

The Washington City Council met in a regular session on Monday, October 20, 2008 at 4:30 p.m. in the Council Chambers at the Municipal Building. Present were: Judy Jennette, Mayor; Doug Mercer, Mayor Pro tem; Darwin Woolard, Councilman; Richard Brooks, Councilman; Gil Davis, Councilman; Jim Smith, City Manager; Cynthia S. Bennett, City Clerk; and Franz Holscher, City Attorney.

Councilman Archie Jennings arrived at 4:40pm and was made a part of the minutes.

Also present were: Anita Radcliffe, Acting Finance Director; Jimmy Davis, Fire Chief; Allen Lewis, Public Works Director; Bobby Roberson, Planning and Community Development Director; Philip Mobley, Parks & Recreation Director; Mick Reed, Police Chief; Susan Hodges, Human Resources Director; Lynn Lewis, Washington Tourism Director; Gloria Moore, Library Director; Ray Midgett, IT Director; Greg Katski, of the Washington Daily News; and Jay Niver with Beaufort Observer.

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

APPROVAL/AMENDMENTS TO AGENDA

Mayor Jennette added Scheduled Public Appearances Item B. Joyce O'Neal representing Reverend David Moore; Item C. Catherine Glover, Chamber of Commerce; and Item D. Master Gardeners. Mayor Jennette further added item IV.K – Brown Street Bridge Update and moved item VIII.A. Adopt Resolution fixing date for public hearing on the non-contiguous satellite annexation of RMH Leasing LLC to item VI.A.5 Old Business #8.

On motion of Councilman Woolard, seconded by Councilman Brooks, Council unanimously approved the agenda, as amended

APPROVAL OF MINUTES

On motion of Councilman Woolard, seconded by Councilman Brooks, Council unanimously approved the minutes of September 29, 2008, as amended.

APPROVAL OF CONSENT AGENDA

On motion of Mayor Pro tem Mercer, seconded by Councilman Woolard, Council unanimously approved the Consent Agenda as presented.

- A. Declare – Surplus/Authorize Electronic Auction Of Vehicles Through Govdeals
- B. Acknowledgement – Reallocation Of Funding – Water Fund (\$27,589)

MR. TOM MILLER – DWOW IN SUPPORT OF THE SPIRIT OF WASHINGTON

Mr. Tom Miller came forward and presented an update on the Spirit of Washington. Mr. Miller explained the boat should be arriving in Washington between November 3-7, 2008. The boat has passed all of the required tests and is now undergoing cosmetic work. Once the boat arrives they will hold a public open house. Mr. Miller thanked the City staff for their assistance with the project.

Mayor Jennette asked Phil Mobley, Director of Parks and Recreation the status of the contract/agreement. Mr. Mobley explained he has met with A.G. Swanner regarding location of this boat. He stated Mr. Swanner wants to place the boat on "H" dock and he agreed to pay for power and all other issues associated with that location. Mr. Mobley is still working on finalizing that agreement. Mayor Jennette suggested that Mr. Mobley discuss this with the Chamber to make sure they were ok with the location. A meeting will be scheduled with Mayor Jennette, Phil Mobley, Jim Smith, Chamber of Commerce, A.G. Swanner and Toni Cooley to discuss the specifics of the agreement.

On motion of Councilman Davis, seconded by Councilman Woolard, Council unanimously approved the Resolution on Behalf of World Wide Promotions, Inc.

RESOLUTION ON BEHALF OF WORLD WIDE PROMOTIONS, INC.

WHEREAS, The waterfront of Washington, North Carolina, is one of the most beautiful and desirable destinations in eastern North Carolina; and

WHEREAS, attractions capable of drawing thousands of visitors from a wide geographic area have had a positive impact on a community's economic climate; and

WHEREAS, World Wide Promotions, Inc., a North Carolina Corporation, has acquired and is refurbishing a boat nearly 90 feet in length, capable of transporting 90 passengers and crew in class A surroundings and meeting all United States Coast Guard safety and operating requirements; and

WHEREAS, World Wide Promotions has respectfully requested approval to use the Washington Waterfront as its home port, and to christen the boat "Spirit of Washington:

NOW THEREFORE, BE IT RESOLVED, that the City Council of Washington, North Carolina, assembled this 20th day of October, 2008, do welcome the "Spirit of Washington" to our city, and wish the enterprise great success.

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

s/Cynthia S. Bennett
CYNTHIA S. BENNETT
CITY CLERK

JOYCE O'NEAL ON BEHALF OF REVEREND DAVID MOORE

Ms. Joyce O'Neal, Secretary of Metropolitan Housing CDC, stated she is here representing Rev. David Moore. They are requesting a waiver of water and sewer tap fees for Hope Village Phase II. They are a non-profit and are trying to keep construction costs low. They are approximately \$4,000 over budget for this project. Councilman Woolard asked if that was the total for water and sewer taps. Ms. O'Neal stated that was correct, the total fees are approximately \$13,000 but they need approximately \$4,000 to complete the project. Ms. O'Neal noted Hope Village Phase II is for twelve apartments for handicapped and physically challenged individuals and are being built on Fowle Drive.

Jim Smith, City Manager, explained there is no relationship between water and sewer funds and affordable housing, but the City supports affordable housing. After further discussion, Mr. Smith noted there is approximately \$3300 in program income from grants that will be closed out soon and that could be used for this project.

Councilman Jennings stated that we are not waiving fees we are finding funds elsewhere to offset the fees. Bobby Roberson explained that the funds will come from program income from the CDBG -IDA program that will be closed out tonight.

On motion of Councilman Woolard, seconded by Councilman Davis, Council unanimously approved the transfer of \$3300 from the CDBG-IDA Program Income Fund to offset water and sewer impact fees for Hope Village Phase II.

CATHERINE GLOVER, CHAMBER OF COMMERCE

Catherine Glover was not in the audience at this time. Mayor Jennette said Catherine Glover had contacted her and thanked the Council for their efforts and changes on privilege license.

BEAUFORT COUNTY MASTER GARDENER PROGRAM

Jim Keen, Chairman Community Gardens noted that last month they asked for a five year lease for 1.1 acres of land of airport property to use for a community garden and Council noted they needed to check with the FAA. Mr. Keen said he had received a copy of the concerns from the FAA and he is here to acknowledge those concerns. The FAA was concerned that no flood lights be installed and he is asking for two more lights to be added to the parking lot area and they will not be flood lights. The FAA has asked for a reversion clause in case the airport needed the property they could take it back. The FAA asked if the lease agreement incorporates any revenue. Mr. Keen stated there would be no revenue other than a minimal amount that may be charged for leasing the block for the gardens. Mr. Smith stated the FAA wanted to make sure that any revenue goes back into the airport, but that is not the case as there will be no revenue.

Ann Darkow reminded Council that at the last meeting she was asked to meet with Allen Lewis, Director of Public Works regarding irrigation. She stated there is already a waterline there for a turf farmer that they could tap on to. Ms. Darkow discussed possible assistance from the City for water tap fees. There will be a fence installed prior to any planting taking place. This area is large enough to house 80 participants with approximately 50 participants in the first year with a very minimal fee for leasing the plot. Council will continue to discuss ways to help the project succeed.

ECONOMIC DEVELOPMENT COMMISSION

Councilman Jennings said they met last Monday and discussed the situation with Wachovia and the economy. A full report should be available next month.

TOURISM DEVELOPMENT AUTHORITY

Mayor Jennette stated the TDA met and voted to keep the bathrooms at their current location. The audit has been complete and will be presented in November. Mayor Jennette has met with Jeff Emmerick of Rocky Hock Playhouse and plans a meeting next week with the TDA, EDC, Arts Council and Turnage Theater to coordinate all activities

HUMAN RELATIONS COUNCIL

Mayor Jennette said the Human Relations Council met last week and they are discussing the large number of cut-offs and possible solutions for that.

Mayor Jennette further noted there was a Latino Communities Forum and this was a very impressive and informative meeting.

DOWNTOWN WASHINGTON ON THE WATERFRONT

Nothing to report at this time.

CITIZENS FOR REVITALIZATION

Chris Furlough explained that this group was endorsed by the Council with a goal for downtown of quality of life and economic prosperity. They are taking the best parts of the W.K. Dickson Plan and the Renaissance Plan to create a master plan or comprehensive approach for the entire downtown area. They evaluate each plan and allow each member to express their personal visions and embrace their differences and opinions. The final goal is to create an implementation strategy and come back to Council for approval.

Mr. Furlough extended an invitation to the Council as well as the public to attend the meetings on the 1st and 3rd Tuesday of the month. The 1st Tuesday is at 3:00 pm and the 3rd Tuesday is at 8:30 am in the conference room at Brown Library.

WARREN FIELD AIRPORT

Jim Smith, City Manager, updated the Council on the airport. He noted the main tank has been cleaned and new filters installed for the main tank and transport truck. Hopefully all systems will be back in service this week.

Mayor Jennette stated she, Jim Smith, Vann Rogerson and Tom Richter, representing EDC recently met regarding a more regional approach for developing the airport and will be working with the Northeast Partnership in locating more business opportunities for the airport.

Councilman Woolard asked for an update on the self-serve project. Mr. Smith noted engineering contracts have been signed and are preparing to bid this project.

ANNEXATION REPORT

Councilman Jennings stated there was nothing to report at this time.

HAVEN'S GARDEN REPORT

Phil Mobley, Director of Parks and Recreation introduced Susan Suggs for her presentation to Council. Ms. Suggs presented the designs to Council and noted she will also present them to the Recreation Advisory Committee on Monday then they will submit their recommendation to Council.

Ms Suggs noted this area is a "gateway" into Washington and it needs to be treated that way.

Both concept designs presented during the council meeting feature significant changes to Havens Garden, said Ms. Suggs. The biggest difference is in the traffic patterns around the park, said Mr. Mobley. Both concept designs eliminate the causeway from East Main Street to the intersection of Highway 32 and the entrance to Havens Garden. Also, gone will be the bypass from East Main Street across Highway 32 into the end of East Main Street at the Runyon Creek boat ramp parking lot.

The new design concepts also feature an additional fishing pier, and a walkway stretching from the park's entrance on East Main Street, along the Pamlico River waterfront, under the new Runyon Creek bridge and up to the park's boat ramp. "We want to try to put a walkway in and around the bridge," said Mr. Mobley.

Ms. Suggs stated the biggest difference between the two design concepts is the location of the parking area and entrances to the park. Concept A includes entrances from East Main Street and the new Highway 32. Concept B includes only an entrance on Highway 32. The parking lot in Concept A is also longer and narrower than that in Concept B, while the parking lot in Concept B takes a wrap-around approach.

Both concepts feature fenced in playground areas for children, gazebos/pavilions and lawn/tent areas.

The master plan is in its preliminary stages, but Mr. Mobley said the city must be prepared with a concrete plan.

HARBOR MANAGEMENT REPORT

Bill Sykes reported the Harbor Management Committee will meet next Thursday.

FINANCIAL REPORTS

Anita Radcliffe, Acting Finance Director discussed with the Council the approximate \$400,000 shortfall in revenues. Once this was looked into further it was found that rental income of approximately \$16,000 per month from Impressions was not included and should be received through December 2009. With those figures recalculated, the shortfall came to an estimated \$221,000. Ms. Radcliffe and Mr. Smith worked diligently with staff and presented each department with proposed deductions for their departments and specific line items that could be reduced. Mayor Jennette reminded Council this was for information and will be looked at more closely in November.

Mayor Pro tem Mercer inquired if all materials and supplies were lumped together. Ms. Radcliffe stated that was correct. Councilman Jennings voiced concern over capital projects and noted they should be looked at one by one, such as the Library roof, elevator, etc. Mayor Jennette reminded the Council this will be discussed in detail at the November meeting.

Mayor Pro tem Mercer inquired about Beebe Park and E-911 line items. Ms. Radcliffe explained this is money that was in a purchase order and brought forward to the new budget year in September from last year's budget

Council convened for a break and reconvened at 6:00pm

ADOPT – ORDINANCE TO AMEND CHAPTER 27 ARTICLE XV, SECTION 27-161, SPECIAL DISTRICTS, INTERCHANGE OVERLAY DISTRICT

Dot Moate stated she is here today representing the Planning Board concerning the overlay district. She explained the Planning Board held a public hearing in September and unanimously voted to recommend to City Council that the Zoning Ordinance be amended to establish the Interchange Overlay District. Jim Smith asked if new residential development would be allowed in this district. Ms. Moate explained that residential development has been excluded in the interchange overlay district.

John Rodman, Planning Administrator noted this has been a project of the Planning Board for about two years. The overlay district incorporates approximately 291 parcels. The overlay district is superimposed on top of the regular zoning regulations, which allows the use of the zoning regulations as well as the additional regulations for the overlay district. Mr. Rodman noted that the more strict regulation takes precedence. An example of some of the changes would be allowing setbacks to be 30' instead of 50' which allows the building to be closer to the road, but allows for parking to be on the side and rear. Another example is the increased buffer yard and landscaped areas and sidewalks connecting to the building. This new ordinance also cuts down on driveway cuts and recommends shared driveway access such as the Goodwill Center on 15th Street that shares an access with the shopping center.

Mr. Rodman stated that Dunkin' Donuts presented a site plan recently and they were already conforming to these new standards because this is what other locations are already requiring.

Councilman Jennings appreciated all the work the Planning Board had put into this project. Mr. Rodman said the Tar-Pam regulations apply in this area. Mayor Pro tem Mercer applauded the efforts of the group, but noted concern over the number of entrances allowed for each parcel without size of the lot being a factor. Mayor Pro tem Mercer also voiced concern over metal siding not being visible from the street and feels this is too restrictive and need further review. Mr. Rodman referenced the Executive Personnel building as a good example of how developers could overcome this issue with installing a brick façade on sides visible from the street.

Mayor Jennette opened the Public Hearing.

Jason Briley commended the Planning Board on their efforts to improve this area. He asked if these restrictions were City wide. Mr. Rodman explained this is just for the overlay district. Mr. Briley asked is irrigation is required. Mr. Rodman said irrigation is not required in single family developments.

Bob Henkle stated the Planning Board spent a lot of time over “shall” and lesser words. By using “shall” gives the developer the opportunity to request a variance from the ordinance.

Franz Holscher, City Attorney, noted there are non-substantial typographical changes that need to be made and requested that be included in the motion.

Mayor Jennette closed the Public Hearing.

On motion by Councilman Woolard, seconded by Councilman Jennings, Council accepted the recommendation of the Planning Board and approved the Ordinance to amend Chapter 27, Article XV, Section 27-161, Special Districts, to establish Hwy. 17 Interchange Overlay District and to allow the City Attorney to make typographical changes to the ordinance.

AYES:

Councilman Woolard
Councilman Davis
Councilman Jennings
Councilman Brooks

NAYES:

Mayor Pro tem Mercer

John Rodman, Planning Administrator, informed the Council the moratorium on development was renewed in August 2008 in order to establish the overlay district and is set to expire on November 10, 2008. He is asking that the moratorium be lifted now that the overlay district has been established.

On motion of Councilman Woolard, seconded by Councilman Brooks, Council unanimously voted to lift the development moratorium effective October 20, 2008.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF WASHINGTON, NORTH CAROLINA
CREATING INTERCHANGE OVERLAY DISTRICTS**

WHEREAS, the City Council of the City of Washington may enact ordinances to protect the health, safety, and welfare of its citizens under the North Carolina General Statutes 160A-174; and

WHEREAS, the State of North Carolina General Statutes permit municipalities to establish zoning overlay districts and within the overlay districts additional requirements may be imposed over the underlying permitted use and special use zoning districts; and

WHEREAS, highway interchanges and the areas that surround them generate stronger development interest and tend to be developed more quickly with little consideration to the long term impact of the development on the surrounding community; and

WHEREAS, the City Council of the City of Washington finds the purpose of this amendment is to encourage managed, sensible interchange development by providing protective measures that promote safety, minimize the impact to the natural environment, and promote highway beautification; and

WHEREAS, the City Council and the Planning Board have solicited public input regarding the interchange overlay districts; and

WHEREAS, the City Council has determined that the creation of overlay districts is not inconsistent with any comprehensive or other plan adopted by the City and that the City Council has determined that the amendment to the Zoning Ordinance are reasonable and in the public interest.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Washington that the Zoning Ordinance shall be amended as follows:

Section 1. That Chapter 27. Article XV. Special Districts, be amended by to include:

Section 27-161 Interchange Overlay Districts

- (a) *Title*
- (b) *Authority*
- (c) *Findings*
- (d) *Purpose and Intent*
- (e) *Exemptions*
- (f) *Definitions*
- (g) *Applicability*
- (h) *Permitted Uses*
- (i) *Site Plan Approval Required*
- (j) *Building Design Standards*
- (k) *Access Management and Parking*
- (l) *Dimensional Requirements*
- (m) *Landscaping and Bufferyard Requirements*
- (n) *Utilities*
- (o) *Signs*
- (p) *Exterior Lighting*
- (q) *Site Elements*
- (r) *Administration and Variances*

(a) *Title*

This Ordinance shall be known and may be cited as the "Interchange Overlay District" Ordinance of the City of Washington.

(b) *Authority*

The State of North Carolina General Statutes permit municipalities to establish overlay districts. (160A-382(a))

(c) *Findings*

Highway interchanges and the areas that surround them are magnets for development. Traditionally, lands near interchanges on limited access highways generate stronger development interest and command high prices. These lands tend to be developed quickly for high revenue-

producing activities. In some cases, developers attempt to maximize return on investment with little consideration to the long-term impact of their development on the surrounding community. Since the interchange areas are key gateways to the community, design considerations in the area are critically important. The area surrounding the interchanges should be subject to an overlay district that creates site design, architecture, signage, parking, landscaping, and lighting standards more stringent than in other areas of the community.

The Washington City Council finds that the interchange area(s) subject to regulation by this Ordinance has specific development pressures and unique conditions that are not found elsewhere in the City. These unique conditions of greater traffic counts and more intensive development pressures justify regulation in a specific area of the City that would not be justifiable in other areas of the City, due to the absence of such conditions.

(d) Purpose and Intent

The purpose of this Ordinance is to encourage managed, sensible interchange development by providing protective measures that promote safety, minimize the impact to the natural environment, and promote highway beautification. This Ordinance is intended to ensure that new development will be compatible with respect to design, signage, lighting, screening, and access points. It is not meant to recommend or dictate specific land uses within the area regulated. Rather, it is intended to ensure that, if development does occur within the area, it will meet a minimum set of standards. This Ordinance is also intended to help developments within the interchange area maintain their initial appeal by protecting them from potential adjacent substandard development.

(e) Exemptions

The Interchange Overlay Districts Guidelines shall not apply to single family residential dwellings.

(f) Definitions

Access Management: *The systematic control of the location, spacing, design, and operation of driveways, median openings, interchanges, and street connections to a roadway.*

Access Road: *A public or private or private one-way or two-way road for ingress or egress. Such access roads may be of various types including frontage roads, rear access roads, or cul-de-sac.*

Interchange access road: *The highest order road serving an interchange and providing access to the Highway Bypass.*

Interchange Overlay Area: *An area, consisting of a six thousand foot (6,000') circle, having a radius of three thousand feet (3000') measured from the center point of the highway bypass interchange. Specifically, the interchange area extends 3000' from the outer right-of-way boundary of the highway bypass and the interchange access road, as defined (see Figure 1).*

Interchange Overlay District: *Interchange zoning controls are added to the standard zoning requirements of the underlying district (commercial, residential, etc.). The property and any improvements are subject to both*

the standard zoning regulations and the overlay restrictions. Overlay requirements may address any issues of concern,

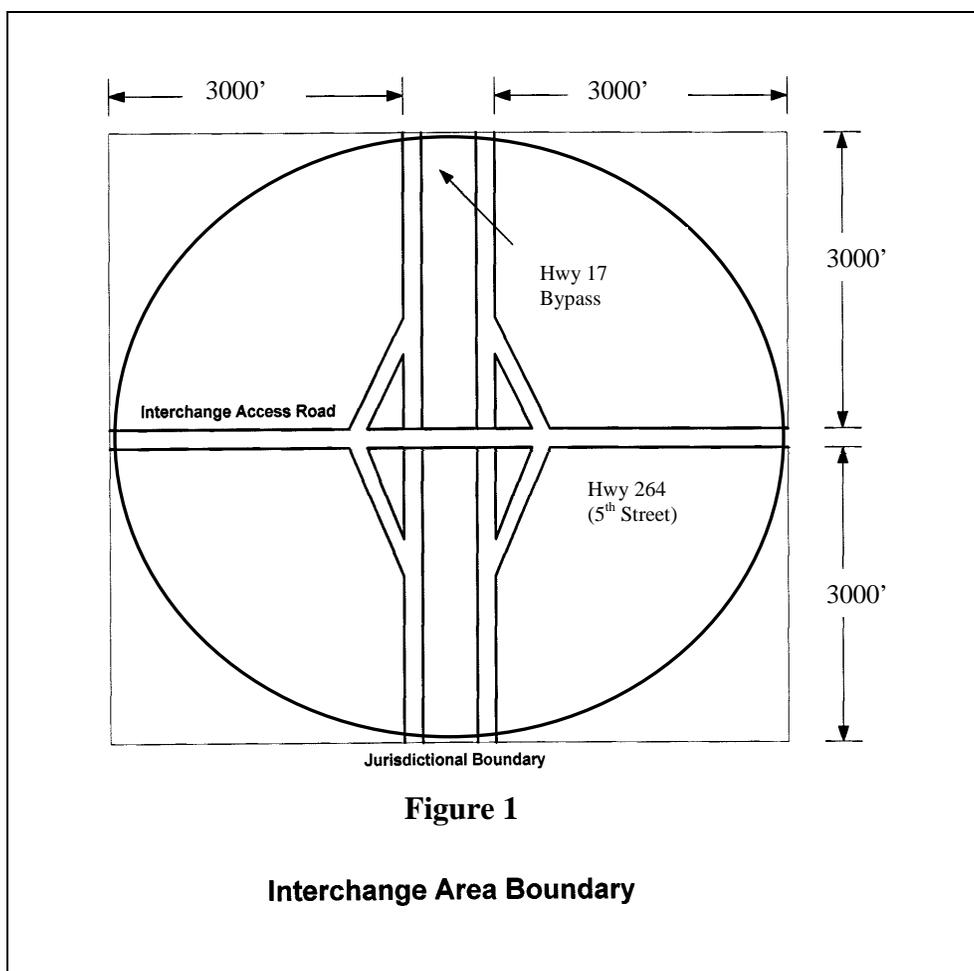
Monument Sign: A freestanding sign having the appearance of a solid base of construction materials such as brick, stucco, stonework, textured wood, tile or textured concrete materials compatible with the materials of the primary structure on the subject property.

Pedestal Sign: A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted or posted. A pedestal sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted

Setback: The minimum distance by which any building or improvement must be separated from a right-of-way boundary. Building setbacks are required distances from the street, right-of-way line, property lines, and building lines within which development or construction is permitted.

Sign: A presentation of letters, numbers, figures, pictures, emblems, insignia, lines or colors, or any combination thereof displayed for the purpose of information, direction or identification or to advertise or promote a business service, activity, interest or product or any otherwise lawful non-commercial use.

Traffic Impact Analysis: A "Traffic Impact Analysis" or TIA commonly referred to, as a "Traffic Impact Statement". The "TIA" is used to determine and describe how traffic generated by new or altered land uses will be served by the existing relevant road network and what adjustments must be made to maintain the same or similar level of service.



(g) Applicability

This Ordinance shall apply within the interchange area boundary, as defined by this Ordinance, surrounding the intersections of US Highway 17 Bypass and West 5th Street (US Hwy 264) and US Highway 17 Bypass and Carolina Avenue (Highway 17 Business). The development of any non-residential property of any size, type, or density within the boundaries of the Interchange Overlay Districts shall comply with the standards set forth herein. More specifically, no building or structure shall be erected or undergo a major expansion (50 % or more of the original or replacement value) for any purpose except in accordance with the requirements set forth herein except as allowed in this Section.

(h) Permitted Uses

This Ordinance permits all uses in the Interchange Overlay Zoning Districts, as listed as follows, in Appendix 1. The uses listed shall be allowed only within the respective districts as specified herein.

(i) Site Plan Approval Required

No zoning permit or building permit shall be issued by the Department of Planning and Development for a building, structure, or any improvement within the interchange overlay area boundary as defined by this Ordinance, unless the land use or building conforms to the requirements of this Ordinance. All development subject to the provisions of this Ordinance is required to submit a complete site plan consistent with the requirements of, Site Plan Review, of the City of Washington Zoning Ordinance. In addition to the minimum requirements found in Site Plan Review, the site plan shall include and meet the requirements of the Interchange Overlay Districts. All proposed development activities located in the Interchange Overlay Districts shall be reviewed and approved by the City of Washington Planning Board.

(j) Building Design Standards

(1) *Purpose. The standards in this Section will provide consistency to the development character, thereby enabling the long-term preservation of property values and the promotion of economic development. A design framework should build on the City's architectural precedents, and convey the spirit of the City's history. All proposed development to be located within the interchange area boundaries shall meet the requirements of this Section.*

(2) *Type of Construction. Manufactured, mobile, metal, and non-residential modular units shall be prohibited, except for temporary use during construction or for storage of materials during construction. No generic franchise architecture is permitted unless the development is contextual to its surroundings in design and materials.*

(3) *Building Materials.*

a. *Exterior building materials should consist of decorative split-block masonry, brick, stone, wood, fiber-cement siding, or textured stucco. No more than 60 percent of the facade of any principal building facing the street should be of glass or reflective material.*

- b. *The use of smooth vinyl, unpainted cinder-block walls, or metal paneling shall be prohibited, except when used on exterior walls not facing or visible from public roads or access ways.*
- (4) *Building Orientation. Principal buildings shall be oriented with their main entrance toward the street or access drives.*
- (5) *Street Walls and Facades. Long continuous building walls are discouraged and no commercial, office, or institutional uses shall have a blank wall greater than 35 feet in length that may be visible from the public roadway. Industrial uses shall have a blank wall no greater than 60 feet in length. The use of masonry, belt courses of a different color and texture, projecting cornice, projecting canopy, windows and doors, decorative tile work, columns, building wall offsets such as projections, recesses, or other architectural elements as approved by the Planning Board that meet the intent of this ordinance may be incorporated into these walls.*
- (6) *Building Height. The maximum building height for any commercial, industrial or office development shall be forty five feet (45').*
- (7) *Roof Pitch. Flat roofs or roof pitches less than 3:12 shall include a cornice trim along the tops of walls, roof line offsets, and/or the use of a parapet wall to avoid the appearance of strip development and create a prominent edge.*
- (8) *Mechanical Equipment. Mechanical or HVAC equipment shall not be installed at ground level along any portion of a building facing a state or city maintained street or internal access way unless such location is necessitated by the nature and design of the building. A solid fence or wall or landscaping shall screen any ground level mechanical equipment. All rooftop equipment shall be screened from public view in a manner consistent with the building design or compatible in appearance with roofing materials.*
- (9) *Loading and Service Areas. Loading and service areas should be designed out of view from public roads. Dumpsters or trash-handling areas shall always be screened from adjacent properties and public view with a minimum six-foot high solid wooden fence or solid (and finished) masonry wall with a solid closeable gate. No chain link fencing may be used to comply with any part of this section.*
- (10) *Accessory Uses. Any accessory buildings and enclosures, whether attached or detached from the main building, shall be of similar compatible design and materials.*
- (k) Access Management & Parking
- (1) *Purpose. Over time, if not carefully thought through, numerous entryways can contribute to difficult turning situations and often times lead to unsafe conditions. It is therefore the intent of this section to limit the number of access points that are permitted onto the interchange access road. These controlled access points will enable more careful design of turning movements, resulting in safer conditions.*
- (2) *Access from Highways. Access points along the interchange access roads to developments (such as curb cuts and driveways) shall be minimized. Prior to submission to the City for review, all*

plans for vehicular access to new development from the Interchange Access Road shall be submitted to and approved by NC DOT if a state route, or the City Public Works Director if a City road.

- a. *Two driveways are the maximum number of driveways allowed per street frontage for any parcel, tract or development, including access to any and all properties designated as outparcels or to be leased or sold for future development.*
 - b. *No access point shall be allowed within 10 feet of the side property line of any property or development except where a mutual access agreement exists between adjoining owners.*
 - c. *All parcels containing more than one driveway must maintain a minimum of 100 feet of separation between them.*
 - d. *Shared driveways are permitted and recommended.*
 - e. *Vehicular and pedestrian access between adjoining lots is mandatory. Location and specifications for the interior lot access points shall be determined during Planning Board review. If at the time of construction the adjacent lot or lots are not being developed, the developer must provide stubouts to the adjacent lots. These stubouts will be located in accordance with the Planning Board's recommendation and provide for future access.*
- (3) *Traffic Impact Analysis (TIA). A traffic impact analysis shall be submitted to, and approved by the Planning Board under the following conditions:*
- a. *When the proposed development creates a major site plan review.*
 - b. *At the request of the Planning Board when the proposed development is expected to significantly impact the vehicular movement on the interchange access roads within the overlay districts.*
 - c. *Typically, the following developments are considered major and would normally require a Traffic Impact Analysis:*
 - 1. *55,000 square feet retail*
 - 2. *300 single family homes*
 - 3. *250,000 square feet office*
 - 4. *400,000 square feet industrial*
 - 5. *350 room hotel*
- (4) *Parking. Parking areas should be designed in a manner to provide safe and efficient circulation of traffic and provide safe access ways for pedestrians to travel vehicles to buildings.*
- a. *Parking areas shall be located to the side or rear of the building when a development fronts on major roads. When parking is placed in front of the building due to physical constraints, screening shall be provided through decorative walls or fences, bushes, shrubs, or small trees that limit the view of the parking area but do not necessarily screen visibility to the building.*

- b. *When feasible, all parking areas should be designed to allow linkages to adjacent developments to promote efficient traffic flow and encourage shared parking areas to reduce the use of land for parking.*

(l) *Dimensional Requirements*

All residentially zoned property shall be developed in accordance with the standards set forth in the underlying zoning districts. In addition, all non-residential property shall be developed according to the following:

- (1) *Minimum building setback requirements. The minimum building setback in the Interchange Overlay Districts shall be as follows:*
 - a. *From any street or access road right-of-way, 30 feet. This street setback requirement applies to all accessory structures, including gasoline pumps, underground tanks, canopies and other similar structures located on a zoning lot that adjoins an arterial or collector street as designated by the county.*
 - b. *From interior lot line adjoining nonresidential property, 10 feet.*
 - c. *From interior lot line adjoining residential property, 50 feet.*
 - d. *From any access easement, 15 feet.*
- (2) *The Planning Board may consider an application for a reduction in building setback requirements and may reduce the minimum building setback requirements by as much as 20 percent upon making a finding that the proposed reduction of those requirements:*
 - a. *Will not substantially defeat the purposes for which those requirements were established;*
 - b. *Is necessitated by the configuration and/or topography of the land which would make it impractical to comply with the minimum setback requirements;*
 - c. *Is no greater than is necessary to allow for reasonable development of the property;*
 - d. *Will not adversely affect the value of adjoining or abutting property.*

(m) *Landscaping and Bufferyard Requirements*

The landscaping and buffer regulations and guidelines are intended to assist property owners in the development of an attractive streetscape. All development within the Interchange Overlay Districts shall conform to the landscaping standards of, Bufferyards, Landscaping Requirements, of the City of Washington Zoning Ordinance and the following:

- (1) *Landscaping Plan. A landscape plan showing all landscaping required under this section for any development within the interchange area boundary shall be required to be approved by the City of Washington Planning Board. No occupancy of any development shall take place until the landscaping has been installed in accordance with the approved landscaping plan. When*

the occupancy of a structure is desired prior to the completion of the required landscaping, a Certificate of Occupancy may be issued only if the owner or his designated agent provides to the City a form of surety in favor of the City in an amount equal to the costs of the remaining plants, related materials and installation costs. The City Attorney shall approve all sureties and related documents as to form. Should an acceptable surety be provided, then all required landscaping shall be installed and approved by the first planting season following issuance of Certificate of Occupancy or the surety shall be forfeited to the City. Landscaping shall be maintained permanently by the lot owner, and any plant material that does not live shall be replaced within one year.

- (2) *Tree Requirement. All lots abutting the interchange access road shall provide a minimum of one tree for each 40 linear feet of road frontage. All trees required shall be located within 20 feet of the back of the curb. They can either be randomly or evenly spaced. All required trees planted within the setback shall be of a shade-type variety with a minimum caliper of two and one-half inches at planting and an expected height at maturity of at least 30 feet.*
- (3) *Parking Lot Landscaping. Interiors of parking lots shall contain tree planting areas for every 10 parking spaces. Planting islands within parking areas shall contain an area no less than 160 square feet per tree with a minimum width of eight (8) feet (excluding curb), and shall be underlain by a minimum of two feet of suitable planting soil free of construction debris. The area should include one shade tree and be designed to minimize damage to trees by parking or moving vehicles. The remaining area shall be landscaped with plantings (bushes, shrubs, flower beds). A vegetative strip of at least ten (10) feet in width shall be maintained at the perimeter of parking areas. A minimum of one (1) large tree per fifty (50) feet should line the parking areas. Grass, shrubs, bushes, pedestrian amenities, decorative walls and fences, and sidewalks may be placed in this area.*
- (4) *An automatic underground irrigation system is required to support all required landscaping*

(n) Utilities.

All on-site utilities should be located underground unless technical restrictions exist for not doing so. When utilities must be located above ground, provisions shall be made to significantly reduce the visual impact of the utility from the public road right-of-way. Junction boxes, transformers, and other structures essential to utility service which, due to their function, are required to be located above-ground, shall be screened from view of public rights-of-way.

- (1) *Transformers, utility pads, and telephone boxes shall be appropriately screened with walls and/or plant materials when viewed from the public right-of-way. Screening materials shall not limit access for maintenance purposes by utility companies.*
- (2) *The enclosure for above ground backflow prevention devices shall be constructed of materials compatible with the architectural materials used for the building. If pre-fabricated fiberglass enclosures are used, they shall be appropriately screened from view by walls and/or plant materials.*

(o) Signs

- (1) *Purpose.* These sign standards were developed to regulate the size, location, type, quantity, and quality of sign elements with the Interchange Overlay Districts. Signage should be compatible and consistent with the design features of the primary structure.
- (2) *Regulations.* All signs proposed, installed, or replaced within the interchange area boundary after the effective date of this Ordinance shall conform to the standards set forth herein.
- (3) *Freestanding Signs.* Only one free-standing sign shall be permitted per lot or per street frontage. Freestanding signs associated with commercial and/or office uses shall be monument or pedestal style signs. Signage shall be setback a minimum of 5 feet from all road rights-of-way.
 - a. *Monument Signs.* Monument signs shall conform to the following standards:
 1. The color of the base and the materials enclosing the base of a monument sign shall be consistent with the exterior color and materials of the building(s) on the property unless otherwise required by design standards specified elsewhere within the Zoning Ordinance.
 2. The maximum height of a monument sign is 12 feet from the finished grade.
 3. The total area of any one monument sign face shall not exceed 32 square feet
 4. Landscaping shall be installed around the base of the monument sign.
 5. Only freestanding monument style signs are permitted for multi-tenant commercial/office development.
 - b. *Tower or Pedestal Signs.* Tower or pedestal signs shall conform to the following standards:
 1. The maximum height for a tower or pedestal sign is 20 feet from the finished grade.
 2. The maximum area of a tower or pedestal sign shall not exceed 100 square feet.
- (4) *Building Signs.* Building signs shall follow the standards of the underlying zoning district, except as noted below:
 - a. Wall signs shall be no more than twenty percent (20 %) of the area of the wall of which the sign is a part of or to what each sign is attached.
 - b. Wall mounted signs within multi-tenant buildings or complexes shall be uniform in the type of construction materials used, size, shape and method to support the sign.
 - c. Wall signs attached to the building shall be individual letters and surface mounted.

d. Signs shall not be boxed with internal lighting and attached to the building. Signage painted or printed directly on the wall surface is not allowed.

(5) The total sign area of all signage on any one lot shall not exceed 200 square feet. A double-faced sign shall be considered a single sign. However, signage designed for pedestrian viewing only, such as under canopy signage or small directional signs, shall not be included in calculating the maximum allowable sign area per lot.

(6) Roof signs shall not be permitted.

(7) No flashing, blinking, fluctuating, or otherwise changing light source may be permitted, with the exception of signs providing time, temperature, and LED static gas price signs.

(p) Exterior Lighting

(1) Purpose. The intention of this subsection is to enable the City to avoid the distracting glare that too often comes with new development.

(2) Cut-Off Fixtures. All outdoor lighting fixtures, including without limitation, ground, pole, and building-mounted fixtures and canopy lighting shall be of a design and type containing shields, reflectors, fracture panels or recessed light sources such that the cutoff angle is less than 90 degrees. For purposes herein, the cutoff angle is that angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is permitted.

(3) Lighting shall not illuminate neighboring residential properties.

(4) Lighting shall not be directed towards or illuminate the public roadways.

(5) Height. Lighting fixtures shall have a maximum height of 25 feet, except that lighting used for outdoor recreational use shall not exceed 80 feet in height.

(6) On-site lighting. On-site lighting may be used to accent architectural elements and provide safety and security on pedestrian walkways, at building entrances, and public areas between buildings, but shall not be used to illuminate entire portions of buildings.

(7) Individual site lighting. Individual site lighting standards shall blend with the architectural character of the building.

(q) Site Elements

The intent of these standards is to create a visually attractive and inviting streetscape for residents and visitors to the area.

(1) Sidewalks shall be provided in commercial, institutional, office, and industrial areas along both sides of the street. Sidewalks shall be constructed from property line to property line. On corner lots, sidewalks shall be installed along both streets. Sidewalks shall be constructed consistent with the specifications of the City of Washington.

- (2) Sidewalks shall connect the public street sidewalks to the main entrances to businesses and other buildings on the site.
- (3) Outparcels shall be connected to each other and to the main shopping area by pedestrian walkways and/or bike access.
- (4) The use of colored concrete, brick paving, or other decorative pavement internal to the site is encouraged.
- (5) On-site storm water management facility ponds shall be attractively landscaped. Should a storm water management pond be enclosed, chain link fencing is prohibited, unless, such fencing shall be green or black vinyl coated.
- (6) All telephones, vending machines, or other machines dispensing merchandise or products, on private property shall be confined to a space built into the building or buildings, or enclosed in a separate structure compatible with the main building's architecture. These areas are to be designed with the safety of the user in mind.

(r) Administration and Variances

This Ordinance shall be administered and enforced by the Department of Planning and Development. The Board of Adjustment, as established by the City of Washington Zoning Ordinance, may upon application by the property owner consider and grant variances to the strict requirements set forth in this Ordinance to alleviate undue hardship that may be created by unusual physical or topographic conditions of a site, thus providing reasonable relief.

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

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

Adopted this the 20th day of October, 2008.

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:
s/Cynthia S. Bennett
CYNTHIA S. BENNETT
CITY CLERK

INTERCHANGE OVERLAY DISTRICT GUIDELINES
APPENDIX 1
PERMITTED AND SPECIAL USES

RA20 - Overlay		
Permitted Uses	Developmental Standards	Special Use Permits
Accessory Uses & Structures	Athletic Fields	Cemeteries/Mausoleums
Agricultural Production (crops)	Daycare Centers, Adult (5 or less)	Clubs or Lodges
Churches	Daycare Centers, Child (5 or less)	Country Clubs/Golf Courses
Common Area Recreation	Family Care Homes (6 or less)	Elementary or Secondary Schools

Forestry	Fire Stations	Flowers, Nursery Stock, Supplies
Gardens	Home Occupation	Golf Courses
Horticultural Specialties	Police Stations	Golf Course, Miniature
Pump Stations	Public Parks	Golf Driving Ranges
SF Detached Dwellings	Public Recreation Facilities	Recreation Facilities (other)
Utility Lines & Appurtenances	Riding Stables	School Admin. Facilities
Utility Substations	Swimming Pools	Sports Instructional Schools
Wayside Stand, Farm Produce	Temporary Events	Swim and Tennis Clubs

R15S - Overlay		
Permitted Uses	Developmental Standards	Special Use Permits
Accessory Uses & Structures	Athletic Fields	Churches
Agricultural Production (crops)	Day Care Centers, Adult (5 or less)	Country Clubs/Golf Courses
Common Area Recreation	Day Care Centers, Child (5 or less)	Elementary or Secondary Schools
Pump Stations	Family Care Homes (6 or less)	Multifamily Dwellings
SF Detached Dwellings	Fire Stations	Swim and Tennis Clubs
Shelters, Emergency	Home Occupation	Two Family Dwell (twin & dup.)
Utility Substations	Police Stations	
Underground Utility Lines	Public Parks	
	Public Recreation Facilities	
	Swimming Pools	
	Temporary Events	

RMH - Overlay		
Permitted Uses	Developmental Standards	Special Use Permits
Accessory Uses & Structures	Athletic Fields	Cemeteries/Mausoleums
Auto Park Lots, Grade Level	Day Care Centers, Adult (5 or less)	Swim and Tennis Clubs
Churches	Day Care Centers, Child (5 or less)	
Common Area Recreation	Family Care Homes (6 or less)	
Gardens	Fire Stations	
Mobile Home Parks	Home Occupation	
Mobile Homes	Police Stations	
Multifamily Dwellings	Public Parks	
Pump Stations	Public Recreation Facilities	
SF Detached Dwellings	Swimming Pools	
Two Family Dwell (twin & dup)		
Utility Lines & Appurtenances		
Utility Substations		

B2 - Overlay		
Permitted Uses	Developmental Standards	Special Use Permits
ABC Stores	Athletic Fields	<i>Car Washes</i>
Accessory Uses and Structures	Churches	Care Taker Dwellings
Account, Audit or Bookkeeping	Elementary or Secondary Schools	Clubs or Lodges
Ad Agencies or Representatives	Government Offices	<i>Day Care Centers, Adult (5 or <)</i>
Admin or Management Services	Libraries	<i>Day Care Centers, Adult (6 or >)</i>
Ambulance Services	Public Parks	<i>Day Care Centers, Child (5 or <)</i>
Antique Stores	Public Recreation Facilities	<i>Day Care Centers, Child (6 or >)</i>
Apparel, Piece goods & Notions	Swimming Pools	<i>Farmers Market</i>
Appliance Stores	Temporary Events	Stitching & Embroidery Shops
Arts and Crafts		Warehouses (self storage)
Auditor, Coliseums, or Stadiums		
Auto Park Lots, Grade Level		
Auto Rental or Leasing		
Auto Repair Services, Minor		

Auto Services (spray on bodies)		
Auto Supply Sales		
Bakeries		
Banks, Savings or Credit Unions		
Barber Shops		
Batting Cages		
Beauty Shops		
Bldg Supply Sales(no stor yard)		
New Boat Sales		
Books, Period, & Newspapers		
Bookstores		
Building Maintenance Services		
Cake Decorating Supply Stores		
Camera Stores		
Candle Shops		
Candy Stores		
Civic, Trade, or Business Org.		
Clothing Alterations or Repair		
Clothing, Shoe and Acc. Stores		
Coin Operated Amusements		
Coin, Stamp or Collectable Shop		
College or University		
Comm or Broadcasting Facilities		
Computer Maintenance & Repair		
Computer Sales		
Computer Services		
Contactors, General Building		
Contractors (no outside storage)		
Convenience Stores (gas pumps)		
Convenience Stores (no gas)		
Cosmetic Shops		
Courier Service Substations		
Dairy Products Stores		
Dance Schools		
Depmnt, Variety, or Gen. Merc.		
Drugs and Sundries		
Drugstores		
Durable Goods, Sundries		
B2 - Overlay		
Permitted Uses	Permitted Uses	Permitted Uses
Econ, Soci, Educ. Research	Martial Arts Instruction Schools	Shoe Repair & Shoeshine Shops
Electrical Goods	Medical or Dental Labs	Sport & Rec. Goods & Supplies
Employment Agencies	Medical, Dental, or Related Off	Sporting Goods Store
Engineer, Architect, or Survey	Miscellaneous Retail Sales	Sports & Rec Clubs, Indoor
Equipment Repairs, Light	Motion Picture Productions	Sports Instructional Schools
Fabric or Piece Goods Stores	Motor Vehi. Sales, New	Stationery Store
Farm Implement Sales	Museums or Art Galleries	Stock, Sec, or Comm Brokers
Finance or Loan Offices	Musical Instrument Sales	Tanning Salons
Fire Stations	Noncommercial Research Org.	Taxidermists
Floor Cov, Drap, or Upholstery	Office Machine Sales	Television or Radio Studios
Florists	Office Uses Not Classified	Theaters, Indoor
Flowers, Nurs.& Florist Supplies	Optical Goods Sales	Tire Sales
Food Stores	Paint and Wallpaper Sales	Tobacco Store
Funeral Homes or Crematoriums	Paper & Paper Products	Toys & Hobby Goods & Supp.
Furniture & Home Furnishings	Pet Stores	Travel Agencies
Furniture Sales	Photo Finishing Laboratories	Truck Stops
Garden Centers or Retail Nurs.	Photocopying & Dupl Services	TV, Radio, or Electronic Repairs
Gardens	Photography Studios	TV, Radio, or Electronic Sales
Gift or Card Shops	Physical Fitness Centers	Utility Company Offices

Golf Courses, Miniature	Police Stations	Underground Utility Lines
Golf Driving Ranges	Post Offices	Utility Service Faci. (no outside)
Groceries & Related Products	Printing and Publishing	Utility Substations
Hardware	Pro. & Comm. Equip & Supplies	Video Tape Rental & Sales
Hardware Stores	Pump Stations	Voca, Busi, or Secre. Schools
Hobby Shops	Real Estate Offices	Wallpaper & Pain Brushes
Home Furnishings, Misc.	Record, Tape, and CD Stores	Watch or Jewelry Repair Shops
Hotels or Motels	Rehab. Or Counseling Services	
Insurance Agencies (on site)	Restaurants, Conventional	
Internal Service Facilities	Restaurants, Fast Food	
Jewelry Stores	Retreat Centers	
Jewelry, Watches, & Stones	School Admin. Facilities	
Law Offices	Security Services	
Market Showrooms (furniture)	Service Stations, Gasoline	

B3 - Overlay		
Permitted Uses	Developmental Standards	Special Use Permits
ABC Stores	Athletic Fields	<i>Car Washes</i>
Accessory Uses and Structures	Churches	Clubs or Lodges
Account, Audit or Bookkeeping	Government Offices	<i>Farmers Market</i>
Ad Agencies or Representatives	Libraries	Skating Rinks
Admin or Management Services	Public Parks	<i>Utility Substations</i>
Ambulance Services	Public Recreation Facilities	
Antique Stores	Swimming Pools	
Appliance Stores	Temporary Events	
Arts and Crafts		
Auditor, Coliseums, or Stadiums		
Auto Park Lots, Grade Level		
Auto Rental or Leasing		
Auto Repair Services, Minor		
Auto Supply Sales		
Bakeries		
Banks, Savings or Credit Unions		
Barber Shops		
Beauty Shops		
Bldg Supply Sales(no stor yard)		
Bookstores		
Building Maintenance Services		
Cake Decorating Supply Stores		
Camera Stores		
Candle Shops		
Candy Stores		
Civic, Trade, or Business Org.		
Clothing Alterations or Repair		
Clothing, Shoe and Acc. Stores		
Coin, Stamp or Collectable Shop		
Comm or Broadcasting Facilities		
Computer Maintenance & Repair		
Computer Sales		
Computer Services		
Convenience Store (gas pumps)		
Convenience Store (no gas)		
Cosmetic Shops		
Courier Service Substations		
Dairy Products Stores		
Dance Schools		
Depmnt, Variety, or Gen. Merc.		
Drugstores		
Employment Agencies		
Engineer, Architect, or Survey		
Fabric or Piece Goods Stores		

Finance or Loan Offices		
Fire Stations		
Floor Cov, Drap, or Upholstery		
Florists		
Food Stores		
Furniture Sales		
Garden Centers or Retail Nurs.		
Gift or Card Shops		
	B3 - Overlay	
Permitted Uses	Permitted Uses	
Golf Courses, Miniature	Security Services	
Hardware Stores	Shoe Repair & Shoeshine Shops	
Hobby Shops	Sporting Goods Store	
Home Furnishings, Misc.	Sports & Rec Clubs, Indoor	
Hotels or Motels	Sports Instructional Schools	
Insurance Agencies (on site)	Stationery Store	
Internal Service Facilities	Stock, Sec, or Comm Brokers	
Jewelry Stores	Tanning Salons	
Law Offices	Theaters, Indoor	
Luggage or Leather Goods	Tire Sales, <i>no outside storage</i>	
Martial Arts Instruction Schools	Tobacco Store	
Medical or Dental Labs	Travel Agencies	
Medical, Dental, or Related Off	TV, Radio, or Electronic Repairs	
Museums or Art Galleries	TV, Radio, or Electronic Sales	
Noncommercial Research Org.	Utility Company Offices	
Office Machine Sales	Underground Utility Lines	
Office Uses Not Classified	Video Tape Rental & Sales	
Optical Goods Sales	Voca, Busi, or Secre. Schools	
Paint and Wallpaper Sales	Watch or Jewelry Repair Shops	
Pet Stores		
Photo Finishing Laboratories		
Photocopying & Dupl Services		
Photography Studios		
Physical Fitness Centers		
Police Stations		
Pump Stations		
Real Estate Offices		
Record, Tape & CD Stores		
Restaurants, Conventional		
Restaurants, Fast Food		

O&I - Overlay		
Permitted Uses	Developmental Standards	Special Use Permits
Acc. Dwelling Units, Attached	Athletic Fields	Care Taker Dwellings
Accessory Uses and Structures	Dare Care Centers, Adult (5 or less)	Clubs or Lodges
Account, Audit or Bookkeeping	Day Care Centers, Child (5 or less)	Churches
Ad Agencies or Representatives	Elementary or Secondary Schools	Convenience Stores (gas)
Admin or Management Services	Government Offices	Convenience Stores (no gas)
Ambulance Services	Libraries	Dare Care Centers, Adult (6 or more)
Auto Park Lots, Grade Level	Public Parks	Day Care Centers, Child (6 or more)
Banks, Savings or Credit Unions	Public Recreation Facilities	Musical Instrument Sales
Barber Shops	Swimming Pools	
Beauty Shops	Temporary Events	
<i>Boat Repairs</i>		
Common Area Recreation		
Computer Services		

Courier Service Substations		
Drug Stores		
Econ, Soci, Educ. Research		
Employment Agencies		
Engineer, Architect, or Survey		
Finance or Loan Offices		
Fire Stations		
Funeral Homes or Crematoriums		
Gardens		
Hotels or Motels		
Insurance Agencies (no on site)		
Insurance Agencies (on site)		
Internal Service Facilities		
Law Offices		
Medical or Dental Labs		
Medical, Dental, or Related Off		
Museums or Art Galleries		
Noncommercial Research Org.		
Office Uses Not Classified		
Optical Goods Sales		
Photocopying & Dupl Services		
Photography Studios		
Photography, Commercial		
Physical Fitness Centers		
Police Stations		
Post Offices		
Pump Stations		
Real Estate Offices		
Rehab. Or Counseling Services		
Restaurants, Conventional		
Restaurants, Fast Food		
School Admin. Facilities		
Single Family Dwellings		
Specialty Hospitals		
Stock, Sec, or Comm Brokers		
Swim and Tennis Clubs		
	O & I - Overlay	
Permitted Uses		
Tanning Salons		
Tourist Homes, B&B		
Travel Agencies		
Utility Company Offices		
Underground Utility Lines		
Utility Substations		
Video Tape Rental & Sales		
Voca, Busi, or Secre. Schools		

I1 - Overlay		
Permitted Uses	Developmental Standards	Special Use Permits
Accessory Uses and Structures	Athletic Fields	Amusement or Water Parks
Agri products/ Wholesale	Government Offices	Animal Feeds / Manufacture
Agricultural Chem/ Wholesale	Public Parks	Auto Storage & Towing
Aircraft and Parts / Manufact	Public Recreation Facilities	Boat Storage, Dry Stack
Alcoholic Bev. / Wholesale	Riding Stables	Caretaker Dwellings
Ambulance Services	Swimming Pools	Clubs & Lodges, Private Clubs
		Day Care Centers, Child (6 or more)
Ammunition / Wholesale	Temporary Events	

Ammun, Small Arms / Manufact		Fish, Canned, Cured, Frozen
Apparel and Fin Fabric Products		Flea, Market, Outdoor
Apparel, Piece Goods / WhS		Fortune Tellers, Astrologer
Arms & Weapons / Manufact		Haz. Waste Disposal
Asbestos, Abrasive, / Manu.		Metal, Coating & Engraving
Audio, Video&Comm. Equip/Man		Mining & Quarrying
Auditorium, Col, or Stadium		Petroleum & Related Prod.
Auto Supply Sales		Pulp & Paper Mills
Auto Parking (Commercial)		Rubber, Plastics, Raw/Manu.
Automobile Renting or Leasing		Shooting Ranges, Indoor
Automobile Repair, Major		Tires & Inner Tubes / Manuf.
Automobile Repair, Minor		
Auto Park Lots, at Grade Level		
Bakery Products/ Manufacturing		
Bars		
Batteries / Manufacturing		
Batting Cages		
Bev Products (Alcoholic) / Man.		
Bev Products (nonalcohol) / Man		
Bicycle Assembly		
Bicycle Parts & Acc/ Manufact		
Boat and Ship Building		
Boat Repairs		
Boat Sales		
Books, Period, and Newspapers		
Brooms and Brushes / Manufact		
Building Maintenance Services		
Bldg Supp Sales(with Stor Yard)		
Bulk Mail and Packaging		
Burial Caskets / Manufacturing		
Bus Terminals		
Car Washes		
Chem & Allied Prod / Wholesale		
Chem, Paints, & Allied Prod/ Man		
Churches		
Coffee / Manufacturing		
Comm or Broadcasting Facilities		
Computer & Office Equip. / Man		
Conc Cut Stone & Clay Prod/Man		
Contractors (no outside storage)		
Contractors, Heavy Construction		
Contractors, Special Trade		

	I1 - Overlay	
Permitted Uses	Permitted Uses	Permitted Uses
Convenience Stores(Gas Pumps)	Industrial & Comm Mach / Manu.	Pres Fruits & Veg. (no can manufac.)
Convenience Stores(no gas)	Internal Service Facilities	Primary Metals Products & Foundries
Correctional Institutions	Jewelry&Silware(no plating)Manufac	Printing & Publishing
Costum Jewelry & Notions /Man	Jewelry, Watches, Precious Stones	Prof. & Comm. Equip&Supp/Whsale
Courier Service Stations	Landscape & Horticultural Services	Pump Stations
Courier Services, Central Fac	Laundry or Dry Cleaning Plants	Railroad Terminals and Yards
Dairy Products / Manufacturing	Leather & Leather Prod (no tanning)	Recreational Vehicle Sales
Dance Schools	Lighting and Wiring Equip/Manufac.	Recycling Collection Points
Drugs / Manufacturing	Lumber & Other Construction Mat	Refrigerator or Lrge Appliance Repair
Drugs and Sundries / Wholesale	Lumber Millwork&Veneer/Whsale	Refuse and Raw Material Hauling

Durable Goods, Other/Wholesale	Mach, Const. & Mining / Whsale	Rehabilitation or Counseling Services
Electrical Components / Man	Mach, Equip. & Supplies/ Whsale	Research, Development or Test Serv
Electrical Equipment / Man	Mach, Farm & Supplies / Whsale	Resins / Wholesale
Electrical Goods / Wholesale	Manufact Housing & Wood Bldgs	Restaurants, Conventional
Elect Indust Apparatus, Assembly	Measurement, Anal & Cont Instru.	Restaurants, Fast Food
Elect Indust Apparatus, Man	Meat/Poultry, Packing & Process	Rubber & Plastics, Misc/Manuf
Engineer, Architect, or Survey	Medical or Dental Labs	Sawmills & Planing Mills
Equip Rental&Lease(outside stor)	Med., Dental & Surg Equip/Manuf.	School Admin. Facilities
Equipment Repairs, Heavy	Medical, Dental, or Related Offices	Scrap & Waste Material / Wholesale
Equipment Repairs, Light	Metal Fasteners / Manufacturing	Septic Tank Services
Fabricated Metal Products	Metal Processing	Service Stations, Gasoline
Fabricated Valve and Wire Prod	Metals / Wholesale	Sewage Treatment Plants
Farm Implement Sales	Millwork, Plywood, and Veneer	Shelters, Emergency
Farm Supplies (Grain & Stor Bins)	Minerals / Wholesale	Signs, Manufacturing
Fire Stations	Motor Cycle Assembly	Skating Rinks
Floor Coverings (ex Carpet)/Manufa.	Motor Vehicle Assembly	Soaps & Cosmetics / Manufacturing
Flowers, Nur Stock, Florists Suppliers	Mot Vehicle Parts & Acces. / Manuf	Sport & Recreational Goods/Whsale
Food & Related Products, Misc.	Motor Vehicle Sales (New & Used)	Sporting Goods & Toys / Manuf
Forest Products / Wholesale	Motor Vehicles / Wholesale	Sports Instructional Schools
Fuel Oil sales	Motor Vehicles, Parts and Supplies	Stitching & Embroidery Shops
Furniture & Fixture Assembly	Motor Vehicles, Tires and Tubes	Sugar & Confectionary Products
Furniture & Fixtures / Manufacturing	Motorcycle Sales	Surface Active Agents / Manuf
Furniture & Home Furnishing / Whsale	Moving and Storage Services	Swim and Tennis Clubs
Furniture Framing	Musical Instruments / Manuf	Taxi Terminals
Furniture Repair Shops	Paints and Varnishes / Wholesale	Television or Radio Studios
Gardens	Paper & Paper Products / Whsale	Textile Products (no dyeing & fin)
Glass / Manufacturing	Paper Products(no coating or lam.)	Textile Products (with dyeing & fin)
Glass Products from Purchased Glass	Paperboard Cont & Boxes / Manuf.	Tire Recapping
Go-Cart Raceways	Pens & Art Supplies / Manuf	Tobacco & Tobacco Products/Whsale
Golf Courses	Pest or Termite Control Services	Tobacco Products / Manufacturing
Golf Driving Ranges	Petro & Petro. Products / Whsale	Toys&Hobby Goods & Supp/Whsale
Grain & Field Beans / Wholesale	Pharmaceutical Preparations	Truck & Semi Rent & Leasing, Heavy
Grain Mill Products / Manufacturing	Photo Equipment / Manufacturing	Truck & Trailer Rent & Leasing, Light
Groceries & Related Products/ Whsale	Photo Supplies / Manufacturing	Truck Driving School
Hardware / Wholesale	Plastics Materials / Wholesale	Truck Stops
Heating Equipment & Plumbing Fix	Plumbing & Heating Equip. / Whsale	Truck Washing
Hotels or Motels	Police Stations	Trucking or Freight Terminals
Household Appliances / Manuf	Post Offices	Utility Company Offices
Ice / Manufacturing	Pottery & Related Products / Manuf	Utility Equipment and Storage Yards
	I1 - Overlay	
Permitted Uses		
Utility Lines and Related Appurtenances		
Utility Service Facility (no outside storage)		
Utility Substations		
Vocational, Business, or Secretarial School		

Wall Paper and Paint Brushes		
Warehouses (general storage/ enclosed)		
Water Treatment Plants		
Wood Containers / Manufacturing		
Wood Products, Misc. / Manufacturing		
Contractors, General Building		

I2 - Overlay		
Permitted Uses	Developmental Standards	Special Use Permits
Accessory Uses and Structures	Athletic Fields	Automobile Towing & Storage
Acct, Audit, or Bookkeeping	Government Offices	Boat Storage, Dry Stack
Ad Agencies or Reps	Public Parks	Caretaker Dwellings
Administrative or Mgmt Services	Public Recreation Facilities	Indust & Commercial Mach / Manu.
Agri products/ Wholesale	Riding Stables	
Alcoholic Bev. / Wholesale	Swimming Pools	
Apparel and Fin Fabric Products	Temporary Events	
Apparel, Piece Goods / WhS		
Audio, Video&Comm. Equip/Man		
Auto Park Lots, at Grade Level		
Auto Parking (Commercial)		
Auto Supply Sales		
Automobile Renting or Leasing		
Automobile Repair, Minor		
Bakery Products/ Manufacturing		
Banks, Savings or Credit Unions		
Barber Shops		
Batting Cages		
Beauty Shops		
Bev Products (nonalcohol) / Man		
Bicycle Assembly		
Bicycle Parts & Acc/ Manufact		
Bldg Supp Sales (no stor yard)		
Boat and Ship Building		
Boat Repairs		
Boat Sales		
Books, Period, and Newspapers		
Bowling Centers		
Brooms and Brushes / Manufact		
Building Maintenance Services		
Bulk Mail and Packaging		
Bus Terminals		
Car Washes		
Churches		
Coffee / Manufacturing		
Comm or Broadcasting Facilities		
Computer & Office Equip. / Man		
Computer Maint. & Repairs		
Computer Sales		
Computer Services		
Contractors (no outside storage)		
Contractors, General Building		
Contractors, Heavy Construction		
Contractors, Special Trade		
Convenience Stores(Gas Pumps)		
Convenience Stores(no gas)		
Costum Jewelry & Notions /Man		
Courier Service Substations		
Courier Services, Central Fac		
Dairy Products / Manufacturing		

I2 - Overlay

Permitted Uses	Permitted Uses	Permitted Uses
Dance Schools	Ins.Agencies (no on site claims)	Pottery & Related Products/Manuf
Drugs / Manufacturing	Internal Service Facilities	Preserved Fruits&Veg(no can manuf)
Drugs and Sundries / Wholesale	Jewelry&Silware(no plating)Manuf	Printing & Publishing
Durable Goods, Other/Wholesale	Jewelry, Watches, Precious Stones	Prof. & Comm Equip.&Supp/Whsale
Econ., Soci., or Educ. Research	Landscape & Horticultural Services	Pump Stations
Elect Indust Apparatus, Assembly	Laundry or Dry Cleaning Plants	Railroad Terminals and Yards
Elect Indust Apparatus, Man	Laundry Substations	Real Estate Offices
Electrical Components / Man	Law Offices	Recreational Vehicle Sales
Electrical Equipment / Man	Leather&Leather Products (no tan)	Recycling Collection Points
Electrical Goods / Wholesale	Lighting and Wiring Equip/Manufac	Refrigerator or Large App Repair
Employment Agencies	Lumber Millwork&Veneer/Whsale	Rehab or Counseling Services
Engineer, Architect, or Survey	Machinery, Equip & Supplies	Research, Develop or Testing Serv
Equipment Repairs, Light	Manuf Housing & Wood Blds	Restaurants, Conventional
Fabric or Piecegoods Stores	Measurement, Analy&Control Instru	Restaurants, Fast Food
Fabricated Valve and Wire Prod	Medical or Dental Labs	Rubber & Plastics, Misc/Manuf
Farm Implement Sales	Med, Dental & Surgical Equip/Manuf	School Admin. Facilities
Farm Supplies (Grain & Stor Bins)	Medical, Dental, or Related Offices	Security Services
Farmers market	Metal Fasteners / Manufacturing	Service Stations, Gasoline
Finance or Loan Offices	Metal Processing	Shelters, Emergency
Fire Stations	Metals / Wholesale	Signs, Manufacturing
Fish & Seafood Sales, WhS	Millwork, Plywood, and Veneer	Soaps & Cosmetics / Manufacturing
Flea Market, Indoors	Motion Picture Productions	Sport & Recreational Goods/Whsale
Floor Cover, Drap., or Upholst	Mo Vehicle Parts&Acces/Manufact	Sport Goods & Toys/Manuf
Flowers, Nurs Stock, Florists Supp	Motor Vehicle Sales(New & Used)	Stitching & Embroidery Shops
Food & Related Products, Misc.	Motor Vehicles / Wholesale	Stocks, Sec. & Comm Brokers
Forest Products / Wholesale	Motor Vehicles, Parts and Supplies	Sugar & Confectionary Products
Fuel Oil sales	Motor Vehicles, Tires and Tubes	Taxi Terminals
Furniture & Fixture Assembly	Motorcycle Sales	Textile Products(no dye & finishing)
Furniture & Fixtures / Manufacturing	Moving and Storage Services	Tire Sales
Furniture&Home Furnishing/Whsale	Musical Instruments / Manufacturing	Tobacco & Tobacco Prod/Wholesale
Furniture Framing	Noncommercial Research Org.	Toys&Hobby Goods&Supp/Whsale
Furniture Repair Shops	Office Machine Sales	Travel Agencies
Garden Centers or Retail Nurs.	Office Uses Not Classified	Truck & Semi Rent & Leasing Heavy
Garden Centers or Retail Nurs.	Paint & Wallpaper Sales	Truck & Trailer Rent & Leasing Light
Gardens	Paints and Varnishes / Wholesale	Truck Driving School
Glass Prods from Purchased Glass	Paper & Paper Products / Whsale	Trucking or Freight Terminals
Golf Courses	Paper Products (no coating or lam)	TV, Radio or Electronic Repairs
Golf Driving Ranges	Paperboard Cont & Boxes/Manuf	Utility Company Offices
Grain Mill Products / Manufacturing	Pens & Art Supplies / Manuf	Utility Equipment and Storage Yards
Groc & Related Products/Whsale	Pest or Termite Control Services	Utility Lines and Related Appurt
Wall Paper and Paint Brushes	Pharmaceutical Preparations	Utility Serv Facility(no outside stor)
Warehouses (general stor/enclosed)	Photo Equipment / Manufacturing	Utility Substations
Warehouses (self storage)	Photo Finishing Labs	Veterinary Services (Other)
Water Treatment Plants	Photo Supplies / Manufacturing	Vocat, Business, or Secr School

Wood Containers / Manufacturing	Photocopying & Dup. services	
Hardware / Wholesale	Photography, Commercial	
Heating Equip & Plumbing Fixtures	Physical Fitness Centers	
Hotels or Motels	Plastics Materials / Wholesale	
Household Appliances / Manuf	Plumbing & Heating Equip/Whsale	
Ice / Manufacturing	Police Stations	
Ins. Agencies (on site claims)	Post Offices	

ACCEPT – FINALIZE THE CDBG INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM AND TERMINATE THE PROGRAM ACTIVITIES

Bobby Roberson, Director of Planning and Development, asked for this item to be continued until November as all needed information was not received for tonight's meeting.

On motion of Councilman Woolard, seconded by Councilman Brooks, Council unanimously voted to continue this item until the November meeting.

COMMENTS FROM THE PUBLIC

Gary Tomasulo presented information to the Council regarding public television for the Council meetings. He has contacted Randy Walker who films the Beaufort County Commissioner's meeting. Mr. Tomasulo presented a proposal on behalf of Gary Walker, ASAP Video Service.

The proposal is to video tape and provide DVD copies of the regular monthly meetings of the Washington City Council which are held on the 2nd Monday of the month. The meeting will be taped with multiple cameras each remotely controlled. The sound will be achieved by hooking up to the existing sound system. Price will include graphics. The video will be processed and recorded to DVD disk from which copies will be made. Five copies each month will be provided.

- Prices are as follows:
 - \$720.00 for a meeting up to four hours in length (includes 5 copies)
 - Additional meetings within a month will be \$360/meeting (includes 5 copies)
 - Add \$50.00/hour for each hour over 4
 - Additional copies are available at \$20.00/copy
- This proposal will be dependent on the following provisions:
 - Meetings other than the 2nd Monday of each month will be subject to Mr. Walker's availability.
 - Time to set up and move equipment will be provided.
 - Agenda will be provided in advance so graphics can be created.

Mr. Tomasulo also voiced concern over the façade grant program being omitted from the budget. He noted this was a very successful project for the last 16 years and he doesn't understand why it was omitted. He explained that for every \$1 invested in the façade grant program you got \$5 back. He was concerned that Council couldn't come up with \$20,000 to fund this project, but could find \$25,000 to fund Beebe Park which results in no income for the City.

Mr. Tomasulo thanked the Council for reducing the privilege license fee last month. He questioned why the business owners have to foot the bill for the entire City of Washington. Why can't we just increase property taxes and let all property owners carry the load and not just burden the business owners.

BROWN STREET BRIDGE UPDATE

Allen Lewis, Director of Public Works explained the NCDOT Board of Transportation met and unanimously approved the addition of the Brown Street Bridge to the 2009-2015 State Transportation Improvement Program. He hopes to have the Municipal Agreement ready for approval at the November meeting, if the document is not ready it will be on the December agenda.

Mr. Lewis stated once agreement has been approved then advertise for RFP's are sent out for design work. Once the design is complete we submit for approval which is an 80/20 program. Mr. Lewis is hoping this should be at least under contract next fiscal year. Councilman Jennings asked if there were some way to put the status of the project on each end of the bridge once the agreement is complete.

DISCUSS – LOCATION OF PUBLIC RESTROOMS IN THE DOWNTOWN AREA AND “TEMPORARY” SITE

Bobby Roberson, Director of Planning and Development presented a map and drawing of the suggested locations as well as a drawing from John Farkas. The estimated cost in 2004 which did not include laundry or dock master facilities was \$132,329 with those other items being included the new cost was \$194,207. Mr. Rodman stated that a request was presented regarding adding a shelter in the rear and this raised the cost to \$250,000.

Councilman Jennings noted the challenges of having a facility at the east or west end. Councilman Jennings asked if consideration had been given to having a facility in the middle instead of at either end. Mr. Roberson stated the only option would be option #8 to relocate an existing building, such as the Cottage Service Station or construct new facilities in a portion of the parking lot behind the old Belk Building.

Mr. Roberson stated it would be difficult and expensive to move and refurbish the facility and would cost approximately \$200,000. Mr. Roberson stated we could get the bathrooms, laundry, boater facilities, dock master and shelter in an area of approximately 6,000sq.ft. Councilman Jennings said we need a centrally located facility.

Jim Smith, City Manager distributed copies of the feasibility study for moving the Cottage Service Station as well as history regarding the land swap with First Presbyterian Church.

Bobby Roberson explained he has received comments from various committees regarding placement of the bathroom facilities. Downtown Revitalization, Planning Board and Tourism recommend the current location. Mr. Roberson noted we haven't received a recommendation from DWOW or Merchants Association.

Dee Congleton came forward representing the Downtown Revitalization Group and noted they didn't take a vote they just discussed 3 or 4 locations.

Mr. Roberson said within the next 90-120 days he will bring adopted resolutions from each group as to their preferred location. Councilman Jennings noted that in the end it is Council's decision as to the location. Councilman Jennings said the Church needs to be contacted regarding a workable arrangement about the Cottage Service Station if no agreement can be reached, then we know that option is out of the question. Council narrowed the possible locations down to the following:

- #1 – Keep the bathroom location where it is and construct new facilities
- #2 – Use the parking area next to the Chamber of Commerce and construct new bathrooms as an addition to the Chamber.
- #8 – Relocate an existing building or construct new facilities in a portion of the parking lot behind the old Belk Building.

Mayor Jennette noted we have already received universal acceptance to keep the bathrooms in their current location from the Planning Board, TDA and Chamber. Mr. Roberson will hold another public hearing to discuss and vote on locations. Mr. Roberson stated the plans presented was the same building we received \$100,000 grant for in location #1 a few years ago.

ADOPT – BUDGET ORDINANCE AMENDMENT IN ORDER TO COMPLETE WIRELESS PHASE II E-911 UPGRADES

Mayor Jennette explained that Beaufort County will not be able to take over E-911 at least in the next fiscal year.

On motion of Councilman Davis, seconded by Mayor Pro tem Mercer, Council unanimously voted to continue the request until November 10th.

ADOPT – BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDS FOR COMPLETION OF THE BUILDING RENOVATIONS FOR PACIFIC SEACRAFT

Bobby Roberson stated the Rural Center has provided funding for the renovation of the National Spinning warehouse for Pacific SeaCraft through the NC Rural Economic Development Center, Inc in the amount of \$200,000.

On motion of Councilman Jennings, seconded by Councilman Woolard, Council unanimously approved the budget ordinance to provide funds for the completion of the building renovation at the National Spinning warehouse for Pacific SeaCraft in the amount of \$200,000.

**A GRANT PROJECT ORDINANCE FOR RURAL CENTER PROJECT
#2009-001-60501-107 CITY OF WASHINGTON, N.C.
FOR FISCAL YEAR 2008-2009**

BE IT ORDAINED, by the City Council of the City of Washington, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

Section 1. The project authorized is for the renovation of the National Spinning warehouse for Pacific SeaCraft, to be partially financed with grant funds.

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

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

55-60-4930-4500	Warehouse Renovations	\$200,000
-----------------	-----------------------	-----------

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

55-60-3470-3000	Rural Center Grant	\$200,000
-----------------	--------------------	-----------

Section 5. The Finance Director is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grant agreements.

Section 6. Funds may be advanced by the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grant agencies in an orderly and timely manner.

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

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

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

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

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

This the 20th day of October, 2008.

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:

s/Cynthia S. Bennett
CYNTHIA S. BENNETT
CITY CLERK

**ADOPT – BUDGET ORDINANCE AMENDMENT TO PROVIDE FUNDS FOR
COMPLETION OF THE BUILDING RENOVATIONS FOR TURNAGE THEATER**

Bobby Roberson said the Rural Center has provided funding for the renovation of the Turnage Theater through the NC Rural Economic Development Center, Inc in the amount of \$40,000. The money will be used in the replacement of the roof and building renovations.

On motion of Councilman Woolard, seconded by Councilman Brooks, Council unanimously approved the budget ordinance to provide funds for the completion of the building renovation at the Turnage Theater in the amount of \$40,000.

**A GRANT PROJECT ORDINANCE FOR RURAL CENTER PROJECT – TURNAGE
THEATER CITY OF WASHINGTON, N.C. FOR FISCAL YEAR 2008-2009**

BE IT ORDAINED, by the City Council of the City of Washington, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

Section 1. The project authorized is for the building renovation of the Turnage Theater, to be partially financed with grant funds.

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

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

56-60-4930-4500	Building Renovations	\$40,000
-----------------	----------------------	----------

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

56-60-3470-3000	Rural Center Grant	\$40,000
-----------------	--------------------	----------

Section 5. The Finance Director is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grant agreements.

Section 6. Funds may be advanced by the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grant agencies in an orderly and timely manner.

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

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

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

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

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

This the 20th day of October, 2008.

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:

s/Cynthia S. Bennett
CYNTHIA S. BENNETT
CITY CLERK

ADOPT – RESOLUTION FIXING DATE FOR PUBLIC HEARING ON THE NON-CONTIGUOUS SATELLITE ANNEXATION OF RMH LEASING LLC

Bobby Roberson stated a public hearing will be set for November 10, 2008. Mayor Pro tem Mercer said we need to look at the cost benefit ratio when we annex property of this size. He requested this information from Mr. Roberson

On motion of Councilman Davis, seconded by Councilman Woolard, Council unanimously adopted the Resolution fixing the date for a public hearing for November 10, 2008 on the non-contiguous satellite annexation of the RMH Leasing property at 2407 West 5th Street (Hwy. 264 W) containing 1.37 acres.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at the City Council Chambers on the 2nd floor of the municipal building located at 102 East 2nd Street at 6:00 p.m. on Monday, November 10, 2008.

Section 2. The area proposed for annexation is described as follows:

All that certain lot or parcel of land lying and being in Washington Township, Beaufort County, North Carolina, and being more particularly described as follows:

FIRST TRACT: BEGINNING in the southwestern side line of U.S. Highway No. 264 at a common corner between the lands hereinafter described and the lands conveyed to Edward L. Paul and wife; thence from said beginning point South 48° 7' West 300.51 feet to a corner; thence North 42° 9' West 100 feet to a corner; thence North 48° 7' East to the southwestern side line of U.S. Highway No. 264; thence with the southwestern side line of said highway 100 feet to the point of beginning. This is the same property conveyed to James W. Latta and wife, Gladys H. Latta, by deed from Herbert A. Perry and wife, Lois C. Perry, dated January 7, 1985, and recorded in Book 844, Page 651, Beaufort County Registry.

SECOND TRACT: BEGINNING in the southwestern side line of U.S. Highway 264 at the northeastern corner of the lot conveyed to James W. Latta, et ux by deed dated January 7, 1985 and of record in Book 844, Page 651 of Beaufort County Registry; thence with the southwestern side line of said U.S. Highway 264, North 41° 53' West 100 feet to a corner; thence South 48° 7' West 300 feet, more or less, to the northeastern side line of a 60 foot right of way; thence with the northeastern side line of said right of way, South 42° 9' east 100 feet to a corner; thence with the western line of the lot conveyed to James W. Latta, et ux by deed of record in Book 844, Page 651 of Beaufort County Registry 300.51 feet to the point of beginning. This is the same property conveyed to James W. Latta and wife, Gladys H. Latta, by deed from Herbert A. Perry and wife, Lois C. Perry, dated March 4, 1986, and recorded in Book 861, Page 446, Beaufort County Registry.

Section 3. Notice of the public hearing shall be published once in the Washington Daily News, a newspaper having general circulation in the City of Washington, at least ten (10) days prior to the date of the public hearing.

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:
s/Cynthia S. Bennett
CYNTHIA S. BENNETT
CITY CLERK

*Annexation #08-A-02
RMH Leasing LLC

**ADOPT – RESOLUTION AMENDING CAPITAL BUDGET ORDINANCE AND
AWARDING CONSTRUCTION CONTRACT HERRING-RIVENBARK, FOR THE
INDUSTRIAL PARK WATER SYSTEM IMPROVEMENTS (FLANDERS FILTERS)**

Allen Lewis explained that bids were received on July 24, 2008 for the 2006 Washington-Beaufort County Industrial Park Water System Improvements(Flanders Filters). The bid came in at \$710,319, but due to limited funds the bid was negotiated down to \$636,919. Completion of the project will increase flow and pressure throughout the Industrial Park.

On motion of Mayor Pro tem Mercer, seconded by Councilman Brooks, Council unanimously adopted the Resolution amending the capital budget ordinance and award the construction contract to Herring-Rivenbark, Inc. for the 2006 Washington-Beaufort County Industrial Park Water System Improvements (Flanders Filters).

**RESOLUTION AMENDING CAPITAL BUDGET ORDINANCE AND AWARDING
CONSTRUCTION CONTRACT FOR THE 2006 BEAUFORT COUNTY INDUSTRIAL
PARK WATER SYSTEM IMPROVEMENTS**

WHEREAS, the NC Rural Economic Development Center and the NC Department of Commerce originally agreed to provide \$710,600.00 of funding for water system improvements serving the 2006 Washington-Beaufort County Industrial Park Water System Improvements; and

WHEREAS, bids were received on July 24, 2008 for Contract No. 1 -Water System Improvements; and

WHEREAS, Herring-Rivenbark, Inc submitted the low bid in the amount of\$710,319.00; and

WHEREAS, the low bid has been negotiated down by \$73,400.00; and

WHEREAS, the NC Rural Economic Development Center has agreed to provide an additional \$126,000 of funding to cover the project overrun.

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF WASHINGTON:

That the attached budget amendment is hereby adopted for construction of the 2006 Beaufort County Industrial Park Water System Improvements; and

That Contract No. 1-Water System Improvements be awarded to Hening-Rivenbark, Inc. for the negotiated amount of\$636,919.00; and

That the award be made subject to the grant agreement amendment for additional funds from the NC Rural Economic Development Center; and

That the Manager is hereby authorized and directed to execute all documents associated with the award on behalf of the City of Washington.

Adopted this the 20th day of October, 2008.

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:

s/Cynthia S. Bennett
CYNTHIA S. BENNETT
CITY CLERK

**A CAPITAL PROJECT ORDINANCE AMENDMENT FOR
WATER LINE EXTENSION CITY OF WASHINGTON, N.C.
FOR FISCAL YEAR 2008-2009**

BE IT ORDAINED, by the City Council of the City of Washington, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1. The project authorized is for the construction to extend county water lines from the county elevated water tank located on Cherry Run Road to the Industrial Park to be financed by grant funds and local match.

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

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

70-90-8000-0400	Professional Services	\$71,795
70-90-8000-4500	Construction	5,519
70-90-8000-9900	Contingency	<u>55,318</u>
		\$132,632

Section 4. The following additional revenues are anticipated to be available to complete this project:

70-90-3470-3000	Rural Center Grant	126,000
70-90-3352-0000	City Contribution	<u>6,632</u>
		\$132,632

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grant agreements.

Section 6. Funds may be advanced from the Water Fund for the purpose of making payments as due. Reimbursement requests should be made to the grant agencies in an orderly and timely manner.

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

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

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

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

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

This the 20th day of October, 2008.

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:
s/Cynthia S. Bennett
CYNTHIA S. BENNETT
CITY CLERK

**ADOPT – BUDGET ORDINANCE AMENDMENT TO ESTABLISH A FUND TO
SUPPORT THE CITY OF WASHINGTON GOVERNMENTAL
ACCESS CHANNEL - PEG (\$51,126)**

Ray Midgett, IT Director presented information regarding PEG channel funds. To replace lost cable franchise fee revenues, the NC Dept. of Revenue now distributes part of the state sales tax collected on video programming and telecommunications services to counties and cities to support qualifying Public/Educational/Governmental channels. Qualified channels are eligible to receive a portion of the funding set aside under S.L. 2006-151 and S.L. 2008-148 for Supplemental PEG Channel Support, to be used solely in the support of PEG Channel operations. The City of Washington operates one PEG Channel, channel 9, on the local Suddenlink cable system.

The City's portion of funds received from NCDOR from January 1, 2007-June 30, 2008 is \$26,873.79. The amount \$20,618 is estimated revenue expected from NCDOR for supplemental PEG channel support for FY 08-09.

The e-NC Authority administers the e-NC Capital Expenditure Grants for Qualified PEG Channels. This grant is a matching grant in amounts up to \$25,000. The City of Washington is submitting a proposal for this grant in the amount of \$25,000 to upgrade our existing equipment. The deadline for the proposal is November 14, 2008.

On motion of Councilman Jennings, seconded by Councilman Woolard, Council unanimously adopted the budget ordinance amendment in the amount of \$51,126 for the support of the City of Washington governmental access channel.

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2008-2009**

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

Section 1. That the Estimated Revenues in the General Fund be increased in the amount of \$20,618 in the account PEG Channel Tax, account number 10-00-3324-3102.

Section 2. That the Estimated Revenues in the General Fund be decreased in the amount of \$20,618 in the account Utility Franchise Tax, account number 10-00-3324-3100.

Section 3. That the Estimated Revenues in the General Fund be increased in the amount of \$25,000 in the account PEG Channel Grant, account number 10-00-3612-1000.

Section 4. That account number 10-00-4132-4505, PEG Channel Expenses, Information Technology portion of the General Fund appropriations budget be increased in the amount of \$51,126 to provide funds for PEG channel upgrades.

Section 5. That account number 10-00-9990-9900, Contingency portion of the General Fund appropriations budget be decreased in the amount of \$26,126 to provide funds for PEG channel upgrades.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. This ordinance shall become effective upon its adoption.

Adopted this the 20th day of October, 2008.

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:
s/Cynthia S. Bennett
CYNTHIA S. BENNETT
CITY CLERK

**ADOPT – RESOLUTION ESTABLISHING A THEFT PREVENTION
PROGRAM/POLICY FOR THE CITY OF WASHINGTON**

Anita Radcliffe explained to the Council the Federal Trade Commission requires an Identity Theft Prevention Program/Policy be adopted by November 1, 2008. Councilman Jennings inquired to the cost of this. Ms. Radcliffe noted there is no cost associated with this.

On motion of Councilman Woolard, seconded by Councilman Brooks, Council unanimously adopted the Resolution adopting an Identity Theft Prevention Program/Policy for the City of Washington.

**RESOLUTION ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM /
POLICY FOR THE CITY OF WASHINGTON, NORTH CAROLINA**

WHEREAS, the City of Washington, North Carolina is a municipal corporation organized under the laws of the State of North Carolina;

WHEREAS, the City is committed to providing good and adequate municipal services to its residents and utility customers, protecting the public against fraud and abuse, and complying with 16 CFR section 681.2 and Section 114 of the Fair and Accurate Credit Transactions Act of 2003;

WHEREAS, the City of Washington, wishes to adopt a policy to protect the public against identity theft relating to its utility accounts; and

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

1. The City of Washington hereby adopts the Identity Theft Prevention Policy attached hereto.
2. The effective date of this policy shall be November 1, 2008.

THIS THE 20TH DAY OF OCTOBER, 2008.

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:
s/Cynthia S. Bennett
CYNTHIA S. BENNETT
CITY CLERK

City of Washington

Washington, NC 27889



Identity Theft Prevention Program

Effective beginning November 1, 2008

I. PROGRAM ADOPTION

The City of Washington ("Utility") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. §

681.2. This Program was developed with oversight and approval of the City Council. After consideration of the size and complexity of the Utility's operations and account systems, and the nature and scope of the Utility's activities, the City Council determined that this Program was appropriate for the City of Washington, and therefore approved this Program on October 20, 2008.

II. PROGRAM PURPOSE AND DEFINITIONS

A. Fulfilling requirements of the Red Flags Rule

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

B. Red Flags Rule definitions used in this Program

The Red Flags Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

All the Utility's accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a "covered account" is:

1. Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

"Identifying information" is defined under the Rule as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person," including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

III. IDENTIFICATION OF RED FLAGS.

In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

Red Flags

- 1) Report of fraud accompanying a credit report;
- 2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
- 3) Notice or report from a credit agency of an active duty alert for an applicant; and
- 4) Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

B. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

Red Flags

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Utility that a customer is not receiving mail sent by the Utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

Red Flag

1. Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

IV. DETECTING RED FLAGS.

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a **new account**, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an **existing account**, Utility personnel will take the following steps to monitor transactions with an account:

Detect

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Prevent and Mitigate

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Administrator for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

Protect customer identifying information

In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Ensure computer virus protection is up to date; and
6. Require and keep only the kinds of customer information that are necessary for utility purposes.

VI. PROGRAM UPDATES

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least once a year, the Program Administrator will consider the Utility's experiences with Identity Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Utility maintains and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program.

VII. PROGRAM ADMINISTRATION.

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator. Two or more other individuals appointed by the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

C. Service Provider Arrangements

In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

D. Specific Program Elements and Confidentiality

For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Utility's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.

PERSONNEL POLICY SUBCOMMITTEE

Councilman Jennings referenced the subcommittee that was to be formed regarding personnel policy changes. Councilman Jennings stated this is a committee function and the motion addressed the forming of the subcommittee. Mr. Smith explained that we had another member of Council that wanted to attend and thus it caused 3 members of Council and had to be advertised as a special subcommittee meeting.

Councilman Woolard yielded his position on the subcommittee to Councilman Brooks. On motion of Councilman Woolard, seconded by Councilman Davis, Council unanimously voted to cancel the advertised meeting.

CLOSED SESSION – UNDER G.S. 143-318.11(A)(3) ATTORNEY/CLIENT, G.S.143-318.11(A)(6) PERSONNEL AND G.S. 143-318.11(A)(5) ACQUISITION OF HARVEY STREET PROPERTY OWNED BY THE BEAUFORT COUNTY SCHOOL BOARD

On motion of Councilman Woolard seconded by Councilman Brooks, Council unanimously agreed to go into closed session under G.S. 143-318.11(a)(3) Attorney/Client Privilege, G.S. 143-318.11(a)(6) Personnel and G.S. 143-318.11(a)(5) Acquisition of Harvey Street Property owned by the Beaufort County School Board.

On motion of Councilman Woolard, seconded by Councilman Brooks, Council unanimously agreed to come out of closed session.

RE-ADVERTISE CHIEF FINANCIAL OFFICER POSITION.

It is the intent of the City of Washington to re-advertise for the Chief Financial Officer Position.

STATEMENT REGARDING THE CITY OF WASHINGTON AND HAMILTON BEACH SETTLEMENT, LEASE AND EASEMENT AGREEMENTS

The City currently owns an approximately 37 acre site at 234 Springs Road, upon which is located a manufacturing facility that was previously leased by the City to Hamilton Beach-Proctor Silex and most of which is currently being leased by the City to Impressions Marketing Group. In or about 1992, Hamilton Beach discovered that portions of the property were contaminated and worked with the North Carolina Department of Environment and Natural Resources as well as the City to assess as well as remediate the contamination. Hamilton Beach's lease with the City expired in August of 2006. The City negotiated a settlement with Hamilton Beach to settle its alleged claims concerning damages for repairs and renovations to the facility, loss of value, diminution in value and environmental stigma damages that was entered on October 2, 2008. Under the terms of the settlement, 1) Hamilton Beach has paid \$515,000.00 to the City, 2) the City has leased 3,600 square feet of the facility to Hamilton Beach for \$1,928.57 per month to enable Hamilton Beach to operate its consumer affairs call service center through December of this year, 3) Hamilton Beach is obligated to

remediate the contamination until a non-actionable level is reached, and 4) the City has entered an Easement and Indemnity Agreement with Hamilton Beach to allow Hamilton Beach access to the property for remediation purposes.

The City intends to sell a large portion of the property to the Committee of 100. The Committee of 100 has filed a Brownfields application for the portion it intends to acquire from the City and the City has filed a Brownfields application for the portion it intends to retain. We expect these applications will result in Brownfields agreements that will establish the parties' respective responsibilities and afford additional protection for the City. We expect said agreements will require Hamilton Beach to perform any remediation that may be required.

STATEMENT FOR MINUTES AT CLOSE OF COUNCIL MEETING

In *United States et al. v. Albemarle Electric Membership Corp., et al.*, Civil Action No. 5:08-cv-00261-D (E.D.N.C.) a Consent Decree was lodged with the United States District Court for the Eastern District of North Carolina on June 6, 2008 for public comment and subsequently entered by the Court on September 24, 2008. In this action, the United States and the State of North Carolina sought recovery under Section 107 of CERCLA, 42 U.S.C. 9607, against 27 defendants for costs relating to the release or threatened release as well as associated clean up of hazardous substances into the environment at or from the Carolina Transformer Superfund Site in Fayetteville, Cumberland County, North Carolina. The Consent Decree, to which the City of Washington is a party, resolves the alleged liability of the 27 named defendants, 105 additional non-federal settling entities (of which the City of Washington is one), and 8 settling federal agencies. Pursuant to the Consent Decree, the 132 non-federal settling parties paid \$9,286,461.00 to the United States Environmental Protection Agency (EPA) and \$614,109.75 to the State; and the United States, on behalf of the settling federal agencies, will pay or has paid \$3,095,487.00 to the EPA and \$204,703.25 to the State.

In the Decree, the United States covenants not to sue or take administrative action against the non-federal settling parties under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, relating to the site, subject to certain standard reopeners for new information or unknown conditions. Also in the Decree, United States EPA covenants not to take administrative action against the settling federal agencies under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, relating to the site, subject to certain standard reopeners for new information or unknown conditions. Also in the Decree, the State Plaintiff releases and agrees not to sue or take administrative action against the non-federal settling parties and the settling federal agencies pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607, or State law for past or future costs incurred by the State relating to the site, subject to specific reservations included in the Decree.

The City of Washington's net contribution to said settlement after reconciliation of expenses and outside contributions was \$66,918.45.

On motion of Councilman Davis, seconded by Councilman Woolard, Council unanimously adjourned the meeting at 9:15pm, until Monday, November 10, 2008 at 4:30 p.m. in the Council Chambers at the Municipal Building.

CYNTHIA S. BENNETT
CITY CLERK