

The Washington City Council met in a regular session on Monday, April 14, 2008 at 4:30 p.m. in the Council Chambers at the Municipal Building. Present were: Judy Jennette, Mayor; Doug Mercer, Mayor Pro tem; Gil Davis, Councilman; Darwin Woolard, Councilman; Archie Jennings, Councilman; Richard Brooks, Councilman; Jim Smith, City Manager; Rita A. Thompson, City Clerk; and Franz Holscher, City Attorney.

Also present were: Carol Williams, 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; Keith Hardt, Electric Director, and Mike Voss, of the Washington Daily News.

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

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

Mayor Jennette added an appearance by Paul Spruill under II.B. to discuss Carver Machine sewer line and under Closed Session added (3) Attorney/Client Privilege to the Personnel Matter (Note-this was already listed on the agenda).

Mayor Pro tem Mercer moved I.B. to VI.B. 5. and under Appointments, added Electric Utility Advisory Commission.

Councilman Jennings added (1) Discussion on Highway 32 Bridge under VI.A.6, (2) Change of representation on EDC under Appointments, and (3) Hamilton Beach Update under closed session.

Councilman Davis added a Discussion of Inspections under X.

On motion of Councilman Woolard, seconded by Councilman Jennings, 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 March 17, 2008.

### **RECOGNITION OF CITY EMPLOYEES**

Mayor Jennette recognized Carolyn Everett, Supervisor of the Washington Parks and Recreation Senior Programs Division, for the Agency Award for the Pioneer Spirit Award for outstanding dedication and commitment to the development of the Senior Games Program. Kellie Miller was recognized for the Staff Award for the Senior Games Program.

### **PICTURES OF MAYOR AND COUNCIL**

Pictures of the Mayor and Council were taken.

### **APPROVAL OF CONSENT AGENDA**

- A. Acknowledgment – Of reallocation of funding---General Fund (\$8,000) and Sewer Fund (\$600)
- B. Accept – US Department of Homeland Security SAFER Grant

- C. Adopt – Budget Ordinance Amendment in General Fund for Water & Sewer Tap and Impact Fees for Metropolitan Housing (\$9,424)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2007-2008**

**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 \$9,424 in the account Fund Balance Appropriated, account number 10-00-3991-9910.

Section 2. That the following accounts in the Miscellaneous Non-Departmental portion of the General Fund Budget be increased in the amounts shown:

10-00-4400-3000	Transfer to Water Fund	\$2,604
10-00-4400-3100	Transfer to Water Capital Reserve Fund	1,328
10-00-4400-3200	Transfer to Sewer Fund	3,140
10-00-4400-3300	Transfer to Sewer Capital Reserve Fund	<u>2,352</u>
		\$9,424

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

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

Adopted this the 14<sup>th</sup> day of April, 2008

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

ATTEST:

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

- D. Adopt – Budget Ordinance Amendment in the General Fund for a Water Leak at 613 John Small Avenue (\$404)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2007-2008**

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

Section 1. That account number 10-00-9990-9900, Contingency, portion of the General Fund appropriations budget be decreased in the amount of \$404 to provide funds for Transfer to Water Fund.

Section 2. That account number 10-00-4400-3000, Transfer to Water Fund, Miscellaneous Non-Departmental portion of the General Fund appropriations budget be increased in the amount of \$404 to provide funds for waved fees on water account.

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

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

Adopted this the 14<sup>th</sup> day of April, 2008

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

ATTEST:

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

E. Adopt – Budget Ordinance Amendment in the Water Fund for Water Meters for the Moss Landing Project (\$5,622)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2007-2008**

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

Section 1. That the Estimated Revenues in the Water Fund be increased in the amount \$5,622 in the account Miscellaneous Revenue, account number 30-90-3350-8000.

Section 2. That account number 30-90-7250-7400, Capital Outlay, Water Meter Shop portion of the Water Fund appropriations budget be increased in the amount of \$5,622 to provide funds for meter purchase for Moss Landing.

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

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

Adopted this the 14<sup>th</sup> day of April, 2008

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

ATTEST:

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

- F. Adopt – Budget Ordinance Amendment in the Water Fund for Material for Water Construction (\$21,000)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2007-2008**

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

Section 1. That the Estimated Revenues in the Water Fund be increased in the amount \$21,000 in the account Water Taps, account number 30-90-3730-0000.

Section 2. That the following accounts in the Water Construction portion of the Water Fund be increased in the amounts shown:

30-90-8180- 5600	Materials	\$6,000
30-90-8180- 5601	Materials New Taps	<u>15,000</u>
		\$21,000

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

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

Adopted this the 14<sup>th</sup> day of April, 2008

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

ATTEST:

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

- G. Accept – Grant from Mid-East Commission Area on Aging **and** Adopt Budget Ordinance Amendment for Grant (\$1,250)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2007-2008**

**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 \$1,250 in the account Mid East Grant-Recreation, account number 10-40-3621-3300.

Section 2. That account number 10-40-6123-4500, Mid-East Commission Grants, Senior Programs portion of the General Fund appropriations budget be increased in the amount of \$1,250 to provide funds for promotion of Medicare D to seniors.

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

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

Adopted this the 14<sup>th</sup> day of April, 2008

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

ATTEST:

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

### **CONTRACT FOR SHIIP GRANT**

**Between**

**Mid-East Commission Area Agency on Aging  
And  
Grace Martin Harwell Senior Center**

#### **1. Parties to the Contract:**

The Contract is entered into by and between the Mid-East Commission Area Agency on Aging, herein referred to as "AAA", and the Grace Martin Harwell Senior Center, for the activities specified therein.

#### **2. Contract Documents:**

This Contract shall consist of the following documents, incorporated herein by reference:

- (1) This contract;
- (2) Attachment I
- (3) Attachment II
- (4) Certifications Attachment

In event of a conflict in terms between the Contract Documents, the Contract Document with the highest precedence shall prevail.

#### **3. Effective Period:**

This Contract is effective November 1, 2008 and terminates on June 30, 2008.

#### **4. Subcontracting:**

The Contracting Agency shall not subcontract any of the work contemplated under this Contract

#### **5. Key Personnel:**

The Contracting Agency shall not substitute key personnel assigned to the performance of this contract.

**6. Administration for the Contract:**

The persons named below shall be administrators for the respective parties; and shall be the persons to whom notices provided for this Contract shall be given; and to whom matters relating to administration or interpretation of this Contract shall be address. Either party may change its administrator or address or telephone number by written notice to the other party.

**For Mid-East Commission Area Agency on Aging:**

Wanda J. Moore  
1385 John Small Avenue  
Washington, NC 27889  
(252) 974-1854

**For the Contracting Agency:**

Carolyne Everett  
310 West Main Street  
Washington, NC 27889

**7. Availability of Funds:**

The parties to this Contract agree and understand that the payment of the sums specified in this Contract is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the AAA.

**8. Responsibility of the Area Agency on Aging:  
(Include Responsibilities of the AAA in all contracts. Customize as needed).**

- A. Reimbursing the Contracting Agency for the costs of services and activities described in Attachment I and in accordance with the approved budget in Attachment II;
- B. Monitoring the Agency for compliance with the terms of this Contract;
- C. Specifying all reports and other deliverables required from the Agency.

**9. Responsibilities of the Contracting Agency:**

- A. Performing the services described in Attachment I in accordance with the terms of this Contract and in accordance with the approved budget in Attachment II;
- B. Making available all records, papers, vouchers, books, correspondence or other documentation or evidence at reasonable times for review, inspection or audit by duly authorized officials of the AAA, SHIP, the North Carolina State Auditor, or applicable federal agencies;
- C. Submitting to the AAA all plans, reports, documents or other products that the Division may require, in the form specified by the Division, including without limitation of the following:
  - 1) A final budget report of expenses incurred during the period;
  - 2) A final report of the contracted activities of the Contracting Agency.

**10. Amount of Reimbursement:**

The total reimbursement from the AAA to the Contracting Agency for provision of services in this contract shall not exceed \$1,250. There are no matching requirements from the Contracting Agency.

**11. Payment for Services:**

Upon execution of the Contract, the AAA shall submit to the Contracting Agency the full amount of the total reimbursement. All payments are contingent on fund availability.

**12. Access to Persons and Records:  
(Include in all contracts).**

The Contracting Agency agrees to provide the North Carolina State Auditor, the AAA, SHIIP, all applicable federal agencies, or their agents, with access to persons and records for the purpose of monitoring, evaluating, or auditing this Contract and the Contracting Agency's performance, and for all other purposes required by law, regulation or policy.

**13. Record Retention:**

Contracting Agency shall not destroy, purge or dispose of records related to this Contract or the Agency's performance without the express prior written consent of the Division.

**14. Confidentiality:**

Any medical records, personnel information or other items exempt from the NC Public Records Act or otherwise protected by law from disclosure given to the Contracting Agency under this contract shall be kept confidential and not divulged or made available to any individual or organization without the prior written approval of the AAA.

**15. Supplementation of Expenditures of Public Funds:**

The Contracting Agency assures that funds received under this contract shall be used only to supplement, not to supplant, the total amount of Federal, State and local public funds the Contracting Agency otherwise expends for SHIIP services and related programs. Funds received under this contract shall be used to provide additional public funding for such services; the funds shall not be used to reduce the Contracting Agency's total expenditure of other public funds for such services.

**16. Amendment:**

This Contract may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the AAA and the Contracting Agency.

**17. Termination:**

The AAA may terminate this agreement at any time by **30 days'** written notice from the AAA to the Contracting Agency. In that event, all finished or unfinished deliverable items prepared by the Contracting Agency under this Contract shall, at the option of the AAA become its property. If the Contract is terminated by the AAA as provided herein, the Contracting Agency shall be paid for services satisfactorily completed, less payment or compensation previously made.

**18. Federal Certification:**

The Contracting Agency agrees to execute the following federal certifications that are attached to this agreement (applicable when receiving federal funds).

- A. Certification Regarding Lobbying.

B. Certification Regarding Department.

In addition, the following federal certifications shall be executed if required:

- C. Certification Regarding Drug-Free Workplace Requirements
- D. Certification Regarding Environmental Tobacco Smoke.

**19. Time of the Essence:**

Time is of the essence in the performance of this Contract.

**20. Severability:**

In the event that a court of competent jurisdiction holds that a provision or requirement of this Contract violates any applicable law, each such provision or requirement shall be enforced only to the extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this Contract shall remain in full force and effect.

**21. Federal Intellectual Property Bankruptcy Protection Act:**

The Parties agree that the AAA shall be entitled to all rights and benefits of the Federal Intellectual Property Bankruptcy Protection Act, Public Law 100-506, codified at 11 U.S.C. 365(n) and any amendments thereto.

**22. Health Insurance Portability and Accountability Act (HIPAA):**

The Contracting Agency agrees that, if the Division determines that some or all of the activities within the scope of this Contract are subject to the Health Insurance Portability Act of 1996, P.L. 104-91, as amended ("HIPAA"), or its implementing regulations, it will comply with the HIPAA requirements and will execute such agreements and practices as the AAA may require to ensure compliance.

**23. Signature Warranty:**

Each individual signing below warrants that he or she is duly authorized by the party to sign this Contract and to bind the party to the terms and conditions of this Contract.

**24. Originals:**

In witness thereof, the Contracting Agency and the AAA have executed this Agreement in duplicate originals, one of which is retained by each of the parties.

s/Carolyn Everette  
Senior Supervisor

**Mid-East Commission Area Agency on Aging**

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

Provisions for payment of the monies to fall due under this Agreement within the current fiscal year have been made by appropriation duly authorized as required by the Local Government Budget and Fiscal Control Act

**Attachment I**  
**Specifications for Implementation Plan**

**Agency Information**

Name: Mid-East Commission Area Agency on Aging

Contact Person: Cynthia L. Davis

Address: 1385 John Small Avenue, Washington, NC 27889

Email: [Cdavis@mideastcom.org](mailto:Cdavis@mideastcom.org)

Telephone: 252-974-1835

## **Attachment I**

### **Statement of Work**

Mission of Mid-East Commission Area Agency on Aging (MECAAA):  
To promote a system of services in the Mid-East Commission's planning and service area that is readily accessible and responsive to the needs of older adults and their families. The ideal is a system of services, which ensures that the needs of older adults can be efficiently and equitably matched to community social and health services.

The Area Agency on Aging advocates for older adults through planning, training, technical assistance, and resource development. We serve older adults and their caregivers within the counties of Beaufort, Bertie, Hertford, Martin, and Pitt.

The MECAAA will use the SHIP grant to intensify outreach in rural counties in our region. We will identify and assist Medicare beneficiaries who may qualify for the Low Income Subsidy (LIS) or extra help NCRx in the application process, as well as the Medicare Part D selection process. Our plan is to partner with local focal points on aging to conduct on-site events providing education, one-on-one counseling and enrollment assistance to low income Medicare beneficiaries. Our goal is to go into the community. In rural counties such as ours it is imperative that we go to the senior not that they come to us. Mid-East Commission Area Agency on Aging will address these Medicare issues by working locally through our partners Hertford County Office of Aging, Bertie County Senior Center, Grace Martin Harwell Senior Center, Martin County Department of Aging and the Belhaven Seniors' Center. The percentages of minorities in poverty in these counties are astronomical and our goal is to give these seniors the help that they need. Some of the major challenges that we face in our region are high illiteracy rates and transportation. Together we will target low income areas with a particular goal of reaching minority beneficiaries.

We partner with local pharmacies, such as Kerr Drug, CVS and Eckerds to set up information tables and assisting with LIS and NCRx applications during flu shots to reach Medicare beneficiaries and their caregivers. This has proven effective outreach and we will continue to increase our visibility at these events. We will focus on going where seniors are such as area restaurants for BINGO and make our events social drawing events-detailed later in this proposal. We work with the Public Housing Authorities throughout our region providing Lunch and Learn Medicare sessions and LIS enrollment sessions for residents. During these sessions beneficiaries are given the opportunity to have one-on-one counseling sessions as well as ask questions they may have regarding their Medicare benefits. MECAAA partners with local doctor's offices in which we assist and educate patients and caregivers on Medicare issues and LIS sign up. We participate in health fairs throughout our region creating information packets and answering questions for beneficiaries. Each of these partnerships result in the enrollment of many low income Medicare beneficiaries into Medicare Part D, LIS and NCRx. Through these partnerships it is estimated that in 2006 Region Q as a whole reached over 2,500 low income Medicare beneficiaries.

Mid-East Commission Area Agency on Aging along with the Hertford County Office of Aging, Bertie County Senior Center, Martin County Department of Aging, Grace Martin Harwell Senior Center and the Belhaven Seniors' Center will use this funding to continue to enhance outreach efforts and enrollment services by implementing the following goals during the duration of this grant cycle:

1. Build a closer partnership with our faith based community.
  - Provide LIS and NCRx presentations.
  - Have onsite counseling
  - Provide enrollment sessions to Medicare beneficiaries
  
2. Develop a more inclusive outreach program for Medicare enrollment.
  - Have assigned days of the week and time periods with staff stationed in the community with laptops/printers/Medicare Part D, LIS and NCRx information to take enrollment.
  - Work with local home health agencies and others in the community to identify and reach homebound older adults for enrollment and information.
  
3. Improve community education and awareness of Medicare Part D, NCRx and LIS programs.
  - Submit regular articles to local newspapers on these topics and the impact in our region.
  - Develop a Medicare Part D newsletter for local communities that involve local outreach efforts and other information on these programs.
  - Have Senior Forums during open enrollment in our region to address questions regarding original Medicare, Part D plans as well LIS and NCRx. We will also offer to help those beneficiaries who need to change plans and or enroll in LIS or NCRx.

Our plan is to be creative while implementing our goals. Some of the ways we intend to reach our intended audience are as follows:

- Medicare Mania – This will be a morning of learning and fun for our seniors. The seniors will be able to earn prizes as they play games and answer questions related to Medicare and Medicare Part D. Games will include: Part D BINGO, Price is Right's Spin the Wheel (beneficiary spin the wheel on questions about Medicare Part D, NCRx, and LIS and win a prize) and Go Fish (beneficiary fish questions on Medicare Part D out of a fish bowl and win a prize. Breakfast will be served during this event. Beneficiaries will leave more informed while having lots of fun and socializing.
- Medicare Quiz Bowl – Beneficiaries team up and compete against their rivals. They answer more questions correctly than their opposing team to win the Medicare Quiz Bowl medal. The Medicare Quiz Bowl will take place at senior hangout spots in our region, such as area restaurants and or the public library.
- Advertise in the local newspapers with a Medicare Part D coupon – Beneficiaries bring in their coupon on a specified day and when the coupon is presented with their Medicare card they will pop a helium balloon. Inside the balloon will be a fact on Medicare Part D, LIS and or NCRx and inside others will be a PRIZE coupon for a gift certificate (ex: dinner for 2).
  - Guess the number of pills in the jar – This game will be ongoing. We will set up several pill jars at several sites. Beneficiaries will guess the number of pills by pulling a question on Medicare Part D, LIS or NCRx and answering their question then filling in their guess. Several prizes will be given out weekly.

- Grab bags with information will be taken to local home health agencies to give out to the homebound. Grab bags will not only have flyers with information on them, but will include magnets and other goodies that the seniors will enjoy. Staff will be calling the homebound to go over the information in their grab bag and answer any questions they may have. This is a hard population to reach, but our goal is to reach as many of the homebound as possible.

The number of beneficiaries we anticipate reaching in 2007 is 1,200.

H. Information Only – Contracts for Water Treatment Chemicals

**GENEVA HORNE – REQUEST FOR COUNCIL SUPPORT ON MULTIPLE SCLEROSIS**

Ms. Geneva Horne appeared before Council to request support on Washington getting its first Multiple Sclerosis team in Washington. She explained that MS is a disabling disease and the need to bring its awareness into the Washington community.

Ms. Horne stated that they want to raise \$500.00 and are planning their first walk-a-thon.

**PAUL SPRUILL – CARVER MACHINE SEWER LINE**

Paul Spruill, County Manager, appeared before Council to discuss the Carver Machine project which is requiring sewer line infrastructure. County staff had been working fast and in a risky way to meet Carver's needs for water and sewer, County water infrastructure and City sewer infrastructure. The County government is the grant applicant for both utilities because the project site is outside the City's extraterritorial jurisdiction. Subsequent to the County Commissioners' meeting, Mr. Paul thought it might be helpful to elaborate on the project ordinance. The County's estimate of \$250,000 in local dollars. The County hopes to benefit for reimbursement of that over a period of years in the form of an impact fee on top of what the City might normally charge. Every sewer user along River Road would not be surprised to learn that if they were to ever to tap a sewer a line they would be responsible for paying certain impact fees. Once, the City determines what the appropriate impact fees are for the River Road corridor, the County would place some unspecified amount on top of that and over time, recoup the local fund investment.

Mr. Spruill stated that the second issue is the County Commissioners interest in a River Road Sewer Agreement that specifies this impact fee arrangement over time and specifies the ability of both entities provided that both entities agree with each other to extend the line to places not served, whether they be corporated or incorporated in the future. The County owns the infrastructure for the first year, a condition of the funding agreements. In the long term, the County has an interest in working with the City so the City would be the operator of that infrastructure, taking ownership of the lift station at a minimum. The County Commissioners hope, that through an interlocal agreement, that is worked on during the next six or seven months that they retain some ownership of some portion of the infrastructure. That might be a tangible symbol of this idea that could gather the elected bodies will look for other opportunities, whether they be inside the ETJ or outside, to continue to provide sewer use through any creative funding sources we can find. The concepts are new to both elected bodies and expect that they will come together in the next months and come to some objectives.

Mayor Jennette stated that some of them were upset when they read the comments in the paper that they County felt they were renegeing on some deals from the past. She stated they don't know that they have and don't know what

they are and would like for the County to tell the Council. The wanted this situation clarified immediately so we don't start off on a bad foot. The City is working on its lift station and making improvements because we couldn't entertain that line unless we made improvements to our lift station. Our match on that is \$40,000 on that.

Councilman Jennings stated that it was shocking that we would be out of order in this process when we thought we were where we were supposed to be. He asked if the \$250,000 represents what would be our traditional portion of a match if the project was inside our ETJ? Mr. Spruill answered yes, however the \$250,000 might be a high number. We will have firmer number by the end of the project. The max would be less than \$260,000 or \$265,000.

Mayor Jennette asked if the County Commissioners would want to own this line? Mr. Spruill stated that Commissioners' motivation is not to own infrastructure in order to be in the business of wastewater utility. Their motivation is to have infrastructure that says both Washington and Beaufort County are active participants in trying to seek ways in which we can extend this line for future use. Their goal is to have an active voice as a partner in where the lines goes in the future Councilman Jennings stated that you can build all the lines you want to as a County but you can't hook the into our lift station. He doesn't have a problem with a tangible symbol of the cooperation that would extend the line in to the future, but he is concerned that we memorialize that in a fashion that stands the test of time. Over time as the parties that crafted the agreement are no longer serving, somebody reminds others differently as to what that ownership means. We would have some way to perpetuate the understanding that you have a tangible symbol. Also, Councilman Jennings asked if they annex in that direction and sewer making that attractive or not to a subdivision, he don't want an agreement that the City has to go back to the county and get permission based on the sewer line extension. Mr. Spruill stated that it is long understood in North Carolina that the City's incentive for an individual to participate in annexation is wastewater service. That should e included in it.

Councilman Jennings asked why the County wants an interest in new extensions. Mr. Spruill stated that they would have a voice. They are under no illusions that the owner of the Wastewater Treatment Plant calls the shots. The County wants something that says it's not only the City's repons9bility to pursue opportunities to extend utilities in that direction, but also the County's responsibility. They would ask the Cit if the Wastewater treatment Plant is cable of handling that flow. He doesn't perceive the County's motivation a being one of forcing the City's hand on an extension that the City feels is not capable of supporting.

Councilman Jennings stated that one thing that should be considered in the Interlocal agreement is that once the \$250,000 is paid, the nature of the agreement should change. Mr. Spruill agreed and stated that language could be put in it which straightens out the /city's obligation to pass monies to the County once that relief has be met. The \$250,000 and any kind of ownership agreement would be wrapped into the one agreement. Annexation will also be dealt with. Mayor Jennette point out that there are some areas on River Road that are programmatic to bring on a sewer line

Mayor Pro tem Mercer stated that as Chairman of the Planning board he has been involved in reviewing a number of subdivision plats along River Road. His perception is if it is in close proximity to the ability to obtain sewer, we tell the developer upfront to talk to the City to see if they can get sewer. He sees a contractual arrangement that says for x period of time, the county will collect impact fees until they recover their \$250,000. If they don't collect it within that finite period of time, he world envision coming back and asking for an extension of time. The county would be out of the picture in terms of that money. We have to have in the agreement there will be a cooperative effort for any further

activities that would tie on to that line, but the line belongs to the City. The County would ask the city for connections to that line.

Mr. Spruill stated that the county commissioners have an interest in the agreement having a life beyond just the piece of paper it is written on, and possible to the extent that the county owning the pvc pipe as opposed to the lift station.

The two manager and two attorneys will work together on the agreement.

#### **TOM THOMPSON – ECONOMIC DEVELOPMENT COMMISSION**

Mr. Tom Thompson, EDC Director, stated that Quick Start #2 is now complete. Quick Start #3 site has been identified, across the street from the Skill Center Industrial Park. A pond and trees will be put out there to dress the park up. One problem is that Page Road stops in the middle of a field and asked that Council assist in getting the road paved all the way through. A new sailboat company is coming in to locate in the back of the Skill Center within the next few weeks. They are buying a site at the Industrial Park behind Brooks Boat Works and building a 20,000 ft. building with 25 employees. A second boat company with 50 employees that will locate there (75% probability). They are still working with the Brownfield people for the Impressions building. They have \$1.82 million grant for this. They are financing about \$1 million worth of equipment for them.

Mr. Thompson also pointed out that carver did not request the trees to be cut down. It was requested by the adjacent property owner.

Chocowinity Industrial Park is coming along and South Tech will be breaking ground soon.

#### **TOURISM DEVELOPMENT AUTHORITY**

Mayor Jennette was unable to attend but they are hosting a minivan tour (Northeast Partnership). They have some tour organizers for the Triple A coming to town tomorrow. They have finalized their budget. They are planning to hire a consultant to do a study on what tourists do in Washington.

#### **HUMAN RELATIONS COUNCIL**

Mr. Smith reported that the Council is not going to pursue the Pulpit Exchange, however, they want council to support the July 4<sup>th</sup> Gospel Concert. They are looking at another event that will help bring the community together. In May they will have Professor Jim Johnson from UNC who is the expert talking about the impact of the browning and graying of America on our economy and the issues we will need to address in the coming years.

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

There was no one present to report.

#### **WARREN FIELD AIRPORT**

Mr. Smith stated they are still waiting to hear about the \$200,000 grant. The first priority for the funds is safety use and secondly, additional t-hangars.

#### **ACCEPT US DEPARTMENT OF HOMELAND SECURITY SAFER GRANT**

Mayor Pro tem Mercer asked some additional questions concerning the staffing. Calculations were based on 9 people per shift. He asked what is the minimum staff required for each station? Chief Davis stated that minimum staff is 9. Is there is 5 on duty at one, then 4 has to be on duty at the other one. The

Safer grant will allow us to have 5 at the second station. He stated that all the towns in the literature given reported having an officer, engineer and two firefighters. . . manned with 4 people and we have to have 4 and 5 which is 9? Chief Davis stated that some run with a four man engineer company. Some run with a 5 man ladder company. If EMS is out, we are down to 2 man Engine Company. Because of the EMS truck and EMS being about 75% percent of our business is EMS; those firefighters are on a call. That reduces your engine company down to 2. We want to maintain 5 at the main station and if the EMS truck is gone, we still have 3 people on an engine company. Before we might not could have put but 2 more on a scene.

Mayor Pro tem Mercer stated that if 9 are the minimum staff, the numbers are right. If it was 4 per station, we didn't need this grant. Chief Davis stated that the minimum staffing is 9. Mayor Pro tem Mercer stated that in the seventh year it starts costing us money. In taking the budget for overtime this year, is only \$45,000. He upped that to \$60,000 and if that's the case, it starts costing us money in the fourth year. Chief Davis stated that over the five year span, if we didn't have the positions, it would cost us \$470,000 in overtime. The grant is \$370,000.

On motion of Councilman Woolard, seconded by Councilman Brooks, Council unanimously accepted the US Department of Homeland Security SAFER Grant hire three (3) additional Firefighters/EMT's.

### **FINANCIAL REPORTS**

Anita Radcliffe stated there were few changes in the Financial Reports except for the Enterprise Funds.

Mayor Pro tem Mercer stated he would like to know the total reserves and the encumbered reserves. Ms. Ratcliff will get this for him.

### **ELECTRIC UTILITIES ADVISORY COMMISSION**

On motion of Mayor Pro tem Mercer, seconded by Councilman Woolard, Council unanimously appointed Dallas Congleton the Electric Utilities Advisory Commission for a three year term, term to expire June 30, 2011.

Mayor Pro tem Mercer requested that the commission meet before the end of the month.

### **COUNCIL LIAISON – ECONOMIC DEVELOPMENT COMMISSION**

On motion of Councilman Woolard, seconded by Mayor Pro tem Mercer, Council unanimously appointed Councilman Jennings to the EDC as Council Liaison to replace Councilman Woolard.

### **ADOPT COMPREHENSIVE PARKS AND RECREATION MASTER PLAN**

Councilman Davis stated that there is no "set" amount of recreation in a subdivision and that needs to become part of our zoning plan. Mayor Jennette stated that the two plans should reflect each other.

Council mutually agreed that this document should not sit on a shelf and the Recreation Advisory Committee should have an annual review process to update the document.

On motion of Councilman Davis, seconded by Councilman Woolard, Council unanimously adopted the Comprehensive Parks and Recreation Master Plan for the City of Washington.

Councilman Jennings stated there should be a premium impact fee for a development that takes away access from the water.

Mr. Roberson stated that the subdivision ordinance refers to the Parks and Recreation Master Plan. We are required to set the property aside for recreation and give us the first option to buy. He thinks that should be amended where everyone pays a recreation impact fee.

Mayor Jennette stated that this should be added to the Smart Growth List.

Council convened for a break and reconvened at 6:05 p.m.

**PUBLIC HEARING – AMEND ZONING ORDINANCE IN REGARDS TO THE  
USE OF TEMPORARY SIGN AND BANNERS**

Mr. Roberson stated that there is an exemption for the banner on west Main Street. Mayor Jennette questioned enforcement. Mr. Roberson stated that one courtesy letter is set. Repeat violators could be fined. A commercial entity is not allowed and non profits are exempt. They are limited to two times a year at one location and no more than six around town.

Mayor Jennette stated this is a public hearing.

Ms. Dot Moate asked stated there are a lot of foot signs and what happen to those who are not nonprofit i.e. high school football, etc. Mr. Roberson stated that we hope to come up with key locations where we could use brick setup where with a temporary sign on City property.

On motion of Councilman Jennings, seconded by Councilman Woolard, Council unanimously accepted the recommendation of the Planning and Development Department and the Planning Board and amended the Zoning Ordinance to add to Chapter 27, Article XVI. Section 27-175, special Provisions for Certain Signs.

**Ordinance to Amend Chapter 27, Zoning, Article XVI, Signs, Section  
27-175. Special Provisions for Certain Signs**

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

Section 1. That Chapter 27. Article XVI. Signs, Section 27-175 Special Provisions for Certain Signs shall be amended to include the following addition:

**Section 27-175. Special Provisions for Certain Signs**

- (g) Temporary non-profit and governmental organization signs. Temporary sign(s), including banners, erected in conjunction with a special event sponsored and conducted by a nonprofit or governmental organization shall be allowed subject to all of the following conditions:
  - (1) It is the intention of this section that no such sign shall be displayed in conjunction with a commercial promotion or as an advertising device for a commercial establishment, product or service.
  - (2) Not more than one (1) on-premises and six (6) off-premises signs shall be allowed in conjunction with any event. No sign shall be erected on any lot without the consent of the property owner.
  - (3) No such sign shall exceed thirty two (32) square feet of sign surface area.
  - (4) There shall be not more than one (1) special event sign allowed on any lot.
  - (5) The maximum frequency of any special event display shall not exceed two (2) occurrences within any twelve month period and the

maximum duration of such display shall not exceed thirty (30) days. Each sign shall be removed within seven (7) days following the event. For purposes of this section the duration of each separate event display shall be measured in continuous days.

- (6) Each display shall contain the name and current phone number of the event sponsor printed on the non-communication side/surface of the sign.
- (7) Such sign shall be located completely on private property. No portion of the sign or its support structure shall be located on or across any public street right-of-way or private street easement. (Exception: A suspended banner shall be allowed above West Main Street at the intersection of Van Norden Street. Any variation from the allowable square footage at this location shall be approved by the Planning and Development Department.)
- (8) Such sign shall not be located within any sight distance triangle as defined in the Washington City Code or as provided by notation or description upon any map recorded pursuant to the subdivision regulations.
- (9) No such sign shall be suspended from or attached to any public utility pole, apparatus, structure or support/guy wire, any public or private traffic control or directional sign, structure or device, or any tree or shrub located on public or private property.
- (10) No such sign shall be erected or maintained which obstructs any traffic control sign or device or warning sign located on public or private property.

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

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

Adopted this 14<sup>th</sup> day of April, 2008.

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

ATTEST:

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

**PUBLIC HEARING – ADOPT COMPREHENSIVE PLAN UPDATE**

Mr. Roberson stated they are asking for a 30 day continuance.

Mayor Jennette asked if subdivisions are required for underground? Mayor Jennette stated that we may want to ask the Planning Board to consider that, especially for new subdivisions. Mr. Roberson stated that was discussed in the early part of the 80' and their recommendation was to go underground. The City opted not to do that at that time. Some Council members stated we need to do that now before the plan is adopted.

Mayor Jennette opened the public hearing.

There was no one present to speak.

On motion of Councilman Davis, seconded by Councilman Brooks, Council unanimously agreed to extend the adoption of the Comprehensive Plan Update for thirty days.

**PUBLIC HEARING – ADOPT RESOLUTION CLOSING A PORTION OF THE STREET RIGHT-OF-WAY ALONG BERRY AVENUE**

On motion of Councilman Davis, seconded by Councilman Davis, Council unanimously excused Councilman Brooks from this item.

Mayor Jennette called for the public hearing.

Rev. David Moore requested the City close Berry Avenue because he is hoping to put up twelve housing units there.

Mayor Jennette closed the public hearing.

On motion of Councilman Woolard, seconded by Councilman Jennings, Council unanimously adopted a Resolution closing a portion of the street right-of-way along Berry Avenue.

**RESOLUTION  
AN ORDER OF THE CITY COUNCIL OF THE  
CITY OF WASHINGTON, NORTH CAROLINA,  
CLOSING A PORTION OF THE STREET  
RIGHT-OF-WAY ALONG BERRY AVENUE  
THAT INTERSECTS WITH THE RIGHT-OF-WAY OF FOWLE DRIVE**

WHEREAS, the City Council of the City of Washington did at the regular March 17, 2008 meeting of the City Council adopt a resolution declaring its intent to close a portion of the street right-of-way along Berry Avenue that intersects with the right-of-way of Fowle Drive; and

WHEREAS, the City Council pursuant to the provisions of G.S. 160A-299 (a) did cause a copy of said resolution to be published once a week for four (4) successive weeks in the Washington Daily News setting forth that a hearing would be held on the 14<sup>th</sup> day of April, 2008, on the question of the closing of said street right-of-way; and,

WHEREAS, a copy of the resolution was sent to all owners of the property adjoining the street right-of-way to be closed as shown on the County tax records by certified mail and a notice of the closing and the public hearing was prominently posted in at least two (2) places along said part of the street right-of-way to be closed; and,

WHEREAS, the City Clerk has advised the City Council that none of the letters so sent have been returned undelivered; and,

WHEREAS, a hearing was conducted on March 17, 2008 at which time all persons interested were afforded an opportunity to be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual; and,

WHEREAS, it appearing to the satisfaction of the City Council of the City of Washington, North Carolina, after conducting said hearing that the closing of a portion of a street right of way along Berry Avenue that intersects with the right-of-way of Fowle Drive are not contrary to the public interest, and that no individual owning property in the vicinity of Berry Avenue of which said portion of the street is located would thereby be deprived of reasonable means of ingress and egress to his or her property.

**IT IS NOW, THEREFORE,** ORDERED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON:

That the property described below be and the same is hereby withdrawn from dedication and closed, and all right, title and interest that may be vested in the public to said area for street purposes is hereby released in accordance with the provisions of G.S. 160A-299.

BEGINNING at an iron pipe in the easternly right of way line of Berry Avenue, the said iron pipe is in the westernly boundary line of the United Church of Christ Disciples, Inc. lot of record in Deed Book 1340 at page 832 Beaufort County Register of Deeds; thence crossing the Berry Avenue right of way North 46 degrees 16 minutes 33 seconds West 50.09 feet to an iron pipe in the westernly right of way line of the said Berry Avenue and also being in the easternly line of the Rosemarie P. Lilley lot of record in Deed Book 1364 at page 891 Beaufort County Register of Deeds; thence with the said easternly line of the said Lilley lot North 40 degrees 14 minutes 30 seconds East 30.00 feet to an iron pipe, the easternly corner of the said Lilley lot; thence continuing North 40 degrees 14 minutes 30 seconds East 112.16 feet crossing the Metropolitan Housing and CDC, Inc lot of record in Deed Book 1042 at page 819 to the southernly right of way line of Fowle Drive; thence South 47 degrees 44 minutes 02 seconds East 51.00 feet with the said Fowle Drive right of way line to a point; thence South 40 degrees 14 minutes 30 seconds West 106.96 feet crossing the said Metropolitan Housing lot to an iron pipe, the northernly corner of the said United Church of Christ lot; thence South 41 degrees 46 minutes 28 seconds West 36.45 feet with the said Church of Christ lot line to the BEGINNING, being a part of the land described in the said Deed Book 1042 at page 819 according to a survey by Hood L. Richardson, PLS dated August 1, 2003 and revised February 11, 2008 titled Metropolitan Housing and CDC, Inc, Hope Village, Phase III.

SAVING AND EXCEPTING A 20 FOOT WIDE DRAINAGE EASEMENT DESCRIBED AS FOLLOWS: BEGINNING at a point located North 46 degrees 16 minutes 33 seconds West 17.92 feet from an iron pipe in the easternly right of way line of Berry Avenue, the said iron pipe is in the westernly boundary line of the United Church of Christ, Christ Disciples, Inc. lot of record in Deed Book 1340 at paged 832 Beaufort County Register of Deeds; thence from the said beginning point North 46 degrees 16 minutes 33 seconds West 20.06 feet to a point; thence North 39 degrees 12 minutes 57 seconds East 142.58 feet to a point in the southernly right of way line of Fowle Drive; thence South 47 degrees 44 minutes 02 seconds East 20.03 feet with the said Fowle Drive right of way line to a point; thence South 39 degrees 12 minutes 57 seconds West 143.09 feet to the said BEGINNING; lying entirely within the closed portion of Berry Avenue, as shown on a map by Hood L. Richardson, PLS dated August 1, 2003, revised February 11, 2008, titled Metropolitan Housing and CDC, Inc, Hope Village, Phase III.

**IT IS FURTHER ORDERED** that the Mayor and City Clerk are authorized to execute quit-claim deeds or other legal documents in accordance with G.S. 160A-299 (c). The intent of this paragraph is to authorize the execution of quit-claim deeds when requested by adjacent property owners; however, none are required and this paragraph is not intended to alter the vesting of title by operation of law as established by G.S. 160A-299 (c).

IT IS FURTHER ORDERED that a copy of this order shall be filed in the Office of the Register of Deeds of Beaufort County.

ADOPTED this the 14<sup>th</sup> day of April, 2008

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

ATTEST:

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

NORTH CAROLINA  
BEAUFORT COUNTY

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the City Council of the City of Washington, North Carolina, at a regular meeting held on April 14, 2008 pm at the Municipal Building in the City of Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said City to be affixed, this 14<sup>th</sup> day of April 2008.

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

**CONTINUE PUBLIC HEARING – PRELIMINARY PLAT APPROVAL OF  
WASHINGTON VILLA SUBDIVISION LOCATED OFF HWY 17 NORTH**

Ms. Dot Moate, a member of the Planning Board, stated that there was a lengthy discussion, but felt it met the overall general requirements and recommended approval subject to review comments received from the department heads.

Mayor Oro tem Mercer stated there was one change from the original plat that we looked at to this plat, the releasing of one lot to allow access to the community area.

Mr. Smith stated that the Council sent the plan back to the Planning Board and asked for redesign to allow for reconnect activity and opportunities for the community building without having to go walk way down a street and having to come back.

Ms. Moate stated they did discuss it and the only change was the one noted.

Mayor Jennette stated this is a public hearing.

Mr. Dirk Tyson, of Rivers and Associates, stated that this 7 acre tract consists of 13, 613 lineal feet of public utilities to serve 240 single family lots, 62 townhouse lots, and contains over a three acre community area and 8.75 acres of future development along Highway 17. There are 27.9 acres of open space which are a combination of wetlands, stormwater ponds. This item was conditionally approved subject to the compliance of staff comments and additional sidewalks throughout the subdivision.

Mayor Jennette closed the public hearing.

Council discussed the preliminary subdivision plat for Washington Villa in length. Council expressed numerous concerns, including but not limited to the following: (1) Generally, the subdivision lacks connectivity and is too dense (2) Specifically, the plat severely limits access to community areas (3) the plat contains too many cul-de-sacs, many of which should be connected (4) the subdivision would produce traffic congestion considering that it is designed to support approximately 500 cars with only 2 exits (5) the sidewalks are not

extensive enough. In one example, a resident would have to walk all the way around the subdivision in order to get to a nearby neighbor's home via sidewalks. The lack of connectivity produces fire and safety concerns. The cul-de-sacs often predetermine the location (positioning) of homes. It was also projected that three could be 8 units per acre.

After the lengthy discussion, on motion of Mayor Pro tem Mercer, seconded by Councilman Jennings, Council unanimously rejected the Washington Villa Subdivision plat because it has not met the criteria established by Smart Growth and the connectivity Council asked them to address at the last month's meeting.

**CONTINUE HEARING – PRELIMINARY SUBDIVISION PLAT APPROVAL OF  
ESKRIDGE CROSSING SUBDIVISION OFF WEST 15<sup>TH</sup> STREET**

Mayor Jennette stated this is a public hearing.

On motion of Councilman Jennings, seconded by Councilman Davis, Council unanimously approved the plat as presented subject to two conditions: (1) that 16<sup>th</sup> Street be connected to the cul-de-sac for future development unless there is a statute that prevents that and if construction has not been done in two years, the applicant comes back for an extension of this time.

**PUBLIC HEARING – CONTINUE PUBLIC HEARING TO AMEND HISTORIC  
PREERVATION DESIGN DELINES TO INCLUDE GUIDELINES ON THE USE  
OF COMPOSITE-SYNTHETIC SIDING AS A RPLACEMENT FOR WOOD  
SIDING ON HOMES LOCTED IN THE LOCAL HISTORIC DISTRICT**

The Chairman of the Historic Preservation Commission had asked this item be continued.

On motion of Councilman Davis, seconded by Councilman Brooks, Council unanimously agreed to continue this item until Monday, May 12, 2008 at 6:00 p.m.

Mayor Jennette stated this is a public hearing.

Mr. Leonard Huber, of the Washington Area Historic Foundation, stated that he hopes the use of synthetic siding on old buildings in the historic area will be prohibited for many reasons, esthetically and concerning tax credits for this area.

Ms. Dee Congleton named several historic towns that prohibit synthetic siding. She stated that she will continue to investigate it since this item is continued. She stated that recommended that synthetic material not be used. The Department of Interior standards is that you not replace the wood siding in the historic district with other materials. Every time we get a new Commission that we don't lessen our standards. She hopes that each year she hopes we strengthen the guidelines and not go backwards, as they seem to do.

Councilman Jennings questioned why we are waiting thirty ore days on this. Mayor Pro tem Mercer stated that when they asked for a specific time limit, Council questioned if that was enough time, so in fact, it was not since they are asking for more time. Is thirty days going to be adequate?

Councilman Jennings stated that when he was on the Historic Preservation Commission, and the guidelines were revised, they went through specifically dealing this situation, and said the Commission said no, based primarily on the state department. They said if you take the siding off, you don't have a historic house anymore. When the commission currently had some issue

with this they brought it in and I said exactly what he is saying tonight. He stated he knows how he is going to vote right now.

Mr. Roberson stated that an individual could not afford it and synthetic siding was allowed by the Commission. That has generated this discussion.

Council discussed the need to follow regulations because the current regulations do not allow synthetic siding, and we are creating a mechanism for someone to get artificial siding in the future. Mr. Holscher recommended that they rethink what they are doing. Basically, a hardship clause would be the mechanism.

Councilman Davis withdrew his motion and Councilman Brooks withdrew his second.

On motion of Councilman Davis, seconded by Councilman Brooks, Council unanimously agreed to not amend the Historic Preservation Design Guidelines to include guidelines on the use of composite-synthetic siding as a replace for wood siding on homes located in the historic district.

### **COMMENTS FROM THE PUBLIC**

There were none.

### **EDC GUIDELINES**

Mayor Pro tem Mercer stated that he has been assured that if we want to change our funding configuration, obviously we can change our membership based on the funding.

Councilman Davis stated that we had said last month we would deal with this during the budget process, and we need to wait. Mayor Pro tem Mercer stated that there is a vacancy on the board that is in limbo until we adopt this.

On motion of Councilman Mercer, seconded by Councilman Jennings, Council adopted the change to the EDC guidelines as presented. Councilman Davis voted no. –Motion carried by majority vote.

### **UPDATE - PLANNING SESSION PRIORITIES**

Mayor Jennette asked Council members to mark their top ten priorities and they will look at them at the next meeting.

### **REVIEW – COUNCIL PROCEDURE IN CONSIDERING ISSUES FOR A VOTE**

Mayor Jennette stated that we talked about if it is a brand new item never discussed before; give it a two week process. Sometimes there is an item that comes up that we do need to make a decision quickly, but we need to agree that everyone agrees it needs immediate attention. Otherwise, it will be held for two weeks and give it some time to process.

Councilman Jennings stated that it makes sense not be introduced and acted upon at the same time. Also, we never have adhered to the concept of the Committee of the Whole. We are using it as an extra meeting and we need some discipline around the way we meet, and that in turn, would leave us some time between issues. If we had a standing rule that we would not act on an issue on the day it was presented unless it was an emergency and everyone agreed. He stated we should not be taken action during the Committee of the whole.

Mayor Jennette stated that was what we originally said and that has leaked immediately. Councilman Jennings stated it got convenient. We should be learning about it and discussing it. We have too many partially informed decisions we are asked to make.

Mayor Pro tem Mercer stated that if something is brought to this meeting and added to the agenda, that the only way we will take a vote on that matter is if it is with a unanimous consent of this Council? Mr. Holscher stated that the Council parliamentary rules allow one of you to ask to add an item to the agenda, but that doesn't mean you have to take action on it. The only other thing he would suggest that you might want to do a specific revision to the Council's adopted "Suggested rules of Procedure for a City Council" by Fleming Bell. Any Council member can make a motion to suspend the rules which requires a super majority (four ayes or 2/3rds). Council agreed that would work better. Councilman Davis pointed out that would be items that have not been discussed previously. Mayor Jennette stated that is why we would need to vote on it. Councilman Jennings stated it has to be a reasonable thing or we would be voting on every agenda item.

Mr. Holscher stated that the focus of what we are talking about is something added to the agenda after the preparation of the agenda. Councilman Jennings stated that what is good for the goose is good for the gander. If staff don't want to deal with things that night that a Councilman might bring up, but the Councilmen might not want to deal with stuff that gets jammed on there. Just because it is in the packet does not mean it has been fully bedded.

Mayor Jennette asked that the City Attorney and the City Clerk come up with a list of what has been said. She doesn't see that it is made a part of the ordinance but it is our self-policing and will remind ourselves of it. She stated that the Manager, City Clerk and herself are planning the agenda together and will keep voting items off.

Councilman Jennings stated that we need to have it in the rules that we don't votes at the Committee of the Whole. It will be the working meeting it was intended to be.

Mr. Smith stated that we tried to list action items first as a special meeting and then take care of information items.

### **HIGHWAY #32 BRIDGE (COUNCILMAN JENNINGS)**

Mayor Jennette stated she met with Ed Eastman, an engineer with DOT, and Representative Arthur Williams. The Runyon Creek Bridge project was discussed at length and Mr. Eastman said he was surprised the other design was even done earlier because he didn't think it would be permitted environmentally. He said it would have to go where it is (location of the bridge). Representative Williams stated he would prefer to keep it where it is. Mr. Eastman stated it is possible if we mess around, that this bridge and deteriorate and it could possibly be closed down and the money moves on to another project.

Mayor Jennette also suggested to them that we wanted to use this as an opportunity to improve Havens Garden. Mr. Eastman stated it would not affect Havens Gardens, that it would wider and taller, or just a minimal impact. Mayor Jennette stated that we need to get a design for Havens Gardens.

Councilman Davis stated that they must compensate us for the land they take for the additional right of way and must be approved by the National Park Service before they can do anything. (That is done by another department). Mayor Jennette has requested a meeting with Ms. Houser. Councilman Davis stated we have to see what we can do with the money they pay us.

On motion of Councilman Jennings, seconded by Councilman Brooks, Council unanimously endorsed the location of the current bridge as its selection for the future bridge and Council move host paste to adopt as many of the beneficial features of a safe and attractive park area as identified in the plan circulated in the community and that this motion be put to rest for discussion on behalf of the City of Washington as to where this bridge will be located.

Councilman Davis asked that the Recreation Advisory Committee look at that plan. Mayor Jennette stated that she is asking Ms. Houser to meet with the Recreation and Planning Board.

**ADOPT RESOLUTION DIRECTING CITY CLERK TO INVESTIGATE A  
PETITION FOR A CONTIGUOUS ANNEXATION RECEIVED UNDER  
GENERAL STATUTES 160A-31 (HARVEST CHURCH)**

Mr. Roberson referred to a map showing the two properties directly across the street, one vacant and the other is the Radio Shack. The Manager had asked him to take a look at it.

Mr. Smith stated that it was hard to figure out what is in and what is out in that area. Last year the Council had asked we look at logical areas and pick them up for annexation. In the meantime, we will go ahead with the voluntary annexation of Harvest Church property.

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

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

WHEREAS, a petition requesting annexation of an area described in said petition was received on March 20, 2008 by the Washington City Council; and

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

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

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

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

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

ATTEST:

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

Annexation #08-A-01  
Harvest Church

**ANNEXATION COMMITTEE**

On motion of Councilman Woolard, seconded by Councilman Jennings, Council unanimously appointed Mayor Pro tem Mercer to replace former Councilman Gibson on the Annexation Committee.

**ANNEXATION – HIGHWAY 17 CORRIDOR**

Council asked Mr. Roberson to look at everything around the 17 corridor for annexation and bring the recommendation to the Council.

**AWARD BID ON 59 MONTH INSTALLMENT NOTE FOR ELECTRIC FUND AND ADOPT RESOLUTION APPROVING FINANCING TERM (\$1,179,160)**

Carol Williams stated that the RFP's asked that they not include liens on the electrical line improvements, so instead of the lien being \$1,179,160, we asked RFP's for \$611,960 for security interest. The Power Agency has told us we cannot put liens on the power lines because if they foreclose the power lines, they hinder the revenue generation that the City has pledged to the Power Agreement back in the 70's and 80's. Bids were received from four banks, RBC, BB&T, First Citizens and Wachovia. RBC would not let them do security interest only on the \$611,960 and they would not. The other banks were willing.

On motion of Councilman Davis, seconded by Councilman Jennings, Council unanimously awarded the \$1,179,160 fifty-nine (59) month installment note bid for the Electric Fund to BB&T and adopted a Resolution approving the financing terms of the loan.

**Resolution Approving Financing Terms**

**WHEREAS:** The City of Washington (the "City") has previously determined to undertake a project for various equipment and vehicles (the "Project"), and the Finance Director has now presented a proposal for the financing of such Project (the "Project").

**BE IT THEREFORE RESOLVED, as follows:**

1. The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated April 9, 2008. The amount financed shall not exceed \$1,179,160.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.66%, the financing terms shall not exceed fifty-nine (59) months from closing, and collateral pledge and security interest shall only be given in the amount of \$611,960.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by the City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. All prior actions of the City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 14<sup>th</sup> day of April, 2008.

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

ATTEST:

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

### **ADOPT RESOLUTION – MAYO PROPERTY**

On motion of Mayor Pro tem Mercer, seconded by Councilman Jennings, Council unanimously adopted the Resolution to Establish Just Compensation for the acquisition of 0.24 acres of property owned by Annie Laura Mayo that sets said just compensation to be equal to the fair market value as established by the associates appraisal, authorize the offer to purchase, authorize Franz Holscher to enter the associated Agreement of Sale, and if said offer is not accepted, authorize the City Manager to draft and serve a Notice of Intent to Condemn, Complaint and any other legal document acquired said property through eminent domain.

Mr. Holscher was asked to inquire about buying the other piece of property from Ms. Mayo.

### **CITY OF WASHINGTON RESOLUTION TO ESTABLISH JUST COMPENSATION FOR ACQUISITION OF ANNIE LAURA MAYO PROPERTY ADJACENT TO SUSIEGRAY McCONNELL SPORTS COMPLEX**

**WHEREAS:** an appraisal report prepared by Michael Kotarba, a State-certified real estate appraiser, for the parcel indicated below was presented to the Washington City Council for their review; and

**WHEREAS:** the pertinent information for the parcel, including the name of owner, description of property, and interest to be acquired was made available to each member of the City Council; and

**WHEREAS:** the City Council desires to establish just compensation for the parcel to be acquired by the City of Washington in order to enlarge and improve its recreational facility, the SusieGray McConnell Sports Complex, all the general welfare, public use and benefit.

### **NOW, THEREFORE, BE IT RESOLVED:**

**THAT,** the City of Washington has certified that the work of the appraiser with respect to the parcel to be acquired has been performed in a competent manner in accordance with applicable law and other applicable authority; and

**THAT,** just compensation is hereby established for the parcels as follows:

1. Annie Laura Mayo Parcel
  - A. Owner: Annie Laura Mayo
  - B. Description of property: Lying and being in the Washington Township, Beaufort County, North Carolina, more particularly described as follows:  
Beaufort County, North Carolina, more particularly described as follows:  
BEING all of that 0.24 acre as shown on that Plat of Survey for the City of Washington Adjoining the Susiegray McConnell Sports complex dated August 9, 2007 by Inner Banks Surveying and Mapping of record in Plat Cabinet \_\_\_\_, Slide \_\_\_\_\_. Beaufort County Registry, to which reference is herein made for a more complete and adequate description.
  - C. Interest to be acquired: fee simple
  - D. Established just compensation: \$4,450.00

Adopted this 14<sup>th</sup> day of April, 2008

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

ATTEST:

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

**CLOSED SESSION – ATTORNEY/CLIENT PRIVILEGE AND  
PERSONNEL**

At 8:50 p.m., on motion of Councilman Woolard, seconded by Councilman Jennings, Council unanimously agreed to go into closed session under G. S. 143-318.11(a)(3) Attorney/Client Privilege and (6) Personnel.

At 9:30 p.m., on motion of Councilman Woolard, seconded by Councilman Davis, Council unanimously agreed to come out of closed session.

**PLANNING DEPARTMENT (COUNCILMAN DAVIS)**

Councilman Davis stated that the Planning Department is understaffed. He stated that we have the DWOW money and asked that the Manager to try to put in a position for a Historic downtown planner to oversee the work of DWOW and the Historic District and allow the other two employees (one of whom will be retiring) to work on other things and one of the employees be allowed to learn as much as they can because the Planning Director has a great deal of knowledge and information we are losing.

Councilman Jennings pointed out that just about every department is understaffed.

Councilman Woolard that what he is trying to get to is to have people in house ready when department heads retire. Councilman Jennings stated that it is better to bring in the department head and let that person be part of the team building process.

Councilman Davis stated the Planning Department use to have four employees and now is the time to relieve that pressure.

This will be discussed at the budget workshops.

**INSPECTIONS DEPARTMENT (COUNCILMAN DAVIS)**

Councilman Davis stated that in February we asked that a report be made to us at the March meeting and to this date we have not received it. There is no

other entity in our category that has an Inspection Department under the Fire Department.

Councilman Davis made a motion to move the Inspections Department to the Planning Department as soon as practicable. Councilman Woolard seconded the motion.

Before vote was taken, there was considerable discussion. Councilman Brooks stated that we have just discussed not taken action on an added item. Secondly, we need to have some serious thought about it, what is positive, what is negative, etc. We shouldn't do something on the spur of the moment. He feels that this should not be done without the Department Heads here.

Councilman Woolard stated that it makes it difficult when we haven't received that information. It was discussed at the Planning Session. Councilman Jennings that the Fire chief had a plan on how the Planning Department would function most appropriately under the Fire Chief.

Mayor pro tem Mercer mentioned that he asked for flow charts three months ago. He stated we are not getting information. Mr. Smith stated that comments were sent back on the draft.

City Clerk, Rita Thompson, stated that the Fire Chief stated he would bring it to Council at the budget workshop.

Councilman Jennings stated that even if we could take action on this, it is not appropriate; it is the Manager's job. We hold him accountable for organization of the City. The flip side is Council hold him accountable. To jump steps and reorganize the City's structure ourselves is not appropriate.

Councilman Woolard stated that when it was switched the last time, it was done the same way.

Councilman Davis stated we need to vote on it tonight. Councilman Jennings asked didn't we need to vote and see if we have a super majority to see if we can take this issue up? Councilman Davis stated no, that has not been approved yet. Councilman Jennings stated that we have approved it in spirit. He stated that the motion is not in order.

Mr. Holscher's recollection of earlier tonight was that Council wants to establish some rules of procedure and charged him and Rita to write those rules: (1) not act on an item the first time it appears on the agenda unless agreed to by two-thirds (2) not add an item on the agenda for action unless agreed to by two-thirds, and (3) no actions at the Committee of the Whole meeting. He was under the impression we would bring that back to Council. However, the Mayor can rule on point of order.

Mr. Smith stated that we would need space, people, desks, chairs, etc. This is not a budget to be adding that kind of stuff. If you want to proceed with a budget that way, let us know.

Mayor Jennette questioned whether Bobby and John can handle the Inspections Department on top of everything else they are doing. Councilman Davis stated they can because both of them have had training in this area and no one at the Fire Department has had really training in anything except Fire inspections.

Councilman Jennings asked if this is about moving it to the Planning Department or moving it out of the Fire Department. Councilman Davis stated that it is both. Mr. Roberson is certified in all five categories of certification when this was moved to the Fire Department.

Councilman Jennings stated that the City Manager should determine where it should be. When we make a motion like this, it is reckless, undermines the Council, and the Manager at the same time. Mayor Jennette agreed.

Mayor Pro tem Mercer stated that when he was campaigning, the number one thing he heard was that the Inspections in the Fire Department was a disaster and you need to do something about it. He thinks we all agreed that the Fire Department is not the place it should be. The question is where does it go? Years ago the Planning and Inspections was together and is logical that it is together. At the same time, Mr. Smith has been saying that it wanted it moved, but he wanted to buy a professional engineer and we said we were not going to pay \$80,000 for someone to supervise two building inspectors.

Councilman Jennings stated those are positive comments and if we were to vote to *encourage* the Manager to consider moving the Inspections Department, that would be constructive. But, to make that decision for him at the Council level, is over stepping and micro managing. If one was to reconsider that motion and offer a constructive, positive motion short of actually demanding the move, he could live with. The motion made is inappropriate.

Mayor Jennette stated that a motion could include in the next budget cycle so we don't have to do it mid stream? Councilman Jennings answered yes. Mr. Smith stated that obviously we wouldn't make any transition until we get a new funding year before we start with a new Planning director. Councilman Jennings stated we might want to leave that part out, given the posture of the Council.

Councilman Brooks stated that the Manager has the authority to move them. It is disrespecting both Supervisors by doing this. We should be more together than what we are and let the Manager tell us what he wants to do with the department.

Councilman Davis stated this has been previously discussed with the city Manager and he basically said it is not going to happen, that we are going to hire an engineer and we will make enough money off the engineer's services to pay for it. This Council has made the decision that it not profitable. He stated that problems started in July after they were switched.

Councilman Davis restated his motion to move the Inspections Department to the Planning Department as soon as practicable.

After discussion, vote was taken as follows by a show of hands:

AYES: Councilman Davis  
Councilman Woolard  
Mayor Pro tem Mercer

NAYS: Councilman Brooks  
Councilman Jennings

-Motion carried by majority vote.

On motion of Councilman Woolard, seconded by Council unanimously adjourned the meeting until April 28, 2008 at 4:30 p.m. in the Council Chambers at the Municipal Building.

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Rita A. Thompson, CMC  
City Clerk