/grant ordinance amendments for FY 11/12 noting it was for the Library Trust Fund, Cemetery Trust Fund, Airport Fund and Gang Investigator Grant Fund. Mr. Kay voiced in order to true up the financial records for the fiscal year, funding needs to be reallocated among the various funds, departments, and line items in order to keep certain cost centers from being overspent at year end. Councilman Mercer suggested we would be trueing up a budget for which we have no numbers and expressed his concerns on this matter.

Council agreed to delay this action upon the suggestion of the City Manager.

AUTHORIZE – CITY MANAGER TO SIGN “AN AGREEMENT TO PROVIDE PROFESSIONAL CONSULTING AND RELATED SERVICES” WITH RETAIL STRATEGIES, LLC

City Manager, Josh Kay voiced this was discussed during the budget workshop and in previous City Council meetings. He shared that this will be an opportunity for the City of Washington to take on Economic Development. Retail Strategies, LLC is a consultant firm that will assist the City of Washington with recruiting and retaining commercial entities inside the City.

Mr. Kay explained the initial year is for \$30,000 and it is for a one year contract; although, they would like to have a multi-year partnership, with year two and three being half of the \$30,000.

By motion of Mayor Pro tem Roberson, seconded by Councilman Pitt, Council authorized the City Manager to sign “An Agreement to Provide Professional Consulting and Related Services” with Retail Strategies, LLC to assist the City of Washington in retail recruitment and retention efforts for a cost of \$30,000 for fiscal year 2012-2013.

APPOINT – FEE REVIEW SUB-COMMITTEE

Mayor Jennings voiced the recommendation from staff is that we have a minimum of two Council members on this committee along with the necessary staff members.

By motion of Mayor Pro tem Roberson, seconded by Councilman Pitt, Council nominated Councilman Moultrie and Councilman Mercer to serve on the Fee Review Sub-Committee.

Discussion held on direct involvement from the public.

DISCUSSION – REMOVING FLASHING CAUTION LIGHTS AT MARTIN LUTHER KING (4TH & GLADDEN STREET) AND MAKE IT A FOUR-WAY STOP

Councilman Pitt requested removing the flashing traffic light at the corner of Martin Luther King and Gladden Street and making it into a four-way stop sign.

Mayor Jennings expressed concern with a four way stop sign. Mayor Pro tem Roberson voiced that the uniform traffic control doesn't recommend four way stops because it does place additional burden on the Police Department. Councilman Mercer shared you can now have a rubberize speed bump and requested information on the cost of those speed bumps. Councilman Moultrie said he would not recommend a speed bump in this area because this is not a shopping development.

Public Works Department was directed to perform a survey to see if a four way stop sign will work and provide recommendation to Council.

DISCUSSION – OF INTERNET CAFÉ/SWEEPSTAKES

Mayor Jennings voiced the proposed legislation didn't pass and Councilman Pitt requested removing this discussion until the General Assembly reconvenes.

DISCUSSION – PLAYGROUND EQUIPMENT AT BEEBE PARK

Councilman Pitt expressed concern with the lack of playground equipment at Beebe Park. This area is heavily traveled by children and parents. He further noted that Executive Director, Marc Recko, Washington Housing Authority, is in favor of the playground equipment. Councilman Pitt suggested Council give this consideration for the next budget year.

Mayor Jennings directed Mr. Kay to consult with the committee that was very instrumental in the design of Beebe Park to make sure there would not be any interference with the structure or design of the park.

DISCUSSION – LEAGUE ADVOCACY GOALS

Councilman Pitt explained the League of Municipalities is requesting advocacy goals from small communities and the deadline is August 31, 2012.

Mayor Jennings requested Council to provide Councilman Pitt with any goals/ideas/issues that they would like to see at the annual conference for the City of Washington.

DISCUSSION – ECONOMIC DEVELOPMENT BY-LAWS

Councilman Mercer said the EDC By-laws committee had met on a couple of occasions. At the last meeting, the County Commissioners that were present indicated they did not wish to proceed any further until they receive an indication as where the City was headed with this project. Councilman Mercer had forwarded to City Council via email the options that would be used in this discussion.

By motion of Councilman Moultrie, seconded by Mayor Pro tem Roberson, Council agreed to extend the meeting until 8:00 pm.

Councilman Mercer voiced the current Economic Development Board consist of six (6) members from the County and three (3) members from the City Council and a representative from any municipality within the County that pays a fee of approximately \$6 per capita for a position on the board.

Currently, the City provides 35 percent of the EDC's funding with the County providing the remaining 65 percent with an annual operating budget of \$280,000 (\$190,000/County and \$90,000/City). Other towns in the county pay approximately \$6 per town resident to help with expenses. Councilman Mercer stated when we look at the current configuration; the county's \$190,000 for approximately 45,000 County residents is a little over \$4 per person. The City, with 10,000 people, is putting in \$90,000 or an additional \$9 per person. "So as a City resident paying both City and County taxes, we're contributing about \$13.50 to economic development in the County. The municipalities are putting in \$6 & \$4. So, in essence, city residents are paying a larger per-capita share than any of the other residents in the County."

Councilman Mercer stated during the discussion of revising the by-laws, he made several points citing he didn't feel the citizens of the City should pay a larger share than anyone else in the County. Councilman Mercer recommended the County be the sole funding agency for the Economic Development Commission. City residents and other municipality residents would pay through their County taxes. The County Manager pointed out by statute an Economic Development Board was limited

to nine (9) members. Councilman Mercer explained the options suggested for membership and funding as stated previously had been forwarded to Council via email.

Section I. Membership Options

Option 1: The Commission membership shall be comprised of Nine (9) members: Two (2) At Large members from Beaufort County, One (1) member from the City of Washington, One (1) from each of the Townships of Bath, Chocowinity, Long Acre, Pantego, Richlands, and Washington.

Option 2: The Commission membership shall be comprised of Nine (9) members: Three (3) At Large members from Beaufort County, One (1) from each of the Municipalities of Aurora, Bath, Chocowinity, Pantego, Washington and Washington Park.

Option 3: The Commission membership shall be comprised of Nine (9) members: Two (2) At Large members from Beaufort County, One (1) member from the City of Washington, One (1) from each of the Townships of Bath, Chocowinity, Long Acre, Pantego, Richlands, and Washington. An additional nonvoting member may be added for each municipality.

Option 4: The Commission Membership shall be comprised of Nine (9) members: One (1) from each of the Townships of Bath, Chocowinity, Long Acre, Pantego, Richlands, and Washington and three representatives with demonstrated interest in economic development. The county Commissioners may also appoint an Advisory to the Commission consisting of one member from each of the incorporated municipalities. The Advisory Board shall not have voting authority in actions taken by the Commission

Option 5: The Commission membership shall be comprised as follows: (6) members appointed by the elected officials of the Board of County Commissioners of Beaufort County, Three (3) members by the elected officials of the City of Washington, One (1) member from each of the other incorporated Towns in Beaufort County subject to the provisions of Section II.

Councilman Mercer discussed his recommendations of the County becoming the funding agency and that there will be a representative from the City on at-large basis and that the municipalities or townships each have a representative (giving a total board of 9). There would be no specified contribution from this board other than what might be requested from an outside agency and Council would consider the request each year through budget discussions.

Mayor Jennings responded by saying, “I would add to that that we leave our current budget allocation for Economic Development intact. That way we have funds set aside that if we are called upon — and we are not walking away from Economic Development. We are just not funding it the way we used to.” Mayor Jennings said allocating money each year for Economic Development and letting the Council decide how to best spend that money — possibly on EDC projects — makes sense. Councilman Moultrie expressed some concern that the City “would be getting out of the EDC business” under its preferred approach to economic development and Mayor Jennings said this is not the case. We will leave our Economic Development allocation in the budget and use those funds. For instance, we just committed no more than \$30,000 to a retail recruitment and retention strategy. We’re staying in the Economic Development business - we’re just not going to fund the Economic-Development budget at the County level.”

By motion of Councilman Mercer, seconded by Mayor Pro tem Roberson, City endorsed option # 4 for the membership as proposed in the rewrite of the County EDC by-laws. Motion carried 4-1 with Councilman Moultrie opposing the motion.

Councilman Mercer pointed out if the County adopts membership option #4 they will have to adopt funding option #3 as well.

Funding Option 1:

- a) *The County of Beaufort and the City of Washington will review and consider an annual operating budget request from the Commission excluding (1) existing incentive agreements with existing companies located in the City AND County, (2) existing debt service on the debt incurred to purchase the Washington-Beaufort County Industrial Park.*
- b) *Participating municipalities other than the City of Washington will contribute on a voluntary basis \$6.55\$ per capita for the respective municipality directly to the fund that houses the operating budget for the Commission as defined above. After accounting for the accumulated contribution of \$6.55 per capita from participating municipalities (approximately \$25,000), the County will assume responsibility for 68 percent of the liability for the operating budget; the City of Washington will assume responsibility for the residual 32 percent.*

Option 2:

- a) *The County of Beaufort and the City of Washington will review and consider an annual operating budget request from the Commission excluding (1) existing incentive agreements with existing companies located in the City AND County, (2) existing debt service on the debt incurred to purchase the Washington-Beaufort County Industrial Park.*
- b) *Based on negotiations between the City of Washington and the County; each will determine their share of the operating budget.*
- c) *Participating municipalities other than the City of Washington will contribute on a voluntary basis \$6.55 per capita for the respective municipality directly to the fund that houses the operating budget for the Commission as defined above.*

Option 3:

- a) *The County of Beaufort will review and consider an annual operating budget request from the Commission excluding (1) existing incentive agreements with existing companies located in the City AND County, (2) existing debt service on the debt incurred to purchase the Washington-Beaufort County Industrial Park.*
- b) *The annual budget shall be reviewed and considered by the Beaufort County Board of Commissioners and approved with whatever changes the Board specifies.*

Option 4:

- a) *The County of Beaufort and the Town of Washington will jointly determine a base budget on an annual basis. Such budget shall be funded for each fiscal year according to the following formula: Sixty-Eight percent (68%) from the County of Beaufort; Thirty-Two percent (32%) from the Town of Washington. A supplemental budget will be provided by the other municipalities in the County on a voluntary basis and determined by a funding formula of \$6.55 per capita for each municipality. Should the municipalities choose to participate, they will be accorded a board seat as declared in Section I above. Should they decide not to participate, they will not have a*

Board seat but will be represented solely by the appointments to the Board by the County Commissioners.

- b) The annual budget shall be reviewed and considered by the Beaufort County Board of Commissioners and approved with whatever changes the Board specifies*

DISCUSSION – AIRPORT UPDATE

Mayor Pro tem Roberson mentioned the terminal building at Warren Field Airport is down and now would be a good time to revisit the airport. In addition, look at something in terms of an Emergency Operation Center. “I think the one that we have on 15th Street (at fire station 2) currently, from what I hear, is below standard. In essence, I think during times of emergency that’s a great opportunity for us to evaluate the airport and actually include that in a design and move forward on it.”

Mayor Archie Jennings replied noting this was a good point, adding that in talks about replacing the terminal there was discussion about including a multi-functional space (community room) as part of that replacement structure. Mayor Pro tem Roberson addressed how the city, in addition to any insurance payouts associated with the destroyed terminal could pay for a new terminal that could include an EOC and/or the multi-functional space for community use. “I did go online and look at some grants that would be available for this type of activity. If we need to pursue that, I think it’s just a great opportunity to evaluate our position at the airport.”

Councilman Moultrie raised the possibility of the city using some of the insurance money to buy a hangar at the airport as a revenue source (rental income from planes kept in the hangar) for the City. Mayor Jennings said his brief conversation with the aviation-division personnel with the N.C. Department of Transportation indicated they prefer the City put funds toward replacing the terminal instead of buying a hangar as a source of income for the City.

Councilman Mercer said the City should take its time in deciding what to do at the airport. Councilman Mercer didn’t see any real rush to replace the terminal. We’ve got a temporary facility that we can use. The manager has given us an operating (business) plan. I think we’re moving to implement that operating plan and I think we can operate out of that temporary structure. I agree with Mayor Jennings this gives us an opportunity to look and see if we really just want a building that’s just going to serve the airport, or can it have multi-functions in that same area? If it takes us a little longer to do it, I’d rather take a little longer and do it right.

Councilman Richard Brooks said if there is funding available to replace the terminal and include facilities such as an EOC or multi-functional room for use by community groups, the City should pursue that funding.

By motion of Mayor Pro tem Roberson, seconded by Councilman Brooks, Council agreed to extend the meeting until 8:45 pm.

CLOSED SESSION – UNDER § NCGS 143-318.11(A)(4) ECONOMIC DEVELOPMENT, UNDER § NCGS 143-318.11 (A)(3) ATTORNEY CLIENT, UNDER § NCGS 143-318.11 (A) (6) PERSONNEL, UNDER § NCGS 143-318.11(A)(1) DISCLOSURE OF CONFIDENTIAL INFORMATION AND UNDER § NCGS 143-318.10 (E) THE PUBLIC RECORDS ACT

By motion of Councilman Pitt, seconded by Councilman Moultrie, Council entered into close session at 7:48 pm under § NCGS 143-318.11(a)(4) Economic Development, under § NCGS 143-318.11 (a)(3) Attorney Client, under § NCGS 143-318.11 (a) (6) Personnel, under § NCGS 143-318.11(a)(1) disclosure of confidential information and under § NCGS 143-318.10 (e) the public records act

By motion of Councilman Mercer, seconded by Councilman Brooks, Council came out of closed session at 8:39 pm.

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN OFFER TO LEASE CERTAIN SURPLUS REAL PROPERTY

By motion of Mayor Pro tem Roberson, seconded by Councilman Brooks, Council approved the Resolution authorizing the advertisement of an offer to lease certain Surplus Real Property subject to 1) the calculation and insertion of the present value of the rental payments over their initial term of 15 years and 2) the Council having final review and approval authority over any Option to Lease, Ground Lease and Easement Agreement, and/or Solar Skyway Easement that may be produced as a result hereof.

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN OFFER TO LEASE CERTAIN SURPLUS REAL PROPERTY

WHEREAS, North Carolina General Statute § 160A-272(b) authorizes a municipality to lease real property that it owns for more than ten (10) years so long as such leases are "... treated as a sale of property ..." and so long as such leases are "... executed by following any of the procedures authorized for the sale of real property."

WHEREAS, North Carolina General Statute § 160A-269 authorizes a municipality to sell real property it owns through a negotiated offer, advertisement, and upset bid process.

WHEREAS, the City Council of the City of Washington (City) has received an offer to lease certain real property that it owns and desires to lease the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

1. The City Council has received an Option to Lease and proposed Ground Lease and Easement Agreement, including Solar Skyway Easement, (collectively, "Offer to Lease") of approximately seventy-five and 63/100s (75.63) acres of property at the Warren Field Airport located on Airport Road, Washington, North Carolina.
2. Said real property is hereby declared to be surplus to the needs of the City and the City Council hereby authorizes the lease of the same pursuant to North Carolina General Statute § 160A-272(b) and through the upset bid procedure contained in North Carolina General Statute § 160A-269.

3. The Offer to Lease contains a first option of up to six (6) months, a second option of up to six (6) months, a lease for the sum of \$22,689.00 per year (\$300.00 per acre) with an initial term of fifteen (15) years, and the possibility of up to three extensions at the election of tenant of up to five (5) years each.
4. The present value of the rental payments for the initial, fifteen (15) year term of the Offer to Lease is \$262,355.70.
5. The entity making said Offer to Lease must deposit with the City Clerk a sum equal to five percent (5%) of said present value (\$13,117.79) in cash, cashier's check, or certified check.
6. The City Council proposes to accept the Offer to Lease, subject to the conditions stated in the Offer to Lease and herein, unless the City receives a qualifying upset bid.
7. The City Clerk shall cause a notice of the Offer to Lease, subject to the conditions stated in the Offer to Lease and herein, to be published in accordance with North Carolina General Statutes § 160A-269 and § 160A-272.
8. Any individual or entity desiring to submit an upset Offer to Lease shall submit an upset Offer to Lease to the City Clerk by 5:00 p.m. within ten (10) days of the date the notice provided for herein is published. To qualify as an upset bid, any such upset Offer to Lease shall contain no more than two options for a combined total of no more than twelve (12) months, a lease for said seventy-five and 63/100s (75.63) acres with an initial term of fifteen (15) years, the amount of rent to be paid annually (which amount shall be the same for each year), and the possibility of three extensions at the election of tenant of up to five (5) years each. To qualify as an upset bid, any such upset Offer to Lease must raise the present value of the rental payments for the initial, fifteen (15) year term of the Offer to Lease by not less than ten percent (10%) of the first one thousand dollars (\$1,000.00) and five percent (5%) of the remainder of said present value. Any individual or entity making an upset Offer to Lease must deposit with the City Clerk a sum equal to five percent (5%) of the present value of said rental payments for the initial, fifteen (15) year term of the upset Offer to Lease. Said deposit shall be made in cash, cashier's check, or certified check. In order to be valid, any upset Offer to Lease shall include an Option to Lease, if applicable, a Ground Lease and Easement Agreement, and a Solar Skyway Easement, if applicable. In order to be valid, any upset Offer to Lease shall contain a legally binding commitment from the offeror to fund any settlement that arises from any contract to which the City is a party and that is required in order for the lease contemplated by the Offer to Lease to be effectuated.
9. If a qualifying upset Offer to Lease is received by the City, it shall become the new Offer to Lease and the City Clerk is directed to re-advertise the new Offer to Lease at the increased bid amount and to continue this process until a ten (10) day period has passed without the receipt of a subsequent qualifying upset Offer to Lease.
10. Any upset Offer to Lease and any Lease resulting herefrom shall be subject to approval, including satisfaction of any conditions of approval, from the Division of Aviation and/or the

Federal Aviation Administration.

11. The City Council retains final approval, and must approve and authorize the execution, of any Offer to Lease including Option to Lease, Ground Lease and Easement Agreement, and/or Solar Skyway Easement resulting from this upset bid process.
12. Notwithstanding anything herein to the contrary, the City reserves the right, pursuant to North Carolina General Statute § 160A-269 and without recourse from any individual or entity and in its sole discretion, to cancel this upset Offer to Lease bid process at any time and/or reject any or all Offers to Lease.

Adopted this 23rd day of July, 2012.

Attest:

s/Cynthia S. Bennett, CMC
City Clerk

s/N. Archie Jennings, III
Mayor

ADJOURN

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council adjourned the meeting at 8:40pm until August 13, 2012 at 5:30pm in the Council Chambers at the Municipal Building.

(Subject to the Approval of the City Council)

**Cynthia S. Bennett, CMC
City Clerk**



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Gloria J. Moore, Library Director
Date: August 13, 2012
Subject: Accept – Cornerstones of Science Grant and Adopt Budget Ordinance Amendment (\$675)

Applicant Presentation:
Staff Presentation:

RECOMMENDATION:

I move that the City Council accept the “Cornerstones of Science Grant” in the amount of \$675 from The Cornerstones of Science National Collaboration for purchasing designated Cornerstone books for children and adopt a budget ordinance amendment in the amount of \$675 for the Cornerstones of Science Grant.

BACKGROUND AND FINDINGS:

In January 2006, Brown Library became an active partner in The Cornerstones of Science National Collaboration (a national literary initiative originating from Curtis Memorial Library) making it eligible to receive grant money twice a year. Brown Library has received a check in the amount of \$675. Brown Library will benefit from the generosity of this grant by connecting children and adults to science and technology through superb books, programs, and opportunities for community involvement in current scientific issues.

PREVIOUS LEGISLATIVE ACTION

FISCAL IMPACT

Currently Budgeted (Account _____) Requires additional appropriation ___ No Fiscal Impact

SUPPORTING DOCUMENTS

City Attorney Review: _____ Date By: _____ (if applicable)
Finance Dept Review: _____ Date By: _____ (if applicable)
City Manager Review: JD Concur _____ Recommend Denial _____ No Recommendation 08/07/12 Date

**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 in the amount of \$675 in the account Library Grant- Cornerstone, account number 10-40-3611-3302.

Section 2. That account number 10-40-6110-5600, Materials, Brown Library portion of the General Fund appropriations budget be increased in the amount of \$675.

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 13th day of August, 2012.

MAYOR

ATTEST:

CITY CLERK



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Joshua Kay, City Manager & Susan Hodges, Human Resources Director
Date: August 3, 2012
Subject: Municipal Code Enforcement Officer Pay Grade Correction
Applicant Presentation:
Staff Presentation:

RECOMMENDATION:

I move that the City Council approve revision of the assigned pay grade for Municipal Code Enforcement Officer from Pay Grade 11 to Pay Grade 12 effective July 2, 2012.

BACKGROUND AND FINDINGS:

The City of Washington re-established a Municipal Code Enforcement Officer position for animal control for the 2012-13 fiscal year. It was intended for this position classification to be placed at the same pay grade as when it was last active in 2006. Due to an administrative error, the classification was inadvertently placed at pay grade 11 and should be a pay grade 12. A correction is recommended.

PREVIOUS LEGISLATIVE ACTION

None

FISCAL IMPACT

Currently Budgeted (Account:) Requires additional appropriation No Fiscal Impact

SUPPORTING DOCUMENTS

None

City Attorney Review: _____ Date By: _____ (if applicable)
Finance Dept Review: _____ Date By: _____ (if applicable)
City Manager Review: JK Concur _____ Recommend Denial _____
 No Recommendation _____ Date 08/07/12



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Matt Rauschenbach, Administrative Services Director/C.F.O.
Date: August 13, 2012
Subject: Budget Ordinance Amendment Gustnado
Applicant Presentation: N/A
Staff Presentation: Matt Rauschenbach

RECOMMENDATION:

I move that City Council adopt a Budget Ordinance Amendment to appropriate funds for expenses related to the gustnado wind event of July 1, 2012.

BACKGROUND AND FINDINGS:

Initial expenses incurred related to the gustnado are \$189,177 and are detailed on the attached schedule. These expenses do not include major repair/construction of the airport terminal or hangars. A \$50,000 insurance advance was received to offset the initial work being completed at the airport.

PREVIOUS LEGISLATIVE ACTION

FISCAL IMPACT

Currently Budgeted (Account _____) Requires additional appropriation
 No Fiscal Impact

SUPPORTING DOCUMENTS

Budget Ordinance
Cost Estimate

City Attorney Review: _____ Date By: _____ (if applicable)
Finance Dept Review: _____ Date By: _____ (if applicable)
City Manager Review: JD Concur _____ Recommend Denial _____ No Recommendation
08/07/12 Date.

**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 in the amount of \$14,422 in the account Fund Balance Appropriated, account number 10-00-3991-9910.

Section 2. That account number 10-40-6130-1502, Maintenance/Repair Parks, Parks & Grounds Maintenance portion of the General Fund appropriations budget be increased in the amount of \$14,422.

Section 3. That the Estimated Revenues in the Electric Fund be increased in the amount of \$81,313 in the account Fund Balance Appropriated, account number 35-90-3991-9910.

Section 4. That account number 35-90-9990-9900, Contingency, Contingency portion of the Electric Fund appropriations budget be decreased in the amount of \$43,442.

Section 5. That account number 35-90-6610-5740, Gustnado Expense, Miscellaneous Non-Departmental portion of the Electric Fund appropriations budget be increased in the amount of \$124,755.

Section 6. That the Estimated Revenues in the Airport Fund be increased in the amount of \$50,000 in the account Miscellaneous Revenue, account number 37-90-3839-0000.

Section 7. That account number 37-90-4530-5740, Gustnado Expense, Warren Field Airport portion of the Airport Fund appropriations budget be increased in the amount of \$50,000.

Section 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9. This ordinance shall become effective upon its adoption.

Adopted this the 13th day of August, 2012.

MAYOR

ATTEST:

CITY CLERK

Gustnado Expense

Vendor	Description	Electric	Airport	Parks & Rec.	Total
Summary:					
Payroll 7/15/12	Overtime & fringes	24,509			24,509
East Coast Power & Lighting	Contractor	11,006			11,006
First Citizens Bank	Meals & Hotel	2,766			2,766
Warehouse	Material issued	38,474			38,474
NCEMPA Members	Mutual aid	43,000			43,000
Estimate	Other electrical	5,000			5,000
Whitehurst & Son	Fence repair		21,086		21,086
Inner Banks Timber	Tree removal		1,500		1,500
ST Clair Trucking	Terminal demolition		4,400		4,400
RPA Engineering	Structural evaluation		750		750
Bulow Inspections	Asbestos inspection		350		350
Pantego Overhead doors	Reset hangar doors		1,200		1,200
Whitehurst & Son	Temporary fence		2,488		2,488
Estimate	T Hangar & other repairs		18,226		18,226
Earl Boykin Sports	Bleacher replacement (2)			5,375	5,375
AMF	Bleacher repair (3)			2,524	2,524
Whitehurst & Son	Practice backstops (5)			4,218	4,218
C.S.I.	Roof repair			1,800	1,800
Various	Other park repairs			505	505
	Total	124,755	50,000	14,422	189,177

Requisition Form

City Of Washington
P.O BOX 1988
WASHINGTON, NC 27889

Requisition #: 11767
PO #: Not Assigned
User Name: Ed Pruden

Date: 07/24/2012

Approved By:
Approved Code: Awaiting Final Approval
Total Amount: \$59,559.00

HD SUPPLY UTILITIES, LTD.
5031 UNICORN DRIVE
WAKE FOREST, NC 27588

Ship To:
CITY OF WASHINGTON WAREHOUSE (BLI
203 GRIMES ROAD
WASHINGTON, NC 27889

Vendor Instructions: ELECTRIC DEPT, ED PRUDEN 252-975-9365
QUOTATION # U16 03209 REV 001
EXPIRATION 8/26/2012

Quantity	Description	Job Number	Unit Price	Extended
3	CAT: 33D8667, 1PH, 667 KVA, 34500 GRY/ 19920, 335 A, W/GE-2011C CONTROL, ADDITIONAL SPECIFICATIONS PER QUOTE IDENTIFIED ABOVE DATED 7/24/2012		\$19,853.00	\$59,559.00
Sub Total				\$59,559.00
Total Tax				\$0.00
Total				\$59,559.00

Account Number	Account Description	Amount
35-90-8370-7401	INSTALLMENT NOTE PURCHASES	\$59,559.00
Total		\$59,559.00

Approval List

Dept Level Approval: _____
Department Head: _____
PO Level Approval: _____
Purchase Order Prep: _____

Requisition Form

City Of Washington
P.O BOX 1988
WASHINGTON, NC 27889

Requisition #: 11774
PO #: Not Assigned
User Name: Frankie Buck

Date: 07/26/2012

Approved By:
Approved Code: Awaiting Final Approval
Total Amount: \$277,680.00

MILLER SUPPLY CO., INC.
PO BOX 1745
LAURINBURG, NC 28353

Ship To:
CITY OF WASHINGTON WAREHOUSE (PW
203 GRIMES ROAD
WASHINGTON, NC 27889

Vendor Instructions: SHIP TO ATTEN : FRANKIE BUCK

Quantity	Description	Job Number	Unit Price	Extended
1800	5/8"X3/4" A.M.R. WATERMETERS W/60 ITRON ERT'S		\$148.00	\$266,400.00
48	1" A.M.R. WATERMETERS W/ 60W ITRON E.R.T.'S		\$235.00	\$11,280.00
Sub Total				\$277,680.00
Total Tax				\$0.00
Total				\$277,680.00

Account Number	Account Description	Amount
30-90-7250-7000	NONCAPITALIZED PURCHASES	\$277,680.00
Total		\$277,680.00

Approval List

Dept Level Approval: _____
Department Head: _____
PO Level Approval: _____
Purchase Order Prep: _____

Requisition Form

City Of Washington
P.O BOX 1988
WASHINGTON, NC 27889

Requisition #: 11800
PO #: Not Assigned
User Name: Adam Waters

Date: 07/27/2012

Approved By:
Approved Code: Awaiting Final Approval
Total Amount: \$54,217.00

CLARKE POWER SERVICES
1719 EBB DRIVE
WILMINGTON, NC 28409

Ship To:
CITY OF WASHINGTON WAREHOUSE (PW)
203 GRIMES ROAD
WASHINGTON, NC 27889

Vendor Instructions: PUBLIC WORKS
WATER RESOURCES
ADAM WATERS
252-975-9310

Quantity	Description	Job Number	Unit Price	Extended
1	125 KW GENERATOR AND ATS AS PER OCTOBER 2011 BID AND JULY 2012 CONFORMATION FOR THE PENN & HAVEN LIFT STATION		\$54,217.00	\$54,217.00
Sub Total				\$54,217.00
Total Tax				\$0.00
Total				\$54,217.00

Account Number	Account Description	Amount
32-90-8230-7400	CAPITAL OUTLAY	\$54,217.00
Total		\$54,217.00

Approval List

Dept Level Approval: _____
Department Head: _____
PO Level Approval: _____
Purchase Order Prep: _____



City of Washington

P. O. Box 1988, Washington, NC 27889-1988

MEMORANDUM

DATE: August 2, 2012
TO: Mayor Jennings & Members of City Council
FROM: John Rodman, Planning & Development
RE: Joe W. Davis – 1110 North Market Street
Junked Vehicle Violation

Mr. Joe W. Davis, resident of 1110 North Market Street, has made a written appeal to the Washington City Council in response to a **Notice of Violation** that he received in regards to the presence of “junked vehicles” located on the above referenced property. The following is information on the City of Washington’s Nuisance, Abandoned, and Junked Vehicle Ordinance.

Why does the City regulate Junk Vehicles?

Junk vehicles can pose a public nuisance. Additionally, we all want to live in clean and aesthetically pleasing neighborhoods. By regulating junk vehicles that are kept in driveways or vacant lots we avoid potentially hazardous nuisances and keep our neighborhoods free of junk vehicle clutter

Junked motor vehicle means, as authorized and defined in G.S. 160A-303.2, a vehicle that does not display a current license plate lawfully upon that vehicle and that:

- (a) Is partially dismantled or wrecked;
- (b) Cannot be self-propelled or moved in the manner in which it originally was intended to move;
- (c) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

Sec. 18-246. - Junked motor vehicles regulated; removal authorized.

The purpose of this section is to promote or enhance the quality of urban attractiveness and aesthetic appearance of the city; the protection of property values throughout the city; the preservation of the livability and attractiveness of

neighborhoods; the promotion of tourism, conventions, and other opportunities for economic development for the city; the attractiveness of the city's thoroughfares and commercial roads which present the primary, public visibility to visitors and to passersby of the city; and the promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles.

- (a)** It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- (b)** It shall be unlawful to have more than one (1) junked motor vehicle, as defined herein, on the premises of public or private property. A single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.
- (c)** It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the locational requirements or the concealment requirements of this section.
- (d)** Subject to the provisions of subsection (e) of this section, upon investigation, the Chief of Fire-Rescue-EMS-Inspections may order the removal of a junked motor vehicle, as defined in this article, after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:

 - (1)** Protection of property values;
 - (2)** Promotion of tourism and other economic development opportunities;
 - (3)** Indirect protection of public health and safety;
 - (4)** Preservation of the character and integrity of the community; and

- (5) Promotion of the comfort, happiness and emotional stability of area residents.
- (e) The following shall be permitted concealment or enclosure of junked motor vehicles:
 - (1) One (1) junked motor vehicle, in its entirety, can be located in the rear yard, as defined by the city's zoning chapter, if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering. The Chief of Fire-Rescue-EMS-Inspections has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of the model ordinance from which this article derives.
 - (2) More than one (1) junked motor vehicle. Any other junked motor vehicle must be kept in a garage or building structure that provides a complete enclosure so the junked motor vehicles cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

Sec. 18-247. - Removal procedure.

- (a) *Notice.* Except as set forth in Section 18-248, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice shall retain a written record to show the name and address to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the city on a

specified date (no sooner than seven (7) days after the notice is affixed). The notice shall state that the vehicle will be removed by the city on a specified date, no sooner than seven (7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

- (b) *Appeal.*** With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the City Council in writing, heard at the next regularly scheduled meeting of the City Council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

**Notice of City Code Violation
Nuisance / Abandoned / Junk / Motor Vehicle(s) Chapter 9**

July 25, 2012

Owner/Lessee/Occupant of Property Joe W & Sandra Davis
Address: PO Box 1652
City: Washington, NC 27889

Vehicles

(x) Cars (x) Truck () Motorcycle () Camper () Bus () Boat and/or Trailer () other

RE: 1110 N Market St **Tax Parcel NO:** 5686-01-3677

To Whom It May Concern: Joe W & Sandra Davis

The vehicle(s) listed above and located at **1110 N Market St**, tax parcel number 5686-01-3677 are in violation of the Code of Ordinances of the City of Washington, Chapter 9, Articles VIII entitled, **"Abandoned, Nuisance and Junked Motor Vehicle."** **More specifically one or more of the following:**

X(A) Junked Motor Vehicle

- 1- It is partially dismantled or wrecked and/or;
- 2- Cannot be self-propelled or moved in the manner in which it originally was intended to move and/or;
- 3- Is more than five (5) years old and appears to be valued at less than one hundred dollars (\$100.00).

The vehicle(s) in violation may be brought into compliance by the following methods:

You may have one vehicle that is defined as a "Junked Motor Vehicle, when;

- 1- It is located in the rear yard and,
- 2- Concealed from public view from abutting premises by an acceptable covering or,
- 3- Vehicle(s) may be kept in an enclosed garage or,
- 4- Vehicle may be removed from the City of Washington's jurisdiction.

Pontiac
chevrolet Cavalier
Ford

X(B) **Nuisance Motor Vehicle is defined as meeting any ONE of the following conditions;**

- 1-A breeding ground or harbor for mosquitoes, other insects, rats or other pests.
- 2-A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height.
- 3- A point of collection of pools or ponds of water.
- 4- A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor.
- 5- One which has areas of confinement which cannot be operated from the inside such as trunks, hoods, etc.
- 6- So situated or located that there is a danger of it falling or turning over.
- 7- One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrid matter of any kind.
- 8- One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass.
- 9- Any other vehicle specifically declared a health and safety hazard and a public nuisance by the city council

The vehicle(s) in violation may be brought into compliance by the following method.

- 1- Vehicle(s) may be moved from the City of Washington's jurisdiction or,
- 2- Subject to approval by the Inspection Department.

 (C) **Abandoned Motor Vehicle**

- 1. Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.

The violation has been seen by code enforcement official conducting code enforcement activities. Therefore you are required to correct the problem within seven (7) days of this notice. Should the violation not be corrected within the time specified the city will remove the vehicle(s) shortly thereafter.

If this vehicle has been identified as a Nuisance Vehicle you may appeal this decision, in writing not later than 7 days from this notice to the City Clerk. Any Questions concerning this notification may be directed to this office by calling 252-975-9352 between 8:00 A.M. and 5:00 P.M., Monday through Friday.

Sincerely,

Clarence Gray

Cynthia Bennett
clerk
7-31-12
I wish to
Appeal City's
request to
move 4
vehicles from my
drive/parking area
for Town

Clarence Gray, Code Enforcement Official
City of Washington Planning & Development, Code Enforcement Department.



City of Washington

Department of Parks & Recreation



MEMORANDUM

DATE: August 13, 2012

TO: Mayor and City Council

FROM: Kristi Hardison, Manager, Parks and Recreation Department *KH*

SUBJ: ECU Research Vessel Riggs dockage

The Research Vessel Riggs is once again requesting to continue their relationship with the City of Washington for docking at the Waterfront Docks. They are not requesting any changes in the agreement.

Last year was the first year the R/V Riggs docked at the Waterfront Dock. They requested dockage at the eastern most dock in front of the NC Estuarium.

During the 2011 boating season, Washington experienced Hurricane Irene. During the Hurricane boats were required to leave the docks. The R/V Riggs followed procedure and both the vessel and docks were affected minimally as result.

Each year the R/V Riggs provides a list of emergency contacts, as these people tend to change frequently. The list assures the Waterfront Docks that prompt communications can be obtained should it be needed.

The new docking agreement will be for the period of August 15, 2012 – August 14, 2013.

Attached: Emailed Letter of intent from ECU Division of Diving and Water Safety, Executive Assistant, Gwen Bibbs

Teresa Hamilton

From: Bibbs, Gwen [BIBBSG@ecu.edu]
Sent: Thursday, July 19, 2012 9:33 AM
To: Teresa Hamilton
Subject: FW: East Carolina University (Riggs) Waterfront Docking Agreement
Attachments: executed.pdf; plan form.doc

Teresa,

ECU wants to continue with the existing docking agreement currently in place for this year. Everything is in order as last.

The emergency contacts are listed below:

- 1) Mark Keusenkothen cell: 252-916-9599
- 2) Mike Baker cell: 252-916-5709
- 3) Eric Diaddorio cell: 252-916-5578
- 4) ECU Police 252-328-6787

Thank you
Gwen Bibbs



City of Washington
MEMORANDUM

To: Mayor Jennings & Members of the City Council
From: Matt Rauschenbach, C.F.O.
Date: August 13, 2012
Subject: Budget Transfer

The Budget Officer transferred \$9,645 of funding between divisions of the Stormwater Fund to provide for the accrual of Recovery Zone Bond interest for FY 2012.

NC GS 159-15 states that this shall be reported to the Council at its next regular meeting and be entered in the minutes. Transfer requests are attached.

FY 2011/2012

Request for Transfer of Funds

Date: 07/23/12

TO: City Manager or Finance Director

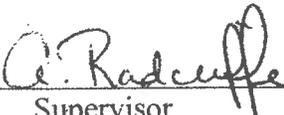
FROM: Anita Radcliffe, Assistant Finance Director

SUBJECT: REQUEST FOR TRANSFER OF FUNDS

I hereby request the transfer of funds as set forth below from one account to another, all within the same appropriation fund account, as permitted and authorized by the General Statutes of North Carolina.

	Department	Account Number	Object Classification	Amount
FROM:	34-90-5710-	1300	Water & Electric Services	(9,645)
TO:	34-90-4020-	8401	Recovery Zone Bond Interest	9,645

For the purpose of: Interdepartmental transfer to cover year end accrual of interest on Recovery Zone Bonds at 6-30-12.


 Supervisor


 Department Head

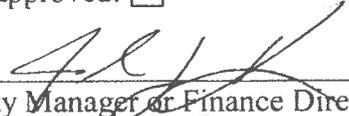
ACTION OF CITY MANAGER OR FINANCE DIRECTOR

Approved:

Disapproved:

* Request for Transfer of Funds from Department to Department require City Manager's approval.

** Request for Intradepartmental Transfer of Funds require Finance Director approval.


 City Manager or Finance Director
 7/25/12



HUMAN RELATIONS COUNCIL

102 East 2nd Street

Washington, NC 27889

Phone: 252-975-1280

Fax: 252-974-6461

Human Relations Council (HRC) Report for the month of July Monday August 13, 2012 City Council Meeting

MISSION STATEMENT

- To promote social and economic equality in the community, working with Local Government and other resources
- To appreciate the cultural and ethnic diversity of the citizens of Washington and Beaufort County
- To encourage citizens to live and work together in harmony and mutual respect

Recognition – of New board members and re-appointment: – Chairman O’Pharrow recognized new board members and Josh Kay, City Manager presented the members with a manual (inclusive of by-laws and city code). Chairman O’Pharrow reviewed the mission statement noting this is the guiding principle for all we do as members of the Human Relations Council. Councilman Mercer issued a challenge sharing the activities this board undertakes will have a significant impact on the community. Mr. Kay echoed this statement and added this is by far one of the most important boards considering the stretch and breadth of the board responsibilities and opportunities in reaching the community. Council Liaison Pitt concurred.



Update – Multicultural Festival 2012 – Vice chairwoman Cherry noted the Multicultural Festival has been planned for Sunday, October 28, 2012 from 3pm-6pm. The tentatively planned events includes ECU School of Dance performers (providing dance of different cultures – inclusive of Native American, Asian community, African American community,

Latin/Spanish affairs & Expressions), cuisine, and exhibits with an estimated cost of \$3,000 - \$5,000.

Report/reminder – Crime Prevention & Outreach Manager Kimberly Grimes addressed the board concerning the success of the Summer Football Camp – 2012. Approximately 14 NFL players participated and there were over 200 kids who participated in the football camp on Saturday, June 16, 2012.

Update – Domestic Violence Shelter – Board member Barr reviewed/updated the Board concerning the Domestic Violence Shelter. Board member Barr noted some of the issues with the house have been resolved and they have now secured the lease. The shelter should be opened by the end of August. The house is located on 727 North Market Street with the monthly cost to operate the shelter approximately \$3,500 - \$4,000.

FYI – items addressed at this time – inclusive of June to be submitted to Council on July 23, 2012 and the Mission Statement.

WHDA Focus of Work 2012 – 2013

Under the Main Street organizational structure WHDA's purpose of action is to promote the economic development and quality of life in the Washington "central business district on the water".

DESIGN

- Underground electrical initiative block by block to benefit merchants; help with events, overall design, ADA compliance, etc.
- Branding

ECONOMIC DEVELOPMENT

- Maritime Team approving Dock Master's new structure
 - Advisor to Dock Master, Build Maritime Center and Dock Master Quarters
 - People's Pier, Fuel, Completion of the build out for docks
- Adaptive Reuse explore ways to reuse buildings with a focus on a hotel and Turnage
- Recruitment/Retention Team for new and existing businesses

PROMOTIONS

- Recruit Corporate Sponsorships
- Produce one big concert a year (Motown - Sept 15 2012)
- Other Activities: (in the process of reevaluating the purpose and benefit of each).
 - Art Walk, Flotilla/Boat Parade, Music in the Streets, Maritime Market, 4th of July
- Facilitate marketing program that creates interest and traffic downtown by marketing to communities that are not covered by WTDA.

ORGANIZATION:

- Volunteer Base
- Membership: Friends of the Alliance
- Merchants; Develop Merchants Council, initiate Coffee with Council program
- Communications
- Fundraisers like: Wedding Guide, Picking on the Pamlico

Our process in accomplishing these goals and objectives is by using:

- CLARITY: Defining what we are and what we do
- ALIGNMENT: All groups working together and communicating
- MOVEMENT: How we move the projects. Tasks and Tracking.
- FOCUS: Getting rid of the clutter.

North Carolina Main Street Statistical Summary: FY11-12

WASHINGTON															
	Façades Redone	Bldg. Renovs.	New Jobs	Jobs Lost	Net Job Gain	New Business	Business Closed	Net Business Gain	Business Expansion	\$ Value of New Investment PUBLIC	\$ Value of New Investment PRIVATE	\$ Value of New Investment TOTAL	Number Public Improvement Projects	Number New Construction Projects	Volunteer Hours
Current Figures	5	3	64	24	40	13	8	5	1	\$997,161	\$860,900	\$1,858,061	5	0	2,994
Previous Cumulative	118	30	329	96	233	113	33	80	14	\$2,320,440	\$7,998,561	\$10,319,001	3	1	2,300
NEW CUMULATIVE	123	33	393	120	273	125	41	84	15	\$3,317,601	\$8,859,461	\$12,177,062	8	1	5294

PROGRAM HIGHLIGHTS

Found buyer for Old City Hall built in 1884, empty since 1980.
 Awarded MSSF Grant for \$200,000 to renovate Old City Hall and develop a new destination type restaurant.
 Created Maritime team under ER committee to serve City Council and recommend ways for Washington waterfront to benefit the economic development of downtown.
 Arranged for 72 foot schooner the Jeannie B to make Washington its homeport and provided cruises to the public.
 Assisted Planning dept. in the design of new iconic boater bathroom facility on west end of waterfront docks. Waiting for release of CAMA funds to start project.
 Published Wedding Guide to promote Washington as a wedding destination.
 Created an American Flag display project.
 Commissioned Phase One of a hotel feasibility report.
 Created a music CD to promote signature event, Music in the Streets and local musicians.
 Raised \$45,400 in sponsor donations.
 Created new program that celebrates Washington's past by hanging large window displays in the vacant buildings downtown.
 Participated in Branding initiative for Washington.
 Hosted NCDDA Eastern Spring Conference.
 Updated WHDA by-laws.
 Successfully transitioned from long term President to new President and Vice-President.



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Cynthia S. Bennett, City Clerk
Date: July 30, 2012
Subject: Appointments to Historic Preservation Commission & Electric Utilities Advisory Board
Applicant Presentation: N/A
Staff Presentation: N/A

RECOMMENDATION:

A. Historic Preservation Commission -

I move that the City Council appoint _____ to the Historic Preservation Commission to fill the expired term of **Kasey Stamey** term to expire June 30, 2015.

I move that the City Council appoint _____ to the Historic Preservation Commission to fill the expired term of **Jim Coke**, term to expire June 30, 2015.

B. Washington Electric Utilities Advisory Commission -

I move that the City Council appoint _____ to the Washington Electric Utilities Advisory Commission to fill the expired term of **Benjamin Davis (inside)**, term to expire June 30, 2015.

I move that the City Council appoint _____ to the Washington Electric Utilities Advisory Commission to fill the expired term of **Lloyd May (inside)** term to expire June 30, 2015.

I move that the City Council appoint _____ to the Washington Electric Utilities Advisory Commission to fill the vacant position **representing Bath**, term to expire June 30, 2015, in concurrence with the Bath Town Board.

BACKGROUND AND FINDINGS:

Copies of all applications received were distributed to department heads to allow them time to meet with their Council liaison and Board Chairman. Nominations will be made by the Council liaisons at the August 13, 2012 Council meeting.

PREVIOUS LEGISLATIVE ACTION

N/A

FISCAL IMPACT

___ Currently Budgeted (Account _____) ___ Requires additional appropriation No Fiscal Impact

SUPPORTING DOCUMENTS

Board Applications

City Attorney Review: _____ Date By: _____ (if applicable)
Finance Dept Review: _____ Date By: August 13, 2012 (if applicable)
City Manager Review: _____ Date Conc Recommend Denial No recommendation 08/07/12

HPC

Primary Board Historic Commission Other Boards _____

CANDIDATES REQUEST FOR APPOINTMENT TO BOARDS, COMMISSIONS, AND/OR AUTHORITY OF THE CITY OF WASHINGTON

NAME Geraldine B. McKinley
(Please Print)

ADDRESS 405 E. Main St. Washington, NC 27889

PHONE NO. (BUSINESS) 252-975-8010 (HOME) 252-975-0261

DO YOU LIVE WITHIN THE CORPORATE LIMITS OF WASHINGTON? YES NO

HOW LONG HAVE YOU BEEN A RESIDENT OF BEAUFORT COUNTY? 62 YEARS

YEARS OF EDUCATION 12 yrs.

HAVE YOU SERVED ON A BOARD/COMMISSION OF THE CITY? YES NO
IF YES, PLEASE INDICATE _____

DO YOU ANTICIPATE A CONFLICT OF INTEREST BY SERVING AS A MEMBER OF A BOARD/COMMISSION? no IF YES, EXPLAIN _____

STATE REASONS WHY YOU FEEL QUALIFIED FOR THIS APPOINTMENT(S)
(OPTIONAL): Use back of sheet if additional space is needed
1- long time resident of the Historic District (1956)
2- I am interested in preserving our Historic homes & buildings
today

NOTE: This information will be used by the City Council in making appointments to Boards and Commissions AND, in the event you are appointed, it may be used as a news release to identify you to the community.

Geraldine B. McKinley
Signature

5-25-12
Date

NOTE: Application will remain on file for six (6) months Expiration Date: _____

Primary Board Washington Electric Utilities Advisory Other Boards Planning Board

**CANDIDATES REQUEST FOR APPOINTMENT TO BOARDS, COMMISSIONS,
AND/OR AUTHORITY OF THE CITY OF WASHINGTON**

NAME John J. O'Neill, Jr.
(Please Print)

ADDRESS 420 East Main Street, Washington, NC 27889

PHONE NO. (BUSINESS) 919-426-8402 (HOME) 252-833-4396

DO YOU LIVE WITHIN THE CORPORATE LIMITS OF WASHINGTON? YES NO

HOW LONG HAVE YOU BEEN A RESIDENT OF BEAUFORT COUNTY? 3.5 YEARS

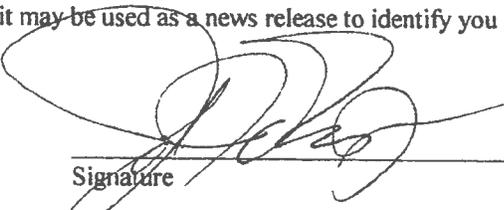
YEARS OF EDUCATION Post-College Graduate Work

HAVE YOU SERVED ON A BOARD/COMMISSION OF THE CITY? YES NO
IF YES, PLEASE INDICATE _____

DO YOU ANTICIPATE A CONFLICT OF INTEREST BY SERVING AS A MEMBER OF A BOARD/COMMISSION? No IF YES, EXPLAIN _____

STATE REASONS WHY YOU FEEL QUALIFIED FOR THIS APPOINTMENT(S)
(OPTIONAL): Use back of sheet if additional space is needed
Have worked in Electric Utility industry (Florida Power & Light), understand dynamics & economics of energy generation, transmission & distribution

NOTE: This information will be used by the City Council in making appointments to Boards and Commissions AND, in the event you are appointed, it may be used as a news release to identify you to the community.


Signature
22 APR 2012
Date

NOTE: Application will remain on file for six (6) months Expiration Date: 22 October 2012

Primary Board Washington Utilities Other Boards _____

**CANDIDATES REQUEST FOR APPOINTMENT TO BOARDS, COMMISSIONS,
AND/OR AUTHORITY OF THE CITY OF WASHINGTON**

NAME James R. Gaynor
(Please Print)

ADDRESS 500 Alderwood Road, Washington, DC 27889

PHONE NO. (BUSINESS) (252) 975-1992 (HOME) (252) 945-3075

DO YOU LIVE WITHIN THE CORPORATE LIMITS OF WASHINGTON? YES NO

HOW LONG HAVE YOU BEEN A RESIDENT OF BEAUFORT COUNTY? 20 YEARS

YEARS OF EDUCATION Bachelor's Degree Occupational Therapy, ECU

HAVE YOU SERVED ON A BOARD/COMMISSION OF THE CITY? YES NO
IF YES, PLEASE INDICATE _____

DO YOU ANTICIPATE A CONFLICT OF INTEREST BY SERVING AS A MEMBER OF A
BOARD/COMMISSION? No IF YES, EXPLAIN _____

STATE REASONS WHY YOU FEEL QUALIFIED FOR THIS APPOINTMENT(S)

(OPTIONAL): Use back of sheet if additional space is needed

25 years of business ownership - owner of two businesses -
in Washington - OT Plus, Inc. and Washington
Therapy Center.

NOTE: This information will be used by the City Council in making appointments to Boards and
Commissions AND, in the event you are appointed, it may be used as a news release to identify you to the
community.

James R. Gaynor
Signature

5/25/2012
Date

NOTE: Application will remain on file for six (6) months Expiration Date: _____

Primary Board: Electric Utilities Board Other Boards Planning Board

CANDIDATES REQUEST FOR APPOINTMENT TO BOARDS, COMMISSIONS, AND/OR AUTHORITY OF THE CITY OF WASHINGTON

NAME James M. Skillen
(Please Print)

ADDRESS 118 West 11th Street

PHONE NO. (BUSINESS) _____ (HOME) 252-946-1476

DO YOU LIVE WITHIN THE CORPORATE LIMITS OF WASHINGTON? YES NO

HOW LONG HAVE YOU BEEN A RESIDENT OF BEAUFORT COUNTY? 22 YEARS

YEARS OF EDUCATION College Graduate, UNC-CH 1982 - BS Chemistry

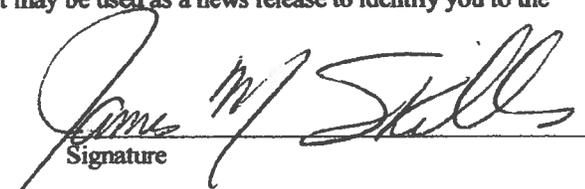
HAVE YOU SERVED ON A BOARD/COMMISSION OF THE CITY? YES NO
IF YES, PLEASE INDICATE _____

DO YOU ANTICIPATE A CONFLICT OF INTEREST BY SERVING AS A MEMBER OF A BOARD/COMMISSION? No IF YES, EXPLAIN _____

STATE REASONS WHY YOU FEEL QUALIFIED FOR THIS APPOINTMENT(S)
(OPTIONAL): Use back of sheet if additional space is needed
Have experience with all types of federal / state regulation including experience with FERC

**SEE ATTACHED RESUME*

NOTE: This information will be used by the City Council in making appointments to Boards and Commissions AND, in the event you are appointed, it may be used as a news release to identify you to the community.


Signature

5/21/2012
Date

NOTE: Application will remain on file for six (6) months Expiration Date: _____

JAMES SKILLEN

118 West 11th Street • Washington, NC 27889 • Phone: 252-946-1476 • jskillen1@suddenlink.net

Regulatory Affairs Specialist

28 years of experience facilitating and coordinating a positive / productive relationship with regulators at the state or federal level. Experience with rules / regulations promulgated for every environmental statute.

17 years of experience working for two member driven national trade associations on a variety of regulatory issues with significant impact to our members.

Professional Experience

RISE – WASHINGTON, DC

2006 to 2012

Director of Science & Regulatory Affairs

Key Results:

- Liaison for the Regulatory Affairs Committee, facilitated industry relationship with the Environmental Protection Agency's (EPA) Office of Pesticide Programs (OPP). Developed and implemented specific strategy for each regulatory action initiated by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) at the state and federal level.
- Raised >\$400,000 to sponsor turf research at two major universities, organized a Symposium through the American Chemical Society's Division of Agrochemical to present the research and facilitated the publication of "The Fate of Nutrients and Pesticides in the Urban Environment" [ISBN 978-0-8412-74228].
- Liaison for the Aquatic Committee, facilitated industry relationship with EPA's OPP and EPA's Office of Water. Developed and implemented specific strategy for each regulatory action initiated by EPA under FIFRA and the Clean Water Act (CWA) at the state and federal level.

RISE – WASHINGTON, DC

2001 to 2006

Manager of Formulator Issues

Key Results:

- Liaison for the Formulators Committee, facilitated industry relationship with the Environmental Protection Agency's (EPA) Office of Pesticide Programs (OPP). Developed and implemented specific strategy for each regulatory action initiated by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) at the state and federal level.
- Liaison for the Aquatic Workgroup, facilitated industry relationship with EPA's OPP and EPA's Office of Water. Developed and implemented specific strategy for each regulatory action initiated by EPA under FIFRA and the Clean Water Act (CWA) at the state and federal level.
- Raised >\$500,000 to challenge Ninth Circuit decision in the "Headwaters, Inc. v. Talent Irrigation District" court case.

THE FERTILIZER INSTITUTE – WASHINGTON, DC

1995 to 2001

Director of Regulatory Programs

Key Results:

- Liaison for the Environmental Committee, the Health & Safety Committee and the Energy Committee. Facilitated industry relationship with the EPA, the Occupational Safety and Health Administration (OSHA) and the Federal Energy Regulatory Commission (FERC). Developed and implemented specific strategy for each regulatory action initiated by these agencies.

TEXASGULF, INC. – AURORA, NC

1989 to 1995

Environmental Scientist

Key Results:

- Responsible for facility compliance with the Clean Water Act, the Safe Drinking Water Act; the Emergency Planning and Community Right-to-Know Act, and the Resource Conservation and recovery Act. Facilitated site relationship with the EPA and the North Carolina Department of Environment and Natural Resources. Developed and implemented specific strategy for each regulatory action initiated by the state or federal agencies.

CONSERV INC. – NICHOLS, FL

1983 to 1989

Senior Process & Environmental Chemist

Key Results:

- Responsible for facility compliance with every environmental statute. Facilitated site relationship with the EPA and the Florida Department of Environment Protection. Developed and implemented specific strategy for each regulatory action initiated by the state or federal agencies.

Education

UNIVERSITY OF NORTH CAROLINA – CHAPEL HILL, NC
Bachelor of Science In Chemistry, 1982

References:

Available upon request

Primary Board Electric Utilities Advisory Commission Other Boards _____

**CANDIDATES REQUEST FOR APPOINTMENT TO BOARDS, COMMISSIONS,
AND/OR AUTHORITY OF THE CITY OF WASHINGTON**

NAME Pearson Chrismon
(Please Print)

ADDRESS 110 North Main Street, Bath NC

PHONE NO. (BUSINESS) _____ (HOME) 252-923-4711

DO YOU LIVE WITHIN THE CORPORATE LIMITS OF WASHINGTON? YES NO

HOW LONG HAVE YOU BEEN A RESIDENT OF BEAUFORT COUNTY? _____ YEARS

YEARS OF EDUCATION _____

HAVE YOU SERVED ON A BOARD/COMMISSION OF THE CITY? YES NO
IF YES, PLEASE INDICATE _____

DO YOU ANTICIPATE A CONFLICT OF INTEREST BY SERVING AS A MEMBER OF A
BOARD/COMMISSION? NO IF YES, EXPLAIN _____

STATE REASONS WHY YOU FEEL QUALIFIED FOR THIS APPOINTMENT(S)

(OPTIONAL): Use back of sheet if additional space is needed

Would like to be a representative on the Electric Advisory Board for the Town of Bath and have the full support of the Town of Bath

Commissioners

NOTE: This information will be used by the City Council in making appointments to Boards and Commissions AND, in the event you are appointed, it may be used as a news release to identify you to the community.

Pearson Chrismon / [Signature]
Signature

5/25/2012
Date

NOTE: Application will remain on file for six (6) months Expiration Date: _____



The Historic Town of Bath

*P O Drawer 6A, 103 S King Street
Bath, North Carolina 27808*

May 23, 2012

To Whom It May Concern:

Please be advised that the Town of Bath Commissioners are in full support of Mr. Pearson Chrismon, who resides at 110 N. Main Street, Bath, as representative for the Town of Bath on the Electric Advisory Board.

If you have any questions or need further information, please feel free to call.

Sincerely,

James G. Latham, Mayor
Town of Bath



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Joshua Kay, City Manager *JK*
Date: August 7, 2012
Subject: City of Washington Logo
Applicant Presentation:
Staff Presentation:

RECOMMENDATION:

I move that the City Council approve the new City of Washington logo and authorize the City Manager to begin the implementation of its use.

BACKGROUND AND FINDINGS:

The City of Washington, the Washington Tourism Authority, the Washington Harbor District Alliance, and the Washington/Beaufort County Chamber of Commerce partnered together to undergo a branding initiative and contracted with Eye Integrated. One of the deliverables of this process is the development of a logo for each partner that allows for an identity that provides cohesion among the four partners.

PREVIOUS LEGISLATIVE ACTION

FISCAL IMPACT

Currently Budgeted Requires additional appropriation No Fiscal Impact

SUPPORTING DOCUMENTS

None

City Attorney Review: _____ Date By: _____ (if applicable)
Finance Dept Review: _____ Date By: _____ (if applicable)
City Manager Review: *JK* Concur _____ Recommend Denial
 _____ No Recommendation *08/07/12* Date



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: John Rodman, Planning & Development
Date: August 2, 2012
Subject: Adopt an ordinance to amend Article V, Housing, of the Code of Ordinances to update the Minimum Housing Code.

Applicant Presentation: N/A
Staff Presentation: John Rodman, Planning and Development
Dot Moate, Planning Board Chairman

RECOMMENDATION:

I move that the City Council accept the recommendation of the Planning Board and approve the Ordinance to amend Article V Housing, in order to update the Minimum Housing Code.

BACKGROUND AND FINDINGS:

A request has been made by the City of Washington Planning Department for a text amendment to Article V Housing, of the Washington Zoning Code of Ordinances in order to update the Minimum Housing Code. The Planning Board voted 7-0 to recommend to City Council to approve the text amendment.

During the June 2012 Public Hearing City Council asked that the update be further reviewed to enhance the intend of the ordinance

PREVIOUS LEGISLATIVE ACTION

Planning Board Meeting – May 22, 2012
City Council Meeting – June 11, 2012

FISCAL IMPACT

Currently Budgeted (Account _____) _____ requires additional appropriation
 No Fiscal Impact

SUPPORTING DOCUMENTS

Ordinance
Minimum Housing Code

City Attorney Review: _____ Date By: _____ (if applicable)
Finance Dept Review: _____ Date By: _____ (if applicable)
City Manager Review: Concur _____ Recommend Denial _____ No Recommendation
08/02/12 August 13, 2012
Date

**ORDINANCE AMENDING CHAPTER 6, ARTICLE V, HOUSING, OF THE
CODE OF ORDINANCES OF THE CITY OF WASHINGTON**

WHEREAS, NCGS 160A-441 authorizes local governments to amend ordinances regulating the existence and occupation of dwellings within their jurisdiction that are unfit for human habitation; and

WHEREAS, the amendment set out below is intended to promote the public health, safety, and welfare by amending the City Code to define and regulate unfit dwellings and to add prescribed conditions for such uses.

BE IT ORDAINED by the City Council of the City of Washington that:

Section 1: Article V of Chapter 6, Housing of the Code of Ordinances be and is hereby repealed in its entirety and a new Article V, inserted as follows:

See Attached

Section 2. This Ordinance shall become effective upon its adoption.

Section 3. All Ordinances or parts in conflict herein are repealed.

Adopted this _____ 13th _____ day of ___August___, 2012.

N. Archie Jennings, Mayor

ATTEST:

Cynthia S. Bennett, City Clerk

ARTICLE V. HOUSING

DIVISION 1. GENERAL PROVISIONS

Sec. 6-109. General.

These regulations shall be known as the City of Washington Minimum Housing Code, hereafter referred to as "this Article."

Sec. 6-110. Finding; Purpose.

- (a) Pursuant to G.S. 160A-441, it is hereby found and declared that there exist in the City of Washington dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents, or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering such dwellings unsafe, unsanitary, dangerous, or detrimental to the health and safety, or otherwise inimical to the welfare, of the residents of the City.
- (b) In order to protect the health, safety, and welfare of the residents of the City as authorized by G.S. 160A Article 19, Part 6, it is the purpose of this Article to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160A-444.
- (c) The current edition of the North Carolina State Residential Building Code, as amended from time to time, is hereby adopted by reference as if fully set forth in this Article as the Housing Code of the City.

Sec. 6-111. Scope.

- (a) The provisions of this Article shall apply to any existing dwelling or structure and to all dwellings or structures hereafter constructed, altered, or repaired within the City. Portable, mobile or modular buildings or structures, including trailers, when used or intended for use as a dwelling within the City, shall be subject to the applicable provisions of this Article.
- (b) The provisions of this Article shall be applicable within the corporate limits of the City and extend one (1) mile into its extraterritorial planning jurisdiction.

Sec. 6-112. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Article.

Abandoned Structure. Any structure, whether designed or intended for residential or other uses, which is vacant or not in active use, regardless of purpose or reason, for the previous one-year period and which is determined by the Code Official or City Council, as more specifically provided for herein, to be unfit for human habitation or occupancy based upon the standards as set forth in this Article.

Basement. A portion of a dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

Cellar. A portion of a dwelling, which is located partly or wholly underground, having inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

Certificate of Occupancy. Written certification by an inspector that a dwelling or dwelling unit complies with the requirements of this Article and all other applicable provisions of the Washington City Code and North Carolina General Statutes.

Code Official. The person duly designated by the City Council to administer and enforce this Article.

Deteriorated. A dwelling that is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this Article at a cost not in excess of fifty percent (50%) of its value, which cost and value shall be determined by findings of the Code Official as more specifically provided for hereinafter.

Dilapidated. A dwelling that is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this Article except at a cost in excess of fifty percent (50%) of its value, which cost and value shall be determined by findings of the Code Official as more specifically provided for hereinafter.

Dwelling. Any building, structure, or manufactured or mobile home or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as defined in this section, shall not be regarded as a dwelling. The term shall include within its meaning the terms "rooming house" and "rooming unit", as defined in this section.

Dwelling Unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Extermination. The control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination method approved by the Code Official.

Family. An individual living alone; two (2) or more persons related by blood, adoption, or marriage living together in a dwelling unit; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit in a shared dwelling unit.

Garbage. The waste material resulting from the handling, preparation, cooking and consumption of food or trash.

Habitable Room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or connecting corridors, closets and storage spaces.

Habitable Structure. Any structure used for living, sleeping, cooking or eating purposes for extended periods or on a regular basis or designed for living, sleeping, cooking or eating purposes for extended periods or on a regular basis.

Imminent Danger. A condition which would cause serious or life-threatening injury or death at any time.

Infestation. The presence, within or around a dwelling, of any insects, rodents, bats or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants of the dwelling or the public.

Inspections Division. The Inspections Division of the Planning and Development Department of the City of Washington.

Manufactured or Mobile Home. A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974. For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width. "Manufactured home" also means a double-wide manufactured home, which is two (2) or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width.

Multiple (Multi-Family) Dwelling. Any dwelling containing more than two (2) dwelling units.

Occupant. Any person over one (1) year of age, living, sleeping, cooking or eating in or having actual possession of a dwelling, dwelling unit or rooming unit.

Operator. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

Owner. Any person who alone, jointly or severally with others:

- (a) Shall have title to any dwelling, dwelling unit or rooming unit, with or without accompanying actual possession thereof;
- (b) Shall be a mortgagee of record for any dwelling, dwelling unit or rooming unit; or
- (c) Shall have charge, care or control of any dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, executrix, administrator, trustee

or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Article, and with the rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

Party or Parties in Interest. All persons who have interests of record in a dwelling, dwelling unit or rooming unit, and any persons who are in possession thereof.

Person. Any individual, corporation, firm, partnership, association, organization or other legal entity.

Plumbing. All of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Public Authority. Any housing authority or any officer who is in charge of any department or branch of the government of the City, the county or the State relating to health, fire, building regulations or other activities concerning dwellings in the City.

Rooming or Boarding House. Any dwelling, or that part of any dwelling, containing one (1) or more rooming units, in which space is let by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father or brother or sister of the owner or operator.

Rooming Unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish. The term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass and dust.

Supplied. Paid for, furnished or provided by or under the control of the owner or operator.

Temporary Housing. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utility system on the same premises for more than thirty (30) consecutive days.

Unfit for Human Habitation. Conditions existing in a dwelling, dwelling unit, rooming house or rooming unit which violate or do not comply with one (1) or more of the minimum standards of fitness, or one (1) or more of the requirements, established by this Article.

Vacant Dwelling. Any dwelling that has not been occupied or otherwise inhabited for a period of six (6) months. In the case of rental property, "vacant dwelling" shall also refer to any dwelling unit or rooming unit that is currently unoccupied and not being leased or rented to any person.

Water Closet. A water closet is a room which contains a flush toilet, usually accompanied by a wash bowl or sink.

Words Having Certain Meaning. Whenever the words "dwelling," "dwelling unit", "rooming house", "rooming unit", or "premises" are used in this Article, they shall be construed as though they were followed by the words "or any part thereof."

DIVISION 2. MINIMUM HOUSING STANDARDS

Sec. 6-113. Minimum Standards of Fitness for Dwellings and Dwelling Units.

Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all the minimum standards of fitness for human habitation and all of the applicable requirements of this Article. No person shall occupy as owner or occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all the minimum standards of fitness for human habitation. Only approved building materials for specific purposes may be used in making necessary repairs to a dwelling or dwelling unit.

Sec. 6-114. Dwelling Unfit for Human Habitation.

The Code Official shall determine that a dwelling is unfit for human habitation if he finds that any one of the following conditions exist in such dwelling.

- (a) Interior walls or vertical studs which seriously list, lean or buckle to such an extent as to render the dwelling unsafe.
- (b) Supporting member or members which show thirty-three percent (33%) or more damage or deterioration, or nonsupporting, enclosing or outside walls or covering which shows fifty percent (50%) or more of damage or deterioration.
- (c) Floors or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- (d) Such damage by fire, wind or other causes as to render the dwelling unsafe.
- (e) Dilapidation, structural defects, decay, unsanitary conditions, uncleanliness, or disrepair which are dangerous to the health, safety or welfare of the occupants or other people in the City or the City's jurisdiction.
- (f) Inadequate facilities for egress in case of fire or panic.
- (g) Defects increasing the hazards of fire, accident or other calamities.
- (h) Lack of adequate ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the City.
- (i) Lack of proper electrical, heating or plumbing facilities required by this Article which constitutes a health or safety hazard.

- (j) Lack of connection to a potable water supply and/or to the public sewer or other approved sewage disposal system, the lack of either one of which renders a dwelling unfit for human habitation. For the purpose of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of non-payment of the water bill or otherwise, or if the system for any reason is not receiving a flow of potable water to the tap.
- (k) Any other condition that exists in a dwelling or dwelling unit that renders it dangerous or injurious to the health, safety, or welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the City.

Sec. 6-115. Minimum Standards for Exterior Property Areas.

- (a) All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- (b) All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Lots shall also be properly graded to prevent surface water run-off from being directed onto adjoining properties.
- (c) All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- (d) All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- (e) Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
- (f) All accessory structures, including detached garages, fences and walls, shall be maintained in a structurally sound manner and in good repair.
- (g) No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Sec. 6-116. Minimum Standards for Structural Condition.

(a) Foundation.

- (1) A foundation wall system shall support the building at all points and shall be free of holes, cracks, and loose mortar or masonry which would admit rodents, water

or dampness to the interior of the building or which lessen the capability of the foundation to support the building.

- (2) Crawl space shall be graded so as to prevent any standing water.
- (3) Foundation walls and footings shall be free of defects such as cracks, holes and loose mortar.
- (4) Piers shall be sound with no loose mortar or masonry.

(b) Floors.

- (1) There shall not be decayed, termite-damaged, fire-damaged, broken, overloaded or sagging sills that adversely affect the structural integrity of the building framing system.
- (2) Joists shall not be decayed or broken so as to adversely affect the structural integrity of the floor framing system.
- (3) Flooring shall be weather-tight without holes or cracks which permit excessive air to penetrate rooms.
- (4) There shall be no loose flooring.
- (5) Bathroom and kitchen flooring surfaces shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such flooring to be easily kept in a clean and sanitary condition.
- (6) All floor coverings shall be constructed and maintained so as not to constitute a trip hazard and kept in a clean and sanitary condition.
- (7) There shall be no use of the ground for floors or wood floors on the ground.

(c) Exterior Walls.

- (1) There shall be no broken, cracked or fire damaged structural members.
- (2) All siding shall be weather-tight, with no holes or excessive cracks or decayed boards which permit excessive air or moisture to penetrate rooms.
- (3) There shall be no loose siding.
- (4) Exterior surfaces not inherently resistant to deterioration shall be treated with protective, appropriate siding or painted and maintained in good repair to prevent deterioration.

(d) Interior Walls.

- (1) The interior finish shall be free of holes and cracks.

- (2) All interior walls shall be treated, painted and maintained so as to be easily kept in a clean and sanitary condition.
- (3) No loose plaster, loose boards or other loose wall materials shall be allowed.
- (4) There shall be no decayed or termite-damaged studs.
- (5) There shall be no broken or cracked studs or other broken or cracked structure members.

(e) Ceilings.

- (1) There shall be no joists which are decayed or broken, sagging, or improperly supported.
- (2) There shall be no holes or excessive cracks which permit air to penetrate rooms.
- (3) There shall be no loose plaster, boards, gypsum wall board, or other ceiling finish.
- (4) There shall be no evidence of water damage.

(f) Roof.

- (1) There shall be no rafters which are decayed or broken.
- (2) No rafters shall be damaged by fire.
- (3) Sheathing shall not be loose.
- (4) No loose roof covering shall be allowed, nor shall there be any holes or leaks which could cause damage to the structure.
- (5) There shall be proper flashing at walls and roof penetrations.
- (6) There shall be no chimneys or part thereof which are defective, deteriorated or in danger of falling, or in such condition to constitute a fire hazard.

Sec. 6-117. Minimum Standards for Basic Equipment and Facilities

(a) Plumbing system.

- (1) Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewer disposal system.
- (2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet and an adequate supply of both cold and hot water.
- (3) All plumbing fixtures shall meet the standards of the North Carolina Plumbing Code and shall be maintained in a state of good repair and good working order.

- (4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.
- (5) Water closets shall be functional and free of leaks.
- (6) Water closets shall not be loose from floor or leaking.
- (7) Tub and shower stall floors and walls shall be watertight.
- (8) Fixtures shall not be cracked or broken and shall function as designed.
- (9) Sewer and water lines shall be properly supported, with no broken or leaking lines.

(b) Heating system.

- (1) Every dwelling and dwelling unit shall provide central heat or other approved permanent source of heating.
- (2) *Central and electric heating system.* Every central or electric heating system shall be of sufficient capacity so as to heat at least one habitable room, excluding the kitchen, in every dwelling unit to which it is connected a minimum temperature of 68 degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary winter conditions.
 - a. All ducts, pipes and tubes should be free of leaks and functioning properly.
- (3) *Other heating facilities.* Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents whereby heating appliances are connected so as to heat at least one habitable room, excluding the kitchen, with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary winter conditions.
 - a. All floor, wall or room heaters must comply with the standards of the North Carolina State Building Code.
 - b. Chimneys shall have no loose bricks or mortar and shall have a flue.
 - c. Flues shall have no holes.
 - d. Open masonry fireplaces shall only be used as supplemental heat and not as a primary source of heating.
 - e. No portable kerosene space heater may be used as a primary source of heat.

f. If the fireplace opening is closed, the closure shall be of noncombustible material and airtight.

g. No hanging chimneys shall be allowed.

(c) Electrical System.

- (1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall-type electric convenience receptacles, connected in such manner as determined by the North Carolina Electric Codes. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one (1) supplied ceiling or wall type electric fixture for lighting. In the event wall or ceiling light fixtures are not provided in any habitable room, then such habitable room shall contain at least three (3) floor or wall type electric convenience receptacles.
- (2) Every common hall and stairway in every multiple dwelling shall have adequate lighting by electric lights at all times when natural lighting is not sufficient.
- (3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair and installed in accordance with the North Carolina Electric Codes and any new provisions correlating with new provisions of the North Carolina Building Code.
- (4) All receptacles shall have outlet covers installed.
- (5) All light switches shall have covers installed.
- (6) Each dwelling unit shall have electric service from a separately metered delivery system provided by a licensed utility company. No drop cords, extension cords or similar wiring mechanism may be utilized in any fashion other than in conformance with the purposes for which it was designed.

Sec. 6-118. Minimum Standards for Smoke Detectors.

Every owner of a dwelling unit shall have UL approved smoke detectors installed, mounted on or near the ceiling on every level, at a point centrally located in the corridor or area giving access to each group of rooms used for sleeping purposes. Where bedrooms are not centrally located, more than one smoke detector may be required.

Sec. 6-119. Minimum Standards for Ventilation.

- (a) All habitable rooms shall be provided with aggregate glazing area of not less than eight percent (8%) of the total floor area of such rooms. One-half (1/2) of the required area of glazing shall be operable. For the purpose of determining the light and ventilation requirement, any room may be considered as a portion of an adjoining room when one-half (1/2) of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth (1/10) of the floor area of the interior room or twenty-five (25) square feet, whichever is greater. Exceptions to this standard are as follows.

- (1) The glazed areas need not be openable where the opening is not required by Section 310 of Volume VII of the North Carolina Building Code and an approved mechanical ventilation system is provided capable of producing 0.35 air change per hour in the room or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of fifteen (15) cubic feet per minute (cfm) (7.08 L/s) per occupant computed on the basis of two (2) occupants for the first bedroom and one (1) occupant for each additional bedroom.
 - (2) The glazed areas may be omitted in rooms where the opening is not required by Section 310 of Volume VII of the North Carolina Building Code and an approved mechanical ventilation system is provided capable of producing 0.35 air change per hour in the room or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of fifteen (15) cubic feet per minute (cfm) (7.08 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom, and artificial light is provided capable of producing an average illumination of six (6) foot candles (6.46 L/s) over the area of the room at a height of thirty (30) inches above the floor level.
- (b) All exterior windows and doors shall be reasonably weather-tight, shall have no broken glass, and shall have adequate operable locks and hardware.
 - (c) All interior windows and hardware shall be in good repair.
 - (d) Required glazed openings shall open directly onto a street or public alley, or a yard or court located on the same lot as the building.
 - (e) Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than three (3) square feet, one-half (1/2) of which must be openable. An exception to this standard is as follows.
 - (1) The glazed areas shall not be required where artificial light and an approved mechanical ventilation system capable of producing a change of air every twelve (12) minutes are provided. Bathroom exhausts shall be vented directly to the outside.

Sec. 6-120. Minimum Standards for Space, Use and Location.

(a) Room Size.

- (1) Every dwelling unit shall have at least one (1) habitable room which shall have not less than one hundred fifty (150) square feet of floor area. Other habitable rooms shall have an area of not less than seventy (70) square feet. Every kitchen shall have not less than fifty (50) square feet of floor area. Habitable rooms, except kitchens, shall be not less than seven (7) feet in any horizontal dimension.
- (2) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than

one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

(b) Ceiling Height.

(1) Habitable rooms, except kitchens, shall have a ceiling height of not less than seven (7) feet six (6) inches for at least fifty (50) percent of their required areas. Not more than fifty (50) percent of the required area may have a sloped ceiling less than seven (7) feet six (6) inches in height with no portion of required areas less than five (5) feet in height. If any room has a furred ceiling, the prescribed ceiling height is required for at least fifty (50) percent of the area thereof, but in no case shall the height of the furred ceiling be less than seven (7) feet. A portion of a room with a sloping ceiling measuring less than five (5) feet zero (0) inches or a furred ceiling measuring less than seven (7) feet zero (0) inches from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room. Exceptions to this standard are as follows.

- a. Beams and girders spaced not less than four (4) feet on center may project not more than six (6) inches below the required ceiling height.
- b. All other rooms including kitchens, baths and hallways may have a ceiling height of not less than seven (7) feet measured to the lowest projection from the ceiling.
- c. Ceiling height in basements without habitable spaces may not be less than six (6) feet eight (8) inches clear except for under beams, girders, ducts or other obstructions where the clear height shall be six (6) feet four (4) inches.

(c) Cellar.

(1) No cellar shall be used for living purposes.

(d) Basements.

(1) No basement shall be used for living purposes unless:

- a. The floor and walls are substantially water-tight;
- b. The total window area, total openable window area, and ceiling height are equal to those required for habitable rooms; and
- c. The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well, or access way.

Sec. 6-121. Minimum Standards for Means of Egress.

- (a) Every dwelling shall have safe, unobstructed means of egress with a minimum ceiling height of seven (7) feet leading to a safe and open space at ground level.
- (b) Every exterior, cellar and basement door or hatchway shall be substantially weather-tight and rodent proof, and shall be kept in sound working condition and good repair.
- (c) Every exterior door shall be provided with properly installed hardware that is maintained to ensure reasonable ease of operation to open, close and secure as intended by the manufacturer of the door and attached hardware.
- (d) Exterior door frames shall be properly maintained and shall be affixed with weather-stripping and thresholds as required to be substantially weather-tight, watertight and rodent and insect resistant when the door is in a closed position.
- (e) Exterior door jams, stops, headers and molding shall be securely attached to the structure, maintained in good condition without splitting or deterioration that would minimize the strength and security of the door in a closed position.
- (f) All exterior doors shall have manufactured locks specifically designed for use with exterior doors requiring a key to be unlocked from the outside.
- (g) Every sleeping room shall have at least one (1) operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside to a full clear opening without the use of a key or tool. Where windows are provided as a means of egress or rescue they shall have a sill height of not more than forty-four (44) inches above the floor.
- (h) All egress or rescue windows from sleeping rooms must have a net clear opening of four (4.0) square feet. The minimum net clear opening height shall be twenty-two (22) inches. The minimum net clear opening width shall be twenty (20) inches. Each egress window from sleeping rooms must have a minimum total glass area of not less than five (5.0) square feet in the case of a second story window.
- (i) Bars, grills, screens or other obstructions placed over emergency escape windows shall be releasable or removable from the inside without the use of a key or tool.

Sec. 6-122. Minimum Standards for Porches or Raised Platforms.

- (a) Foundation floorings, ceilings and roofings for porches and raised platforms shall be equal to the standards set forth in Section 6-116, except sills and joists need not be level if providing drainage for a floor and floors need not be weather-tight.
- (b) Roof posts and attached railings shall be structurally sound.
- (c) Every porch terrace or raised platform located at least thirty (30) inches above the adjacent finished grade shall be equipped with guardrails not less than thirty-six (36) inches high. Open guardrails shall have intermediate rails such that a six (6) inch sphere cannot pass through any opening.

Sec. 6-123. Minimum Standards for Stairs and Steps.

- (a) Stairs and steps shall not be decayed and shall be in good repair.
- (b) Every rail shall be firmly fastened and maintained in good condition.
- (c) No flight of stairs more than one (1) inch out of its intended position or pulled away from supporting or adjacent structures shall be allowed.
- (d) Supports shall be structurally sound.
- (e) Steps and stairs requiring replacement due to deterioration shall be constructed in compliance with North Carolina State Building Code standards.
- (f) Stairways having four or more risers above a floor or finished ground level shall be equipped with handrails located not less than thirty (30) inches nor more than thirty-eight (38) inches above the leading edge of a tread. An exception from this standard is that handrails that form part of a guardrail may be forty-two (42) inches high.
- (g) Gripping surfaces shall be continuous without interruption.

Sec. 6-124. Minimum Standards for Control of Insects, Rodents and Infestations.

- (a) *Screens.* In every dwelling unit for which an air conditioner is not provided, every door opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device for protection against mosquitoes, flies, and other insects. Every window or other device with openings to outdoor space shall be supplied with screens, in every dwelling unit for which an air conditioner is not provided.
- (b) *Rodent Control.* Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.
- (c) *Infestation.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination or removal of any insects, rodents, bats or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination or removal whenever his or her dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonable insect proof condition, extermination or removal shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any structure or in the shared or public parts of any structure containing two (2) or more dwelling units, extermination or removal shall be the responsibility of the owner.
- (d) *Garbage storage and disposal.* Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers as required by the Washington City Code and the owner, operator or agent in control of such dwelling or dwelling unit

shall be responsible for the removal of garbage. At least one (1) ninety-five (95) gallon outside garbage can shall be required for single family residences.

Sec. 6-125. Minimum Standards Applicable to Rooming Houses; Exceptions.

All of the provisions, minimum standards, and requirements of this Article shall be applicable to rooming houses and to every person who operates a rooming house or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following subsections.

- (a) *Water closets, hand lavatories and bathing facilities.* At least one (1) water closet, lavatory basin, and bathtub or shower, properly connected to an approved water system and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
- (b) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age or older and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.
- (c) *Sanitary facilities.* Every water closet, flush urinal, lavatory basin, bathtub, or shower required by subsection (a) of this section shall be located within the rooming house and within a room or rooms which afford privacy, are separate from habitable rooms, and are accessible from a common hall without going outside the rooming house or through any other room therein.
- (d) *Sanitary conditions.* The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings; every other part of the rooming house; and the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

Sec. 6-126. Responsibilities of Owners and Occupants.

- (a) Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining the shared or public areas of the dwelling and the premises thereof in a clean and sanitary condition.
- (b) Every occupant of a dwelling or dwelling unit shall keep that part of the dwelling or dwelling unit and the premises thereof which he occupies or controls in a clean and sanitary condition.

- (c) No owner or owner's agent shall lease or rent to any other person any vacant dwelling unit unless it complies with the provisions of this Article and is reasonably clean, sanitary and fit for human occupancy.

Sec. 6-127. Special Historic Buildings and Districts.

All exterior alterations or repairs required by the provisions of this Article to structures that are identified and classified by the City Council as a designated landmark or being within a local historic district must meet the requirements of the City of Washington as administered by the Historic Preservation Commission.

DIVISION 3. ADMINISTRATION AND ENFORCEMENT

Sec. 6-128. Duties of the Code Official.

The Director of Planning and Development (or his designee) is hereby designated as the Code Official to administer and enforce the provisions of this Article and to exercise the duties and powers herein prescribed. It shall be the duty of the Code Official:

- (a) To investigate the dwelling conditions in the City and to inspect dwellings as well as dwelling units located in the City in order to determine which dwellings and dwelling units are unfit for human habitation and for the purpose of carrying out the objectives of this Article with respect to such dwellings and dwelling units;
- (b) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effectuate the rehabilitation of housing which is deteriorated;
- (c) To keep a record of the results of inspections made under this Article and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed; and
- (d) To perform such other duties as may be prescribed herein.

Sec. 6-129. Powers of the Code Official.

The Code Official is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this Article, including the following powers in addition to others granted herein:

- (a) To investigate the dwelling conditions in the City in order to determine which dwellings therein are unfit for human habitation;
- (b) To administer oaths and affirmations, examine witnesses and receive evidence;
- (c) To enter upon premises for the purpose of making examinations and inspections; provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession; and

- (d) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this Article.

Sec. 6-130. Inspections: Right of Entry

For the purpose of making inspections, the Code Official is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling unit or rooming unit, or the person in charge thereof, shall give the Code Official free access to such dwelling, dwelling unit or rooming unit, and its premises at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to affect compliance with the provisions of this Article or with any lawful order issued pursuant to the provisions of this Article.

(Code 1972, § 9-6; Code 1993, § 4-89)

Sec. 6-131. Housing Appeals Board.

The Board of Adjustment, provided for under Chapter 40, shall serve as the Housing Appeals Board, to which appeals may be taken from any decision or order of the Code Official, as more specifically provided for by Section 40-510. Such Housing Appeals Board shall perform the duties prescribed by Section 40-512, shall have the power to adopt rules of procedure relative to its duties under this Article and shall keep an accurate record of all its proceedings.

(Code 1972, § 9-12; Code 1993, § 4-90)

Sec. 6-132. Procedure for Enforcement.

- (a) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the Code Official by a public authority or by at least five (5) residents of the City charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Code Official (on his own motion) that any dwelling or dwelling unit is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Code Official (or his designated agent) at a place within the City, therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of such complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one (1) of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Code Official.

- (1) During said hearing, the Code Official shall, among other things, determine and establish the estimated cost to repair, alter, or improve the dwelling in order to

render it fit for human habitation and the estimated value of the dwelling using available information, including but not limited to tax valuations and any relevant evidence presented.

(b) *Procedure after hearing.* If, after such notice and hearing, the Code Official determines that the dwelling or dwelling unit in question is unfit for human habitation, he shall state in writing his findings of fact in support of such determination, including his conclusion as to whether the dwelling or dwelling unit is deteriorated or dilapidated, and issue and cause to be served upon the owner thereof one of the following orders that includes his findings and conclusion.

(1) *Deteriorated dwelling.* If the Code Official determines that the dwelling or dwelling unit is deteriorated, he shall issue an order requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling in order to render it fit for human habitation. The order may also require the owner to vacate and close the dwelling or dwelling unit until the repairs, alterations and improvements have been made if continued occupancy during the time allowed for repair, alteration, or improvement will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of eighteen (18) or occupants with physical and mental disabilities. The order shall also state that the failure to make timely repairs, alterations or improvements as directed in the order shall make the dwelling subject to the issuance of an unfit order under subsection (d)(1) of this section.

(2) *Dilapidated dwelling.* If the Code Official determines that the dwelling or dwelling unit is dilapidated, he shall issue an order requiring the owner, within the time specified in the order, to remove or demolish such dwelling. If the dwelling is located in the historic district of the City and the Historic Preservation Commission determines, after a public hearing as provided by the City Code, that the dwelling is of particular significance or value toward maintaining the character of the historic district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160A-400.14(a).

(c) Whenever the Code Official issues an order under this section that a dwelling must be vacated and closed or removed or demolished, notice of the order shall be given by first class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of forty-five (45) days from the mailing of such notice shall be given before removal or demolition by action of the Code Official, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Code Official or clerk shall certify the mailing of the notices and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Code Official to wait forty-five (45) days before causing removal or demolition.

(d) *Failure to comply with order.* The following remedies are available upon the failure of an owner to comply with any order issued under this section.

(1) If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Code Official to repair, alter or improve or vacate and close the dwelling, the Code Official may submit an ordinance to the City Council, which ordinance, if adopted by City Council, may authorize the Code Official to cause the dwelling to be repaired, altered, or improved or to be vacated and closed, and shall authorize the Code Official to post on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. Any such ordinance adopted pursuant hereto by City Council shall be recorded in the Office of the Register of Deeds of Beaufort County and shall be indexed in the name of the property owner in the grantor index.

(2) If the owner of any dilapidated dwelling or dwelling unit shall fail to comply with an order of the Code Official to remove or demolish the dwelling, the Code Official may submit an ordinance to the City Council, which ordinance, if adopted by City Council, may authorize the Code Official to cause the dwelling to be removed or demolished, or vacated and closed. Any such ordinance adopted pursuant hereto by City Council shall be recorded in the Office of the Register of Deeds of Beaufort County and shall be indexed in the name of the property owner in the grantor index.

(3) If any occupant fails to comply with an order to vacate a dwelling or dwelling unit, the Code Official may file a civil action in the name of the City to remove such occupant utilizing the procedures prescribed by G.S. 160A-443(7).

(e) *Appeals from orders of the Code Official.* An appeal from any decision or order of the Code Official may be taken by any person aggrieved thereby or by any public officer, board or commission of the City. Any appeal from the Code Official shall be taken within ten (10) days from the rendering of the decision or service of the order, and shall be taken by filing with the Code Official and with the Housing Appeals Board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Code Official shall forthwith transmit to the Housing Appeals Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Code Official refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the Code Official requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Housing Appeals Board, unless the Code Official certifies to the Housing Appeals Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of the requirement would cause imminent peril to life or property; in which case, the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day written notice to the

Code Official, by the Housing Appeals Board or by a court of record upon petition made pursuant to G.S. 160A-446(f) and subsection (f) of this section.

- (1) The Housing Appeals Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person, by agent or by attorney before the Housing Appeals Board. The Housing Appeals Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Code Official, but the concurring vote of four (4) members of the Housing Appeals Board shall be necessary to reverse or modify any decision or order of the Code Official. The Housing Appeals Board also shall have the authority in passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of this Article, to adapt the application of this Article to the necessities of the case to the end that the spirit of this Article shall be observed, public safety and welfare secured, and substantial justice done.
 - (2) Every decision of the Housing Appeals Board shall be subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the Housing Appeals Board, but not otherwise.
- (f) *Petition to Superior Court by owner.* Any person aggrieved by an order issued by the Code Official or a decision rendered by the Housing Appeals Board may, within thirty (30) days after issuance of the order or the rendering of the decision, petition the Superior Court for an injunction restraining the Code Official from carrying out the order or decision and the Court may, upon such petition, issue a temporary injunction restraining the Code Official, pending a final disposition of the cause, as more specifically provided for by G.S. 160A-446(f).

Sec. 6-133. Methods for Service of Complaints and Orders.

- (a) Complaints or orders issued by the Code Official pursuant to this Article shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the Post Office within ten (10) days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.
- (b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Code Official in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the Code Official makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the City at least once no later than the time at which personal service would be required under the provisions of this Article. When service is made by publication, a notice of the pending

proceedings shall be posted in a conspicuous place on the premises thereby affected.

Sec. 6-134. Abandonment of Property

(a) If the Code Official has issued an order pursuant to Section 6-132(b)(1) of this Article or if the City Council has adopted an ordinance pursuant to Section 6-132(d)(1) or Section 6-132(d)(2) of this Article, ordering a dwelling or dwelling unit to be repaired, altered, or improved, or vacated and closed, and if the dwelling or dwelling unit has been vacated and closed for a period of one (1) year pursuant to the order or ordinance, then if the City Council shall find that:

(1) The owner has abandoned the intent and purpose to repair, alter or improve the dwelling or dwelling unit in order to render it fit for human habitation and that

(2) The continuation of the dwelling in its vacated and closed state (i) would be inimical to the health, safety, and welfare of the municipality in that the dwelling would continue to deteriorate; would create a fire and safety hazard; would be a threat to children and vagrants; would attract persons intent on criminal activities; or would cause or contribute to blight and the deterioration of property values in the area; and (ii) would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; then in such circumstances, the City Council may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, containing the following:

a. If the repair of the dwelling to render it fit for human habitation can be made at a cost not in excess of fifty percent (50%) of its value, an order requiring the owner to repair or demolish and remove the dwelling with ninety (90) days; or

b. If the repair of the dwelling to render it fit for human habitation cannot be made except at a cost in excess of fifty percent (50%) of its value, an order requiring the owner to demolish and remove the dwelling within ninety (90) days.

(b) Any such ordinance adopted pursuant to Section 6-134(a) by City Council shall be recorded in the Office of the Register of Deeds of Beaufort County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with such an ordinance, the Code Official shall effectuate the purpose of the ordinance.

Sec. 6-135. Liens for Costs of Repairs, Alterations, etc.

(a) As provided by G.S. 160A-443(6), the amount of the cost of repairs, alterations or improvements; vacating and closing; or removal or demolition caused to be made or done by the Code Official pursuant to this Article, shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. 160A, Art. 10 (G.S. 160A-216 et seq.).

- (b) If the real property upon which the cost was incurred is located in the City, then the amount of the cost is also a lien on any other real property of the owner located within the City limits or within one (1) mile thereof except for the owner's primary residence. The additional lien provided in this subsection is inferior to all prior liens and shall be collected as a money judgment.
- (c) If the dwelling is removed or demolished by the Code Official, he shall sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court by the Code Official, shall be secured in a manner directed by the Court, and shall be disbursed by the Court to the persons found to be entitled thereto by final order or decree of the Court. Nothing in this Article shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause a removal or abatement by summary proceedings, or otherwise.

Sec. 6-136. Alternative Remedies.

Nothing in this Article shall be construed to abrogate or impair the powers of the Courts or of any department of the City to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this Article shall be in addition and supplemental to the powers conferred by any other law.

Sec. 6-137. Conflict With Other Provisions.

In the event any provision, standard or requirement of this Article is found to be in conflict with any provision of any other ordinance or Code of the City, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the City shall prevail.

Sec. 6-138. Penalties and Violations.

- (a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter, or improve the same; vacate or close the same; or remove or demolish the same, upon order of the Code Official or ordinance of the City Council duly made and served as herein provided, within the time specified in such order or ordinance, and each day that any such failure, neglect or refusal to comply with such order or ordinance continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit with respect to which an order or ordinance has been issued pursuant to this Article, to occupy or permit the occupancy of the same after the time prescribed in such order or ordinance for its repair, alteration or improvement; vacating or closing; or removal or demolition and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- (b) The violation of any provision of this Article shall constitute a misdemeanor, as provided by G.S. 14-4.

Sec. 6-139 – 6-150. Reserved.



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Matt Rauschenbach, Administrative Services Director/C.F.O.
Date: August 13, 2012
Subject: Adopt Final Budget Ordinance and Project/Grant Ordinance Amendments for FY 11/12
Applicant Presentation: N/A
Staff Presentation: N/A

RECOMMENDATION:

I move that City Council adopt the final budget ordinance and project/grant ordinance amendments for FY 11/12.

BACKGROUND AND FINDINGS:

In order to true up the financial records for the fiscal year, funding needs to be reallocated among the various funds, departments, and line items in order to keep certain cost centers from being overspent at year end.

PREVIOUS LEGISLATIVE ACTION

FISCAL IMPACT

Currently Budgeted (Account _____) Requires additional appropriation
 No Fiscal Impact

SUPPORTING DOCUMENTS

Budget and Grant Project Ordinance Amendment

City Attorney Review: _____ Date By: _____ (if applicable)
Finance Dept Review: _____ Date By: _____ (if applicable)
City Manager Review: DR Concur _____ Recommend Denial _____ No Recommendation
08/07/12 Date

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE AND CAPITAL
PROJECT/GRANT ORDINANCES OF THE CITY OF WASHINGTON, NC
FOR THE FISCAL YEAR 2011-2012**

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

Library Trust Fund

Section 1. That the following account in the Library Trust Fund appropriations budget be increased in the amount shown to allow for a transfer of interest earnings to the General Fund:

11-40-6300-9200	Adm. Charges to General Fund	\$150
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Section 2. That the following revenue in the Library Trust Fund be increased in the amount shown:

11-40-3831-0000	Interest Earned – Library Trust	\$150
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Cemetery Trust Fund

Section 3. That the following account in the Cemetery Trust Fund appropriations budget be increased in the amount shown to allow for a transfer of interest earnings to the Cemetery Fund:

12-30-6400-9205	Adm. Charges to Cemetery Fund	\$600
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Section 4. That the following revenue in the Cemetery Trust Fund be increased in the amount shown:

12-30-3831-0000	Interest Earned – Cemetery Trust	\$600
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Airport Fund

Section 5. That the following account in the Airport Operations portion of the Airport Fund appropriations budget be increased in the amount shown to cover anticipated expenses for FY 11/12:

37-90-4530-3101	Fuel Purchases	\$91,600
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Section 6. That the following revenue in the Airport Fund be increased in the amount shown to cover anticipated expenses for the remainder of FY 11/12:

37-90-3453-0000	Fuel Sales	\$66,000
37-90-3991-9910	Fund Balance Appropriated	25,600

Gang Investigator Grant Fund

Section 7. That the following accounts in the Gang Investigator Grant Fund appropriations budget be increased or decreased in the amounts shown:

53-10-4310-0200	Salaries	\$18,347
53-10-4310-0201	Salaries – Overtime	(17,955)
53-10-4310-0205	Longevity	325
53-10-4310-0500	FICA	(329)
53-10-4310-0600	Group Insurance	3256
53-10-4310-0700	Retirement Contribution	1015
53-10-4310-0702	401 K Contributions – Police	286
53-10-4310-1100	Telephone	(277)
53-10-4310-1400	Employee Development	(843)
53-10-4310-3300	Supplies	(30)
53-10-4310-5402	Worker’s Comp Insurance	(3,700)
53-10-4310-7400	Capital Outlay – Equipment	(95)
		0

Section 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9. This ordinance shall become effective upon its adoption.

Adopted this the 13th day of August, 2012.

MAYOR

ATTEST:

CITY CLERK



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Lynn Lewis, Washington Tourism
Date: August 2, 2012
Subject: Request to waive dock fees for Elizabeth II
Applicant Presentation:
Staff Presentation:

RECOMMENDATION:

It is recommended that the dock fees be waived for the Elizabeth II October 25-28, 2012.

BACKGROUND AND FINDINGS:

The Elizabeth II has selected Washington for its fall voyage for 2012. The reproduction merchant vessel rarely leaves its homeport of Roanoke Island Festival Park in Manteo. While in Washington, the Elizabeth II will offer interpretative programs to Beaufort County students (Friday) and the general public (Saturday). The selected time frame also corresponds to the annual Smoke on the Water.

The last time the Elizabeth II was near the area was in 2005 for the Historic Bath TriCentennial. Several thousand visitors boarded the ship when it was docked in Historic Bath. We anticipate having even more visitors when the ship arrives in Washington.

FISCAL IMPACT

The fees would be no more than \$105 (\$51.75 per day AFTER the first 48 hours).

Currently Budgeted (Account _____) Requires additional appropriation No Fiscal Impact

SUPPORTING DOCUMENTS

Ship Description and photos follow on next page.

City Attorney Review: _____ Date By: _____ (if applicable)
 Finance Dept Review: _____ Date By: _____ (if applicable)
 City Manager Review:  Date Concur Recommend Denial No Recommendation
 08/02/12

The Elizabeth II is a representative sailing ship berthed at Roanoke Island Festival Park across from the Manteo waterfront. The square-rigged three-mast bark was built in the early 1980s as part of the America's 400th Anniversary Celebration that marked the quadricentennial of the Roanoke Voyages 1584-1587. It is modeled after the ship Elizabeth, which sailed from England in 1585. The Elizabeth II is 69 feet long, 17 feet wide and draws 8 feet of water. She was launched in November 1983.



Board and explore Elizabeth II from every angle. Help costumed 16th century sailors set the sails, plot a course with an astrolabe, and swab the decks. Marvel at the lines and rigging that allow the ship to sail. Enjoy the view of the water from the quarterdeck. Turn the capstan to raise the ship's anchor, play checkers with a wily sailor, and search for surprises in barrels and boxes onboard. The interpretive staff of sailors gladly answers questions about the ship, the historic Roanoke Voyages, or any other inquiry guests have about the beginnings of English-speaking America.

Visitors to Roanoke Island Festival Park can tour the Elizabeth II and learn about what life was like for the members of Roanoke Voyages in the 16th century. Costumed interpreters depict the sailors and soldiers of the Roanoke Voyages, the sailors aboard ship, and the soldiers at a settlement site, which is a recreation of an early encampment. Visitors can see the many tasks and trades that these men had to carry out.

Each winter the ship is "hailed out." this process involves motoring over to the North Carolina Ferry Maintenance Facility in Manns Harbor where she is removed from the water, and the hull is scraped and painted. Any additional maintenance is performed to keep her in ship shape, so to speak.



City of Washington
REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Allen Lewis, Public Works Director *AL*
Date: 07-13-12
Subject: Adopt Budget Ordinance Amendment for Stormwater Improvement Project (\$14,494).
Applicant Presentation: N/A
Staff Presentation: Allen Lewis

RECOMMENDATION:

I move that Council adopt a budget ordinance amendment to re-allocate funds for the stormwater improvement project in the amount of \$14,494 and approve the corresponding purchase orders.

BACKGROUND AND FINDINGS:

As the stormwater improvement project draws to a close later this month, we have a need to re-allocate funds within the project to cover the final expenses. Total expenditures to the contractor, T.A. Loving Company should be \$3,926,425.99. There are currently two purchase orders for Loving for this work totaling \$3,845,107. This means we need a final purchase order in the amount of \$81,318.99. The majority of justifications for these expenditures are delays and material cost increases as a result of the Charlotte Street non-demo/demo decisions, additional work and in Smallwood (paving and ditching) and Jack's Creek (pump station piping). There was originally \$4,103,769 in this account. In addition to Loving's work, there were numerous other items paid for out of this account including utility relocations ahead of the project and the property acquisition of the former Ed-Tech building. To "square-up" this account, there is the need to transfer \$2,799 out of the contingency line item in this project into the construction line item.

Total expenditures to Rivers & Associates should be \$519,700. The current funding in this account is \$508,005 meaning an additional appropriation from contingency being \$11,695. The justification for these additional expenditures include delays in the project as noted above causing additional inspection time and re-design of the submersible pump discharge pipe at Jack's Creek.

For your information, after these transfers are made, there will be \$174,617 in contingency.

PREVIOUS LEGISLATIVE ACTION

Most recently, March 12, 2012, authorize demolition of Charlotte Street "bridge".

FISCAL IMPACT

Currently Budgeted (Account) Requires additional appropriation No Fiscal Impact

SUPPORTING DOCUMENTS

See attached Budget Ordinance Amendment.

City Attorney Review: _____ Date By: _____ (if applicable)
Finance Dept Review: _____ Date By: _____ (if applicable)
City Manager Review: TO Concur _____ Recommend Denial _____ No Recommendation 08/13/12 Date

**AN ORDINANCE TO AMEND THE CAPITAL PROJECT ORDINANCE FOR
THE RECOVERY ZONE BOND STORM WATER PROJECTS
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 following accounts in the Storm Water Capital Project be increased or decreased by the following amounts:

58-90-5710-0405	Engineering	\$ 11,695
58-90-5710-4500	Construction	2,799
58-90-5710-9900	Contingency	<u>(14,494)</u>
	Total	\$ 0

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective upon its adoption.

Adopted this the 13th day of August, 2012.

MAYOR

ATTEST:

CITY CLERK



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Keith Hardt, P.E., Electric Director
Date: 2 August 2012
Subject: Approve a Budget Ordinance Amendment for the Electric Fund
Applicant Presentation: None
Staff Presentation: Keith Hardt, P.E., Electric Director

RECOMMENDATION:

I motion that the City Council adopt a budget ordinance amendment in the amount of \$300,000 and approve a purchase order in the amount not to exceed \$30,000 for the electric fund.

BACKGROUND AND FINDINGS:

This request is to approve a revenue and expenditure budget ordinance amendment for the Electric Fund in the amount of \$300,000. The funds are for expenditures that are needed for required electric system upgrades so as to connect a large scale photovoltaic (PV) generating facility to the City's electric system. All of the expenditures for this project will be reimbursed by the requesting entity. The offsetting revenue is listed in the amendment.

In addition to the budget ordinance amendment the recommended motion contains the approval of a purchase order not to exceed \$30,000. This cost is based on a similar purchase last year. The new quote was not available prior to the agenda deadline. The purchase is for a protective breaker required for the safe interconnect and operation of the PV facility. The delivery time on this device is 12-14 weeks and the developer has requested that all utility upgrades be in place so as to connect the system in December 2012. Due to their timetable I request that this purchase order be approved.

PREVIOUS LEGISLATIVE ACTION

None.

FISCAL IMPACT

Currently Budgeted (Account _____) Requires additional appropriation
 No Fiscal Impact

SUPPORTING DOCUMENTS

Budget Ordinance.

City Attorney Review: _____ Date By: _____ (if applicable)
Finance Dept Review: _____ Date By: August 13, 2012 (if applicable)
City Manager Review:  Concur _____ Recommend _____ Denial _____ No Recommendation 28/02/12 Date
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**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 Electric Fund be increased in the amount of \$300,000 in the account Solar Project 1, account number 35-90-3500-3640.

Section 2. That account number 35-90-7220-0440, Solar Project 1, Electric Director portion of the Electric Fund appropriations budget be increased in the amount of \$300,000.

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 13th day of August, 2012.

MAYOR

ATTEST:

CITY CLERK



City of Washington REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: John Rodman, Planning & Development
Date: August 2, 2012
Subject: Accept Grant Award, Authorize City Manager to sign grant agreement, and Adopt Project Budget Ordinance

Applicant Presentation: John Rodman, Planning & Development
Staff Presentation: Matt Rauschenbach, Finance Director

RECOMMENDATION:

I move that the City Council accept the grant award from the NC Department of Commerce, Division of Community Investment and Assistance for Small Business Assistance, adopt the project budget ordinance in the amount of \$200,000, and authorize the City Manager to sign the Funding Approval and the Grant Agreement.

BACKGROUND AND FINDINGS:

The Division of Community Investment and Assistance has approved the 2011 Community Development Block Grant (CDBG) for Small Business and Entrepreneurial Assistance (SBEA) funds in the amount of \$200,000. The primary purpose of the SBEA program is to provide funding to local governments to jumpstart the growth of existing small businesses by expanding their businesses and creating new jobs. Five (5) local businesses will participate in the program and provide the local match.

PREVIOUS LEGISLATIVE ACTION

City Council – approved submission of grant - 20012

FISCAL IMPACT

Currently Budgeted (Account _____) _____ requires additional appropriation
 No Fiscal Impact

SUPPORTING DOCUMENTS

- Project Narrative
- Copy of Funding Approval
- Copy Grant Agreement
- Project Budget Ordinance

City Attorney Review:	_____	Date	By: _____	(if applicable)
Finance Dept Review:	_____	Date	By: _____	(if applicable)
City Manager Review:	<i>JD</i> Concur	August 13, 2012	Recommend	Denial _____ No Recommendation
	<i>28/02/12</i>	Date	Page 95 of 127	

**A GRANT PROJECT ORDINANCE FOR CDBG COMMUNITY
 DEVELOPMENT BLOCK GRANT – JUMPSTART WASHINGTON
 GRANT NUMBER 11-N-2340
 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, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is to provide CDBG funds to local businesses for construction/rehab, machinery and equipment, and working capital in order to promote job creation.

Section 2. The officers of this unit are hereby directed to proceed with the project within the terms of the grant documents.

Section 3. The following amounts are appropriated for the project:

57-60-4930-0400	Administration	\$ 20,000
57-60-4930-0405	Planning	5,000
57-60-4930-4500	Job Creation	<u>175,000</u>
	Total	\$200,000

Section 4. The following revenue is anticipated to be available to complete this project:

57-60-3480-3300	CDBG Grant Funds	\$200,000
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Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient detailed accounting records to satisfy the requirements of the grantor agency and grant agreement.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments that are due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Director is directed to report, on a monthly basis, the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detail analysis of past and future costs and revenues on this grant project in every budget submission made to the City Council.

Section 9. Copies of this grant project ordinance shall be furnished to the City Clerk, Budget Officer, and Finance Director for direction in carrying out this project.

Section 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11. This ordinance shall become effective upon its adoption.

Adopted this the 13th day of August, 2012.

MAYOR

ATTEST:

CITY CLERK



**North Carolina
Department of Commerce
Community Investment and Assistance**

**Beverly Eaves Perdue, Governor
J. Keith Crisco, Secretary**

**Henry C. McKoy, Assistant Secretary
Vickie L. Miller, Director**

June 25, 2012

The Honorable Archie Jennings, Mayor
City of Washington
102 E. Second Street
Washington, NC 27889

Dear Mayor Jennings:

It is my pleasure to notify you officially that the City of Washington has been awarded a \$200,000 Community Development Block Grant (CDBG) of 2011 Small Business and Entrepreneurial Assistance funds. We are happy to support small business expansion and entrepreneurial advancement efforts for the citizens in your community.

A staff member of Community Investment and Assistance (CI), which administers the CDBG Program, will contact you about certain grant conditions that must be met before funds may be obligated. We look forward to working with you and other officials.

If you have any questions regarding this grant, please contact Vickie L. Miller, Director, Community Investment and Assistance, at (919) 571-4900.

Sincerely,

A handwritten signature in black ink, appearing to read "H.C. McKoy".

Henry C. McKoy

CC: J. Keith Crisco
Dale Carroll
Bianca Shoneman
Vickie Miller

Small Business & Entrepreneurial Assistance Grant Program



I. INTRODUCTION

Community Development Block Grant (CDBG) funds are made available annually through the U. S. Department of Housing and Urban Development (HUD) to the State of North Carolina for the State Community Development Block Grant (CDBG) program. Now in year four, North Carolina began the Small Business & Entrepreneurial Assistance (SBEA) demonstration program under the State CDBG program in 2007. The program is planned to become permanent as of 2011.

Under the SBEA grant program, \$1 million in funding is available to eligible local governments to assist existing, small businesses and entrepreneurs to expand their businesses and create jobs, and establish outreach efforts to market available forms of economic development technical assistance that would foster an entrepreneurial environment within the community. These guidelines will assist local governments in applying for State CDBG funds under the SBEA category. **Small businesses are not eligible to apply for direct funding under the SBEA program. Only eligible local governments may apply for SBEA funds.**

The North Carolina Department of Commerce (NCDOC) has administrative responsibility for the CDBG program under both the Division of Community Assistance (DCA) and the Commerce Finance Center (CFC). This SBEA program is being administered by DCA. State rules related to the CDBG program are found in North Carolina Administrative Code 4 NCAC 19L.

Purpose

The primary purpose of the SBEA program is to provide funding to local governments to jumpstart growth of existing small businesses, thus creating new jobs or retaining existing jobs (Note: Job retention is very narrowly defined by HUD and job retention projects must meet HUD's criteria). This assistance must lead to the creation or retention of jobs primarily benefiting low- and moderate-income (LMI) persons. The proposed project must also include a plan for creating an entrepreneurial environment in the community, one that would support and sustain continued economic development and job creation even after funding for this program has been expended.

The SBEA program was designed to benefit LMI persons through job creation or retention. Funding eligibility is contingent upon the creation or retention of permanent, full-time jobs, at least 70% of which must be made available to persons earning 80 percent or less of the median income for the area within the previous 12 months. (For purposes of the CDBG program, LMI family income eligibility is determined from data published annually for the HUD Section 8 housing program.) To review the FY 2010 Income Limits for North Carolina, visit <http://www.huduser.org/datasets/il.html>.



**Community Investment & Assistance
Community Development Block Grant Program
Funding Approval**

1. Name and Address of Recipient

City of Washington
Post Office Box 1988
Washington, North Carolina 27889-1988

2. Grant Number and Funding Approval Date

GrantNumber : 11-N-2340
Date of Original Funding Approval : 07/16/12
Date of Amended Funding Approval :

3. Approved Projects**Approved Amount**

C1 Jumpstart Washington - SBEA

\$200,000.00

Total Grant Award

\$200,000.00

4. Funding Approval Conditions

The following conditions must be removed in writing by Community Investment & Assistance(CI) in order for all funds to be released for the approved project(s) listed in item (3) , above:

A. Administration Contracts/Inter-local agreements Condition:

No funds may be obligated or expended in any project activity except the administration activity until the recipient has submitted either a copy of the contract awarded for administration of this grant or a statement signed by the CEO stating that the contract will be administered internally.

B. Legally Binding Commitment Condition:

No funds may be obligated or expended in any activity except for administration until the recipient provides CI with a copy of the legally binding commitment(s) between the City of Washington and Tayloe's Hospital Pharmacy, East Carolina Import Services, FRE Plumbing, Pamlico Fence Company, and Park Boat Company.

C. Training Condition:

No funds may be obligated or expended for training unless approved by writing by CI.

D. Assurance Condition:

No funds may be obligated or expended in any activity except for administration activity until the recipient provides assurance to CI that the City of Washington will provide reports, schedules, and other information requested as well as attend meetings that may be called by CI.

E. Work Plan Condition:

No funds may be obligated or expended in any activity except for administration until the recipient provides a detailed work plan on how goals will be achieved and measured satisfactorily to CI.

F. Baseline Employment Condition:

No funds may be obligated or expended in any activity except for administration until the recipient provided CI with a certified list of the names, employment start dates and employment status (e.g., part-time, full-time, contract, etc.) of each employee of Tayloe's Hospital Pharmacy, East Carolina Import Services, FRE Plumbing, Pamlico Fence Company, and Park Boat Company as of the execution date of the Grant Agreement.

G. Equipment Lien Condition:

CI requires that the recipient provide a copy of an executed Uniform Commercial Code (UCC) lien on any equipment purchased with funds from this grant, with the recipient being designated as the "secured party."

5. Signature of Authorized Official

Vickie Miller
Name Vickie Miller
Director
Title

7/16/12
Date

6. Signature of Authorized Local Official

Name

Title

Date



**North Carolina Department of Commerce
Community Investment and Assistance
Community Development Block Grant Program**

**Small Business and Entrepreneurial Assistance (SBEA)
Grant Agreement**

**City of Washington
Grant #11-C-2340**

Upon execution of this grant agreement, the North Carolina Department of Commerce (“DOC”) agrees to provide to **City of Washington** (the “Recipient” and collectively with DOC, the “Parties”), Community Development Block Grant (CDBG) assistance under Title I of the Housing and Community Development Act of 1974, (P.L. 93-383), as amended, authorized (and subject to Recipient’s compliance with) the DOC funding approval, the North Carolina Community Development Block Grant administrative rules, other applicable laws, rules, regulations, and all other requirements of DOC now or hereafter in effect. The grant agreement is effective on the date the grant agreement and funding approval are signed by the Recipient. The grant agreement consists of the program guidelines and the approved application, including the certifications, maps, schedules and other submissions in the application, any subsequent amendments to this document or the approved application and funding approval and the following general terms and conditions:

1. Definitions. Except to the extent modified or supplemented by the agreement, any term defined in the North Carolina Community Development Block Grant Administrative Rules, 4 NCAC 19L, shall have the same meaning when used herein.
 - (a) “Agreement” means this grant agreement, as described above and any amendments or supplements thereto.
 - (b) “Recipient” means **City of Washington**, the entity designated as a recipient for grant assistance in the grant agreement and funding approval.
 - (c) “Certifications” mean the certifications submitted with the grant application pursuant to the requirements of Paragraph (e) of Rule .0407 of the North Carolina Community Development Block Grant Administrative Rules, 4 NCAC 19L.
 - (d) “Assistance” or “Grant” means the grant funds provided under this Agreement from funds allocated to the State of North Carolina from the Federal Treasury through the CDBG and supporting laws, rules, requirements and regulations, in the amount of **\$200,000** except as modified.

- (e) "Program" means the community development program, project, or other activities, including the administration thereof, for which assistance is being provided under this Agreement and which is described in the Recipient's approved application, as may be modified.
 - (f) "The date for receiving the grant" means the date of the CI Director's signature on the Grant Agreement and Funding Approval.
2. Timely Execution. Due to the need to expedite the use and expenditure of CDBG funds, Recipient's failure to execute and return a copy of the Agreement within 60 days of the date of the CI Director's signature on the Grant Agreement and Funding Approval may be deemed by DOC to determine the funds are available for reallocation to other subrecipients.
 3. Obligations of the Recipient. The recipient shall perform the Program as specified in the application approved by DOC as may be amended with DOC approval. The Recipient hereby certifies that it will comply with all applicable federal and state laws, regulations, rules and Executive Orders, pursuant to Paragraph (e) of Rule .0407 of the North Carolina Community Development Block Grant Administrative Rules, 4 NCAC 19L. The Recipient shall also comply with all other lawful requirements of DOC, all applicable requirements of the General Statutes of the State of North Carolina specifically N. C. G. S. 87-1-87-15.9 and any other applicable laws, rules, regulations, requirements, and Executive Orders currently or hereafter in force. Recipient is prohibited from any fraud, waste and abuse of CDBG funds by any person or entity. The rules contained in 4 N.C.A.C. 19L (as well as applicable federal rules and regulations) are part of the Agreement, except where specifically modified by applicable law, rule, regulation, DOC, the CDBG HUD Program Requirements and any subsequent amendments, regulations or clarifications to any of the foregoing.

Additionally, Recipient agrees to ensure compliance with respect to the Program and the Grant (and any of its proceeds) with all applicable federal and state laws, rules, regulations and requirements, including but not limited to the following (as each may be modified or amended): (1) the CDBG HUD Program Requirements; (2) Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq*), (3) existing CDBG laws, rules, regulations and requirements, as may be amended, including those set forth in 24 C.F.R., Part 570; (4) North Carolina laws, rules, regulations and requirements; (5) DOC guidance and requirements regarding CDBG now or hereafter in effect, including but not limited to: DOC's CDBG Guidelines and Application Instructions, and DOC bulletins or other guidance documents; and (6) Recipient's own approved CDBG application to DOC, as may be amended with DOC approval.

4. Obligations of Recipient with Respect to Certain Third Party Relationships. Recipient is responsible to DOC for ensuring compliance with the provisions of this Agreement and all applicable laws, rules, regulations and requirements, even when the recipient designates a third party or parties to undertake all or any part of the Program. The Recipient shall comply with all lawful requirements of DOC necessary to ensure that the program is carried out in accordance with the Recipient's certifications including but not limited to the certification of assumption of environmental responsibilities under Rule .1004 of the North Carolina Community Development Block Grant Administrative Rules, 4 NCAC 19L. If the Recipient contracts with or designates a third party to undertake all or part of the Program, the Recipient's contract with the third party must require the third party to comply with this

Agreement, all applicable laws, rules, regulations and requirements, including but not limited to the procurement standards set forth in 4 N.C. Administrative Code 19L .0908 as may be applicable.

Recipient shall likewise ensure that all subrecipient contracts regarding Grant funds or relating to the Program include all required contractual elements in order to be in compliance with all Federal, State and local laws, including but not limited to the provisions contained in 24 C.F.R. § 570.503, 24 C.F.R. § 85.37, and other provisions described throughout this Agreement, where applicable. In any event, the Recipient is liable to DOC and HUD for any improper expenditures, damage, loss or harm resulting from the failure of any person or entity to comply with any applicable law, rule, regulation or requirement regarding the Grant funds and/or the Program, including but not limited to an act or omission by a subrecipient or other third party. The Recipient agrees to periodically and rigorously monitor and audit its subrecipients and other third parties to ensure compliance with all applicable requirements.

Any subcontracts or subrecipient agreements entered into by the Recipient with Grant funds shall be subject to all terms and conditions of this Agreement. Payment of all subcontractors and subrecipients shall be the sole responsibility of the Recipient, and DOC shall not be obligated to pay for any work performed by any subcontractor or subrecipient. The Recipient shall be responsible for the performance of all subcontractors and subrecipients and shall not be relieved of any of the duties and responsibilities of this Agreement as a result of entering into subcontracts or subrecipient agreements.

5. Changes to Agreement. Recipient agrees that DOC may supplement or modify this Agreement as may be necessary to implement additional or modified Federal or State guidance regarding implementation of the CDBG program.
6. Conflict of Interest. Recipient agrees to comply with all applicable conflict of interest provisions, including but not limited to those found at 4 N.C.A.C. 19 L .0908 and .0914, N.C. Gen. Stat. § 14-234, 24 C.F.R. § 85.36, 24 C.F.R. § 570.489 (g) and (h), and 24 C.F.R. § 570.611, where applicable, copies of which may be obtained from DOC.

Except for eligible administrative or personnel costs, the general rule is that no persons described in the following sentence who exercise or have exercised any functions or responsibilities with respect to grant activities assisted under this Agreement or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a Grant-assisted activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

The conflict of interest summary in the sentence above generally applies to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or Recipient or applicable third parties which are receiving CDBG grant funds.

Recipient agrees to include these same prohibitions in all such contracts or subcontracts with any subrecipients or other third parties relating to the Program.

In any event, the Assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining DOC approval of the application for such assistance, or DOC approval of applications for additional assistance, or any other approval or concurrence of DOC required under this Agreement, or the North Carolina Community Development Block Grant Administrative Rules, with respect thereto; provided, however, that reasonable fees or bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not prohibited if otherwise eligible as program costs and allowed by applicable law.

Additionally, certain limited exceptions to the conflict of interest rules listed in 24 C.F.R. § 570.489 may be granted in writing by HUD and/or DOC upon written request and the provision of information specified in 24 C.F.R. § 570.489(h)(ii)(4).

7. Reimbursement to DOC for Improper Expenditures. The Recipient will reimburse DOC for any amount of Grant assistance improperly expended, either deliberately or non-deliberately, by any person or entity. Additionally, a contract for administrative services shall include a clause holding the administrator organization responsible for reimbursement to the Recipient for any improperly expended grant funds that had to be returned to DOC.
8. Recordkeeping Requirements. Recipient will maintain any and all records and comply with all responsibilities as may be required under typical CDBG recordkeeping (for example, records and responsibilities set forth in 4 N.C.A.C. 19L.0911 (“Recordkeeping”), 24 C.F.R. 570.490 (“Recordkeeping Requirements”), 24 C.F.R. § 570.506 (“Records to be maintained”) and 24 C.F.R. § 85.42 (“Retention and Access Requirements for Records”) as each may be modified by HUD or DOC) as well as records and responsibilities related to CDBG or specifically to CDBG funds. Recipient agrees to comply with any additional record-keeping requirements now or hereinafter set forth by DOC, HUD or any other federal or state entity.
9. Access to Records. The Recipient shall provide any duly authorized representative of DOC, the State of North Carolina, the federal Department of Housing and Urban Development (HUD), and the Comptroller General, the Inspector General and other authorized parties at all reasonable times access to and the right to inspect, copy, monitor, and examine all of the books, papers, records, and other documents relating to the grant for a period of five years following the completion of all close-out procedures. All original files shall be maintained at the Local Government offices for access purposes.
10. Release of Personal, Financial and Identifying Information. To ensure and document compliance with CDBG income requirements as well as other matters, Recipient shall obtain and retain personal, income-related, financial, tax and/or related information from individuals and families that are benefitting from Grant or Program funds. Additionally, Recipient is obligated to provide access to any and all information relating to the Program to DOC, HUD or some other appropriate federal or state monitoring entity, upon DOC’s request. This obligation includes, but is not limited to, the personal, financial and identifying information of individuals assisted by the Program. As such, Recipient shall obtain any releases or waivers from all individuals or entities necessary to ensure that this information

can be properly and legally provided to appropriate federal and state entities, including DOC and HUD, without issue or objection by the individual or entity.

11. Project Savings. The Recipient is obligated to contribute 100 percent of its pledged **cash** contribution to the CDBG project even if the project experiences a savings after authorized activities are completed. Any project savings accrue to the CDBG program. **Substitution of in-kind contributions for cash is not allowed.**
12. Expenditure of Non-CDBG Funds. The recipient must ensure that non-CDBG funds are expended along with CDBG funds, following the implementation schedule described in the approved application and modified by the Performance Contract (or otherwise with DOC approval), and shall report on non-CDBG expenditures with each Annual Performance Report, consistent with Section .1100 PERFORMANCE of the program regulations (4NCAC 19L) as well as any other applicable reporting requirements.
13. Method of Payment. The Department of Commerce uses the Office of State Controller (OSC) to make CDBG payments to units of local government. The Electronic Payment Form from OSC must be completed for funds to be electronically transferred. Arrangements must be made with the Finance Officer in Community Investment and Assistance if a Recipient does not want to use the electronic funds transfer.
14. Fair Housing. Recipients of CDBG funds are required to comply with fair housing and non-discrimination laws and regulations. Recipients should consult Section .1001 of the CDBG administrative rules for further information on equal opportunity requirements. Recipients are required to submit a fair housing plan for its jurisdiction. Recipients with 10,000 persons or more will be required to complete an Analysis to Impediments to Fair Housing Choice Study. For each grant year that a CDBG project is active, a Recipient must describe the actions it will take in the areas of enforcement, education and removal of barriers and impediments to affirmatively further fair housing. Guidance for developing a Fair Housing Plan can be found in CDBG Bulletin 10-25 and the CDBG Implementation Notebook.
15. Equal Employment and Procurement Opportunity. A Recipient must describe the actions it will take annually while the grant is open in the areas of enforcement, education and removal of barriers and impediments that affirmatively further equal access in employment and procurement. This includes a description of steps to be taken in the areas of advertisement, compliance and complaint tracking.
16. Local Economic Benefit (Section 3 Regulation). For each year that a CDBG is active, the Recipient must describe a strategy whereby opportunities in employment and procurement arising out of a CDBG assisted project are identified and made available to low-income residents within the CDBG assisted area to the greatest extent feasible. This strategy must include (1) identification of training and technical assistance resources to prepare low-income residents for employment and procurement opportunities, (2) attempts to reach the numerical targets for new hires set forth in the Section 3 regulation, which applies to Recipients receiving \$200,000 or more in non-administrative line items expended for construction contracts and (3) education of low-income residents within the CDBG assisted area about the components and opportunities of the program.

In addition, Recipients will be required to coordinate additional activities as it relates to Section 3 with the DOC CDBG Compliance Office.

August 13, 2012

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17. Section 504 and ADA. Recipients must complete the Section 504 Survey and Transition Plan. This plan will not satisfy all the requirements of the Americans with Disabilities Act, but it will meet the minimum requirements for a CDBG assisted project.
18. Environmental Review. Recipients of CDBG funds are required to complete the document entitled "Environmental Review Procedures for the CDBG Program." Once the Environmental Review Record (ERR) is received, CI will review for completeness and submit selected CDBG ERRs if required to the State Clearinghouse for other State agencies to review and comment. Recipients cannot conduct any program activities until CI issues an environmental clearance.
19. Language Access Plan (LAP). Recipients of Federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by Limited English Proficient (LEP) persons to important government programs, services, and activities. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and its implementing regulations require that Recipients take responsible steps to ensure meaningful access by LEP persons. Recipients will be required to submit a language access plan using the approved template from CI. The plan will address the LAP policy, translation of required vital documents, and requirements for citizen participation.
20. Procurement Standards. Where applicable, Recipient shall follow the procurement standards established in the "Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments" (24 C.F.R., Part 85) and HUD implementing regulations contained in 24 C.F.R. § 570.489(g), which explicitly prohibit cost plus a percentage of cost and percentage of construction cost methods of contracting. 4 N.C.A.C. 19L.0908.
 - a. Any Recipient or Subrecipient shall follow other applicable procurement standards set forth in 4 N.C.A.C. 19L.0908, and the relevant laws cited therein, including but not limited to, laws related to conflicts of interest (N.C.G.S. §14-234), public building contracts (N.C.G.S. § 148-128 to 135), and payment and performance bonds (N.C.G.S. § 44A-25 through 35); acquisition and relocation (4 N.C.A.C. 19L.1003); property management standards (4 N.C.A.C. 19L.0909); equal opportunity (4 N.C.A.C. 19L.1001); and labor standards (4 N.C.A.C. 19L.1006).
 - b. Recipient shall likewise follow all other applicable federal and state procurement rules, guidelines and procedures, including those set forth in Office of Management and Budget Circular No. A-87 ("Cost Principles for State and Local Governments").

In any event, per 24 C.F.R. 570.489(g), all purchase orders and contracts shall include any clauses required by Federal statutes, executive orders and implementing regulations.

Additionally, Recipient acknowledges and agrees that, in its conduct under this Agreement and in connection with any and all expenditures of Grant funds made by it, Recipient, its officers, agents and employees shall be and are subject to the provisions of the North Carolina General Statutes and the North Carolina Administrative Code relating to and governing procurement, public contracts, suspension and debarment. Recipient further acknowledges and agrees that, in the event that it grants any of the Grant funds awarded hereunder to one or more subrecipients or other applicable entities, Recipient shall, by contract, ensure that the provisions of all applicable laws relating to and governing

procurement, public contracts, suspension and debarment are made applicable to and binding upon any and all subrecipients and/or other applicable entities.

21. Labor Standards. Recipient shall follow all applicable laws, rules and regulations concerning the payment of wages, contract work hours, safety, health standards, and equal opportunity for CDBG-R programs, including but not limited to the rules set forth in 4 N.C.A.C. 19L.1006, 24 C.F.R. § 570.603 and the following (as may be applicable to CDBG-R projects):
- a. Davis-Bacon Act (40 U.S.C.A. 276a). Among other provisions, this act requires that prevailing local wage levels be paid to laborers and mechanics employed on certain construction work assisted with CDBG funds.
 - b. Contract Work Hours and Safety Standards Act (40 U.S.C.A. 327 through 333). Under this act, among other provisions, laborers and mechanics employed by contractors and subcontractors on construction work assisted with CDBG funds must receive overtime compensation at a rate not less than one and one-half the basic rate of pay for all hours worked in excess of forty hours in any workweek. Violators shall be liable for the unpaid wages and in addition for liquidated damages computed in respect to each laborer or mechanic employed in violation of the act.
 - c. Fair Labor Standards Act (29 U.S.C. 201 et seq.), requiring among other things that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed work-week.
 - d. Federal anti-kickback laws (18 U.S.C. 874 and 40 U.S.C. 276), which, among other things, outlaws and prescribes criminal penalties for "kickbacks" of wages in federally financed or assisted construction activities. Weekly statements of compliance and weekly payrolls must be provided by all contractors and subcontractors.

Recipient agrees to maintain records regarding compliance with the laws and regulations cited in 4 N.C.A.C. 19L.1006 (including the citations listed above) in accordance with 4 N.C.A.C. 19L.0911.

All contracts between Recipient and third parties shall contain labor standards provisions as required in 4 N.C.A.C. 19L.1006.

22. Architectural Barriers. Per 4 N.C.A.C.19L.1007, 24 C.F.R. §§ 570.487 and 570.614 and other applicable law, all applicable buildings or facilities designed, constructed or altered with CDBG Grant funds shall be made accessible and useable to the physically handicapped as may be required by applicable laws, rules, regulations or requirements. Additionally, Recipient must comply with the following (as may be applicable to CDBG projects):
- a. Architectural Barriers Act of 1968 (P.L. 90-480). This act requires Recipient to ensure that certain buildings constructed or altered with CDBG funds are readily accessible to the physically handicapped.
 - b. Minimum Guidelines and Requirements for Accessible Design 36 C.F.R. Part 1190. These regulations establish guidelines for implementing the federal acts described in 4 N.C.A.C.19L.1007(1)(a). The regulations provide technical standards which must be met by Recipient.
 - c. Americans with Disabilities Act ["ADA"] and the ADA Accessibility Guidelines for Buildings and Facilities or the Uniform Federal Accessibility Standards.

- d. North Carolina Building Code, Volume I, Chapter 11-X. These provisions describe minimum standards Recipient must meet in constructing or altering building and facilities, to make them accessible to and useable by the physically handicapped.
23. Change of Use of Real Property. Recipient agrees not to change the use or planned use of any property acquired with CDBG funds from that for which the acquisition or improvement was made, in accordance with this Agreement and applicable law, rule, regulation or requirement, unless (i) the DOC grants explicit written approval and (ii) the requirements of 24 C.F.R. § 570.489(j), 24 C.F.R. § 570.505 and other applicable requirements are followed, as modified (or as may be modified) by HUD or DOC.
24. Obligation of Recipient With Regard to Vacant Units. The recipient shall ensure that all vacant units being rehabilitated will be occupied by a low or moderate income person by the time close-out occurs.
25. Utility Assessments or Fees: Assessments or fees to recover the CDBG funded portion of a utility project may be charged to properties not owned and occupied by low and moderate income persons. Such assessments are program income and, as such, must be used for eligible CDBG activities that meet a CDBG national objective.
26. False or Misleading Information. Recipient is advised that providing false, fictitious or misleading information with respect to CDBG funds may result in criminal, civil, or administrative prosecution under 18 U.S.C. § 1001, 18 U.S.C. § 1343, 31 U.S.C. § 3729, 31 U.S.C. § 3801, or another applicable statute. Recipient shall promptly refer to DOC and HUD's Office of the Inspector General any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving CDBG funds.
27. Disputes with DOC. If Recipient has any disagreement or dispute with any action or inaction by DOC, Recipient shall inform DOC by letter addressed to Vickie L. Miller, Director, Department of Commerce – Division of Community Investment and Assistance, 4313 Mail Service Center, Raleigh, NC 27699-4313. The Division of Community Investment and Assistance ["CI"] will endeavor to respond in writing to said letter within 30 days from receipt. Recipient shall not be entitled to a hearing under Chapter 150B for matters described in N.C. Gen. Stat. § 150B(c)(8), added by N.C. Senate Bill 960, including matters related to "contracts, disputes, protests, and/or claims arising out of or relating to the implementation of the [CDBG]." This includes actions arising out of or related to this Agreement or the Program.
28. Disputes or Complaints by Subrecipients or Other Entities. Recipient is responsible for developing, implementing and utilizing its own dispute resolution procedures with respect to disputes and/or complaints between and among Recipient, a Subrecipient, a contractor and/or any other person or entity (other than DOC). This includes (but is not limited to) procedures relating to procurement disputes or protests discussed in 24 C.F.R. 85.36. In the event of a dispute between and among Recipient, any Subrecipient, contractor and/or any other persons or entities (not including DOC), Recipient shall make every effort to resolve the dispute pursuant to its own dispute resolution procedures and shall issue a final decision on the matter as soon as is reasonably practicable. Recipient's dispute resolution procedure shall provide that, in the event that any party to such a dispute or complaint is dissatisfied with the

final decision or other resolution provided by Recipient, the dissatisfied party shall appeal to the North Carolina Superior Court in an appropriate County for a trial de novo, to the extent that jurisdiction is proper pursuant to N.C. Gen. Stat. § 7A-240 and other applicable law.

29. Schedules

(a) Schedule for Release of Conditions and Completion Activities. **The Recipient must satisfy all Funding Approval Conditions to release CDBG funds within 4 months from the date (November 16, 2012) the Grant Agreement and Funding Approval were signed by the CI Director.** The recipient must draw down all CDBG funds, expend all local non-CDBG funds and complete all project activities in conformance with the activities implementation schedule in the application as modified by the Performance Based Contract.

(b) **The Recipient must obligate all funds by October 16, 2014 or within 27 months from the date the Grant Agreement and Funding Approval are signed by CI Director, whichever is later.**

(c) **All funds are to be expended by January 16, 2015 or within 30 months from the date the Grant Agreement and Funding Approval are signed by CI Director, whichever is later. Any remaining funds will be de-obligated.**

(d) **All closeout documents must be returned to CI by April 16, 2015 or within 33 months from the date the Grant Agreement and Funding Approval are signed by CI Director, whichever is later.**

(e) Schedule for Submission of Compliance Documents. The Recipient must submit the following compliance documents within the specified number of months from the date the Grant Agreement and the Funding Approval were signed by the CI Director:

- **Environmental – November 16, 2012 or 4 months, whichever is later**
- **Equal Employment and Procurement Plan – November 16, 2012 or 4 months, whichever is later**
- **Fair Housing – November 16, 2012 or 4 months, whichever is later**
- **Section 3 Plan – November 16, 2012 or 4 months, whichever is later**
- **Analysis of Impediments- November 16, 2012 or 4 months, whichever is later**
- **Request for Release of Funds – December 16, 2012 or 5 months, whichever is later**

(f) Timely Draw down of Funds. Recipient is expected make timely draw downs so that funds are expended in a timely manner.

30. Quarterly Progress Report. Per Bulletin 10-23, Recipient shall ensure that a quarterly progress report that reflects approved CDBG program activity progress and CDBG financial status is presented to Recipient's elected board and a copy of that report, endorsed by the Chief Elected Official or the county/city/town manager will be provided to DOC not later than the fifteenth (15th) day of the month following the ending month of the reporting period.

31. Performance Measures

The CPD Performance Measurement System is HUD's response to the standards set by the Government Performance and Results Act (GPRA) of 1993. This act holds all Federal agencies accountable for establishing goals and objectives and measuring achievements.

- (a) The recipient must ensure that all activities in the funded project(s) meet the appropriate objectives, outcomes, and indicators established by HUD and selected by DOC. CDBG funds cannot be used to pay for any activity that does not meet the above requirement.
- (b) The recipient must also assist DOC, when requested, in collecting indicators and any other data necessary to fulfill the requirements of the CPD Performance Measures System, which includes data for the Integrated Disbursement and Information System (IDIS).

Upon execution of this agreement by DOC and the Recipient, the Recipient hereby accepts the assistance on the terms of this grant agreement effective on the date indicated below, and further certifies that the official signing this document has been duly authorized by the recipient's governing body to execute this Grant Agreement.

Secretary of the Department of Commerce

Date: 7/16/12

By: Vickie L. Miller
Vickie L. Miller
Director
Community Investment and Assistance

Date: _____

City of Washington

Name of Recipient

By: _____
Signature of Authorized Official

(Title)



City of Washington REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: John Rodman, Planning & Development
Date: August 2, 2012
Subject: Consider the adoption of an agreement to participate in a Regional Hazard Mitigation Plan

Applicant Presentation: None
Staff Presentation: John Rodman, Planning and Development

RECOMMENDATION:

I move that the City Council accept the agreement to participate in the Regional Hazard Mitigation Plan Update as requested by FEMA.

BACKGROUND AND FINDINGS:

Beaufort County has received a request from North Carolina Emergency Management to participate in a regional hazard mitigation plan to include Beaufort, Craven, Carteret, and Pamlico Counties. Each municipality is being asked to sign an agreement as the intent of the municipality to participate in the plan. FEMA will cover all costs involved in the rewrite of the plan and provide funding to Craven County as the lead agency. No funds are required by the City of Washington. The agreement does not mean approval of the regional plan but only to consider the regional approach.

PREVIOUS LEGISLATIVE ACTION

Beaufort County Hazard Mitigation Plan Update adopted – June 2011

FISCAL IMPACT

Currently Budgeted (Account _____) requires additional appropriation
 No Fiscal Impact

SUPPORTING DOCUMENTS

Project Information
Agreement to Participate

City Attorney Review:	_____	Date By:	_____	(if applicable)
Finance Dept Review:	_____	Date By:	_____	(if applicable)
City Manager Review:	<u>JR</u> Concur _____	Recommend Denial	_____	No Recommendation
	<u>08/02/12</u>	Date	_____	

John Rodman

From: John.Pack [john.pack@co.beaufort.nc.us]
Sent: Monday, June 04, 2012 5:10 PM
To: mcarson@beaufort.k12.nc.us; townmanager@belhavennc.us; jmcroy@suddenlinkmail.com; Tom Richter; aurora@embarqmail.com; John Rodman; Robbie Rose; 'Don Wilkinson'
Cc: Randell Woodruff
Subject: Agreement
Attachments: haz mit plan may 2012_201205311535.pdf

Good Afternoon:

I am forwarding the attached document to each municipality in Beaufort county: "Agreement to Participate in Regional Hazard Mitigation Plan for Beaufort, Carteret, Craven and Pamlico Counties".

I am requesting that each municipality authorize an individual to sign this agreement as an intent of the municipality to participate. As you probably remember we began the process of writing the 2010 adopted plan in 2009 with a small grant from FEMA and a larger sum from the County General fund. FEMA has informed Beaufort County Government that if we agree to participate in the Regional County Planning they will cover all costs involved in the rewrite of the plan by appointing Craven County as the lead county and provide the funding to them for the project.

If we do not accept the offer we will have to fund the rewrite of the plan from County and Municipal funds or risk the loss of future funding for various FEMA Mitigation programs we currently utilize. There is also the possibility of an increase in county wide Flood Insurance premiums for all our county residents should we elect to not participate or update our mitigation plan. This agreement is not our final review or vote on the plan, but just our willingness to participate in the multi-county planning approach.

I would appreciate any expedited process you might be able to give this signature process. There is no request for funding associated with this process, nor is there expected to be any request for municipal funding for the mitigation plan.

John Pack
Coordinator
Beaufort County Emergency Services

E-Mail correspondence to and from this sender may be subject to the State of North Carolina Public Records Law and may be disclosed to Third Parties.

**NORTH CAROLINA
BEAUFORT COUNTY**

REGIONAL HAZARD MITIGATION PLAN

**Narrative for Development of a Regional Hazard Mitigation Plan
For Beaufort, Carteret, Craven, and Pamlico Counties**

As a result of the Disaster Mitigation Act of 2000 and NC Senate Bill 300 each local government including counties, cities, towns, and villages are required to have an approved Hazard Mitigation Plan. The types of plans throughout North Carolina vary from multi-jurisdictional plans, town plans, city plans, some village plans and several regional plans. North Carolina has approximately 130 hazard mitigation plans that must be updated every five years.

Beaufort, Carteret, Craven, Pamlico Counties and their incorporated jurisdictions propose to develop a regional hazard mitigation plan. This plan would incorporate 4 multi-jurisdictional hazard mitigation plans into 1 regional plan. The participating jurisdictions are as follows:

Carteret County

- Town of Beaufort (County Seat)
- Town of Atlantic Beach
- Town of Bogue
- Town of Cape Carteret
- Town of Cedar Point
- Town of Indian Beach
- Town of Newport
- Town of Peletier
- Town of Pine Knoll Shores

Beaufort County

- Town of Washington (County Seat)
- Town of Aurora
- Town of Bath
- Town of Belhaven
- Town of Chocowinity
- Town of Pantego
- Town of Washington Park

Pamlico County

- Town of Bayboro (County Seat)
- Town of Alliance
- Town of Arapahoe
- Town of Grantsboro
- Town of Mesic

Town of Minnesott Beach
Town of Oriental
Town of Stonewall
Town of Vandemere

Craven County
City of New Bern (County Seat)
Town of Bridgeton
Town of Cove City
Town of Dover
Town of Havelock
Town of River Bend
Town of Trent Woods
Town of Vanceboro

GEOGRAPHICAL DESCRIPTION/AREA /BRANCH/POPULATION

Beaufort, Carteret, Craven, and Pamlico Counties are within NC Emergency Management Areas 2 and 3 which consist 7 of 6 counties respectively. Areas 2 and 3 are two of five areas within the Eastern Branch section of NCEM.

All of the counties are coastal counties meaning that they directly border or are directly influenced by the Atlantic Ocean. Specifically, these counties all border the Pamlico Sound which is created by the barrier islands along the North Carolina coast.

Although all 4 counties have extremely rural areas within them, the region also contains pockets of very urbanized development, especially in New Bern which is a large economic hub for the region.

Despite the differences in rural and urban development, the geographic and demographic makeup of the area is very similar. Since hazard mitigation planning development evolves from the same types of risks and hazards within each of their boundaries, a regional planning strategy is logical.

According to the US Census Bureau in 2010, the populations are as follows:

Beaufort County	47,759
Carteret County	66,469
Craven County	103,505
Pamlico County	13,144

Craven County's higher relative population can be attributed to the location of New Bern within the county's borders. However, it should be noted that all of the counties have notable population fluctuations throughout the year due to an annual influx of tourists who are drawn by the region's proximity to the ocean and the scenic beauty of the area.

On motion by Commissioner Richardson, seconded by Commissioner Klemm, the Board voted unanimously adopting the following proposal for the Regional Hazard Mitigation Plan inclusive of Carteret, Craven, Pamlico and Beaufort Counties.

PROPOSAL

- WHAT:** Regional Hazard Mitigation Plan. North Carolina project for regionalization of hazard mitigation plans.
- WHO:** Beaufort, Carteret, Craven and Pamlico Counties
- HOW:** Emergency Management local coordinators jointly hire a consultant/company to combine each of their multi-jurisdictional plan into a regional plan.
- WHEN:** Regional plan completed and approved by December 2014.
- GOAL:** Acquire grant monies to proceed with regionalization of four hazard mitigation plans. Craven County would serve as the lead for the project. The grant monies would be sub-granted to all counties with Craven serving as the lead county and point of contact for a invoice submittal and cost report reimbursement from the State of North Carolina to the contractor.
- LEAD:** The grant would be managed by Craven County for all involved parties. Reimbursement method would be utilized. No up-front monies would be issued to Craven County or any other county. Actual costs incurred will be all that will be eligible for reimbursement.
- SCOPE:** Scope of work to be determined by the four counties involved with input and guidance from NC Emergency Management staff.

AGREEMENT TO PARTICIPATE IN REGIONAL HAZARD MITIGATION PLAN
FOR
BEAUFORT, CARTERET, CRAVEN, & PAMLICO COUNTIES

Carteret County

Town of Beaufort (County Seat)
Town of Atlantic Beach
Town of Bogue
Town of Cape Carteret
Town of Cedar Point
Town of Indian Beach
Town of Newport
Town of Peletier
Town of Pine Knoll Shores

Beaufort County

Town of Washington (County Seat)
Town of Aurora
Town of Bath
Town of Belhaven
Town of Chocowinity
Town of Pantego
Town of Washington Park

Pamlico County

Town of Bayboro (County Seat)
Town of Alliance
Town of Arapahoe
Town of Grantsboro
Town of Mesic
Town of Minnesott Beach
Town of Oriental
Town of Stonewall
Town of Vandemere

Craven County

City of New Bern (County Seat)
Town of Bridgeton
Town of Cove City
Town of Dover
Town of Havelock
Town of River Bend
Town of Trent Woods
Town of Vanceboro

NORTH CAROLINA
BEAUFORT COUNTY

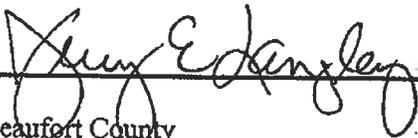
I, Sharon C. Singleton, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and verified copy of a resolution adopted by the Beaufort County Board of Commissioners in regular session on Monday, May 7, 2012.



Sharon C. Singleton

Sharon C. Singleton
Clerk to the Board

AGREEMENT TO PARTICIPATE IN REGIONAL HAZARD MITIGATION PLAN
FOR
BEAUFORT, CARTERET, CRAVEN, & PAMLICO COUNTIES


Beaufort County

Town of Belhaven

Town of Washington

Town of Chocowinity

Town of Aurora

Town of Pantego

Town of Bath

Town of Washington Park

AGREEMENT TO PARTICIPATE IN REGIONAL HAZARD MITIGATION PLAN
FOR
BEAUFORT, CARTERET, CRAVEN, & PAMLICO COUNTIES

Beaufort County

Town of Belhaven

Town of Washington

Town of Chocowinity

Town of Aurora

Town of Pantego

Town of Bath

Town of Washington Park

AGREEMENT TO PARTICIPATE IN REGIONAL HAZARD MITIGATION PLAN
FOR
BEAUFORT, CARTERET, CRAVEN, & PAMLICO COUNTIES

Carteret County

Town of Cedar Point

Town of Beaufort

Town of Indian Beach

Town of Atlantic Beach

Town of Newport

Town of Bogue

Town of Peletier

Town of Cape Carteret

Town of Pine Knoll Shores

Town of Morehead City

Town of Emerald Isle

AGREEMENT TO PARTICIPATE IN REGIONAL HAZARD MITIGATION PLAN
FOR
BEAUFORT, CARTERET, CRAVEN, & PAMLICO COUNTIES

Craven County

Town of Havelock

City of New Bern

Town of River Bend

Town of Bridgeton

Town of Trent Woods

Town of Cove City

Town of Vanceboro

Town of Dover

AGREEMENT TO PARTICIPATE IN REGIONAL HAZARD MITIGATION PLAN
FOR
BEAUFORT, CARTERET, CRAVEN, & PAMLICO COUNTIES

Pamlico County

Town of Mesic

Town of Bayboro

Town of Minnesott Beach

Town of Alliance

Town of Oriental

Town of Arapahoe

Town of Stonewall

Town of Grantsboro

Town of Vandemere



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Matt Rauschenbach, Administrative Services Director/C.F.O.
Date: August 13, 2012
Subject: Declaration of Official Intent to Reimburse
Applicant Presentation: N/A
Staff Presentation: Matt Rauschenbach

RECOMMENDATION:

I move that City Council adopt a Declaration of Official Intent to Reimburse for Fiscal Year 2012/2013 installment purchase expenditures incurred prior to the issuance of debt.

BACKGROUND AND FINDINGS:

Installment financing is budgeted for April 2013. This declaration authorizes the City to reimburse itself for Council approved expenditures prior to the issuance of debt. It is anticipated that requests will be made for some purchases prior to the issuance of debt due to necessity, the ability to complete this fiscal year, and to avoid price increases.

PREVIOUS LEGISLATIVE ACTION

FISCAL IMPACT

Currently Budgeted (Account _____) Requires additional appropriation
 No Fiscal Impact .

SUPPORTING DOCUMENTS

Declaration of Official Intent to Reimburse
Installment Purchase Schedule

City Attorney Review: _____ Date By: _____ (if applicable)
Finance Dept Review: _____ Date By: _____ (if applicable)
City Manager Review: DR Concur _____ Recommend Denial _____ No Recommendation
08/13/12 Date

DECLARATION OF OFFICIAL INTENT TO REIMBURSE

This declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of the City of Washington, North Carolina (the "Issuer") with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The issuer anticipates incurring expenditures (the "Expenditures") for budgeted installment purchases (the "Projects").
2. **Plan of Finance.** The issuer intends to finance the costs of the Projects with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.
3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Projects is \$1,419,368.
4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this the 13th day of August, 2012

Mayor

Seal:

City Clerk

Account	Fund	Department	Item	\$	Summary \$
10-00-4132-7401	General	Information Services	Utilities Server	45,000	
10-00-4132-7401	General	Information Services	Fiber for Network	65,000	
10-00-4260-7401	General	Municipal Building	Replace Chillers	90,000	
10-10-4310-7401	General	Police	Two Police Vehicles, #134 & #159	55,000	
10-20-4511-7401	General	Powell Bill	Street Sweeper #462	240,000	
10-40-6110-7401	General	Library	Server Replacement & PC Virtualization	47,568	
10-40-6125-7401	General	Civic Center	Decking Replacement	125,000	
10-40-6130-7401	General	Parks & Grounds Maintenance	Storage Bldg. at Complex	9,000	
10-40-6130-7401	General	Parks & Grounds Maintenance	Mower	13,000	
10-40-6130-7401	General	Parks & Grounds Maintenance	Grapple Hook	2,800	
10-40-6130-7401	General	Parks & Grounds Maintenance	Wetlands Boardwalk	19,000	
10-40-6130-7401	General	Parks & Grounds Maintenance	Soccer Field Lighting	10,000	
10-40-6130-7401	General	Parks & Grounds Maintenance	Waterfront Bathroom Grant Match	50,000	
Total	General				771,368
30-90-7250-7401	Water	Water Meter Service	3/4 Ton Truck # 413	38,000	38,000
34-90-5710-7401	Storm Water	Operations	F-150 Truck #457	30,000	30,000
35-90-8370-7401	Electric	Substation Maintenance	38 KV Regulators Main Substation	60,000	
35-90-8370-7401	Electric	Substation Maintenance	7 EPA Generator Catalyst Installations	175,000	
35-90-8375-7401	Electric	Load Management	Load Management Switches	70,000	
35-90-8390-7401	Electric	Power Line Construction	Bucket Truck #616	240,000	
Total	Electric				545,000
39-90-4740-7401	Cemetery	Operations	1 Ton Dump Truck #513	35,000	35,000
Grand Total				1,419,368	1,419,368
			Improvements to real property	175,000	
			Other Installment Purchases	1,244,368	
				<u>1,419,368</u>	



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Joshua Kay, City Manager *JW*
Date: August 7, 2012
Subject: Lease of land at Warren Field Airport
Applicant Presentation:
Staff Presentation:

RECOMMENDATION:

I move that the City Council accept the bid from _____ and approve a Resolution stating the intent of the City of Washington to lease certain surplus real property at the Warren Field Airport located on Airport Road.

BACKGROUND AND FINDINGS:

At the last meeting, City Council approved a resolution of authorizing the advertisement of an offer to lease certain surplus real property at the airport. The City advertised the bid of \$300 per year per acre for a total of 75.63 acres for a total of \$22,689 per year for an initial term of 15 years.

Resolution will be distributed on Monday, since the 10-day upset bid process will conclude on Friday, August 10th at 5:00 PM.

PREVIOUS LEGISLATIVE ACTION

Resolution Authorizing the Advertisement of an Offer to Lease Certain Surplus Real Property – July 23, 2012

FISCAL IMPACT

Currently Budgeted Requires additional appropriation No Fiscal Impact

SUPPORTING DOCUMENTS

None

City Attorney Review: _____ Date By: _____ (if applicable)
Finance Dept Review: _____ Date By: _____ (if applicable)
City Manager Review: *JW* Concur _____ Recommend Denial
 _____ No Recommendation *08/07/12* Date