

The Washington City Council met in a regular session on November 14, 2006 at 4:30 p.m. in the Council Chambers at the Municipal Building. Present were: Judy Jennette, Mayor; Darwin Woolard, Mayor Pro tem; Ed Gibson, Councilman; Richard Brooks, Councilman; Archie Jennings, Councilman; Mickey Gahagan, Councilman; James Smith, City Manager; Franz Holscher, City Attorney; and Rita A. Thompson, City Clerk.

Also present were: Carol Williams, Finance Director; Joey Toler, DWOW Director; Jimmy Davis, Fire Chief; Bobby Roberson, Community Development Planning Director; Keith Hardt, Electric Director; Major Sandy Blizzard, Police Department; Susan Hodges, Human Resources Director; Allen Lewis, Public Works Director; Mike Voss, of the Washington Daily News; and Leanne Smith, of the Beaufort Observer.

Mayor Jennette called the meeting to order, and Councilman Gibson delivered the invocation.

#### **APPROVAL/AMENDMENTS TO AGENDA**

Mayor Jennette asked that the agenda be amended as follows: (1) Item II.D. Mike Gwen – Adopt Resolution Supporting PCS Phosphate Mine Continuation Permit Preferred Alternative (2) Item VII.A. be moved to VI.A.3 (3) add Item VI.B.5. Discuss Second Meeting Format (4) Item VI.B.6. STIP (State Transportation Improvement Program) (5) change the old 5. to 7. Closed Session, adding (3) Attorney/Client and (6) Personnel and delete (4) Economic Development. Councilman Jennings asked that Items I.A. and I.C. Consent items be removed and added under VI. 4. and 5.

On motion of Councilman Jennings, seconded by Mayor Pro tem Woolard, Council unanimously approved the Agenda, as amended.

#### **APPROVAL OF MINUTES**

On motion of Councilman Jennings, seconded by Councilman Brooks, Council unanimously approved the minutes of October 9, October 23 and October 30, 2006, as submitted.

Councilman Gibson posed some questions about some items referred to in the minutes and questioned if they had been handled. Council agreed to discuss these items under Other Business from the Council.

#### **CONSENT AGENDA**

On motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously approved the Consent Agenda, as amended.

- A. **MOVED TO I.A.4. Adopt** – Resolution authorizing City Clerk to investigate petition for a contiguous annexation for Tree Shade Community (Phase II) received under General Statutes 160A-31
- B. **Accept** – the recommendation of the Planning Board and call for public hearing on adoption of Washington Redevelopment Plan for Monday, December 11, 2006

#### **RESOLUTION OF THE CITY OF WASHINGTON REDEVELOPMENT COMMISSION FORWARDING THE PLANNING BOARD RECOMMENDATION TO THE CITY COUNCIL**

WHEREAS, in accordance with provisions of Section 160A-513(f) of the Statutes of North Carolina, the Washington Redevelopment Commission recommended approval of the draft Development Plan on October 9<sup>th</sup> 2006 and submitted the plan to the Planning Board for their review; and

WHEREAS, in accordance with the provisions of Section 160A-513(f) of the Statutes on the State of North Carolina, the Planning Board of the City of Washington has reviewed and certified its recommendation of approval of the Redevelopment Plan back to the Redevelopment Commission as submitted on November 6, 2006; and

WHEREAS, on November 14, 2006, the Washington Redevelopment Commission has determined that the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted and harmonious development of the community and its environs, which will in accordance with present and future needs promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangements, the wise and efficient expenditure of public funds, the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, slums, or conditions or blight.

NOW, THEREFORE, BE IT RESOLVED THAT THE REDEVELOPEMNT COMMISSION OF THE CITY OF WASHINGTON certifies and recommends approval of the Redevelopment Plan as drafted to the Washington City Council for a public hearing and final adoption.

DULY ADOPTED this 14<sup>th</sup> day of November, 2006.

s/Judy Jennette  
**JUDY JENNETTE**  
**MAYOR**

ATTEST:

s/Rita A. Thompson  
**RITA A. THOMPSON, CMC**  
**CITY CLERK**

I, Rita A. Thompson, do hereby certify that the above is a true and accurate copy of a Resolution adopted by the Board at their November 14<sup>th</sup>, 2006 Board Meeting.

- C. **MOVED WITH VI.A. 2. Information Only** – Time line of the construction for Fire Station 2
- D. Acknowledgment – Of reallocation of funding in General Fund
- F. Adopt – Budget Ordinance Amendment for Information Services Division (\$4,591)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2006-2007**

**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 \$4,591 in the account Fund Balance Appropriated, account number

10-00-3991-9910.

Section 2. The account number 10-00-4132-7402, Installment Purchase, Information Services, portion of the General Fund appropriations budget be increased in the amount of \$4,591 to provide funds for Wachovia note #9320.

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 14<sup>th</sup> day of November, 2006

s/Judy Jennette  
**JUDY JENNETTE**  
**MAYOR**

ATTEST:

s/Rita A. Thompson  
**RITA A. THOMPSON, CMC**  
**CITY CLERK**

G. Accept – Grand funds from Wal-Mart Safe Neighborhoods Program (\$1,250)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2006-2007**

**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 \$1,250 in the account Contributions Police, account number 10-10-3431-8400.

Section 2. The account number 10-10-4310-5602, Materials Public Education, Police Department, portion of the General Fund appropriations budget be increased in the amount of \$1,250 to provide funds for Wal-Mart Grant.

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 14<sup>th</sup> day of November, 2006

s/Judy Jennette  
**JUDY JENNETTE**  
**MAYOR**

ATTEST:

s/Rita A. Thompson  
**RITA A. THOMPSON, CMC**  
**CITY CLERK**

- H. Adopt – Budget Ordinance Amendment for traffic safety in the Police Dept.  
(\$5,026)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2006-2007**

**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 \$5,026 in the account Fund Balance Appropriated, account number 10-00-3991-9910.

Section 2. The account number 10-10-4310-3304, Supplies Traffic Safety, Police Department, portion of the General Fund appropriations budget be increased in the amount of \$5,026 to provide funds for purchase of materials for traffic safety.

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 14<sup>th</sup> day of November, 2006

s/Judy Jennette  
**JUDY JENNETTE**  
**MAYOR**

ATTEST:

s/Rita A. Thompson  
**RITA A. THOMPSON, CMC**  
**CITY CLERK**

- I. Adopt – Budget Ordinance Amendment for stormwater utility fund drainage study  
(\$50,000)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2006-2007**

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

Section 1. That the Estimated Revenues in the Storm Water Utility Fund be increased in the amount of \$50,000 in the account Storm Water Planning Study, account number 34-90-3480-3601.

Section 2. The account number 34-90-5710-0401, Storm Water Study portion of the Storm Water Utility Fund appropriations budget be increased in the amount of \$50,000 to provide funds for drainage study.

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 14<sup>th</sup> day of November, 2006

s/Judy Jennette  
**JUDY JENNETTE**  
**MAYOR**

ATTEST:

s/Rita A. Thompson  
**RITA A. THOMPSON, CMC**  
**CITY CLERK**

- J. Authorize – Manager to negotiate engineering contract for water and sewer extensions to the Industrial Park
- K. Adopt – Budget Ordinance Amendment for Recreation Senior Programs (\$16,447)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2006-2007**

**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 \$1,000 in the account Contributions Senior Functions, account number 10-40-3612-8400.

Section 2. That the Estimated Revenues in the General Fund be increased in the amount of \$15,447 in the account Fund Balance Appropriated, account number 10-00-3991-9910.

Section 3. That account number 10-40-6123-3404, Senior Programs, Senior Citizen Programs, portion of the General Fund Appropriations Budget be increased in the amount of \$16,447 to provide funds for events and programs.

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 14<sup>th</sup> day of November, 2006

s/Judy Jennette  
**JUDY JENNETTE**  
**MAYOR**

ATTEST:

s/Rita A. Thompson  
**RITA A. THOMPSON, CMC**  
**CITY CLERK**

- L. Adopt – Budget Ordinance Amendment for Patrick H. Cochran Skateboard Park and Beebe Memorial Park in the General Fund (\$40,000)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2006-2007**

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

Section 1. That the Estimated Revenues in the General Fund be increased in the following accounts in the amounts shown:

10-40-3611-8403	Contributions Beebe	\$20,000
10-40-3611-8405	Contributions Skateboard	<u>20,000</u>
		\$40,000

Section 2. That the following accounts in the Parks & Grounds Maintenance, Recreation Department portion of the General Fund appropriations budget be increased in the amounts shown:

10-40-6130-7301	Beebe Park Improvements	\$20,000
10-40-6130-7400	Capital Outlay	<u>20,000</u>
		\$40,000

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 14<sup>th</sup> day of November, 2006

s/Judy Jennette  
**JUDY JENNETTE**  
**MAYOR**

ATTEST:

s/Rita A. Thompson  
**RITA A. THOMPSON, CMC**  
**CITY CLERK**

#### **DOUG MERCER – DISCUSS ELECTRIC RATES**

Mr. Doug Mercer passed out some information he had computed regarding the City's recent increases on electric wholesale rates and fossil fuel charges. In his calculations, he figured that the recent 5.25% increase in wholesale rates is not enough to cover the recent shortfall acknowledged, still having a \$1.1 million shortfall at year's end. Mr. Mercer agreed on the rollback that was approved to stay in, that every user should pay the same. He spoke about the increases are "not across the board" at the same increase. After explaining his calculations, he recommended that the City slide some of the capital projects into next year and don't transfer any money out of the Electric Fund. He felt the major mistake was made during the budget process.

Mr. Mercer spoke about the Council not voting on the wholesale rate increase and having been on Council and following Council's actions for 25 -30 years, he has never known Council to delegate the authority to staff to adjust rates. Also, the phrase "due to the rising costs of fuel costs" was printed on bills which he felt was a misleading statement. He felt that Council should rescind the 5.25% increase and if Council wants to increase the rates, they should make a motion with at least a 9% increase to cover the cost of operations between now and the end of June.

Mr. Mercer offered for Council to discuss the information he presented with him. Mayor Jennette thanked Mr. Mercer.

#### **PAUL CLARK – DISCUSS ROSEDALE SUBDIVISION FLOODING**

Mr. Paul Clark discussed the flooding at Rosedale Subdivision and Iron Creek Subdivision. He told Council that the main reason for the flooding is there are two ninety degree turns in Mitchell's Canal less than 50 feet apart. He has talked to the County and they have applied for a grant from the Division of Water Resources to "snag and drag."

It was pointed out that the County is working on obtaining easements to snag and drag.

**JASON BRILEY – REQUEST TO ALLOW (BRADFORD PROPERTIES OF GREENVILLE, LLC) THREE ADDITIONAL LOTS TO MARYANNA MOBILE HOME PARK**

Mr. Jason Briley, owner of Maryanna Mobile Home Park, appeared before Council to request that the City allow three more lots with septic tanks to the park so the people will not have to move out because of Highway 17 coming through.

The Council currently has a moratorium that prevents the City from issuing permits along the Highway 17 corridor and a restriction on new mobile home parks inside the city limits. Mr. Holscher also pointed out that the City's ordinance does not allow any more septic tanks inside the City limits. The existing ones can be used until development occurs or until they go bad.

It was Council consensus to uphold the City's ordinance and not allow any more septic tanks inside the City limits.

**MIKE GWYNN – RESOLUTION IN SUPPORT OF PCS PHOSPHATE MINE CONTINUATION PERMIT PREFERRED ALTERNATIVE**

On motion of Councilman Gibson, seconded by Councilman Gahagan, Council unanimously adopted a Resolution in support of PCS Phosphate mine continuation permit preferred alternative.

**RESOLUTION IN SUPPORT OF THE PCS PHOSPHATE MINE CONTINUATION PERMIT PREFERRED ALTERNATIVE**

**WHEREAS**, Phosphorus is an essential element for sustaining plant and animal growth; and

**WHEREAS**, the phosphate products produced by PCS Phosphate are important in sustaining our quality of life and creating the fertilizers necessary to feed the world; and

**WHEREAS**, PCS Phosphate is one of the largest employers in the region with an annual payroll of over \$60 million and almost \$30 million in employee benefits; and

**WHEREAS**, PCS Phosphate employs over 1,000 permanent employees and 150 – 500 contact workers annually; and

**WHEREAS**, the economic multiplier for total North Carolina employment is 3.4 meaning that every job at PCS Phosphate creates an additional 2.4 jobs statewide; and

**WHEREAS**, PCS Phosphate contributes about \$5 million in state and local taxes each year; and

**WHEREAS**, PCS Phosphate contributes purchases over \$100 million in goods and services in the State of North Carolina each year; and

**WHEREAS**, PCS Phosphate is the largest user of the Morehead City Port; and

**WHEREAS**, PCS Phosphate is responsive to the concerns and needs of the surrounding communities; and

**WHEREAS**, PCS Phosphate donates over \$250,000 annually to local charities and schools in the region; and

**WHEREAS**, PCS Phosphate maintains safety as their number one priority with specific emphasis on employee involvement (behavior-based safety process, safety teams and NC-OSHA STAR participation); and

**WHEREAS**, PCS Phosphate cares about the environment and maintains good environmental stewardship; and

**WHEREAS**, PCS Phosphate maintains high water quality standards through daily monitoring; and

**WHEREAS**, PCS Phosphate employs a staff dedicated to environmental issues and improvements; and

**WHEREAS**, PCS Phosphate has demonstrated the ability to restore wetlands by successfully restoring or construction 2,900 acres of wetlands over the past fifteen years; and

**WHEREAS**, PCS Phosphate has been presented numerous awards and recognitions for their restoration accomplishments and efforts to rebuild wildlife habitats for a variety of species; and

**WHEREAS**, PCS Phosphate has been replaced over one and a half acres for every acre of wetland impacted in its current mine permit and plans to replace approximately two acres for every acre impacted under the new mine permit, therefore providing a net gain of wetlands; and

**WHEREAS**, if the U.S. Army Corps of Engineers does not award the Mine Continuation Permit for PCS Phosphates' preferred alternative it will potentially impede the company's ability to operate profitably.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Washington through the adoption of this resolution, fully supports the issuance of a mine continuation permit for the PCS Phosphate preferred alternative so it may continue to operate profitably, be good environmental steward and also provide socioeconomic benefits to its employees, the local communities and the region.

Adopted this 14<sup>th</sup> day of November, 2006

s/Judy Jennette  
**JUDY JENNETTE**  
**MAYOR**

ATTEST:

s/Rita A. Thompson  
**RITA A. THOMPSON, CMC**  
**CITY CLERK**

#### **ECONOMIC DEVELOPMENT COMMISSION**

Councilman Gahagan stated that production and manufacturing has started in the Quick Start Building. Bids will be coming in on Quick Start #2 Building and they are hoping they will come in at an amount they can afford.

#### **TOURISM DEVELOPMENT AUTHORITY**

Mayor Jennette stated that the Tourism Development Authority is continuing to work on finalizing the Civic Center contract. Councilman Gahagan suggested a "Crabs on the Move" walking tour brochure. There are six more new crabs and six more coming in.

**HUMAN RELATIONS COUNCIL**

Mayor Jennette reported that the Human Relations Council is discussing having another ministerial exchange in February. Also, they are discussing "Men Who Cook" project.

**DOWNTOWN WASHINGTON ON THE WATERFRONT**

Mr. Joey Toler reported that DWOW is working on the following:

- Implementation of the W. K. Dickson Plan
- Update alleyways to make them more welcoming downtown
- Committee formed and working on #1 priority which is permanent bathroom facilities on the waterfront
- Upcoming Flotilla to be put on DWOW this year (Marine Band to perform)
- Identifying location for ATM machine in waterfront

**PARKING COMMITTEE**

Councilman Jennings stated that the Parking Committee will meet tomorrow. They will be talking to residents who are having problems parking close to their upper level units because of development.

**WARREN FIELD AIRPORT**

Jim Smith, City Manager, stated that two proposals were received for management of the Airport. The Committee is recommending Tradewind Aviation from New Bern because they have a track record. Tradewind Aviation is requesting a hangar, an avionics business, and parachute school, flight school, and hang-gliding school. A background check is being performed now.

After discussion, Council unanimously agreed to move forward in preparing and negotiating a contract with Tradewind Aviation.

Tradewind Aviation will make a presentation at a special meeting on Monday, November 27<sup>th</sup> at 5:30 p.m.

**RECREATION LEAGUE AGREEMENT**

Councilman Gahagan stated that they are meeting with the League Presidents to come up with a standard agreement.

**ADOPT – ORDINANCE TO AMEND CHAPTER 27, SECTION 27-162,  
HISTORIC DISTRICT AND COMMISSIONS, ADDING SECTION 27-  
162.1 PREVENTION OF DEMOLITION BY NEGLECT OF BUILDINGS  
AND STRUCTURES IN THE HISTORIC DISTRICT**

On motion of Councilman Jennings, seconded by Councilman Gibson, Council unanimously adopted the ordinance to amend Chapter 27, Section 27-162, Historic District Commission, adding Section 27-162.1 Prevention of Demolition by Neglect of Buildings and Structures in the Historic District.

**An Ordinance To Amend Chapter 27, Zoning, Article XV.  
Special Districts, Section 27-162. Historic District and  
Commissions, of the City of Washington Code**

**BE IT ORDAINED** by the City Council of the City of Washington, North Carolina:  
Section 1. That Chapter 27. Article XV. Special Districts, Section 27-162 Historic District and Commission, be amended by to include *Section 27-162.1*

*Prevention of Demolition By Neglect of Buildings And Structures in the  
Historic District.*

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

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

Adopted this the 14<sup>TH</sup> day of November, 2006.

s/Judy Jennette  
**JUDY JENNETTE**  
**MAYOR**

ATTEST:

s/Rita A. Thompson  
**RITA A. THOMPSON, CMC**  
**CITY CLERK**

Note – Public Hearing was held at the October meeting.

Council took at break at 5:55 p.m. and reconvened at 6:00 p.m.

**AMENDMENTS TO THE AGENDA**

Councilman Jennings asked to discuss Restrictions on Zoning in the County under Comments from Council Members. Mayor Jennette asked that Evans Seafood also be added there.

**ADOPT – ORDINANCE TO CONTINUE MORATORIUM ON ANY CITY  
DEVELOPMENT APPROVAL PROCESS 500 FEET ON EITHER SIDE  
OF PROPOSED US 17 HIGHWAY CORRIDOR BOUNDARY**

Bobby Roberson, Planning Director, gave a report on the property purchased and/or being purchased for Highway 17 and relocations of the property. The Blue Diamond Sports Bar wants to relocate on Hackney Avenue; Cutting Edge has moved downtown; Fitness Unlimited will move to the Old Kmart building Carvers Music and some other businesses have not decided on where to relocate yet. He also referred to some corrections in the proposed ordinance; “G.S. 160A-381(d)” should be G.S. 160-381(e).” Also, on page 86, the date should be “January 31, 2007.”

Councilman Jennings asked about extending the ETJ around Highway 17, as Council expressed concerns about development in that area. Mr. Roberson stated they are looking at this at the January or February meeting when they review the Comprehensive Plan.

Mayor Jennette called for the public hearing.

There were no comments.

Mayor Jennette closed the public hearing.

On motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously accepted the recommendation of the Planning Board and adopted an Ordinance to continue the moratorium on any city development approval process 500 feet on either side of proposed US 17 Highway corridor boundary, as shown on maps prepared by Flatrion, a joint venture, and Earth Tech for the Department of Transportation project number R-2510B.

**ORDINANCE**

WHEREAS, Cities may adopt temporary moratoria on any city development approval process required by law, as provided by NCGS 160A-381(d), and;

WHEREAS, the development moratorium is proposed to be more than 61 days and is therefore subject to the notice and hearing requirements established under NCGS 160A364, and;

WHEREAS, any ordinance establishing a development moratorium must expressly include at the time of adoption statements as to why the moratorium is necessary which is as follows:

**Statements of Fact  
City of Washington Moratorium  
US 17 Bypass Land Use/ Development Controls**

1. Statement of the problems or conditions necessitating the moratorium.
  - a. As of June 26, 2006, the North Carolina Division of Highways was in the process of acquiring right-of-way for the construction of the US 17 City of Washington Bypass (Transportation Improvement Project R-2510B) from US 17 south SR 1149 (Price Road) and US 17 to north of SR 1509 (Springs Road).
  - b. Until said right-of-way acquisition is finalized, the City of Washington will not know the exact location of the proposed US 17 Bypass. Right-of-way plans are expected to be completed by the Division of Highways by July 31, 2006, and right-of-way acquisition by April 30, 2007.
  - c. As of June 26, 2006, the City of Washington Planning Board and City Council are actively preparing a CAMA Land Use Plan and a Comprehensive Plan. Both plans will affect development in the vicinity of the US 17 Bypass and the development/enforcement of land use control ordinances regulation such development. The adoption of both plans by the City of Washington City Council is expected on or before September 29, 2006.
  - d. Growth and development of land uses along the US 17 Bypass right-of-way including, but not limited to, residential, commercial, industrial, institutional, and public and private, is expected. Existing land use control ordinances are not considered adequate to respond to increased development adjacent to the US 17 Bypass corridor.
  - e. There is no alternative to the imposition of a temporary moratorium on development along the US 17 Bypass to afford the City of Washington an opportunity to develop and adopt adequate land use regulatory controls. Therefore, no alternatives were considered.
2. Statement of the development approvals subject to this moratorium.
  - a. This moratorium will apply to all parcels of property, a shown on Beaufort County tax records effective as of July 11, 2006 which are within the City of Washington planning jurisdiction and are adjacent to the proposed US 17 Bypass right-of-way as shown on the North Carolina Division of Highways Project R-2510B Preliminary Plans dated April 6, 2006, as prepared by Flatiron/United, a joint venture, and EarthTech. This moratorium shall not apply to any project for which a valid building permit issued pursuant to NCGS 160A-417 is outstanding; to any project for which a conditional use permit application or special use permit application has been accepted by the City of Washington; to development

approved pursuant to NCGS 160A-385.1; to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit approved by the City of Washington; or to preliminary or final subdivision plats that have been accepted for review by the City of Washington prior to Washington City Council's call for a public hearing to adopt this moratorium. Any preliminary subdivision plat accepted for review by the City of Washington prior to the call by the Washington City Council for the public hearing of this moratorium, if adopted shall be allowed to proceed to final plat approval without being subject to this moratorium.

- b. The imposition of a moratorium on rezonings, subdivision preliminary and final plat approvals, and the issuance of building permits will allow the City to prepare and adopt the land use related controls to regulate such development.
3. Date and time for moratorium termination

This moratorium will terminate at 12:01am, November 15, 2006. The termination date and time are sufficient to allow time for the City of Washington to complete the 2006 CAMA Land Use Plan and 2006 Comprehensive Plan. Any land use controls imposed as a result of the construction of the US 17 Bypass must be coordinated with these plans.

4. Schedule

The following dates provide for the schedule of actions which are to be followed by the City of Washington during the duration of the moratorium to address the problems/conditions leading to imposition of this moratorium:

- a. July 31, 2006 – North Carolina Department of Transportation to finalize US 17 Bypass right-of-way location.
- b. July 2006 to September 29, 2006 – Finalize the City of Washington 2006 CAMA Land Use Plan and Comprehensive Plan.
- c. July 2006 to October 2006 – City of Washington Planning Board will consider proposal for land use control regulatory changes.
- d. November 14, 2006 - City of Washington will advertise and conduct public hearing(s) for proposed regulatory changes.

Now Therefore Be It Ordained:

The City of Washington finds it necessary for the moratorium in order to provide for orderly growth and development with the anticipation of the new US Highway 17 By-Pass to be located on the western side of the municipality by coordinating the streets and highways with other public facilities to lessen traffic congestion and to allow for the distribution of population in a manner that will avoid congestion and overcrowding and create conditions essential to the public health, safety and the general welfare of all our citizens by developing a corridor study to be consistent with The Comprehensive Plan for current and future development.

Adopted this 14<sup>TH</sup> day of November, 2006

s/Judy Jennette  
**JUDY JENNETTE**  
**MAYOR**

ATTEST:

s/Rita A. Thompson  
**RITA A. THOMPSON, CMC**  
**CITY CLERK**

**INFORMATION ONLY – TIME LINE OF THE CONSTRUCTION FOR  
STATION 2**

Fire Chief Jimmy Davis reviewed the time line with the Council and pointed out that we need to get the permit issued by December 31, 2006 in order to comply under the old building code:

**Construction Timeline**

**Current – October 18, 2006** – Waiting for review comments from department of Insurance, Division of Water Quality, and Erosion Control & Sedimentation

**October 19<sup>th</sup> – November 18<sup>th</sup>** – Respond to comment from all reviews and prepare drawings to go out for bids.

**November 14<sup>th</sup>** – Update City Council on time line.

**November 20<sup>th</sup>** – Drawings go out for bid. Bid duration to be 4 weeks.

**December 5<sup>th</sup>** – Pre-Bid conference 2 PM Council Chambers.

**December 19<sup>th</sup>** – Receive bids 2 PM Council Chambers.

**December 20, 2006 – January 31, 2007** – Review and approve bids, prepare contracts, execute contracts

**January 8, 2007** - City Council to award contract for construction of facility and construction loan financing to financial institution.

**February 1<sup>st</sup>** – Construction to begin (Construction period 330 days per contract)

**December 28, 2007** – Construction Completed

**February 1, 2008** – City's approval and acceptance of facility

It will be more expensive to build under the new building code. The second fire station will be \$2.8 million with 11, 190 square feet which include the land purchase, design, and legal fees, construction costs and soil preparation costs.

**ADOPT – BUDGET ORDINANCE AMENDMENT FOR SECOND  
FIRE STATION CAPITAL PROJECT FUND (\$1,337,000)**

Stewart-Cooper-Newell representatives were present and were confident with the figures proposed, however, prices cannot be guaranteed. Prices have accelerated since the project was first discussed.

After discussion, on motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously adopted a budget ordinance amendment for the second Fire Station Capital Project Fund in the amount of \$1,337,000.

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2006-2007**

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

Section 1. That the Estimated Revenues in the Second Fire Station Capital Project Fund be increased in the amount of \$1,337,000 in the account USDA Loan, account number 63-10-3434-0000.

Section 2. That the following appropriation accounts in the Second Fire Station Capital Project Fund be increased in the amounts shown:

63-10-4340-0401	Architectural Design	\$25,492
63-10-4340-4500	Construction	814,874
63-10-4340-7400	Equipment Purchases	167,912
63-10-4340-8300	Interest on Construction	46,000
63-10-4340-9900	Contingency	<u>282,722</u>
		\$1,337,000

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 14<sup>th</sup> day of November, 2006

s/Judy Jennette  
**JUDY JENNETTE**  
**MAYOR**

ATTEST:

s/Rita A. Thompson  
**RITA A. THOMPSON, CMC**  
**CITY CLERK**

**HISTORIC PRESERVATION COMMISSION – TO FILL THE  
UNEXPIRED TERM OF MAUREEN LAVAN, TERM TO EXPIRE  
ON JUNE 30, 2007**

On motion of Councilman Jennings, seconded by Councilman Gibson, Council unanimously appointed Charles “Skip” Major to fill the unexpired term of Maureen Lavan on the Historic Preservation Commission, term to expire June 30, 2007.

**NEIGHBORING COMMUNITIES COMMITTEE**

On motion of Mayor Pro tem Woolard, seconded by Councilman Brooks, Council unanimously appointed Councilman Gahagan and Councilman Jennings to the Neighboring Communities Committee. (This committee might change its name).

**INFORMATION ONLY – PRELIMINARY COSTS ESTIMATE  
FOR REPLACEMENT OF BROWN STREET BRIDGE**

Allen Lewis, Public Works Director, gave a report on the preliminary costs estimate for replacement of the Brown Street Bridge.

- Replacing the existing bridge with another bridge of sufficient clear width (33’, compared to 20’ opening now) could be \$750,000.

- Replacing the existing bridge with multiple culverts approximately \$600,000 to \$700,000
- Remove existing bridge and widen out creek to 40' width - \$25,000 to \$30,000

Mr. Lewis explained that the Charlotte Street crossing would still be grossly inadequate and the water will bottleneck at Charlotte.

Council discussed modifying the Brown Street Bridge for pedestrian and bike traffic only.

After discussion, on motion of Councilman Gibson, seconded by Councilman Jennings, Council unanimously agreed to start the street closing process.

**ADOPT RESOLUTION AUTHORIZING CITY CLERK TO INVESTIGATE  
PETITION FOR A CONTIGUOUS ANNEXATION FOR TREE SHADE  
COMMUNITY (PHASE II) RECEIVED UNDER GENERAL STATUTES 160A-31**

On motion of Councilman Jennings, seconded by Councilman Brooks, Council unanimously adopted a Resolution directing the City Clerk to investigate a petition for a contiguous annexation received under General Statutes 160A-31 (Tree Shade).

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

WHEREAS, a petition requesting annexation of an area described in said petition was received on September 12, 2006 by the Washington City Council; and

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

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

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

The City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

s/Judy Jennette  
**JUDY JENNETTE**  
**MAYOR**

ATTEST:

s/Rita A. Thompson  
**RITA A. THOMPSON, CMC**  
**CITY CLERK**

Annexation #06-A-05  
Tree Shade Community (Phase II)

**APPROVE – HIGHWAY RIGHT-OF-WAY DEED WITH DOT FOR  
PROPOSED HIGHWAY 17**

On motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously approved the highway right of way Deed with DOT for proposed Highway 17 in the amount of \$500, Project # 34440.2.6.

**ADOPT – BUDGET ORDINANCE AMENDMENT FOR THE FIXED ROUTE  
BUS TRIAL WITH BEAUFORT AREA TRANSIT SYSTEM (BATS)**

Mayor Jennette and Mr. Smith have been meeting with the Beaufort Area Transit System representatives to have a fixed route bus trial from the Courthouse to Beaufort County Community College. The fare will be \$1 for the one hour and twenty minute ride. The bus will stop at various locations. Upfront funding in the amount of \$2250 has been committed by BCCC Foundation, Beaufort County Hospital, Wal-Mart and Agape Health Clinic. JobLink and the Washington Housing Authority may provide additional funding. The cost will be \$5,000 even if no one rides the bus. The \$1.00 fee charged will be reimbursed to the City.

On motion of Mayor Pro tem Woolard, seconded by Councilman Gibson, Council unanimously adopted the proposed ordinance amending the Fiscal Year 2006-2007 Budget to provide partial funding for a fixed route bus transportation trial. Councilman Jennings amended the motion to say “that the printed ordinance be amended to allow for as much as \$2,750. Councilman Gibson seconded the amended motion which carried unanimously.

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2006-2007**

**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 \$2,750 in the account Public Transportation Fees, account number 10-40-3617-4100.

Section 2. The account number 10-40-6170-9132, B.A.T.S., Outside Agency portion of the General Fund appropriations budget be increased in the amount of \$2,750 to provide funds for contribution to public transportation contract.

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 14<sup>th</sup> day of November, 2006

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**MAYOR**

**ATTEST:**

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**CITY CLERK**

**REQUEST FOR “NO OLF” LETTER**

On motion of Councilman Jennings, seconded by Mayor Pro tem Woolard, Council unanimously approved the letter to Senator Dole regarding “No OLF.”

**DISCUSS – ESTUARIMUM LEASE**

Mr. Holscher stated a final version of the Estaurium Lease will be ready at the December meeting.

**DISCUSS SECOND MEETING FORMAT**

Jim Smith, City Manager, explained how the format will be for having a second Council meeting each month and passed out a handout. The second Monday will be a full agenda and actions, with the second meeting being an informational meeting. The second meeting will not have an agenda book, just handouts. Minutes will be in summary form. Staff will review agenda items for the second meeting at the staff meeting after the second Monday meeting on Tuesday morning.

Council mutually agreed to start having two meetings in January, 2007. The second meeting (fourth Monday) will begin at 4:30 p.m. and end at 6:00 p.m. It will take four-fifths vote for the meeting to continue after 6:00 p.m. This will be done on a trial basis, and if agreed upon, then the ordinance will be changed to set it up permanently. Until then, each meeting will be continued.

**EVANS SEAFOOD PROPERTY**

There has been some interest shown in the development of the Evans Seafood Property. After Council discussion, it was agreed that we should have a survey, an appraisal and a list of permitted uses.

**RESTRICTIONS ON HEIGHT OF BUILDINGS (COUNCILMAN JENNINGS)**

Councilman Jennings voiced concern about the discussions at the Beaufort County Commissioners’ meeting he attended on Monday, November 13<sup>th</sup> on the City’s height restrictions. He stated they first proposed that an ordinance be drafted to limit height restrictions to 80 feet. That was tabled pending getting more data. The contention was made that the City’s height restriction is 96 feet. The City doesn’t have anything 96 feet. Mr. Roberson stated that height restrictions varies according to the zoning classification. The only exception is the structures inside the historic district and the height is determined by the existing buildings. The maximum height in the O&I district is 96 feet. In 1996 staff was instructed to go with the existing dimensions, using that as a base number. The number staff wants to work off is 50 feet with a maximum cap of 96 feet.

Councilman Jennings stated that the County made reference to Washington’s zoning restrictions being a mess. His feelings were that we need to interact with the County on this beforehand (referring to including waterfront in the ETJ).

Council asked the City Manager to explore this possibility

**ITEMS ADDED TO THE AGENDA BY COUNCILMAN GIBSON**

**Hamilton Beach**

Councilman Gibson asked the status of the Hamilton Beach property. Mr. Holscher stated the appraisal is being updated now.

**Internal Affairs Investigation**

Mr. Smith stated the report has not been received yet on the Internal Affairs Investigation.

**Summary from Fred Fletcher (reference made to page 4 –October 9<sup>th</sup> minutes)**

Fred Fletcher was suppose to email a summary of their meeting on The George and Councilman Gibson did not receive it. Mr. Roberson reported that the plan is being modified and the time is being extended to June 30<sup>th</sup>. Councilman Jennings suggested making a requirement of the timeline.

**LEGISLATIVE ACTIONS**

Mayor Jennette asked Council Members to be thinking about what we need to have legislative actions on to present to Rep. Arthur Williams in the next session, such as extending the zoning, etc.

**CLOSED SESSION – UNDER G. S. 143-318.11 (a)(1) CONFIDENTIAL  
INORMATION AND 143-318.11(a)(6) PERSONNEL AND 143-  
318.11.(a)(3)ATTORNEY/CLIENT**

On motion of Mayor Pro tem Woolard, seconded by Councilman Jennings, Council unanimously agreed to go into closed session under G. S. 143-318.11 (a)(1) confidential information and G.S. 143-318.11(a)(6) personnel and G.S. 143-318.11.(a)(3)attorney/client.

On motion of Mayor Pro tem Woolard, seconded by Councilman Brooks, Council unanimously agreed to come out of closed session at 8:40 p.m.

**RECRUITING NEW POLICE CHIEF**

Three options to recruit a Police Chief are:

- (1) Request for Proposals and hire police recruiting firm
- (2) Hire League of Municipalities
- (3) Hire Bill Berger, Steve Unsworth and Dave Walchak

Council mutually agreed to go with the third option.

On motion of Mayor Pro tem Woolard, seconded by Councilman Gibson, Council unanimously adjourned the meeting until Monday, November 27, 2006 at 5:30 p.m.

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**Rita A. Thompson, CMC  
City Clerk**