

The Washington City Council met in a regular session on Monday, April 16, 2007 at the Municipal Building at 4:30 p.m. Present were: Judy Jennette, Mayor; Ed Gibson, Councilman; Richard Brooks, Councilman; Archie Jennings, Councilman; Mickey Gahagan, Councilman; Darwin Woolard, Mayor Pro tem; James Smith, City Manager; Franz Holscher, City Attorney; and Rita A. Thompson, City Clerk.

Also present were: Carol Williams, Finance Director; Jimmy Davis, Fire Chief; Gerald Galloway, Interim Police Chief; Bobby Roberson, Community Development Planning Director; Keith Hardt, Electric Director; Allen Lewis, Public Works Director; Susan Hodges, Human Resources Director; Joe Toler, Interim, DWOV Director; and Mike Voss, of the Washington Daily News.

Mayor Jennette called the meeting to order and thanked everyone for coming.

Councilman Gibson delivered the invocation.

### **AMENDMENTS TO AGENDA**

Mayor Jennette added a request from Chris Furlough to renew his burning permit, along with William Sawyer's request under Scheduled Appearances. Under Old Business, add 1. Alleyway engineering contract, 2. Master Recreation Plan, and 3. Electric Department Safety Procedures and Practices (pulled off Consent Agenda by Councilman Brooks). Under VI.B.3. remove item (3) Attorney/Client Privilege. Under item X. add A. Set date and time for Evans Seafood Property Workshop.

Councilman Gibson asked for a report on 911. Mayor Jennette referred to the one passed out on March 26, and said it can be added to the Committee of the Whole meeting. Councilman Gibson asked for a report from the firm looking into the Electric Department Cost Study. Mr. Smith stated they just started two weeks ago.

On motion of Councilman Gahagan, seconded by Councilman Gibson, Council unanimously approved the agenda, as amended.

### **APPROVAL OF MINUTES OF MARCH 12, AND MARCH 26, 2007**

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

### **SWEARING IN OF (5) FIREFIGHTERS**

Mayor Jennette delivered the oaths of office to five new firemen.

On motion of Councilman Gahagan, seconded by Mayor Pro tem Woolard, Council unanimously approved the Consent Agenda, as follows:

- A. Acknowledgement – Of reallocation of funding in the General Fund (\$4,200)
- B. Approve – Smoke Alarm Grant (\$3,000)

### **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 amount of \$3,000 in the account Public Education Grant, account number 10-10-3434-3301.

Section 2. The account number 10-10-4340-5601, Materials-Public Education, Fire Department portion of the General Fund appropriations budget be increased in the amount of \$3,000 to provide funds for grant for public education materials and smoke alarms.

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 16<sup>th</sup> day of April, 2007.

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

ATTEST:

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

- C. **MOVED TO OLD BUSINESS VI.A. 3. Approve** – Electric Department Safety Procedures and Practices
- D. Information Only – Boat Dock Grant Receive

**WILLIAM SAWYER, SAWYER LAND DEVELOPER – TO REQUEST BURNING PERMIT FOR HIGHWAY 17 CONSTRUCTION**

Mr. William Sawyer, Sawyer Land Developer, appeared before Council to request a burning permit to burn the debris from the clearing of Highway 17 Bypass. The burning area is south of Grimes Road towards the Tar River and is a wet, swampy area. He is hoping to start in a couple of months.

Fire Chief Jimmy Davis stated this would be done similar to the Somerset Subdivision, monitoring it on a daily basis.

Council discussed the time frame. Chief Davis asked if Mr. Sawyer could be given 90 days from the time he calls and tells him they have heard from the Coast Guard.

On motion of Councilman Jennings, seconded by Councilman Gibson, Council unanimously granted William Sawyer, Sawyer Land Developer, a 90 day permit to commence upon the date the permit is obtained from Flat Iron by the Coast Guard to begin burning and that the operation will be monitored closely by the Fire Department and the Chief to notify Council upon commencement of the 90 days.

**CHRIS FURLOUGH – BURNING PERMIT IN SOMERSET SUBDIVISION**

Chief Davis stated that Mr. Furlough is requesting another 30 day permit.

On motion of Councilman Jennings, seconded by Councilman Gibson, Council unanimously renewed Chris Furlough's burning permit for 30 days, subject to renewal if necessary.

Mr. Smith stated that we might want to look at some kind of costs to recover for the Fire Marshall's time for monitoring it. Chief Davis will check with other towns to see how they handle it.

### **ECONOMIC DEVELOPMENT COMMISSION**

Councilman Gahagan stated that Beaufort County is part of a group called the Northeast partnership who gets money from the State to do economic development. Tom Thompson and the Committee of 100 have made a proposal to them to help the counties build new buildings, mainly to give them a loan to pay construction interest while the building is being paid off. When the building is sold, any proceeds will be repaid. The County has passed a Resolution and he hopes to have one ready for the Council next week to decide if we want to help support it. He will write something up or have Tom Thompson come.

### **TOURISM DEVELOPMENT AUTHORITY**

Mayor Jennette stated TDA has reviewed the preliminary budget, talked about Civic Center repairs and who is responsible for what. The idea is that the City will be responsible for outside repairs and the TDA responsible for inside repairs. There is a long list that needs to be prioritized by the City and TDA.

### **HUMAN RELATIONS COUNCIL**

Mayor Jennette stated the Human Relations Council has scheduled the "Men Who Cook" event for September 29<sup>th</sup>. The Boy Scouts of America made a presentation at the last meeting. They are looking at expanding their program and reach out to the minority community which is a positive thing. Mr. William Holiday is stressed about the level of crime in his neighborhood. He talked to Interim Police Chief Gerald Galloway and Major Sandy Blizzard and they assured him the Police are working hard to make improvements in that area.

### **DOWNTOWN WASHINGTON ON THE WATERFRONT**

Joey Toler, Interim DWOW Director, stated that DWOW is introducing their first direct mail fund raiser campaign, appealing to the private sector for support. They are pushing the alley project through. They are also talking to the Northeast Partnership and State Travel and Tourism for support for the Boat Show in April 2008.

### **PARKING COMMITTEE**

Councilman Jennings stated the Parking Committee has not reconvened.

### **WARREN FIELD AIRPORT**

Mr. Smith stated that a contract is on the agenda for this evening to take care of the vegetation at the Airport. James Tripp has been working on this. They have talked about the possibility of using the state Tier 1 airport subsidy money that we recently received through assistance from Arthur Williams. There is nothing in writing, but he understands it is \$180,000. The intent is to use that money to fulfill our transportation program for the Airport. On the list are additional t-hangars, replace the pumps and plumbing piping on both the fuel storage tanks at the Airport (\$70,000). The fencing project is continuing. Committee of 100 is looking at leasing some space to a party that may be willing to build some t-hangars privately. Also, he is looking at some formulas to price the aviation fuel that is more competitive and increase the sales, along with a self

service facility at the Airport for 100 octane aviation fuel. Mayor Jennette will check on the \$180,000 grant.

**APPOINTMENT – ENLARGED PLANNING BOARD – TO FILL THE  
UNEXPIRED TERM OF JIM NANCE, TERM TO EXPIRE ON  
JUNE 30, 2008**

On motion of Councilman Brooks, seconded by Councilman Gahagan, Council unanimously appointed Robert Henkle to the Enlarged Planning Board to fill the unexpired term of Jim Nance who has resigned, subject to the concurrence of the Beaufort County Board of Commissioners, term to expire June 30, 2008.

**RECREATION ADVISORY COMMITTEE – TO FILL THE UNEXPIRED  
TERM OF BATH SALEEBY FORD, TERM TO EXPIRE ON JUNE  
30, 2008, UNEXPIRED TERM OF ED CHERRY, TERM TO  
EXPIRE ON JUNE 30, 2008, UNEXPIRED TERM OF GUY  
STOWE, TERM TO EXPIRE ON JUNE 30, 2008, AND  
UNEXPIRED TERM OF CATHY BOYD, TERM TO EXPIRE ON  
JUNE 30, 2008**

Councilman Jennings stated that this committee has changed quite a bit in scope and asked Council to do some recruiting for appointments in June.

**HUMAN RELATIONS COUNCIL – TO FILL THE UNEXPIRED TERM OF  
VICTOR RODGERS, TERM TO EXPIRE ON JUNE 30, 2008, AND  
UNEXPIRED TERM OF VICTORIA GACHUZ, TERM TO EXPIRE  
JUNE 30, 2009**

On motion of Mayor Pro tem Woolard, seconded by Councilman Gahagan, Council unanimously appointed William Pitt to the Human Relations Council to fill the unexpired term of Victor Rodgers, term to expire June 30, 2008; and Clemencia Zapata Hernandez to fill the unexpired term of Victoria Gachuz, term to expire June 30, 2009.

**ALLEYWAY CONTRACT FOR ENGINEERING**

Joey Toler, Interim DWOW Director, stated that two bids were received: (1) Kinston Contracting, Inc. in the amount of \$88,334.00 and (2) Landscaping Unlimited in the amount of \$44,200.00 for Ayers Lane Improvements.

On motion of Councilman Jennings, seconded by Mayor Pro tem Woolard, Council unanimously accepted the recommendation of Durward Tyson, PE, from Rivers and Associates, and awarded the Ayers Lane Improvements to Landscaping Unlimited, Inc. in the amount of \$44,200.00.

**MASTER RECREATION PLAN**

Philip Mobley, Recreation Director, was not present, however, a summary of the Master Recreation Plan Public Hearing will be presented to the Council.

**ELECTRIC DEPARTMENT SAFETY PROCEDURES**

Keith Hardt, Electric Director, presented the Electric Department Safety Procedures in the agenda package.

Councilman Brooks commented that there was not anything included on the recent accident. Mayor Jennette stated that a report on the accident was given at the last meeting. Mr. Hardt stated that he was only asked to present the Safety Procedures.

Councilman Gibson made some comments regarding the Safety Procedures, saying that we need to attach more urgency, attention and importance to accidents. He stated we don't want employees getting hurt and it has an affect on the City's medical premium and reflection on the City. Councilman Gibson posed several questions regarding the Safety Procedures.

Mayor Jennette stated she is impressed that we have weekly and monthly safety meetings. Mr. Hardt stated that we have had no loss time accidents in the last calendar year and up to this year so far. Our medical is not affected. Our Safety Procedures are self imposed.

Councilman Gibson asked to review the minutes of the Safety Meetings, prior to the accident, about 30 days ago, and from now on. Councilman Gahagan stated that he trusts the Manager to review the minutes and Council should not micro-manage.

Councilman Gibson stated he is very interested in safety procedures.

Mr. Hardt pointed out that the employee has been reprimanded and is a personnel issue.

**AUTHORIZE – CITY MANAGER TO NEGOTIATE AND EXECUTE  
AIRPORT GROUNDS MAINTENANCE AND FARMING  
LEASE**

James Tripp, Enterprise Controller, discussed the proposed Airport Grounds Maintenance and Farming Lease with Council. Mackilwean Turf Farm is recommended for the lease to grow sod (turf grass will be typed in the contract, along with reports to the Council).

Councilman Gibson suggested the contract period be for three years instead of six years. It was pointed out that there is a termination provision in the contract.

On motion of Councilman Jennings, seconded by Mayor Pro tem Woolard, Council unanimously authorized the City Manager to negotiate and execute the airport grounds maintenance and farming lease.

**APPROVE – RESOLUTION REQUESTING FUNDING FOR THE  
CLOSING OF BROWN STREET BRIDGE**

On motion of Councilman Gahagan, seconded by Councilman Jennings, Council unanimously adopted a Resolution requesting \$750,000 to fund the Brown Street Bridge.

**RESOLUTION REQUESTING FUNDS FOR BROWN STREET BRIDGE**

**WHEREAS**, at a recent Council meeting, the status of the structural integrity of the Brown Street bridge over Jack's Creek has been discussed; and

**WHEREAS**, as part of the bi-annual bridge inspection program performed by NCDOT (or their contractor), the lowering of the weight limit on the bridge from 19 tons to 5 tons was required due to the structure deteriorating so rapidly; and,

**WHEREAS**, making minimum repairs to the existing bridge could easily cost \$200,000 according to local NCDOT officials and would not be recommended because the lifespan of such improvements could not be guaranteed more than 3-5-years; and,

**WHEREAS**, to replace the existing bridge with another bridge of sufficient clear width (33', compared to 20' opening now) would easily approach \$750,000 according to local NCDOT officials; and,

**WHEREAS**, replacing the existing bridge with multiple culverts would run approximately \$600,000 - \$750,000, depending upon the number of culverts and materials used; and

**WHEREAS**, Brown Street will soon be a major thoroughfare to the Beaufort County Hospital; and

**WHEREAS**, at the November 14, 2006 Council meeting, Council requested the process of closing Brown Street between Park Drive and East Fourth Street be initiated; and

**WHEREAS**, on February 12, 2007, the Washington City Council adopted a Resolution ordering the closing of Brown Street between Park Drive and East Fourth Street; and

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Washington hereby request Representative Arthur Williams to seek funding in the amount of \$750,000 to replace the Brown Street Bridge.

Adopted this 16<sup>th</sup> day of April, 2007.

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

ATTEST:

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

**CLOSED SESSION – UNDER G. S. 143-318.11 (A))(6)  
PERSONNEL**

At 5:40 p.m., on motion of Mayor Pro tem Woolard, seconded by Councilman Gahagan, Council unanimously agreed to go into closed session under G. S. 143-318.11(a)(6) personnel.

On motion of Mayor Pro tem Woolard, seconded by Councilman Jennings, Council unanimously agreed to come out of closed session at 6:00 p.m.

**CONSIDER – A ZONING CHANGE CONSISTING OF 23.68 ACRES OF  
PROPERTY LOCATED ON THE SOUTH SIDE OF DAN TAYLOR ROAD  
OFF MARKET STREET EXT. FROM RA-20 TO R-15S**

Ms. Dot Moate, member of the Planning Board, stated that Zane Buckman, acting as agent for Dan Taylor Road LLC., requested the rezoning of 23.68 acres of land located on the south side of Dan Taylor Road from RA 20 to R-15S. The Planning Board examined this property on three occasions and found that it was not inconsistent with the existing policies as contained in the Land Use Plan and Comprehensive Plan. Adjoining property owners voiced their concerns about the drainage, set back requirements, Division of Water Quality standards, and density. They had questions and they (Planning Board Members) tried to answer their questions. After much discussion, the Planning Board unanimously recommended to rezone the property as requested.

Councilman Jennings asked that a stipulation be made for a pathway.

Mayor Jennette stated this is a public hearing.

Mr. Zane Buckman, agent for Dan Taylor Properties LLL, stated that the owners of the property now are going to develop it just as they were proposing. The developers have been doing this for quite some time. He referred to the Tree Shade development (taking farmland and turning it into a subdivision and make the property value go up. The blue line ditches show up on the GO technical map but do not show up on the Beaufort County maps as blue line ditches. The ditches will be designated. He stated that no money is being asked for from the City. There will be a 20 foot sewer easement coming off Market Street that can be the pathway.

Mr. Toby Alligood stated that he cannot see this in a rural setting. He is strongly opposed to high density development out in the country. The landowner is trying to generate more revenue by having high density lots. Logically, things get more sparse as you go out in the County. If you rezone, the lots should be made bigger, not smaller. There should be restrictive covenants also.

Mr. Jeff Mack Berry stated he is for development and asked what the zoning is on Tree Shade and is that the kind of houses we are looking at here? They will be smaller houses. Will the sewer be provided at the tap or will it be run to the property? Mayor Jennette stated the developer is running the water and sewer. Mr. Berry asked has there been any consideration to the traffic? Mr. Roberson stated that roads will be upgraded depending when DOT will do it. Also, he feels that larger homes would be much nicer than patio homes.

Mr. Harry Bailey stated that he was not aware of this until March 30<sup>th</sup> and received a letter on March 31<sup>st</sup> but heard at the meeting it had been in the works for months. He stated they had never been contacted for their opinion. He stated they would be in agreement with larger homes like Smallwood and Tree Shade. These lots are 10,000 square feet and with the setbacks, a home could only be 24 feet wide and could be only 10 feet from the adjoining property owner. This is something you would see in the middle of a town. He stated their setbacks were entirely different compared to this proposed. Tree Shade does not have patio homes. Stormwater permits were not mentioned. If you add the road impervious cover, you are at 17% with just the road, not including the sidewalks, bike paths, routes, drives, etc. and he doesn't see how that can be accomplished the way it is proposed. The dimensions shown on the adjacent landowners on the plat to the north are incorrect. He stated he would have two and one-half to three homes along their property line. Due to the existing soils in the areas, existing setbacks that the County and city require, you need three-quarters to an acre lot. With this track of land being further away from the center of the city, that would represent even larger lots and not 10,000 square feet. He asked Council to take into account how it would affect the existing property owner's values of their homes. His understanding is that this more or less represents spot zoning since it only affects one parcel. A locality can only rezone a single parcel if action is shown to be consistent with the community Land Use Plan. Adjoining property owners are under the jurisdiction of the Beaufort County subdivision rules and is not consistent with what is proposed. He and his wife request that Council not approve the rezoning. Mr. Bailey stated that residents voiced the same kind of concerns at the Planning Board meeting.

Councilman Gibson asked Mr. Bailey if he had known more about the issue, would he view it differently. Mr. Bailey answered yes, it would have been more helpful, or even to speak to the developers and find out more about it. It would be helpful to know the size of the homes, the layout, covenants, etc. All they know is they want to put very small lots there that does not match up with what is already out there.

Mayor Pro tem Woolard asked about the time frame in notification? Mr. Roberson stated that the time was adequate and was done on a normal process. He stated they received one phone call.

Mr. Buckman clarified that he never insinuated that the houses would be like Tree Shade, only that the developer was the developer of Tree Shade and the quality of the houses he builds. He referred to "Cornerstone" in Greenville which has patio homes with 2000-3300 square feet. They are called patio homes because of the size of the lot.

Mayor Pro tem Woolard asked Mr. Roberson to explain the different uses. Mr. Roberson stated that this is low to medium density. RA20 is 20,000 feet and 15,000 square feet in the RA15. If water and sewer is furnished, the density drops down. Density requirements depends on whether you have sewer or not. It is consistent with the Comprehensive Plan. The County only has FEMA regulations, subdivision regulations and mobile home development.

Mayor Jennette closed the public hearing.

Councilman Gahagan asked Bobby to speak to spot zoning. Mr. Roberson stated that the property is residential, the question is whether it is high or low density, and it does comply. Mr. Holscher stated that this does not constitute spot zoning.

Mayor Jennette asked if this was the typical time frame for notification? Mr. Roberson stated this was the same, and the most important is the one tonight. It was advertised and notices were sent.

Mayor Pro tem Woolard expressed concern for traffic, especially with the elementary school going on Market Street Extension. Mr. Roberson stated that the Dan Taylor Road will be a road that moves traffic from the eastern end of the County to the western portion of Market Street.

Councilman Gahagan made a motion to accept the recommendation of the Planning Board and approve the rezoning of the property located on Dan Taylor Road containing 23.68 acres from RA20 Residential Agriculture to R15S Residential. Councilman Gibson seconded the motion.

Vote taken:

AYES: Councilman Gahagan  
Councilman Gibson  
Councilman Brooks

NAYS; Mayor Pro tem Woolard  
Councilman Jennings

Councilman Jennings stated that we are asking a lot of technical questions that should be fielded at the Planning Board level. Mr. Bailey had some good points presented to the Planning Board and he would have like to have known that those considerations were taken into account during that process, rather than have him come here and have to repeat those. He also felt that the plans should go out and get consensus from the local property owners. He would like to see it go back to the Planning Board with property owners to have an opportunity to learn about the project.

Councilman Gibson stated it was noteworthy that the Planning Board vote was five to zero and that stands for something. Councilman Jennings stated the Planning Board said the property owners were in favor of this and we have had several property owners who have said they are not in favor and have a lot of questions about it.



Ms. Moate stated that they had property owners there and they answered their questions, she didn't say they were happy with the answers or their recommendation. When a rezoning comes before the Planning Board, they cannot take in account a subdivision for a rezoning. They have to say whether or not the zoning is consistent with the City's Plan and if it is, then they normally make a recommendation for approval. The subdivision plan will come back later and they will address specifics.

Mayor Pro tem Woolard commented that it helps if there is open dialogue beforehand. Mayor Jennette stated that is the builder's responsibility.

Mr. Holscher explained that a Statute passed last year that requires the Council to adopt a Statement concerning zoning changes and whether or not they conform to the Comprehensive Plan. He read the Statement as follows:  
Comprehensive Plan Statement For Zoning Changes

#### PURPOSE IN VIEW

In accordance with North Carolina General Statutes 160A-383 zoning regulations shall be made in accordance with a comprehensive plan. Therefore, when adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable.

#### FINDING OF FACTS:

1. The Washington Planning Board has forwarded a favorable recommendation to City Council for your consideration to change the 23.68 acres of property located on Dan Taylor Road from RA-20S(Agricultural) to R-15S (Residential). The Planning Board has included for your information and review their report on the zoning change submitted by petitioner Zane Buckman, agent for the petition.
2. The Planning Board has made a recommendation stating that the zoning change is consistent with all of the objectives and policies for growth and development contained in the City of Washington's Land Use Plan and Comprehensive Plan.
3. The property has access on Dan Taylor Road and adjoins property zoned RMH, Residential Mobile Home on the Southern boundary along with RA-20S on the North, East and West Boundary of the subject property.
4. The tract has water and sewer available from Market Street Extension and thus would eliminate the need for septic tank installations on the land under consideration.
5. Both the Land Use Plan and the Comprehensive Plan recommend that property in and around the Dan Taylor Road be developed for residential purposes from low to medium density development. Thus, this zoning change is consistent with the adopted plans.

#### COMPREHENSIVE PLAN STATEMENT BY CITY COUNCIL

Councilman Gahagan made a motion to accept the recommendation of the Planning Board and approved the rezoning change of the property, located on Dan Taylor Road containing 23.68 acres, from RA-20(Residential Agricultural) to R-15S (Residential); and by approving the zoning petition the City Council has found the zoning change to be consistent with the adopted Comprehensive Plan by allowing for low to medium residential development that has water and sewer available; is not detrimental to the public health safety and welfare of its citizens; and prohibits the expansion of mobile home parks, located to the south

of the tract, which promotes high density development. Councilman Gibson seconded the motion.

Vote was taken as follows:

AYES: Councilman Gahagan  
Councilman Gibson  
Councilman Brooks

NAYS: Mayor Pro tem Woolard  
Councilman Jennings

Mr. Holscher pointed out that a two thirds vote is required for a rezoning so the issue should come back at the next regular meeting for a second reading and a majority vote could carry the motion.

**ADOPT – ORDINANCE TO CONTINUE A MORATORIUM ON ANY  
CITY DEVELOPMENT APPROVAL PROCESSES 500 FEET ON  
EITHER SIDE OF THE PROPOSED US17 HIGHWAY CORRIDOR  
BOUNDARY**

Ms. Moate stated that the Planning Board will present findings at the August, 2007 meeting after reviewing Highway 17 corridor to develop zoning for orderly growth and development for land adjacent to and in close proximity of the proposed Highway 17 By-Pass. The Planning Board is asking that the moratorium be continued until August 6, 2007.

Mayor Jennette opened the public hearing.

Ms. Cathy Weatherington, representing her family who owned property on the west side of Highway 17, asked if the City has any plans to annex any of the property on the west side of Highway 17 north of Whispering Pines Road.

Mayor Jennette answered that the City does not have any current plans. Mr. Smith stated there has not been any requests for annexation.

Mr. Jason Briley asked what is the exact area of the moratorium? Mayor Jennette stated the area is 500 feet of the proposed Highway 17 By Pass, however, all the land has not been purchased yet. Mr. Briley asked about the area going to Williamston to the river. Mr. Smith asked that Mr. Briley be shown a map. Mayor Jennette stated that the City's ETJ goes to the hunting range.

Mr. Briley asked if you are going strictly 500 feet, or depending on the property line. Mr. Roberson answered it will go to the property line.

Mayor Jennette suggested Mr. Briley take up some of his issues with the Planning Board.

Mayor Jennette closed the public hearing.

On motion of Councilman Jennings, seconded by Mayor Pro tem Woolard, Council unanimously accepted the recommendation of the Planning Board and adopted an Ordinance continuing the moratorium on any city development approval process 500 feet on either side of the proposed US 17 Highway corridor boundary, as shown on maps prepared by Flatiron, 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(e), 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 April 2, 2007, 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 August 6, 2007
  - 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; including the construction of the Fire/Rescue/EMS building located at 2068 West 15<sup>th</sup> Street; 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, August 6, 2007. 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. January 1, 2007 – North Carolina Department of Transportation to finalize US 17 Bypass right-of-way location.
- b. April 2, 2007 to August 6, 2007 – Finalize the City of Washington 2006 CAMA Land Use Plan and Comprehensive Plan.
- c. June 25, 2007 to August 5, 2007 – City of Washington Planning Board will consider proposal for land use control regulatory changes.
- d. August 6, 2007 - 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 16<sup>th</sup> day of April, 2007

s/Judy Jennette

**JUDY JENNETTE  
MAYOR**

ATTEST:

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

**ADOPT – ORDINANCE TO CONTINUE FOR THREE MONTHS A  
MORATORIUM ON ROOF TOP DEVELOPMENT INSIDE THE  
WASHINGTON HISTORIC ZONING DISTRICT (B-1H) BOUNDARY**

Mr. Skip Major stated that the Historic Preservation Commission is requesting that the City Council continue the moratorium on roof top development inside the Historic Zoning District for three months. The extension is requested because they have not received suggested guidelines from the consultant. Hopefully the guidelines will be received and reviewed by the Commission and forwarded to the City Council with its recommendations within the three month period.

Mr. Holscher pointed out that there is no sample model for this and it has to be created.

Council held a discussion on extending the moratorium. Mr. Holscher stated that there is not a length on moratoriums, and if the City takes all reasonable steps to warrant the extension, we are doing what we are supposed to do.

Mayor Jennette opened the public hearing.

Mr. Scott Campbell, co-owner of the Old Fire Station, stated he is speaking against extending the roof top moratorium. He stated he is grandfather in and has his permits for roof top development. They developed a plan acceptable with the Historic Preservation Commission and worked with the Planning Board. He stated that, from his experience, he feels that Washington has an excellent group of people that make decisions about roof top structures without having to wait longer for somebody else's opinion who doesn't even live in Washington. He stated he sees no reason to extend a moratorium that would in affect potentially deter people from coming into town to reuse a building. The roof top structure adds extremely high value to the property. He stated Council will be penalizing development of downtown.

Mr. Zane Buckman stated that moratoriums do scare people and make them think it's a town that does not want to grow. He talked about the Buoy Tender and the process he went through. He stated that he doesn't understand why we have to pay consultants for these kinds of things when we have state agencies that are over these type things. State Archives could help. Moratoriums send bad signals.

Mr. Scott Sheppard asked when was the moratorium placed? It was his understanding it has been about seven months and he thought at that time it meant looking at other communities and help develop those design guidelines, so we have already lost six months, and now placing another moratorium. He stated that it sends a very clear direct message to outside development that does Washington really want redevelopment in the downtown business district.

Mayor Jennette said she personally asked the Historic Preservation Commission to look at this issue because developers coming in and slapping things on the tops of buildings that she was not sure truly fit.

Mr. Bill Sikes stated he is concerned that now the State is getting involved in it and it might be two years. He reiterated what Scott Campbell said, that the City has capable people to make those decisions. He stated that roof top gardens can be exciting.

Councilman Jennings stated that this moratorium is a direct response to the same people that you commended in their judgment as to the current process. They did not feel like there were guidelines in place specific to roof top development and they asked Council to put roof top guidelines in place. It should not take years to do this.

Councilman Gahagan questioned no other city in the state that has roof top guidelines. He stated he would only go three months.

Mr. Major stated that what they don't have in the guidelines is extending structures that would affect the historic nature. He stated that the State would review the guidelines but their recommendations do not have to be met.

Councilman Gahagan stated it shouldn't take that long to call other historic cities and find out what they do.

Councilman Gibson stated that moratoriums scare him and he thinks it is sending the wrong message, along with maybe not like the guidelines. He said to let the developers come forward with guidelines. He stated that, unlike on Highway 17, we are trying to orderly prepare an environment can recognize some development in the downtown.

Mr. Holscher stated that if a developer came and was committed to a project that the Historic Preservation Commission did not like, and it was denied, they could appeal that to Court, and in court, an argument could be made that we don't have guidelines through which to deny their request.

Mayor Jennette closed the public hearing.

After lengthy discussions as to the length of the extension, on motion of Councilman Gahagan, seconded by Mayor Pro tem Woolard, Council accepted the recommendation of the Historic Preservation Commission and adopted an ordinance to continue for three months the moratorium on roof top development inside the Washington Historic Zoning District (B-1H) boundary, which moratorium will end July 16, 2007. Councilman Gibson voted no. –Motion carried by majority vote.

### **ORDINANCE**

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

WHEREAS, the development moratorium is proposed to be extended 3 months (90 days) and is therefore subject to the notice and hearing requirements established under NCGS 160A-364, and;

WHEREAS, any ordinance establishing a development moratorium must expressly include at the time of adoption certain statements and information:

**Statements of Fact  
City of Washington Moratorium  
Development of Rooftop Additions in the  
B-1H (Business Historic) District**

1. Statement of the problems or conditions necessitating the moratorium.

- a. In January 2003, the City of Washington's Historic Preservation Commission began an update process on the Historic Preservation Design Guidelines.
  - b. As of March 2005, the City of Washington Historic Preservation Commission and the Washington City Council adopted the completed update of the Historic Preservation Design Guidelines. The guidelines provide a framework for review, systemize the decision-making process and helps the commission function more efficiently.
  - c. The historic district has received increasing requests for rooftop development in the historic district. The updated Historic Preservation Design Guidelines failed to provide specific design review requirements for those types of development.
  - d. There is no alternative to the imposition of a temporary moratorium on rooftop development in the B1-H Zoning district in order to establish a policy for the additional protection of historic properties. 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, as shown on the City of Washington official zoning map effective as of September 1, 2006, that are designated as being located within the B1-H (Business Historic) Zoning District. 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 or approval, or to preliminary or final subdivision plats that have been accepted for review by the City prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the City prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
  - b. The imposition of a moratorium on the development of rooftop additions **does not** restrict the sale of property in the historic district, require design approval of interior change or alterations, prevent new construction within historic areas, or restrict design approval for ordinary repair or maintenance of historic structures.
  - c. The imposition of a moratorium on the development of rooftop additions in the B1-H District will allow the City time to prepare and adopt a design review policy to regulate such development.
3. Date and time for the extended moratorium termination
- This moratorium will terminate at 12:00 pm, July 16, 2007. The duration of this moratorium is necessary to allow time for the City of Washington's Historic Preservation Commission to complete the revision to the 2006 Historic Preservation Design Guidelines. Any future development of rooftop additions must be coordinated with these guidelines.
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. October 2006 – The Washington City Council will impose a moratorium on rooftop additions in the B-1H (Business Historic) Zoning District.
- b. November 2006 to December 2006 – The City of Washington will contract with a consultant to prepare design review requirements for rooftop additions in the B1-H District. The local historic commission will carefully complete its review of the revisions to the design guidelines.
- c. June 2007 – The City of Washington Historic Preservation Commission will advertise and hold a public hearing to consider proposals for design guideline changes.
- d. June 2007 – The Washington City Council will hold a public hearing to consider adoption of the guidelines for rooftop additions in the historic district.

Now Therefore Be It Ordained That:

The City of Washington finds the moratorium necessary in order to provide time for the local Historic Preservation Commission time to carefully complete its review of the proposed revisions of the Historic Preservation Design Guidelines concerning the development of rooftop additions in the B1-H Zoning District. The moratorium is imposed to provide a period in which the consideration of the revisions can occur free of concern about potential damage to historic properties.

Adopted this 16<sup>th</sup> day of April, 2007

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

ATTEST:

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

Note – Mayor Jennette asked that Bobby Roberson notify property owners involved.

#### **SET WORKSHOP FOR EVAN SEAFOOD PROPERTY**

Mayor Jennette suggested Council hold a three hour workshop to discuss the Evans Seafood Property. Lee Padrick will facilitate.

Councilman Jennings expressed that he did not want to have a workshop on the Evans Seafood Property until after the budget sessions are over, that this is not a priority. He questioned why this is on the fast track. He stated that we have talked about the 5<sup>th</sup> Street situation and how it will be affect with Highway 17 By-Pass and why has this been put as a higher priority that 5<sup>th</sup> Street.

Councilman Gahagan stated that we realize how important it is to have a hotel downtown, and the 5<sup>th</sup> Street can be talked about too.

Councilman Gibson stated that Council needs to make some decisions and quit hiring consultants.



After a lengthy discussion, on motion of Councilman Gibson, seconded by Councilman Gahagan, Council agreed to hold a three hour workshop at 5:00 p.m. on Thursday, May 3, 2007 in the Council Chambers. Councilman Jennings voted no. –Motion carried by majority vote.

Council noted for the record that he did think we need to take this up during the budget proceedings.

**COMMENTS FROM THE PUBLIC**

There were no comments from the public.

**CONTINUE MEETING**

On motion of, seconded by, Council unanimously continued the meeting until Monday, May 23, 2007 at 4:30 p.m.

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