

The Washington City Council met in a continued session on Monday, August 23, 2010 at 5:30pm in the City Council Chambers at the Municipal Building. Present were: Archie Jennings, Mayor; Bobby Roberson, Mayor Pro tem; Doug Mercer, Councilman; Rev. Edward Moultrie, Councilman; William Pitt, Councilman; Gil Davis, Councilman; James C. Smith, City Manager; and Cynthia Bennett, City Clerk.

Also present were: Robbie Rose, Fire Chief; Allen Lewis, Public Works Director; John Rodman, Planning Director; Mick Reed, Police Chief; Ray Midgett, Information Technology Director; Philip Mobley, Parks and Recreation Director; and Mike Voss, of the Washington Daily News.

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

APPROVAL/AMENDMENTS TO AGENDA

Mayor Jennings requested adding two discussion items:

1. Invoice received from NCDOT in the amount of \$112,495.34
2. Hospital Board to receive public comments

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

UPDATE – PROPERTY ACQUISITION AND DISCUSSION OF POTENTIAL FOR LIBRARY EXPANSION

City Manager, James Smith noted that Council had authorized staff to have an Environmental Assessment referencing the possible library expansion. The price quote was received at \$6,000 and the owner has been notified that the City is exercising the clause in the purchase sales agreement.

Mr. Smith inquired if they should approach other property owners (particularly the owner of the parcel located on the Second Street side in front of the Library – small brick house) to see if they would be interested in selling. Mayor Pro tem Roberson felt this would be a good idea and Mayor Jennings added this may be the perfect time to find out where the City stands. Councilman Mercer encouraged the purchasing of the property on Second Street because it was on the market. He doesn't know if you really want to go out and make overtures to other property holders at this time because he isn't sure if there are definitive plans to expand the Library.

Councilman Mercer noted the discussion of Council concerning the potential combination of BHM and Brown Library for some period of time and that this process may begin to move forward again in the near future. This could influence our discussions of renovations or enlargements of Brown Library.

Mayor Jennings suggested if Council members are approached by property owners to try and receive all the information available regarding the parcels.

Mr. Smith reviewed the meeting last week between Brown Library Director, Gloria Moore; BHM Director, MJ Carbo; NC State Library Consultant; Jennifer Pratt and himself to discuss any changes and the bottom line was 'no' nothing had changed. The State feels that if BHM was to break up, the logical pattern for Washington would be a Washington/Beaufort County/Hyde Library. This would still qualify as a regional Library and we would continue to get money for Hyde County and Beaufort County Library. The State feels Hyde should be included because it can't stand alone. Ms. Carbo indicated that she was not aware of any interest of BHM wishing to make any major changes unless Washington was willing to put its money into their BHM budget with a unified card

catalogue. The State indicates that where they have had mergers of that sort in the past, the amount of borrowing back and forth isn't as one sided as we would think. The State recommends this approach. Another approach would be compensation back and forth for borrowing books.

Mayor Jennings suggested there are a lot of options and a few developments on the horizon - Being toward the end of the year every regional Library system will need to restate its purpose, make-up etc. (this is the best chance to re-organize what's now BHM arrangement). Mayor Jennings suggested getting an update out to Council and keeping communications open with the County.

**DISCUSSION – PROCESS FOR REVITALIZATION OF THE OLD CITY HALL
AND 507 W. 2ND STREET**

City Manager, James Smith reviewed the visit from Ed Lipsky of Rehab Builders. Mr. Lipsky visited several of the historic buildings: Fowle building, Hotel Louise, Belk, Artisan Center and Old City Hall. Preliminary pro forma was done on each. Mr. Lipsky performed a more detailed study of the Old City Hall and suggested commercial space – two offices downstairs and two apartments upstairs. None of the pro forma's was without funding gaps.

Mr. Smith stated that the house located at 507 West 2nd Street was given to the City. The roof has been temporarily repaired and Bishop Jones group has cleaned up in the house and property. The building has been sealed and boarded up. There was a meeting with Preservation North Carolina and they are willing to help by publishing these properties on the web and in their magazine. Preservation North Carolina promotes the building they are working on. Also, Mr. Smith advised that a local party (Mr. Robin Banks) had expressed interested in the rehabbing of that building with a short time frame for exterior renovations. Mr. Smith asked Mr. Rodman if he had checked the restrictive covenants and rehab guidelines and if Mr. Banks was willing to entertain those options. Mr. Rodman had checked with Mr. Banks and stated Mr. Banks would be willing to entertain those options. Mayor Pro tem Roberson expressed his concerns because he felt the first step would be to certify the property as surplus and then go to the upset bid process. Mayor Jennings and Mr. Smith confirmed that Mayor Pro tem Roberson was correct (Mr. Smith noted this was going to be his next statement). Mayor Jennings suggested that the property will be structured for sale under these terms and submit a facsimile of the Preservation of North Carolina Covenants or Rehab agreement. If you would bid on it (we are assuming Mr. Banks would) or anyone else would agree to do the same thing. Mr. Smith shared he had spoken with Tyler Mulligan, Assistant Professor of Public Law with North Carolina School of Government and he confirmed that we could go through the upset bid process.

Mr. Smith reviewed the meeting between Washington Harbor District Alliance and the National Development Council stating they could do the following for the City:

1. Training Program in Eastern North Carolina for Rehab
2. Expertise (have successful done other projects)
3. Honest Broker

Mayor Jennings requested having the Alliance come back to Council and present information gathered. Mayor Pro tem Roberson requested a time line stating what will be done and when it will be completed. Mayor Jennings noted our ultimate goal for the building is to save it.

Councilman Davis inquired from the City Attorney, Franz Holscher if we have to declare the property surplus and feels we need to start that process as soon as possible. Councilman Davis asked what will the City need to do and Mr. Holscher stated it depends on what direction the Council wishes to go. If you want to convey the property on 507 West 2nd Street to the Preservation of North

Carolina you can do so by private negotiation and sale. There is a specific section in the Statute that will allow you to do this for non-profit so long as there is a Preservation agreement in place. If the City has received an offer from Mr. Banks, the Clerk will need to publish a notice and Council would have a resolution at a future meeting. In the resolution you would declare the property surplus. You would state whether or not you are willing to accept their offer and that would go into the upset bid process. If you decide to convey the property to Mr. Banks, the deed should contain restrictive covenants that are basically the same as what is in the Preservation agreement with the Preservation of North Carolina.

Mayor Jennings directed staff to have this as an action item for September 13th and to consider the resolution that would accomplish the recommendation given by the City Attorney. Mr. Smith inquired which process and Mayor Jennings stated through the upset bid process.

DISCUSSION – IMPLEMENTATION PROCESS FOR CUSTOMER ENERGY MANAGEMENT PROGRAM (LOAD MANAGEMENT)

Mr. Smith reviewed the recommendation received from Washington Electric Utilities Advisory Commission and staff. Mr. Smith called Council's attention to the direction given to staff at a budget meeting forward with the load management program with \$300,000.

Councilman Pitt shared what came out of the meeting.

1. Ways to make it user friendly to the public
2. Expound on the number of what the load management will do for the community
3. Best time to go forward with the program would be Public Power week in October.

Councilman Pitt stated they are one member short on the Advisory Commission once that member is approved, they will go forth with the program. Mayor Jennings requested an update on the Minimum Housing code and how it relates to energy efficiency. Mr. Rodman stated the City has received a grant program that allows the City to add additional interns and they will begin working on this through East Carolina along with our Minimum Housing and Energy Efficiency. This should get started by the end of the month which will be discussed tomorrow night with the Planning Board.

Mayor Pro tem Roberson suggested educating and training an employee from the Inspection Department to take over the Minimum Housing Inspection as opposed to adding a new employee. Mr. Smith suggested it would depend on what happens overall and mentioned there is one person out in the Inspections Department on Workers Compensation. We will need to look at employees at that time and the state of the economy.

Mr. Ed Pruden suggested it is not necessarily just an inspection of facilities that are in place but it is an inspection of verification of operation of existing facilities (which may or may not require someone with some technical competence to be able to recognize those facts about the operation of load management switches). There are approximately thousands of those already in place and in terms of the time required to go around making sure the devices are functioning properly, it would require quite a bit of time. With the existing workload on staff, it is not something that can be done on a full time basis. Councilman Mercer suggested knowing how many switches are already in place would be of benefit to Council. It may be we have enough on order and already in place to cover the City. The last purchase order indicates we have purchased two devices to test the switches when installed. Mr. Hardt elaborated that a lot of this information was presented at the Town Hall meeting and he can pull the material. The 4300 was an answer to a question when someone asked the number of residential customers dwelling inside the City. That 4300 was not the

number of potential switches we have it was based on the different appliances it would control. Mayor Jennings asked for an estimate of how long it would take to install the 1500 switches. Mr. Pruden stated with a two man crew you may be able to install four day.

Mayor Jennings recommended finding a way to communicate to the public the number one way to reduce your overall cost and thereby reduce rates. Mr. Pruden ask for direction from Council. More discussion ensued on ways to communicate to the community and making sure everyone is armed with the basic facts. Mayor Jennings task Mr. Hardt with bringing back to Council some sort of documentation that would simply address all the facts and issues.

Mayor Pro tem Roberson voiced his concern if the employee installing the switches should be a license electrician. Mr. Hardt stated it depends on who you talk with. Mayor Pro tem Roberson suggested we need to proceed carefully.

PROPOSAL – INTERIM USE OF 233 E. 7TH STREET PROPERTY BY THE POLICE DEPARTMENT

Chief Reed referred to the memo and explained they have been looking for a place to relocate Project Next Step:

(Begin Memo: Temporary Use of 7th Street Property for Project Next Step) Recently the City of Washington purchased the property on 7th St. (the former school Ed Tech property) from Mr. Michael Lowe. Allen Lewis has indicated that it is planned to demolish the structure to make way for storm water improvements. As you know, the Washington Police Department is actively seeking temporary office space to continue Project Next Step. One of the main components of this project is location. We would like to suggest temporarily relocating PNS to the 7th St. property **only** for the rest of FY 2010/2011.

Advantages:

- This temporary move would allow the Project to remain in a vital location that supports the mission of the Project.
- The money saved by eliminating the cost of rent, etc. would further our goal of funding the Project through the remainder of the fiscal year.
- The move would provide additional time to pursue options for continuation of Project Next Step.

It is emphasized that this move would be only temporary. This topic is placed before Council for discussion purposes only.

(End Memo)

Chief Reed noted this would eliminate paying rent where they are located now. Also, it would put them in an area where it is important for them to be.

Councilman Mercer inquired as how much of the building would be needed and Chief Reed stated one office. Councilman Mercer asked if the utilities could be cut off to the rest of the building because this would be his only concern. Mr. Lewis stated there are eight units and we would only need to use one. Mayor Pro tem Roberson expressed concern with mold due from flooding. Mr. Lewis said there was no conflict with drainage improvements.

Mayor Jennings directed staff to consult and revisit with FEMA referencing demolition and stated tonight is just a fact finding mission.

Mayor Jennings commended Chief Reed for being creative and stated it would work for a little while.

DISCUSSION – PROPOSAL BY THE SCHOOL DEPARTMENT FOR THE CITY OF WASHINGTON POLICE DEPARTMENT TO PROVIDE RESOURCE OFFICERS FOR THEIR EDUCATIONAL TECHNOLOGY FACILITY

Chief Reed reviewed the memo and stated this information is the result of a meeting date August 10 with the School Superintendent:

(Begin Memo)

Request by Beaufort County Schools to provide Student Resource Officer (SRO) for the Alternative Education Tech School in Washington.

On August 10th, 2010 I met with Dr. Don Phipps regarding contracted positions located at the High School and Middle School. Dr. Phipps requested an additional SRO be assigned at the Alternative Ed Tech School on Bridge Street in Washington. For the past number of years, that position has been supplied by the Beaufort County Sheriff's Office. The Washington Police Department is in favor of the request. The Manager and I have spoken regarding this topic and there are a number of positive reasons to consider.

This move would simplify the law enforcement response to this facility because the Washington Police Department is accountable for all activity in the City limits. This move would better coordinate the law enforcement role throughout the City Schools. Although much of the training (G.R.E.A.T., D.A.R.E.) is similar throughout the County and City, this would allow better cohesiveness within the City schools. This move would allow more direct, personal contact between the students who live in the City with W.P.D. officers, further solidifying the positive relationship as the students grow.

Page two of this document details the financial burden from the City and the Schools via contractual obligation. While the County Schools pay a percentage of the total cost of an officer, the City of Washington would be obligated to fund the balance of a new officer and staffing level of the WPD would increase by one.

While this topic placed before Council for discussion purposes only, please note that we would ask for guidance in this matter to proceed as quickly as possible.
(End Memo)

Councilman Mercer stated the memo indicated the cost for the Officer would be \$43,900 which would include salaries and benefits and does not cover any other cost for that officer. Councilman Mercer requested the true value for the cost of that officer for the City. Chief Reed stated the \$43,921 is the base line salary and benefits you would have to add approximately \$5,000-\$6,000 for equipment. However, he kept that off because the PD currently has equipment in house that possibly could be used. Councilman Mercer suggested his estimated cost would include another \$2,000-\$3,000 to clothe and equip the officer. Also, Councilman Mercer noted all of the SRO's need a vehicle and you would be talking about another \$10,000. He sees the true cost of being \$60,000-\$65,000. Councilman Mercer stated Council needs to understand that with the two SRO's the City presently has and the cost of outfitting another officer, the City will be responsible for potentially \$60,000-\$65,000 supplementing School Resource Officers if the third one is put in place. Council asked Chief Reed if he had a car in place and Chief Reed stated he was reasonably sure he would with the current vehicle allowance. Chief Reed stated the figures he presented was based on a January 1, and the best case scenario. If the position is authorized, Chief Reed is requesting that WPD not transfer an existing officer into the SRO until someone is hired to replace or have someone on the street to fill that position.

Mayor Jennings inquired about the John Small and P.S. Jones resource officer and stated we still provide SRO's for those schools. Would there be a possibility that the Sheriff's Department could take on that responsibility and we could move our existing officer. In other words, switch the officer from John Small and P.S. Jones to the Ed Tech Center. Chief Reed stated that option had not been discussed and he can't speak to that. It is an option he can bring up with Dr. Phipps.

Councilman Pitt asked if the County was willing to put any money into an SRO Officer position at the Ed Tech Center. Chief Reed stated they would agree to a contractual obligation just like they do currently (\$37,000) and that number is allocated by the State.

DISCUSSION – CLOSING/RELOCATION OF 15TH BASKETBALL COURT

Mayor Pro tem Roberson stated this was added to the agenda as an item of discussion. He likes sports and played sports but this is causing a respect issue. When there is a funeral being conducted at Oakdale and you have lost a love one, it is not the proper time to be playing basketball. Something needs to be done and if it causes for relocation of the basketball court then we need to pursue it.

Councilman Moultrie asked if signs could be posted stating that during the service basketball must decease until burial has been completed. Councilman Mercer stated discussion was held on this item years ago but it was to close the whole thing - the building and the basketball court. The building is in need of repairs if we continue to use it. He concurs with Mayor Pro tem Roberson because he has been involved in funerals and the ballgame never stops. Councilman Moultrie stated if you want to discuss the respect issue what about the walking during that time and the dogs running around. Councilman Davis noted that in the early nineties the basketball players were respectful they would stop playing and held the ball but over the last fifteen years that has drastically changed and he doesn't feel signs will work. Mayor Pro tem Roberson did not have any objections to people walking or dogs in the cemetery but felt it needed to be an open discussion, perhaps a public hearing and talk about the issues. Mayor Jennings commented that there shouldn't be any dogs out there as an ordinance has been passed to that effect.

Mayor Jennings recognized the residence in the audience and stated this was not a scheduled public hearing or comment period but would allow a very brief comment period.

Mr. Bill Booth felt it would be a good idea to have a discussion on what we should do. Councilman Moultrie made some good points and so did Mayor Pro tem Roberson. It is important that the individuals in the City have a right to play basketball and should have the freedom to play.

Mr. William O'Pharrow expressed the same sentiment as Mr. Booth and Councilman Moultrie. He enjoyed playing basketball there too. He feels this is very important to the community, both black and white. He enjoys the community with the kids of different races, different ages, etc and also feels signs will work.

Mr. Mickey Cochran spoke to the history of the courts. Mr. Cochran feels you shouldn't have a recreation area at a cemetery. Someone made an unwise decision to place a recreation area in Oakdale Cemetery. It is a matter of appearance and no way you can justify placing a recreation area in a cemetery. Also, it is a matter of respect for the deceased and their families - going back into the 1700's. Placing a sign there is not the issue or a solution it is a matter of appearance.

Mr. Tyron Wilson noted he used to go out there to play and when the guys saw a funeral they would actually stop playing or if someone old was walking by that they would speak. Times are changing and are different. What would happen if we move the park, what would happen to the kids that go out there to play? This is a place where they grew up and love, legends were made there (i.e. Dominique and Damien Wilkins). This is really truly a historic place. You can ask someone like himself or others in the community to go out there and teach the young people to stop. How much will it cost to move to somewhere else, he sees it as extra cost. It's not just a race issue.

Mr. William Conner expressed that his first true love is basketball. He has coached at every level. He learned to play there and still plays out there when able. He agrees with Mr. Wilson in his statement of looking at some of the pros that have played out there. It was up the East Coast that if you came and played at 15th street you could play anywhere. I am teaching my boys now to play out there and from his experience when there, they always stop for funerals. It is up to us to teach the younger crowd that is out there now what they should do. Most of the funerals are never in the section where they are playing ball most are in the back. The other courts tend to be slicker and you could have more injuries there. Most of the upkeep at 15th Street is done by the citizens, not the City.

Mr. Tony Boston added there needs to be an open discussion.

Mr. Smith did not know if this would help but if it is a noise issue maybe the City could install a noise barrier between the court and the cemetery.

Councilman Pitt suggested 15th Street is the premier place to play basketball in Washington and it is historically known. He also sees the need for public involvement. He requests that everyone think about this issue carefully and do what we need to do to make Washington an all inclusive community.

Mayor Jennings heard that it is not a racial thing and that it is good basketball out there but he also heard there needs to be a measure of respect for the cemetery. Everyone seems to be in agreement of what the issues are. With Council's support he would like to see this discussed (that was the other positive thing he heard – let's sit down and talk about it). We may have differing opinions but believe we can find an answer to that situation. Mr. Cochran is right it has been going on long enough. Mayor Jennings inquired of Mr. Mobley if the Recreation Advisory Board could host a meeting on this discussion to receive more feedback on what should happen and bring this back to Council. If Council needs to do a broader public hearing then we can do this as well.

**DISCUSSION – INVOICE RECEIVED FROM NCDOT IN THE AMOUNT OF
\$112,495.34**

Councilman Mercer suggested to table this discussion until there can be additional conversations with the Secretary of Department of Transportation.

By consensus, Council agreed.

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

DISCUSSION – HOSPITAL BOARD RECEIVING PUBLIC COMMENTS

Mayor Jennings noted that the Hospital Board will be receiving public comment in the first week of September prior to City Council next meeting. Mayor Jennings inquired if the City would like to have a stated position prepared for that meeting.

Councilman Mercer stated he did not have any objection to having some type of statement supporting the continued operation of the Hospital within the City. We don't have a dog in that fight, it is between the County and the Hospital. This would require a lot of paperwork being shuffled between the members of this Council so all members can approve what will be presented. Mayor Jennings envisioned having a set of considerations from the City leaders (jobs, healthcare, etc.) for the board to utilized during its decision making process.

Mr. Smith stated the hospital is an important economic engine in this City.

Mayor Jennings suggested giving some considerations from the City Council to the County on City letterhead this would be a good way of approaching the concerns and not be involved in the decision making process.

Councilman Moultrie voiced the City should make their views known because it has such an impact on the City of Washington.

Mayor Jennings suggested drafting a resolution stating in order of importance: access, quality healthcare, consideration of jobs represented by the Hospital, and general economic impact of the Hospital in the community and to be circulated via email.

AIRPORT ADVISORY COMMITTEE MEETING

Mr. Smith mentioned the first airport get acquainted meeting was held on Monday, August 23rd. The following meetings have been scheduled:

- A tour of the airport has been scheduled
- Tradewind and Mr. Rauschenbach to go over financial
- Talbert and Bright, the Airport Engineers
- Chasity Clark, FAA State representative

Councilman Mercer is the liaison for this committee and will need to be included to the contact list.

Mr. Smith noted that now we have some expensive airplanes at the airport, we have replaced the keypads. Mayor Jennings inquired as to the problems with the cards. Mr. Smith explained that security has been increased at the airport and keypads had been replaced with cards. The cards have been distributed to people who have aircraft and business at the airport. We are now receiving complaints from individuals who cannot get into the airport. Mayor Jennings suggested what was happening in some cases it taking 30/60/90 days to get a card. Tradewind is telling individuals that it is the City's fault. Mr. Smith noted that the Advisory committee requested to convert the personnel gate, not the vehicle access, back to a keypad. Mayor Jennings stated that right now we have a lack of communication.

CLOSED SESSION

By motion of Councilman Davis, seconded by Councilman Pitt, Council agreed to go into closed session under NCGS 143-318.11(a)(1) Confidential Information/Attorney Client Privilege, NCGS 143-318.11(a)(3) Attorney Client Privilege including but not limited to James Tripp vs. the City of Washington and NCGS 143-318.11(a)(6) Personnel.

By motion of Councilman Davis, seconded by Councilman Mercer, Council agreed to come out of closed session.

By motion of Councilman Davis, seconded by Mayor Pro tem Roberson, Council agreed to extend the meeting 1 hr to 9 pm.

By motion of Councilman Davis, seconded by Councilman Pitt, Council agree to extend the meeting to 9:30 pm

**ADJOURN – UNTIL MONDAY, SEPTEMBER 13, 2010 AT 5:30 PM IN THE
COUNCIL CHAMBERS AT THE MUNICIPAL BUILDING**

By motion of Councilman Davis, seconded by Councilman Pitt, Council adjourned the meeting at 9:35 pm until September 13, 2010 at 5:30 pm in the Council Chambers at the Municipal.

**Cynthia S. Bennett
City Clerk**