

The Washington City Council met in a regular session on Monday, December 13, 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; Ed Moultrie, Councilman; William Pitt, Councilman; Gil Davis, Councilman; Pete Connet, Interim City Manager; Franz Holscher, City Attorney and Cynthia Bennett, City Clerk.

Also present were: Matt Rauschenbach, Chief Financial Officer; Robbie Rose, Fire Chief; Allen Lewis, Public Works Director; John Rodman, Planning Director; Keith Hardt, Electric Director; Mick Reed, Police Chief; David Carraway, Information Technology Department; Susan Hodges, Human Resource Director; Mike Voss, of the Washington Daily News and Delma Blinson, of the Beaufort Observer.

Shabazz Mallison, representing Boy Scout Troop 99 was in attendance working toward the Citizenship in the Community Merit Badge.

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

#### **APPROVAL OF MINUTES**

Councilman Mercer suggested the following amendments to the November 8<sup>th</sup> minutes: By motion of Councilman Mercer, seconded by Mayor Pro tem Roberson, Council awarded the construction contract to T.A. Loving Company for storm water improvements in various parts of the City in the amount of \$3,500,774.00 ~~which included~~ and negotiate the additional storm water improvements ~~in~~ at Smallwood(Northwood, Rowan and Eden area) ~~not to exceed~~ ~~which will not exceed~~ \$400,000.

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council approved the minutes from November 4<sup>th</sup>, 16<sup>th</sup> and 22<sup>nd</sup> as presented and November 8<sup>th</sup> as amended.

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

Mayor Pro tem Roberson requested the following items to be added to the agenda:

1. Amendment to CAMA Land Use Plan – Floating Bathrooms
2. Tattoo parlors inside Central Business District

These items were referred to the Planning Board for further discussion and will be discussed by Council at a later date.

Councilman Mercer requested moving the following items:

1. Moved to Old Business J –Consent A: Approve – Purchase Orders over \$20,000
2. Moved to New Business I –Consent D: Adopt – Budget Ordinance Amendment Powell Bill allocation
3. Moved to Old Business C – Consent E: Amend – Storm Water Capital Project Ordinance
4. Moved from New Business E. to Consent Agenda: Authorize – Mayor to execute Withdrawal of Deed of Easement and Reconveyance and execute new Deed of Easement with the Partnership for the Sounds Inc.

Mayor Jennings added the following items under XII. Other Business from Mayor and Council:

1. Update on softball tournament activity at the sports complex
2. Library operating hours during holidays

Councilman Pitt moved item XII. A. NC Electronics recycling to New Business Item J.

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

**PRESENTATIONS**

Mayor Jennings and Interim City Manager, Pete Connet made the following presentations:

- 1. Memorial Resolution to the family of:**
  - A. Jesse Ray Norris: 38 years & 11 months
  - B. Donald Gilbert Roberson: 24 years & 5 months
  - C. James Noah Satchell: 13 years & 2 months
- 2. Retirement Resolutions to:**
  - A. Brenda O. Curtis: 25 years & 6 months
  - B. Scottie Allen Taylor: 25 years & 8 months
  - C. William Larry Tingen: 31 years & 7 months
  - D. Mark A. Wesley: 30 years & 9 months
  - E. Ernest Lee Williams: 29 years & 2 months
- 3. North Carolina Certified Finance Officer: Matt Rauschenbach**
- 4. Certified Municipal Clerk Designation: Cynthia Bennett**

**CONSENT AGENDA**

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

- A. **Moved to Old Business J -Approve** – Purchase Orders over \$20,000
- B. **Accept & Adopt** – ARRA Funded Lighting Retrofit Grant (\$259,979)
- C. **Approve** – Departmental Roster for Calendar Year 2011
- D. **Moved to New Business I -Adopt** – Budget Ordinance Amendment Powell Bill allocation
- E. **Moved to Old Business C - Amend** – Storm Water Capital Project Ordinance
- F. **Moved from New Business E - Authorize** – Mayor to execute Withdrawal of Deed of Easement and Reconveyance and execute new Deed of Easement with the Partnership for the Sounds Inc.

**STATE OF NORTH CAROLINA  
COUNTY OF BEAUFORT**

**THIS DEED OF EASEMENT**, made and entered into this 13th day of December, 2010, by and between the **CITY OF WASHINGTON**, a North Carolina municipal corporation with an address of P.O. Box 1988, Washington, Beaufort County, North Carolina 27889, hereinafter referred to as “**GRANTOR**”, and the **PARTNERSHIP FOR THE SOUNDS, INC.**, a North Carolina non-profit corporation with an address of P.O. Box 55, Columbia, Tyrrell County, North Carolina 27925, hereinafter referred to as “**GRANTEE**”.

**WITNESSETH**

**WHEREAS**, the City Council of the City of Washington at a meeting on the 13<sup>th</sup> day of December, 2010, authorized the proper City officials to execute and deliver to **GRANTEE** this Deed of Easement for such purposes as are described below, subject to the conditions hereinafter stated.

**NOW, THEREFORE**, in consideration of the mutual covenants as well as agreements herein and the sum of Ten Dollars (\$10.00) and other valuable considerations, the receipt and legal sufficiency of which are hereby acknowledged, **GRANTOR** does hereby give, grant, bargain and sell, and does hereby convey unto **GRANTEE**, its successors and assigns, a non-

exclusive easement over the tract of land lying and being in the City of Washington, County of Beaufort, State of North Carolina and more particularly described as follows:

That certain area designated as Easement Area as shown on that certain survey of Waters Surveying, Inc. dated January 12, 2010, a copy of said survey being recorded in the Beaufort County Registry in Plat Cabinet \_\_\_\_\_, Slide \_\_\_\_\_. Reference is herein made to said survey and the same is incorporated herein for a more complete and adequate description.

This Deed of Easement is made subject to the following conditions.

1. Said easement is given for the sole purpose of being used as an area complimentary to the Estuarine Education Center, also known as the North Carolina Estuarium and hereinafter referred to as the "Estuarium", that is maintained by **GRANTEE** and located on an adjoining parcel identified as North Carolina Estuarium on the above referenced map. **GRANTEE**, its successors and assigns, shall use this easement for pathways; walls; steps; lights; exhibits; signage; information markers; benches; waste paper receptacles; site drainage; telephone, plumbing and electrical services; and landscape planning. This Deed of Easement is not to be considered as an easement given to the exclusion of **GRANTOR**, its successors and assigns, or to others later granted a similar right in said land by **GRANTOR**.

2. **GRANTEE**, its successors and assigns, and any subsequent owner of this easement does hereby agree and shall assume any and all liability for any injuries or damages which may be suffered by **GRANTEE**, its successors and assigns, invitees, licensees, business invitees, or any subsequent owner of this easement as a result of using said easement. Further, **GRANTEE**, its successors and assigns, and any subsequent owner of this easement shall indemnify and save harmless **GRANTOR**, its successors and assigns, from all damages growing out of or in any way connected with the use of said easement by **GRANTEE**, its successors and assigns, invitees, licensees, and business invitees, and the same shall apply to any subsequent owner.

3. This easement shall continue until such time as **GRANTEE** no longer operates the adjoining tract as the Estuarium. **GRANTEE** agrees to execute such documentation, if any, required by **GRANTOR**, its successors or assigns, to properly terminate said easement upon the cessation of using the adjoining property as the Estuarium.

**TO HAVE AND TO HOLD** said easement as described herein, to it, **GRANTEE**, its successors and assigns, subject to those terms and provisions described hereinabove.

**IN TESTIMONY WHEREOF**, **GRANTOR**, has caused this instrument to be executed in its name by its Mayor, attested by its City Clerk, and its corporate seal to be affixed hereto, all by proper corporate authority duly given, this the day and year first above written.

**CITY OF WASHINGTON a North Carolina Municipal Corporation**

s/Cynthia S. Bennett  
City Clerk

s/N. Archie Jennings, III  
Mayor

STATE OF NORTH CAROLINA  
COUNTY OF BEAUFORT

**THIS WITHDRAWAL OF DEED OF EASEMENT AND RECONVEYANCE**, made and entered into this 13th day of December, 2010, by and between the **PARTNERSHIP FOR THE SOUNDS, INC.**, a North Carolina non-profit corporation with an address of P.O. Box 55, Columbia, Tyrrell County, North Carolina 27925, hereinafter referred to as "**GRANTOR**", and the **CITY OF WASHINGTON**, a North Carolina municipal corporation with an address of P.O. Box 1988, Washington, Beaufort County, North Carolina, hereinafter referred to as "**GRANTEE**".

**WITNESSETH**

**WHEREAS, GRANTEE** conveyed to **GRANTOR** a Deed of Easement dated July 8, 1996, and recorded in Book 1053, Page 857 of the Beaufort County Registry.

**WHEREAS**, said Deed of Easement provided to **GRANTOR** a non-exclusive easement over the entire tract of land more particularly described as Parcel Two (2) as shown on that certain survey of Hood Richardson, P.A., attached thereto, entitled "Property of Partnership For The Sounds North Carolina Estuarium", dated January 22, 1996, and revised February 21, 1996 and March 5, 1996.

**WHEREAS**, the parties have agreed to alter or change the location of said easement, and desire to withdraw, terminate, and reconvey from Grantor to Grantee that Deed of Easement referred to above, in its entirety.

**NOW, THEREFORE**, in consideration of the mutual covenants as well as agreements herein and the sum of Ten Dollars (\$10.00) and other valuable considerations, the receipt and legal sufficiency of which are hereby acknowledged, **GRANTEE** and **GRANTOR** do hereby withdraw, terminate, and reconvey from **GRANTOR** to **GRANTEE** any and all rights and interests conveyed in that Deed of Easement dated July 8, 1996, and recorded in Book 1053, Page 857, and **GRANTOR** does hereby specifically convey and quit claim back unto **GRANTEE** any and all rights and interests obtained by **GRANTOR** as a result of said Deed of Easement recorded in Book 1053, Page 857, of the Beaufort County Registry.

**TO HAVE AND TO HOLD**, said withdrawal, termination, reconveyance from **GRANTOR** to **GRANTEE**, and conveyance unto **GRANTEE**, it being agreed that the rights and interests created in that Deed of Easement recorded in Book 1053, Page 857, are hereby withdrawn, terminated, reconveyed from **GRANTOR** to **GRANTEE**, and conveyed to **GRANTEE**.

The **GRANTOR** covenants with the **GRANTEE** that it has done nothing to impair such title as **GRANTOR** originally received and that it will warrant and defend the title against the lawful claims of all persons claiming by, under, or through said **GRANTOR**.

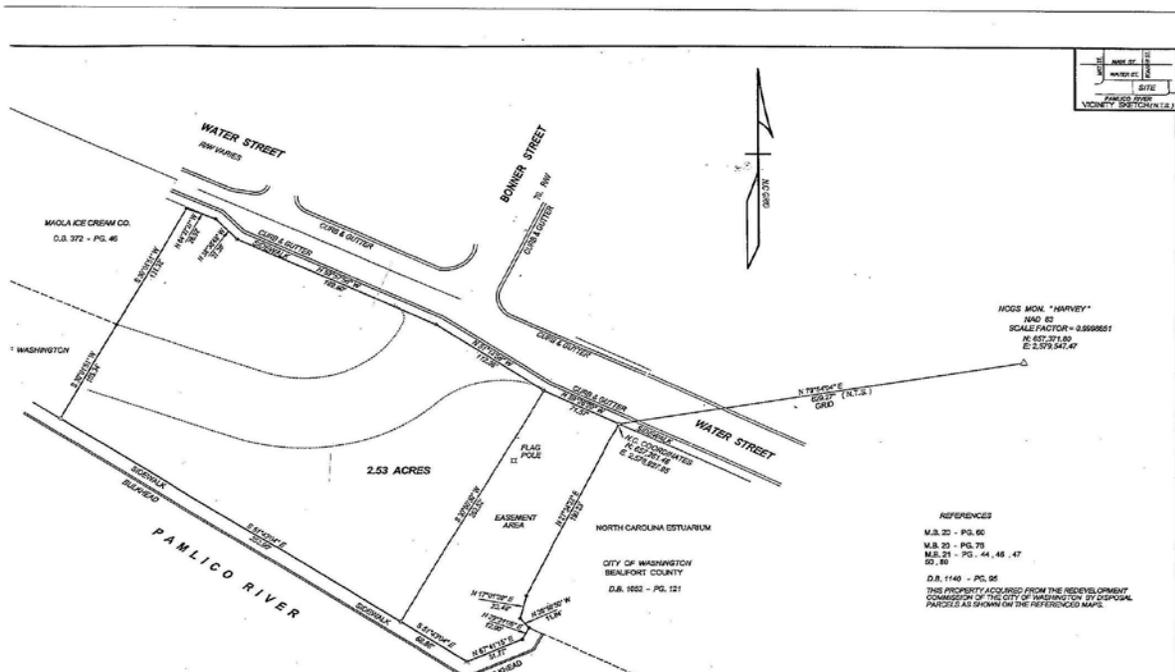
**IN WITNESS WHEREOF, GRANTOR** has caused this instrument to be executed in its name by its Executive Director and **GRANTEE** has caused this instrument to be executed in its name by its Mayor, attested by its City Clerk, all by proper authority duly given.

This the 13th day of December, 2010.

PARTNERSHIP FOR THE SOUNDS, INC. a North Carolina non-profit corporation  
s/Jackie Woolard,  
Executive Director

CITY OF WASHINGTON a North Carolina municipal corporation  
s/Cynthia S. Bennett  
City Clerk

s/N. Archie Jennings, III  
Mayor



**COMMENTS FROM THE PUBLIC**

Charles Daniels, 115 Ore Court (Iron Creek Subdivision) discussed with Council the need for Iron Creek to be included in the drainage improvements taking place in the Smallwood area. There is a serious problem with flooding at Iron Creek. He is requesting that the City conduct a drainage study to determine what needs to be done to remedy the problem. The Smallwood area is not the only area in Washington that floods.

Darwin Woolard, 113 Ore Court stated that when he was a Council member he thought a study was supposed to be done to review the drainage problems at Iron Creek. At that time, Bobby Roberson(then Planning Director), Archie Jennings, Darwin Woolard(Council members) and Charles Daniels met to discuss a study at Iron Creek. Mr. Woolard praised the Public Works Department for the work they do. He stated we were promised a study, but that was not done. He would like for Iron Creek to be added to the drainage improvements scheduled to take place in the City.

Council members agreed there is a serious problem with the drainage at Iron Creek. (A drainage study was prepared in 2007 that included the Mitchell Branch Basin & Iron Creek.)

Mayor Jennings noted this could not be included in the current contract, but could be reviewed at another time.

**JAMES PORTER – UTILITIES (ABSENT)**

**TIM PRICHARD – PARKING & TRAFFIC ON NORTH ACADEMY STREET (ABSENT)**

**CORRESPONDENCE AND SPECIAL REPORTS**

Mayor Jennings stated there are seven memos and he would like to group them together as written information unless Council needs to discuss them. Councilman Mercer voiced concern over Fleet Maintenance and Solid Waste Services.

**MEMO – REQUEST FOR PROPOSALS FOR FLEET MAINTENANCE**

(begin memo from Allen Lewis, Public Works Director) A request for proposals for the City of Washington's fleet maintenance was advertised for and one (1) proposal was received on Monday, November 15, 2010 at 1:00 P.M. Additionally, two (2) other equipment repair facilities requested and received copies of the specifications, requirements, etc. but did not submit proposals. The lone proposal was from First Vehicle Services, Inc., a nation-wide company with a price \$475,000. As you may recall, we reduced our staff at the garage this FY by one employee. So, for comparison's sake, if we take all of the expenses in the FY 10-11 budget except parts, fluids and tires, and then add FY 09-10 expenditures for parts, fluids and tires, our in-house costs for these services total approximately \$327,000. This amount includes all labor, materials, fringe benefits, fluids, etc. It also includes work that was contracted out that we could not perform ourselves. Naturally, this figure is exclusive of fuel purchases. Due to the substantial difference, staff does not recommend privatizing this service. (end memo)

Councilman Mercer voiced concern with only receiving one bid and suggested this was probably due to the request being too broad. He suggested that we go back to bid and break the items into groups. Allen Lewis, Public Works Director stated he will review the RFP.

**MEMO – REQUEST FOR RESIDENTIAL SOLID WASTE SERVICES**

(being memo from Allen Lewis, Public Works Director) A request for proposals for the City of Washington's residential solid waste services was advertised for and one (1) proposal was received on Monday, November 15, 2010 at 2:00 P.M. Additionally, one (1) other solid waste disposal company requested and received copies of the specifications, requirements, etc. but did not submit proposals. We received telephone calls from other providers as well, but only one proposal. The lone proposal was from David's Trash Service, Inc. Their total bid price was \$562,440.00. Our in-house costs for these services for FY 10-11 are budgeted at \$570,043. This figure excludes existing debt service, administrative charges to the general fund and installment and non-capitalized purchases for this FY. However, it does include an amortized (over ten years) portion of the installment and non-capitalized purchases as well as \$30,459 in depreciation of fixed assets for FY 10-11. The existing debt service and the administrative charges we excluded because these are costs that would be realized regardless. The same argument could be made for fixed asset depreciation as well but we included it to provide a conservative number that would be accurate if we retained our assets even if we chose to privatize. If we were to exclude the depreciation figure, our in-house cost drops to \$539,494. Regardless, staff does not recommend privatizing this service due to the negligible cost differential and the high level of service now provided.(end memo)

Councilman Mercer requested to review the bid documentation with Mr. Lewis. Mayor Jennings stated we only receive positive comments regarding our employees and this is an intangible service. He also discussed the possible need for a subcommittee to review the fleet maintenance as well as solid waste services. Any outside provider would have a hard time matching our in-house service.

**MEMO – LOAD MANAGEMENT DEVICE REPORT**

Listed herein is the load management switch installation activity for October 2010 and November 2010.

Total Load Management Switch Installations 78  
Air Conditioner/Heat Pump Control Installations 68  
Auxiliary Heat Strip Control Installations 43  
Water Heater Control Installations 35  
Total Appliance Control Installations for period 146

**MEMO – DRAFT MINIMUM HOUSING CODE**

John Rodman, Planning Director stated a copy of the Planning Board's 1<sup>st</sup> draft and review for the update of the Washington Minimum Housing Code was included in the agenda. The Planning Board with the assistance of the Planning Department, the City Attorney's Office and the Code Enforcement Division has prepared the draft Code. The Planning Department took

a comprehensive approach to preparing the Minimum Housing Code which included: reviewing existing codes, comparing other local government housing codes, and reviewing recommendations from the NC General Statutes for minimum housing codes. Adoption of a minimum housing code is recommended as part of the Comprehensive Plan. Planning Staff request the Council review the draft code. The code will be scheduled for a future meeting for further discussion. Staff requests feedback for corrections or changes to the draft code.

Councilman Mercer discussed the draft housing code and that it was difficult to determine what had changed. Mr. Rodman will shade the items that were changed instead of placing them in italics.

**MEMO – LEASE AGREEMENT WITH MOSS PROPERTY PARTNERS, LLC**

Council was presented a copy of a proposed lease agreement between the City and Moss Property Partners, owners of Moss Marina, to utilize City property for the possible location of an upland bathhouse facility as an accessory use to the marina. This would replace the proposed floating bathhouse planned for the marina area. The property is located to the south of the current pump station property that adjoins Moss Landing and contains .11 acres. Moss Property Partners are seeking to construct an upland bathhouse facility that will serve the owners and users of boating slips located at the marina.

**MEMO – REPORT SET UP FOR LOAD MANAGEMENT DEPARTMENT IN THE ELECTRIC FUND AND REALLOCATION OF \$300,000 FUNDING FROM SUBSTATION DEPARTMENT TO LOAD MANAGEMENT**

Transfer load management program funding into a separate department as discussed in the November Council meeting. Councilman Mercer voiced concern over setting up a separate budget line.

**Electric Fund:**

-Decreased Substation Department in the following account and amount:

35-90-8370-7000 Non Capitalized Purchases (\$298,412)

-Increased Load Management Department in the following accounts and amounts:

35-90-8375-0200	Salaries	\$78,234
35-90-8375-0500	FICA	5,985
35-90-8375-0600	Group Insurance	5,850
35-90-8375-0700	Retirement	5,046
35-90-8375-0701	Employer 401K	320
35-90-8375-0705	Employer 457	1,280
35-90-8375-1201	Marketing	20,000
35-90-8375-1700	Maint/Repair Vehicles	2,412
35-90-8375-4500	Contract Services	80,485
35-90-8375-5600	Materials	<u>98,800</u>
Total		\$298,412

**MEMO – IT MANAGED SERVICES**

Council authorized the Manager to execute an IT managed services agreement contingent on the City Attorney's review. Mr. Holscher modified the agreement to include some insurance, waiver of subrogation, indemnification, and other requirements. SoundSide was able to comply with all modifications except the professional errors and omissions liability coverage. The NC League of Municipalities strongly recommended that we include this coverage in our agreement. SoundSide has acquired the errors and omissions insurance and the City agreed to split the cost with them resulting in a \$150/ month increase. Councilman Mercer voiced concern over the City paying a portion of the required insurance.

**ADOPT - ORDINANCE TO AMEND CHAPTER 40 SECTION 40-93, TABLE OF USES OF THE CODE OF ORDINANCES BY ADDING COMMERCIAL MARINAS WITH DRYSTACK STORAGE AS A SPECIAL USE IN THE OFFICE & INSTITUTIONAL ZONING DISTRICT**

Mayor Jennings opened the public hearing. Dot Moate, Planning Board Chairman stated a request was received from Quibble and Associates for a text amendment to allow marinas and dry stack boat storage as a special use in the Office and Institutional Zoning District. The Planning Board met on November 30<sup>th</sup> and developed the following findings: currently marinas and dry stack boat storage is allowed in the General Business Zoning District with a Special Use Permit from the Board of Adjustment. The request is consistent with the CAMA Land Use Plan that states marinas should be built in non-wetland sites or in deep waters that do not require dredging. In addition, the CAMA Land Use Plan states that marinas should minimize interference with public waters by using a mixture of dry storage areas, public launching facilities and docking spaces. The Planning Board felt the request was reasonable due to the consistency with said plan and because the additional placement of the marina and dry stack boat storage would be compatible to the surrounding areas. Based on the findings and conclusions the Planning Board voted unanimously to request to City Council that the text amendment to allow commercial marinas and dry stack boat storage as a special use under the O & I zoning should be approved.

Mayor Pro tem Roberson inquired of the maximum height allowed in the O & I Zoning District? John Rodman, Planning Director advised currently the maximum height is 96ft.

There being no public comments, the public hearing was closed.

Councilman Mercer noted a typographical error on (8)Off Street Parking should stated "no" closer, not "to" closer than 10 feet to any property line and 40 feet to any shoreline. He also voiced concern with allowing dry stack storage in the O & I district as that district is located in other locations in the City. He suggested this be reviewed further with the Planning Board. He stated he will vote no for this request. Glenn Moore, Planning Administrator stated this would be a Special Use Permit and the text amendment states specific criteria that only allows dry stack storage when contiguous with public trust waters.

Mayor Pro tem Roberson stated he has concern with the 96ft. height limitation in that area. He also voiced concern with allowing this in the O & I District and he will vote against this request as well. Glenn Moore stated the text amendment is consistent with the CAMA Land Use Plan.

By motion of Mayor Pro tem Roberson, seconded by Councilman Mercer, Council voted not to accept the recommendation of the Planning Board and deny the request to amend Chapter 40, Article IV, Zoning Districts, Section 40-93, Table of Uses, by adding Commercial Marinas with Drystack Boat Storage as a Special Use in the O&I (Office & Institutional) Zoning District. Motion carried 3-2. Voting for the motion: Mercer, Roberson & Davis; against: Pitt & Moultrie.

**ADOPT - ORDINANCE TO AMEND CHAPTER 40 SECTION 40-93, TABLE OF USES, BY ADDING ELECTRONIC GAMING OPERATIONS (INTERNET SWEEPSTAKES) AS A SPECIAL USE IN THE I-2 (LIGHT INDUSTRIAL) ZONING DISTRICT**

Mayor Jennings opened the public hearing. Dot Moate, Planning Board Chairman stated a request was presented to the Board on November 30<sup>th</sup> in order to allow a text amendment adding electronic gaming operations(internet sweepstakes) as a special use in the I-2(Light Industrial) Zoning District. Currently, electronic gaming operations aren't listed in the current zoning ordinance as a permitted or special use within its jurisdiction nor is it considered an accessory use to any permitted use. The current moratorium on electronic gaming and internet cafés will end on December 15, 2010. Although HB 80 took effect December 1, 2010 and was designed to ban internet sweepstakes, most electronic gaming operations are still open. The Planning Board felt it was necessary to add text to the Zoning Ordinance to help regulate these activities in case the Internet Sweepstakes were able to continue to operate. The Planning Board voted 4-1 to recommend to Council to approve the ordinance to amend Chapter 40 Section 40-93, Table of Uses, by adding Electronic Gaming Operations (Internet Sweepstakes) as a special use in the I-2 (Light Industrial) Zoning District.

Mayor Pro tem Roberson asked if the Planning Board had considered the General Business zoning classification. Ms. Moate stated the Planning Board considered all the zoning districts and felt the I-2 Zoning District was most appropriate. John Rodman stated the hours of operation will be M-Sat. 8:00am-12:00 midnight and on Sunday 1:00pm-12:00midnight. The maximum numbers of machines allowed will be twenty. The business must be a minimum of 2500 linear feet from any other gaming operation. It must be 2500 linear feet from any residential structure and 2500 linear feet from any church, religious institution, public/private school, daycare facility, playground or park. Councilman Roberson also suggested the Planning Board review ABC permits for on/off premises.

There being no further public comments, the public hearing was closed.

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council accepted the recommendation of the Planning Board and approved the Ordinance to amend Chapter 40, Article IV, Zoning Districts, Section 40-93, Table of Uses by adding Electronic Gaming Operations (Internet Sweepstakes) as a Special Use in the I-2(Light Industrial) Zoning District. (note: subsection (qq) will need to be (rr).

**An Ordinance to Amend Chapter 40, Zoning, Article IV,  
Section 40-93, of the Washington City Code**

WHEREAS, NCGS 160A-385 authorizes local governments to amend ordinances regulating land use within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS 160A-364; and

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

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

Section 1. That **Chapter 40. Article VI, Section 40-93, Table of Uses**, be amended by adding that **Electronic Gaming Operations (aka Internet Sweepstakes Operations)** will be permitted only by Special Use Permit issued by the City of Washington Board of Adjustment within the I-2 (Light Industrial) zoning district.

Section 2. That **Chapter 40. Article VI, Section 40-119, Index to Listed Uses**, be amended by adding as follows:

**(rr) Electronic Gaming Operations (aka Internet Sweepstakes Operations).**

Section 3. That **Chapter 40. Article VI, Section 40-120, Listed Uses, Specific Criteria**, be amended by adding **(rr) Electronic Gaming Operations (aka Internet Sweepstakes Operations)** as follows:

Definition - Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers, handheld PDA's or gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is predetermined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines, or cyber-cafes. This does not include any lottery approved by the State of North Carolina or any nonprofit organization that is otherwise lawful under State law.

(1) Special Use Permit granted under this section shall be for a period of one (1) year and must be renewed annually. It shall be the responsibility of the owner/operator to make timely application for permit renewal.

- (2) Hours of Operation. The business shall only be allowed to operate on Monday through Saturday between the hours of 8:00 AM and 12:00 Midnight and on Sunday between the hours of 1:00 PM and 12:00 Midnight.
- (3) Maximum number of machines/computers/terminals for any electronic gaming business is 20.
- (4) Machines/computers/terminals must not be prohibited by State or Federal law and must have all applicable permits and licenses.
- (5) The business must be a minimum of two thousand five hundred (2,500) linear feet from any other electronic gaming operation.
- (6) The business must be a minimum of two thousand five hundred (2,500) linear feet from any residential structure.
- (7) The business must be a minimum of two thousand five hundred (2,500) linear feet from any church or religious institution, public or private school, daycare facility, playground or park.

Section 4. This Ordinance shall become effective upon its adoption.

Section 5. All Ordinances or parts in conflict herein are repealed.

Adopted this 13<sup>th</sup> day of December, 2010.

**s/Cynthia S. Bennett  
City Clerk**

**s/N. Archie Jennings, III  
Mayor**

**ADOPT – BEAUFORT COUNTY MULTI-JURISDICTIONAL HAZARD  
MITIGATION PLAN UPDATE AS RECOMMENDED BY THE HAZARD  
MITIGATION ADVISORY COMMITTEE**

Mayor Jennings opened the public hearing. John Rodman, Planning Director explained that the City worked in conjunction with Beaufort County in reviewing and updating this plan. The plan has been sent to the stated and reviewed it and they recommend that the County and each community that participated adopt/endorse the plan. Mr. Rodman stated that Beaufort County adopted the plan last week.

There being no further comments, the public hearing was closed.

By motion of Mayor Pro tem Roberson, seconded by Councilman Pitt, Council continued this item until January 10, 2011 to allow more time for the document to be reviewed.

**ACCEPT – RECOMMENDATION OF THE PLANNING BOARD AND  
APPROVE THE PRELIMINARY SUBDIVISION PLAT OF GEORGE E'S  
PLACE SUBDIVISION LOCATED OFF KEYSVILLE ROAD (SR 1506)**

Mayor Jennings opened the public hearing. Dot Moate stated that on November 30<sup>th</sup>, Mr. Hood Richardson presented a preliminary subdivision plat of George E's Place located off Keysville Road. The property is currently zoned RA-20(Residential-Agriculture) and contains 18.85 acres of land. The Planning Board determined the subject parcel and preliminary subdivision plat are consistent with the Land Use Plan because the adopted plan designates the subject parcel as appropriate for low density residential. The preliminary plat was reviewed by the technical review committee and is subject to conditions set by the committee members and the Planning Board. The Planning Board has determined that the proposed subdivision will have no detrimental impact on the surrounding property or immediate neighborhood. Based on the findings and conditions the Planning Board voted unanimously to approve the preliminary subdivision plat of George E's Place subject to the conditions by the Subdivision Review Committee and the Planning Board.

CONDITIONS

Fire Dept:

1. Six inch waterlines required for fire hydrants.
2. Maintain Fire Apparatus Access Road of 20 feet width inside curb with radius inside curb radius of 25 feet of the N. C. fire Code with-in 150 feet of any portion of building.
  - Dead end turn around provisions per section 503
  - 120 feet hammerhead, 60 feet Y or 96 ft Cul de sac
  - 750 feet max dead-end
3. Signs and markings per City of Washington Code and NC Fire Code
4. Buildings Exceeding 30 feet or 3 stories parallel to one side No closer than 15 or more than 30 ft from building
5. Cul de sac's shall have 48 feet Radius roadway surface
6. Fire Hydrant See Appendix C of The NC Fire Code Fire (Contact Fire Marshal for Hydrant Placement)
7. 6 inch or larger mains
8. No more than 400 feet any portion of facility to hydrant, 600 if sprinkled
9. Along all fire access roads and adjacent streets
10. Number and distribution of hydrants per table C 105.1
11. Hydrant must be on 6 in or larger line
12. Hydrant must be with-in 200 feet end of road end by cul de sac

Planning Dept:

1. Plat needs to show individual lot dimensions
2. Minimum building setback lines
3. Table denoting total number of lots and total acreage of tract.
4. May 15, 200r FIRM Map is based on 1983 Datum. Elevation is 10 feet conversion factor between 1929 datum and 1983 datum is -1.07 feet.

Parks and Recreation Dept.: utilize any unbuildable areas as common areas or as a natural trail for residents.

Electric Dept.: There is a \$500 per lot infrastructure fee for installation of U.G. electric facilities, plus contractor/developer will be responsible for installing pipes with pull cords for all necessary road/drainage easement crossings. Property must be within 6" of final grade and our easement must be clear of trees, shrubs, etc.

Mayor Pro tem Roberson inquired if curb and gutter would be installed? Hood Richardson, P.A. representing the owners, stated the City does not require them as this is a rural subdivision and not connected to any other curb and gutter street. Councilman Roberson inquired about the storm drainage for the subdivision as this resembles Iron Creek Subdivision. Mr. Richardson stated there is a 10-15ft. fall across the site and there will be no residential building across the flood zone, this area will be used for storm water treatment. Councilman Roberson also inquired about water/sewer. Mr. Richardson discussed the schedule for the design, permitting and annexation.

There being no further comments, the public hearing was closed.

By motion of Councilman Pitt, seconded by Councilman Moultrie, Council accepted the recommendation of the Planning Board and approved the preliminary subdivision plat of George E's Place Subdivision subject to the conditions previously listed by the Subdivision Review Committee and the Planning Board.

**MARTIN-STARNES & ASSOCIATES, CPAS, P.A. – AUDIT PRESENTATION**

Matt Rauschenbach, CFO introduced Crystal Wadell, with Martin-Starnes & Associated, CPA's, P.A. to present the audit. She noted they offered an unqualified opinion and there were no significant deficiencies or material weaknesses in internal control.

Fund Balance Position – General Fund

□ Total Fund Balance	\$ 8,407,407
□ Required Reservations -	2,643,875
□ Unreserved Fund Balance	\$ 5,763,532
□ Unreserved 2009	\$ 6,547,583
□ Decrease in unreserved FB	\$ 784,051
□ Unreserved Undesignated	\$ 5,763,532

Other Governmental Funds

□ Total Revenues 2010	\$ 836,661
□ Total Expenditures 2010	801,566
□ Other Financing Sources	808,334
□ Net Change in Fund Balance	843,429
□ Ending Fund Balance	1,818,938

Fund Balance – General Fund  
Current vs. GASB 54

**2010 GASB 54**

Reserved by State statute	1,406,906	Restricted
Reserved for inventories	55,407	Nonspendable
Reserved for encumbrances	778,893	Assigned
Reserved for surety bond	3,100	Restricted
Reserved for Powell Bill	331,119	Restricted
Reserved for controlled substance tax	23,559	Restricted
Reserved for seized funds – local and federal	11,161	Restricted
Reserved for Veteran's Park contributions	616	Restricted
Reserved for Recreation land	9,941	Restricted
Reserved for PEG Channel	23,173	Restricted
Undesignated	5,763,532	Unassigned
 Total fund balance	 8,407,407	

**What Does Our State Legislature Face?**

The 2009-10 budget included:

- \$1.3 billion in temporary taxes
- \$1.6 billion federal stimulus dollars
- \$0.3 billion in non-recurring budget reductions
- **Summary: Static budget gap going into 2011-2012 \$3.2 billion**

*(Source: NC County Commissioners Association)*

**What Does The State Problems Mean to Local Government?**

- Expect “transformational” government at the State level
- Everything is on the table
- Local Revenue Options?
- Cuts (15%) / New Taxes / Tax Reform?
- Potential loss of 10,000+ state jobs
- Retirement System

*(Source: NC County Commissioners Association)*

**TOM STROUD – ADOPT RESOLUTION ON BEHALF OF THE PARTNERSHIP FOR THE SOUNDS AND THE NORTH CAROLINA ESTUARIUM**

Mayor Jennings stated that Tom Stroud was not in attendance tonight, but the resolution is to show the City Council supports the Estuarium. By motion of Councilman Mercer, seconded by Councilman Pitt, Council adopted a resolution on behalf of the Partnership for the Sounds and the North Carolina Estuarium as presented.

**RESOLUTION ON BEHALF OF THE PARTNERSHIP FOR THE SOUNDS and the NORTH CAROLINA ESTUARIUM**

Whereas, the Partnership for the Sounds, Inc., built the North Carolina Estuarium and opened it in 1998; and

Whereas, over \$1 million was contributed to the Estuarium’s construction from private donations, the City of Washington, and Beaufort County; and

Whereas, this was the first facility in the United States to be called an “Estuarium”; and  
Whereas, the Estuarium brings great pride to Washington through its outstanding exhibits

and programs celebrating this area's natural resources and maritime culture; and

Whereas, the Estuarium remains Washington's most identifiable and visible tourism attraction, and its visitor experience received exceptionally high ratings in the Washington TDA's 2009 survey of tourists and local tourism assets; and

Whereas, the Partnership works diligently to be an involved, responsive, and accommodating partner with the City of Washington and other attractions, organizations and businesses in the Downtown area; and

Whereas, the presence of the Estuarium and Partnership accrues substantial economic benefit to the local business community through tourism development, the purchasing of good and services, staff employment, quality of life enhancements, and other avenues; and

Whereas, the Estuarium and Partnership provide productive full-time and part-time employment for over 25 area residents whose lives and livelihoods are invested in the betterment of this community and region,

Therefore, let it be resolved that the Washington City Council encourages the Governor and the General Assembly of North Carolina to make every effort to provide funding that will enable the continued operation of the North Carolina Estuarium and the Partnership for the Sounds, Inc.

Adopted this the 13<sup>th</sup> day of December, 2010.

**s/Cynthia S. Bennett  
City Clerk**

**s/N. Archie Jennings, III  
Mayor**

Recess 7:15pm - 7:25pm

**DISCUSSION – STATUS OF CURRENT GRANTS (2010 DEPARTMENTAL  
AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) AND NON-  
ARRA FUNDING OPPORTUNITIES)**

The City of Washington will host a community meeting to discuss the construction of the Police Facility proposed for Market Street extension. Citizens are encouraged to attend and share their thoughts about this important capital improvement project.

When: Thursday, December 16, 2010  
Where: Grace Harwell Senior Center -310 West Main Street  
Time: 5:30-7:00pm

Councilman Davis advised there are some issues with the BIG-P grant and the Parks and Recreation Department is trying to resolve those issues before a moratorium is placed on pile driving in the river.

**HUMAN RELATIONS COUNCIL**

1. **Update** – Joint meeting with Pitt/Greenville Human Relations Council on November 3, 2010. The Greenville meeting was very informative and the agenda consisted of the following:

- Youth Council – Community Dialogue: “Bullying” and “Sexuality”, Brother Towns Film (Immigration Video).
- Hindu Temple Visit
- Human Relations Council Awards Ceremony
- Native America Heritage month

**Diversity of Board Members**

- Youth
- Korean
- Disabled American
- Native American
- Black American
- Caucasian

2. **Update** – Ed Peed commemoration
3. **Free Flu Clinic**
4. **FYI** – Annual Brotherhood/Sisterhood Citation Award Dinner

#### **TOURISM DEVELOPMENT AUTHORITY**

Virginia Finnerty has been contracted to represent the Washington Civic Center in a sales capacity. She is presently working to identify leads, meet with businesses, and develop marketing programs to increase the use of the Civic Center for meetings. Judy Randall of Randall Travel Marketing (RTM) visited recently to consult with the Board of Directors regarding a potential visitor center near the intersection of the 17 bypass and 264. While the location is ideal for a visitor center to attract more traffic into the community, Randall recommended that a significant investment be made in billboards in the immediate future to drive traffic into the city. Based on her recommendation and the concern over continuous funding for a new visitor center, the board of directors had decided not to pursue a new visitor center at this time.

Tourism Director Lynn Lewis represented the City at a regional eco-tourism planning retreat hosted by the City of Greenville. Representatives from a number of communities in the area were present to discuss possible collaborations and interest in such an effort. No action was taken at this retreat.

The WTDA Board has voted to move its regular monthly meetings to the Leff Room at the Civic Center. The WTDA Board meets on the 3rd Wednesday of each month at noon.

Bill Oden has completed the annual financial audit for the WTDA. He will present the audit at the December meeting of the WTDA.

The WTDA has recently adopted legislative goals for 2011. These goals were also adopted by several statewide tourism organizations. The goals include: support for the current school start date, support for continued funding of the NC Division of Tourism.

#### **APPOINTMENT – ECONOMIC DEVELOPMENT COMMISSION**

Mayor Jennings stated that Buster Humphreys' term will end December 31, 2010 on the Economic Development Commission. The City has three positions on the EDC, with one being a City Council member and the other two appointed to represent the City. Mr. Humphreys' has agreed to serve on the EDC again.

By motion of Mayor Pro tem Roberson, seconded by Councilman Mercer, Council re-appointed Buster Humphreys to the Economic Development Commission with a term to expire on December 31, 2013.

#### **AUTHORIZE – CITY MANAGER TO ENTER INTO AN ADDITIONAL 90 DAY LEASE EXTENSION WITH IMPRESSIONS MARKETING GROUP, INC. FOR THE PROPERTY LOCATED AT 234 SPRINGS ROAD**

Pete Connet, Interim City Manager stated the current lease extension will expire on December 31, 2010 the permanent lease should be ready for Council action in January 2011.

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council authorized the City Manager to enter into an additional 90 day lease extension with Impressions Marketing Group, Inc. for the property located at 234 Springs Road with a term to expire on March 31, 2011.

#### **ADOPT – RESOLUTION AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY TO MARTIN COUNTY COMMUNITY ACTION FOR THE WEATHERIZATION ASSISTANCE PROGRAM RESOURCE COORDINATOR'S OFFICE SPACE AND AUTHORIZE THE INTERIM CITY MANAGER TO EXECUTE THE LEASE AGREEMENT**

Pete Connet advised that the current lease agreement is set to expire and this is a renewal of that agreement. The term of the lease will be January 5, 2011 through January 4, 2012 at \$400 per month. Mayor Pro tem Roberson requested a status report be presented next month and that

a representative be present from MCCA. He also voiced concern that appliances are being purchased through this program.

By motion of Councilman Moultrie, seconded by Councilman Pitt, Council adopted a resolution authorizing the lease of certain real property to Martin County Community Action for the Weatherization Assistance Program Resource Coordinator's office space and Authorize the Interim City Manager to execute the Lease Agreement.

**RESOLUTION AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY  
AND APPROVING THE LEASE OF SAID REAL PROPERTY PURSUANT TO  
NORTH CAROLINA GENERAL STATUTE 160A-272**

WHEREAS, the City of Washington (hereinafter may be referred to as "City") owns the Municipal Building located at 102 East Second Street (hereinafter referred to as "City Hall").

WHEREAS, North Carolina General Statute § 160A-272 authorizes a city to lease any property owned by a city for such terms and upon such conditions as the council may determine so long as the council determines the property will not be needed by the city for the term of the lease and the council approves a resolution authorizing its execution (no public notice is required for a lease for a term of one year or less).

WHEREAS, Martin County Community Action, Inc. (hereinafter referred to as "MCCA") is a non-profit corporation engaged in a Weatherization Assistance Program that is administered through North Carolina's Department of Health and Human Services Office of Economic Opportunity, is funded, in part, by the American Recovery and Reinvestment Act of 2009 (hereinafter referred to as "ARRA"), and benefits low income families.

WHEREAS, the City is partnering with MCCA to distribute nearly \$800,000.00 in ARRA money for weatherizing low income homes throughout the Washington Electric Utilities' service district.

WHEREAS, in conjunction with said Program, MCCA hired and will continue to employ certain individuals in certain positions, some of whom will work in offices 122, 123, and 124 at City Hall to, among other things, accept applications, process eligibility requirements, and serve as a liaison.

WHEREAS, the City has leased said offices to MCCA for the previous year and negotiated with MCCA to rent said offices from the City for another year, which offices will be utilized for said purposes in conjunction with said Program.

WHEREAS, said offices currently are surplus to the City and its City Council desires to lease the same.

THEREFORE, the City Council for the City of Washington resolves that:

1. Offices 122, 123, and 124 at City Hall are hereby declared to be surplus to the needs of the City for the term of the proposed lease.
2. The Interim City Manager is authorized to further negotiate, if necessary, and execute the lease attached hereto.

Adopted this 13<sup>th</sup> day of December, 2010.

**s/Cynthia S. Bennett  
City Clerk**

**s/N. Archie Jennings, III  
Mayor**

**AUTHORIZE – MANAGER TO SIGN A CONSTRUCTION CONTRACT WITH  
T.A. LOVING COMPANY FOR STORMWATER (\$3,800,902)**

Allen Lewis, Public Works Director explained that staff has negotiated with T.A. Loving to include the most effective portions of the drainage improvements that were originally bid in the project, as well as the Northwood area of Smallwood. As proposed, these improvements

include improvements in the Jack's Creek drainage basin from a point just south of 8<sup>th</sup> Street, southward and eastward toward Park Drive. This portion of the project will include replacing the culvert at/near the intersection of 7<sup>th</sup> and Harvey Streets, removing and/or upgrading the culvert between 7<sup>th</sup> Street and John Small Avenue and installing a submersible pump at the Jack's Creek storm water pump station. Improvements within Smallwood include replacing undersized pipe in the Northwood Road area near Rowan Place and Eden Drive as well as replacing undersized pipes under and/or along Reed Drive, Alderson Road and Lawson Road and laying the slopes back along the ditch east of South Reed Drive to Keysville Road. The Airport Canal drainage area will see additional storage capacity in swales in and around Heritage Park, siltation removed from sections of the canal bottom as well as undersized culverts upgraded under the Wilco-Hess station and the Grimes farm path. See attached maps for locations and narrative describing the proposed work for more information. A revised recommended budget is also attached. These projects, once completed, should help reduce the frequency and duration of flooding during severe rain events.

Durk Tyson, Rivers and Associates stated the project was bid in November with a base bid of some work in each of the three drainage districts and included some bid alternates. After last month's Council meeting some additional work in Smallwood was priced with T.A. Loving. Councilman Mercer stated that last month Council authorized the signing of the contract with T.A. Loving. For \$3.5 million. Mr. Lewis stated that Alternate 1 originally included Lawson Road to Lodge Road and redoing all the storm drains in that area. What we did in order to accommodate the Northwood project was reduce the scope of Alternate 1 to include one set of cross pipes at Reed Drive, north of Lawson Road. This allowed the construction portion to be kept at \$3.5 million. Mr. Lewis said the motion should have been to "tentatively" award the contract to T.A. Loving. Mr. Lewis stated that if we don't lay back the banks of Jack's Creek and install submersible pumps this will allow the water level to be pumped down in the Creek an additional four feet prior to a storm to allow extra storage capacity. Also by installing the pump and not laying the banks back will allow the Greenway Plan to stay on target in that area.

By motion of Councilman Moultrie, seconded by Councilman Pitt, Council authorized the Manager to sign a construction contract with T.A. Loving Company for storm water improvements in various parts of the City and accept the recommended budget as revised in the amount of \$3,800,902.

**AMEND – STORM WATER CAPITAL PROJECT ORDINANCE**

The storm water project was revised to include work in the Northwood area and final construction bids.

By motion of Councilman Mercer, seconded by Councilman Pitt, Council amended the Storm Water Capital Project Ordinance by \$1,042,000 to reflect the final scope of the project.

**AN ORDINANCE TO AMEND THE CAPITAL PROJECT ORDINANCE FOR  
THE RECOVERY ZONE BOND STORM WATER PROJECTS  
CITY OF WASHINGTON, N.C. FOR THE FISCAL YEAR 2010-2011**

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

Section 1. That the Estimated Revenues in the Storm Water Capital Project be increased in the amount of \$ 1,042,000 in the account Recovery Bond Proceeds, account number 58-90-3710-8900.

Section 2. That account number 58-90-5710-7400, Capital Outlay, portion of the Storm Water Fund appropriations budget be increased in the amount of \$1,042,000.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the 13th day of December, 2010.

s/Cynthia S. Bennett  
City Clerk

s/N. Archie Jennings, III  
Mayor

**APPROVE AND AUTHORIZE – DIRECTOR OF PARKS AND RECREATION TO EXECUTE WATERFRONT DOCKING FOR NC ESTUARIUM RIVER ROVER**

Philip Mobley, Parks and Recreation Director stated staff and the City Attorney have been working with the NC Estuarium to update the Waterfront Docking Agreement for the River Rover. The River Rover gives tours of the Pamlico and Tar Rivers to patrons of the NC Estuarium. The Washington Recreation Advisory Committee has approved this proposed updated Waterfront Docking Agreement for NC Estuarium when we reviewed the docking agreement with the RIV Riggs, the ECU Research Vessel.

Franz Holscher, City Attorney stated Council may want to grant the authority to the Parks and Recreation Director to enter into the agreement in the future with the understanding there would be a yearly report and that if entered into in the future would not be for any more than one year. If there are substantial changes, the agreement would come before Council. This is the process that had been used for the ECU research vessel.

Name of Boat: River Rover

Make: Godfrey

Model: 2586RE SW

Year: 2006

By motion of Councilman Davis, seconded by Councilman Pitt, Council approved and authorized the Director of Parks and Recreation or his designee to execute the Waterfront Docking Agreement for NC Estuarium, River Rover and to provide for the continuation of agreement in the future with the understanding there would be a yearly report and that if entered into in the future would not be for any more than one year. If there are substantial changes made in the future the agreement is required to return to Council.

**AUTHORIZE – CITY MANAGER TO ENTER INTO A ONE YEAR MAXIMUM EXPOSURE AND WEBCAM AGREEMENT WITH WITN**

Matt Rauschenbach, CFO stated Electricities recommended a Washington utilities education initiative program endorsed by Council during the November 22 Committee of the Whole. WITN presented an advertising program to facilitate communicating our message quickly and effectively. The maximum exposure program is \$24,000/year and webcam is \$6,000. This year's marketing budget includes \$15,000 in the Billing Department and \$20,000 in Load Management.

Councilman Pitt stated the education information needs to get to the citizens. Mayor Jennings explained we need to correct our image by giving the citizens the needed information and help the customer change the way they use electricity. Councilman Mercer voiced concern over spending \$6,000 for the City's logo on the webcam. Councilman Davis asked if the agreement could be separated to allow more time to review the webcam agreement. Mr. Rauschenbach stated the two could be separated. Councilman Davis stated he was in Asheville and had people comment to him about our beautiful waterfront they had seen on the webcam. This is a good promotion tool for the City. The webcam will be researched and reported back to Council at a later time for consideration.

By motion of Councilman Pitt, seconded by Councilman Davis, Council authorized the City Manager to enter into a one year maximum exposure advertising agreement with WITN to complement the City's utilities education initiative at a cost of \$24,000. Motion carried 3-2. Voting for the motion: Pitt, Moultrie and Davis; Voting against the motion: Mercer and Roberson.

**APPROVE – STRATEGIC BUDGET PLANNING SESSION**

A strategic budget planning session with City Staff has been tentatively set for January 18<sup>th</sup> from 8:30 a.m. to 1 p.m. at Goose Creek State Park. Councilman Mercer will be unavailable to attend. Council opted to have the strategic budget planning session on January 24<sup>th</sup> (which was the scheduled Comm. of the Whole) at Brown Library beginning at 3:00pm. Council will suspend the time limitations for this meeting.

**ADOPT – BUDGET ORDINANCE AMENDMENT POWELL BILL ALLOCATION**

The City’s 2010 Powell Bill Allocation distribution was reduced by \$112,495 for the first of fifteen payments for DOT utility relocation expense. Councilman Mercer stated he didn’t feel it was appropriate at this time to take money from the Water/Sewer Funds and transfer funding to the Powell Bill account until the issues with NCDOT are resolved.

**APPROVE – PURCHASE ORDERS OVER \$20,000**

Matt Rauschenbach, CFO stated Requisition #8340, Booth & Associates, \$28,916.23, engineering for US Hwy. 17 utility relocation reimbursable from DOT. Account 35-90-7220-0411. Requisition #8401, Inner Banks Land & Timber Co, \$26,735, clearing trees from airport runway approach. Account 37-90-4530-4511.

Councilman Mercer inquired about the purchase order to Booth and Associates for work that has already been completed. Keith Hardt, Electric Director stated the purchase order was written after the work was completed and is a reimbursable expense from NCDOT.

By motion of Mayor Pro tem Roberson, seconded by Councilman Pitt, Council approved purchase order numbers 8401 and 8340.

**AUTHORIZE – MANAGER TO SIGN NOTICE OF LANDING AREA PROPOSAL IN ORDER TO CLOSE RUNWAY 11-29**

Due to the condition of runway 11-29 at Warren Field Airport being in such a poor state of disrepair, it has become a liability. The concrete runway is well over 60 years in age and is in need of significant repairs due to spalling and expansion joint “blow-ups”. To resurface the runway would take several hundred thousand dollars that the Airport Fund does not have and since this is considered a third runway, the NC Division of Aviation (DOA) would not consider participating in assisting the City in repairs. The rough surface and loose pieces of concrete that accumulate on this runway, despite sweeping, present a liability to the City due to damages that can easily occur if planes land on this runway. Both the DOA and the City’s Airport Advisory Board recommend closing this runway.

By motion of Mayor Pro tem Roberson, seconded by Councilman Mercer, Council authorized the City Manager to sign the Notice of Landing Area Proposal closing runway 11-29.

Form approved OMB No. 2120-0036  
02/28/2007

U.S. Department of Transportation Federal Aviation Administration											
NOTICE OF LANDING AREA PROPOSAL											
Name of Proponent, Individual, or Organization City of Washington					Address of Proponent, Individual, or Organization (No., Street, City, State, Zip Code) PO Box 1988 Washington, NC 27889						
<input type="checkbox"/> Check if the property owner's name and address are different than above, and list property owner's name and address on the reverse.											
<input type="checkbox"/> Establishment or Activation <input checked="" type="checkbox"/> Alteration			<input type="checkbox"/> Deactivation or abandonment <input type="checkbox"/> Change of Status			<input checked="" type="checkbox"/> Airport <input type="checkbox"/> Heliport			<input type="checkbox"/> Ultralight Flightpark <input type="checkbox"/> Seaplane Base		
			} OF			<input type="checkbox"/> Vertiport <input type="checkbox"/> Other (Specify)					
<b>A. Location of Landing Area</b>											
1. Associated City/State Washington			2. County/State (Physical Location of Airport) Beaufort/North Carolina			3. Distance and Direction From Associated City or Town 1.7 Miles Northeast					
4. Name of Landing Area Warren Field - OCW			5. Latitude 35 °34 ' 13.68		6. Longitude 077 °02 ' 59.3600		7. Elevation 38 ft				
<b>B. Purpose</b>											
Type Use <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Private Use of Public Land/Waters			If Change of Status or Alteration, Describe Change Closure of Runway 11-29. Runway Closure Crosses will be painted at each end of the runway in accordance with FAA Advisory Circular 150/5340-1K				<input type="checkbox"/> Establishment or change to traffic pattern (Describe on reverse)		Construction Dates To Begin/Began Est. Completion		
<b>C. Other Landing Areas</b>			Ref. A5 above		<b>D. Landing Area Data</b>			Existing (if any)		Proposed	
Direction From Landing Area		Distance From Landing Area	Direction From Landing Area		Distance From Landing Area	1. Airport, Seaplane Base, or Flightpark	Rwy #1	Rwy #2	Rwy #3	Rwy	
						Magnetic Bearing of Runway (s) or Sealane					
						Length of Runway (s) or Sealane (s) in Feet					
						Width of Runway (s) or Sealane (s) in Feet					
						Type of Runway Surface (Concrete, Asphalt, Turf, Etc.)					
						2. Heliport					
						Dimensions of Final Approach and Take off Area (FATO) in Feet					
						Dimensions of Touchdown and Lift-Off Area (TLOF) in Feet					
						Magnetic Direction of Ingress/Egress					
						Routes					
<b>E. Obstructions</b>		Direction From Landing Area	Distance From Landing Area	Direction From Landing Area	Distance From Landing Area	Type of Surface (Turf, concrete, rooftop, etc.)					
Type	Height Above Landing Area										
		</									

**APPROVE AND AUTHORIZE – CITY MANAGER TO EXECUTE THE CONTRACT FOR SITE MANAGEMENT SERVICES AT THE “FESTIVAL” PARK SITE WITH MARK SMITH ARCHITECT (\$19,350)**

Philip Mobley, Parks and Recreation Director stated the “Festival” Park Planning Team has been working with designs for structures and surveying this park site, while all the time staying within the scope of the recommendations from the LandDesign’s Plan. For the construction phase we will need a professional to compile RFPs, assist with the bidding/tabulations and communicating with contractors as work progresses. This park project will be divided in to two phases. Phase I will consist of the construction of the Events Stage, Picnic Shelter and Grasscrete walk/drive ways. This phrase will consist of foundation engineering, concrete pouring, footings, brick work, electrical panels and wiring diagrams with light/outlet locations, ground work for foundations, the handicap ramps, steps/handrail designs, the setting and the erection of two structures, communicating with City Inspectors and staying abreast of City easements/right-of-ways and NCDENR requirements, developing a project timeline, keeping the City informed with timely updates for PARTF, reviewing invoices with staff for payment and monitoring safety for the site for participants using the waterfront area. Phase I is scheduled for completion by early Spring 2011.

**Lump Sum fee of \$19,350.00 as described below**

1. Prepare plans, specs and bid documents \$ 12,350.00
2. Bidding Phase \$ 2,500.00
3. Construction Phase services \$ 4,500.00

By motion of Councilman Davis, seconded by Councilman Pitt, Council approved and authorized the City Manager to execute the Contract for Site Management Services at the “Festival” Park site with Mark Smith Architect in the amount \$19,350.

**AWARD – CONTRACT FOR ENERGY AND DEMAND REDUCTION TECHNOLOGIES (\$20,000)**

Keith Hardt, Electric Director explained that Mr. Bob Gary with e-dux Energy Reduction Technologies came before the City Council during the November Committee of the Whole meeting to discuss their residential demand and energy reduction technology. Mr. Gary was asked to present his program to the Washington Electric Utilities Advisory Committee. The Committee met on Wednesday, 1 December 2010. A quorum of the Committee was not present, but the Committee members present did endorse the program. Mr. Gary is requesting Council approval to commence with a 40 unit project in Washington.

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council awarded a contract in the amount of \$20,000 to e-Dux Energy Reduction Technologies for 40 residential demand and energy controllers as part of a pilot project.

**NORTH CAROLINA’S ELECTRONICS RECYCLING LAW AND OVERVIEW OF PROVISIONS AFFECTING LOCAL GOVERNMENTS IN SENATE BILL 887**

Councilman Pitt discussed the electronics recycling law and suggested that the City begin looking at joint efforts with the County to start and electronics recycling program. He also discussed the Allen Road recycling facility in Pitt County where electronics are currently being recycled. Councilman Mercer noted there will be one program required in each County(which will be a County function) and an inter-local government agreement will be required for the municipalities to join the program.

**LIBRARY OPERATING HOURS DURING HOLIDAYS**

Pete Connet, Interim City Manager discussed the operating hours during the Christmas holiday. Mr. Connet suggested closing the library on Friday, Saturday and Sunday then open back on Monday. Council by consensus agreed to the change in operating hours during the Christmas holidays.

**UPDATE ON SOFTBALL TOURNAMENT ACTIVITY AT THE SPORTS COMPLEX**

Mayor Jennings stated as you may recall we have given instruction to staff to attempt to hold more tournaments at the Complex. We have been in contact with the organizers of these events and they want to hold three softball tournaments, outside of league play at the sports complex. The end of March, August and after the soccer season would be the possible times for

the tournaments. The group envisions this as being a fundraiser for the league to reduce fees for those playing softball. Mayor Jennings is suggesting that the City will prepare the field for play for the first time on Friday afternoon. We would allow limited volunteer configuration of the fields which includes chalking the fields and manually dragging the infield. In return we wouldn't charge anything for the preparation of the fields and allow all the funds raised to go to the softball league. Councilman Mercer stated the complex should be used to the maximum degree possible.

By motion of Councilman Davis, seconded by Councilman Pitt, Council agreed to allow the softball league to hold up to three tournaments at the sports complex with the City preparing the fields for play for the first time then the league is responsible for maintaining the fields for the remainder of the tournament.

#### **NORTHGATE UPDATE**

Mayor Pro tem Roberson voiced concern in regards to the Letter of Credit for Northgate Subdivision. Franz Holscher stated that a letter was received from the State that Mr. Briley has been awarded another extension until December, 31, 2011. Mr. Holscher has contacted Mr. Briley's attorney to prepare a replacement Letter of Credit. Mr. Holscher stated the current Letter of Credit is valid through March 1, 2011.

#### **CLOSED SESSION – UNDER NCGS 143-318.11(A)(3) ATTORNEY/CLIENT PRIVILEGE, DEKEVION ROULHAC ET. AL, V. CITY OF WASHINGTON ET. AL, BCSC 09-CVS-1129, UNDER NCGS 143-318.11(A)(6) PERSONNEL AND 143-318.11(A)(3) ATTORNEY/CLIENT PRIVILEGE**

By motion of Councilman Pitt, seconded by Mayor Pro tem Roberson, Council agreed to enter into Closed Session under NCGS 143-318.11(a)(3) Attorney/Client Privilege, Dekevion Roulhac et. al, v. City of Washington et. al, BCSC 09-CVS-1129, under NCGS 143-318.11(a)(6) Personnel and 143-318.11(a)(3) Attorney/Client Privilege.

By motion of Councilman Moultrie, seconded by Councilman Pitt, Council came out of closed session at 9:40pm.

#### **HOMETOWN CONNECTION**

Mayor Jennings stated on Wednesday, December 15<sup>th</sup> at 3:00pm Hometown Connections will be here to do an assessment of the City. Councilman Pitt and Councilman Mercer will attend this meeting to represent the Council.

#### **ADJOURN**

By motion of Councilman Davis, seconded by Councilman Pitt, Council adjourned the meeting at 9:45pm until December 16, 2010 at 5:00 pm in the Council Chambers at the Municipal. (\*This meeting was canceled due to inclement weather)

---

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