
The Washington City Council met in a regular session on Monday, June 23, 2014 at 5:30 pm in the City Council Chambers at the Municipal Building. Present were: Mac Hodges, Mayor; Bobby Roberson, Mayor Pro tem; Doug Mercer, Councilman; William Pitt, Councilman; Richard Brooks, Councilman; Brian M. Alligood, City Manager; Cynthia S. Bennett, City Clerk and Franz Holscher, City Attorney.

Councilman Larry Beeman was absent.

Also present were: Matt Rauschenbach, Administrative Services Director/C.F.O.; Stacy Drakeford, Police & Fire Services Director; Robbie Rose, Fire Chief; Allen Lewis, Public Works Director; Keith Hardt, Electric Utilities Director; John Rodman, Community/Cultural Resources Director; Susan Hodges, Human Resources Director; Gloria Moore, Library Director; Lynn Wingate, Tourism Director; David Carraway, IT Department and Tony Black, Washington Daily News.

Mayor Hodges called the meeting to order and Councilman Brooks delivered the invocation.

APPROVAL/AMENDMENTS TO AGENDA:

Mayor Hodges requested amending the agenda to include adding the following items:

- **Adopt:** Budget Ordinance Amendment and Grant Project Amendment to true up budget funding in preparation of the fiscal year closeout
- **Adopt:** Budget Ordinance Amendment in the Cemetery Fund – \$6,373
- **Memo:** Phone System Emergency Operations
- **Update:** School of Government
- **Discussion** – Careless and Reckless driving – Flood Areas

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

ADOPT: RESOLUTION AUTHORIZING ADVERTISEMENT OF OFFER TO PURCHASE – 126 NORTH MARKET STREET

City Manager, Brian Alligood explained that an offer to purchase the property located at 126 North Market Street (Old City Hall) was received on June 13, 2014 in the amount of \$20,100. Mr. Alligood stated the resolution placed in front of Council for consideration would accept Mr. Cummings offer and start the upset bid process.

Councilman Mercer stated he did not have a problem with starting the upset bid process, but noted his concerns regarding the number of conditions/restrictions that were previously placed on the sale of this property. Mr. Alligood stated the restrictive covenants that were originally placed on the property have been cleared, noting the only thing on the building now is the historic district guidelines. Mayor Pro tem Roberson agreed with Councilman Mercer noting there should be performance standards for people developing property. Individuals should have an estimated time line and work toward the time line for completion of the project. Mr. Alligood explained and voiced his concerns regarding the difficulties with the previous restrictions that put the City at risk. Mr. Alligood noted that Council can place whatever restriction they would like and then inquire if Mr. Cummings would still like to hold that offer. City Attorney, Franz Holscher stated he agreed with Mr. Alligood in that covenants establishing time frames even though well intended, become problematic in the real world application in the event the buyer has to have financing for renovations. This will become a lien against the property and the City would then, if it chooses to, enforce the covenants and retake the property subject to that mortgage. Mayor Pro tem Roberson agreed but felt like you can include a paragraph that would exempt the provision on the mortgage if it constitutes a lien against the property. Mr. Alligood requested direction as to what type of restrictions Council would like on that piece of property? Mayor Pro tem Roberson suggested highlighting the verbiage on the last agreement that the Attorney and Manager has issues with and Council can review and come up with some other

alternatives. Councilman Mercer requested an email be forwarded to Council providing a copy of the old agreement. Discussion continued.

By motion of Councilman Pitt, seconded by Mayor Pro tem Roberson, Council agreed to table this item until Monday, July 14, 2014.

(Begin letter) received from Mr. William J. Cummings

Dear Mr. Alligood,

Please accept this letter as an offer to negotiate the purchase of the Old City Hall located on North Market St. Washington, North Carolina, either personally or by an entity I would form for that purpose. My intent would be to pay the sum of \$20,100, contingent upon usual and customary rights of inspection and review of covenants that would be contained in a formal contract. My intent is to provide a Historic Rehabilitation of the Property and, in the process, create an Adaptive Reuse to Retail/Office/Hospitality.

I would appreciate it if you take the necessary steps required to process this offer to City Council. It is my intent that this Letter of Intent be deemed or constitutes a legally binding obligation but is merely an offer to negotiate. This letter of Intent is only a list and summary of proposed points that may or may not become part of any final agreements between us. It is not based on any binding agreement. It is not intended to impose any obligation whatsoever on either party, including without limitation an obligation to bargain in any way other than at arms' length. I do not intend to be bound by any agreement until a formal written Contract is agreed upon and signed, and neither I nor the City may reasonably rely on any promises inconsistent with this paragraph. This paragraph supersedes all other conflicting language. (end of letter)

DISCUSSION: GRANT UPDATES

Mayor Hodges requested comments from Council regarding the Grant Updates.

Grant Executive Summary
as of 5/31/2014

Active Fund	Grant Description	Dates			Financials				Deliverable				Compliance Reporting Status	Notes
		Award	Expiration	Completion	Revenue		Expense		Metric	Total	Achieved	Bal.		
50	CDBG Affordable Housing	04/09/10	10/31/14	10/31/14	227,700	185,719	227,700	185,719	LMH homes	10	5	5	04/30/14	Applicant promotion & qualification
51	Blue Goose	03/01/13	03/01/15	02/01/15	350,000	347,256	350,000	323,224	Jobs (60%LMH)	16	16	0		Job creation targets met, facility renovations continue
52	Comprehensive Bicycle Plan	05/26/11	12/31/13	06/30/14	35,000	30,430	35,000	32,288				0		DOT reviewing 3rd draft
55	idX/Impressions NC One Grant	09/30/13	09/30/16		300,000	-	300,000	-	Jobs/investment	160		160	01/31/14	Submit 25% reimbursement
57	CDBG for Job Creation	07/06/12	01/16/15	07/06/14	200,000	195,539	200,000	195,921	Jobs(7 new/1 ret.)	8	6	2	04/30/14	Most equip procured, admin. ED activity will continue through fall
61	Pedestrian Plan Grant	05/20/13	09/30/13	12/31/14	10,000	10,000	10,000	-				0		Steering committee & public input in progress, complete by 6/30
65	Econ. Development- Spinrite	01/07/12	01/07/15	01/07/15	90,000	90,398	90,000	67,500	Jobs	90	76	14		84% of job target met and 75% reimbursed
66	Airport Terminal Grant	04/04/13	07/01/15	03/31/15	1,255,902	425,019	1,255,902	215,727				0		Construction begun
67	Façade Grant Program	07/01/13	06/30/14	06/30/14	20,090	20,127	20,090	20,090				0		Complete
69	Way Finding				150,000	150,000	150,000	2,100				0		Design development in progress
71	Airport Lighting Rehab				361,111	36,111	361,111	-				0		Grant project ordinance in June
76	EDA Water Projects	09/11/13	03/11/17	02/28/17	1,428,262	706,133	1,428,262	28,449				0		Eng. bid awarded, topo surveys begun, award const. Dec 2014
77	EDA Sewer Grants	09/11/13	03/11/17	02/28/17	1,423,894	703,974	1,423,894	108,237				0		Eng. bid awarded, topo surveys begun, award const. Dec 2014
78	Light House RR & Boater Facility	01/17/12	01/17/15	06/30/14	344,397	94,447	344,397	178,469				0		Construction begun, on schedule to complete June 2014
	CDBG Keysville Rd.	2005	6/4/2013	06/30/16	320,000	320,000	320,000	320,000				0	04/30/14	Construct 3 homes w/qualified individuals by 6/30/14

Applications	Pre-App	Selected	Final App	Grant	Match	Total	
CDBG Infrastructure- basin 11 13th & Bridge				1,100,000	50,000	200,000	Not selected 1st or 2nd round, submit for 2015
Public Access- Peoples Pier	2/28/14			120,000	30,000	200,000	Application submitted
Public Access- Havens Garden	5/30/14	6/20/14	9/15/14	180,000	20,000	200,000	May memo to Council
Vidant- EMS Paramedic Level				22,000		22,000	Not awarded, pursuing through corporate
FEMA- Fire vehicle, turnout wash/dry, vehicle exhaust				399,000	21,000	420,000	Did not make it through peer review
TAG- Sanitary sewer study				35,000	0	35,000	Tenatively awarded
Historic Preservation Grant				14,000	4,000	18,000	Tenatively awarded, inventory/walking tour info development
NC Cardinal			7/1/14	22,345	0	22,345	Grant awarded, complete by 6/30/15
Police Bullet Proof Vests							

DISCUSSION: PROJECT UPDATES

Mayor Hodges requested comments from Council regarding the Project Updates. Councilman Mercer voiced there is a mathematical error on the People Pier. Council did not have any other comments or concerns at this time.

Capital Project Status FY 2013/2014

6/17/2014

Fund/Department	Account	Description	Budget \$	Spent	Open PO	Balance	Status	Notes
General Fund:								
IT	10-00-4132-7400	Virtualization Migration	30,000	0	0	30,000	On Hold - to create plan for future	
		PEG Channel Equipment	75,000	0	0	75,000	On Hold - to create plan for future	
		SSG Cisco Smartnet	9,148	0	0	9,148	Recurring cost of support	1
		Westinghouse Electric	2,066	4,964	0	(2,898)	Hardware associated with fiber	1
		SSG Fiber- Peterson Bldg.	8,340	1,192	0	7,148	Complete	1
		Fiber Project	24,113	49,561	1,206	(26,654)	Phase I complete	2
		Total IT	148,667	55,717	1,206	91,744		
		Actual	148,667	55,717	1,206	91,744		
Municipal Building	10-00-4260-7400	City Hall Chiller	87,270	87,270	0	0	Complete	
		Actual	87,270	87,270	0	0		
Police	10-10-4310-7400	Police vehicles	88,700	80,070	0	8,631	Complete	
		Vehicle equipment	4,395	4,431	0	(36)	Complete	2
		Total Police	93,095	84,500	0	8,595		
		Actual	93,095	84,500	0	8,595		
Fire	10-10-4340-7400	Fire Utility Vehicle	27,904	27,904	0	0	Complete	
		Thermal Imaging Camera	10,000	0	8,105	1,895	On order	
		Total Fire	37,904	27,904	8,105	1,895		
		Actual	37,904	27,904	8,105	1,895		
Inspections	10-10-4350-7400	Inspections vehicle	19,996	19,995	0	1	Complete	
		Actual	19,996	19,995	0	1		
Street Maintenance	10-20-4510-7400	Air Compressor	21,200	20,428	0	772	Complete	
		Actual	21,200	20,428	0	772		
Library	10-40-6110-7400	Library lighting	25,100	24,981	0	119	Complete	
		Actual	25,100	24,981	0	119		
Recreation Admin.	10-40-6120-7400	Peterson Building Roof	38,420	38,420	0	0	Complete	
		Peterson Building HVAC	10,000	9,970	0	30	Complete	
		Total Recreation Admin.	48,420	48,390	0	30		
		Actual	48,420	48,390	0	30		
Senior Center	10-40-6123-7400	Sr. Center Entrance & Ramp	34,000	33,800	0	200	Complete	
		Actual	34,000	33,800	0	200		
Civic Center	10-40-6125-7400	Concrete drive	1,300	1,233	0	67	Complete	
		Actual	1,300	1,233	0	67		
Aquatic Center	10-40-6126-7400	Phase 1 Dectron Unit Replac	16,200	16,200	0	0	Complete	
		Actual	16,200	16,200	0	0		
Rec. Maintenance	10-40-6130-7400	Boardwalk Replacement	26,177	26,177	0	(0)	Complete	
		Todd Maxwell Restrooms	58,298	0	57,930	369	In progress, complete by 8/15/14	
		Actual	58,298	0	57,930	369		

Capital Project Status FY 2013/2014

7/7/2014

Fund/Department	Account	Description	Budget \$	Spent	Open PO	Balance	Status	Notes
		Total Rec. Maintenance	84,476	26,177	57,930	369		
		Actual	84,476	26,177	57,930	369		
		Total General Fund	617,628	446,596	67,241	103,791		
		Actual	617,628	446,595	67,241	103,791		
Water:								
Water Meter Svc.	30-90-7250-7000	AMR Meters	100,000	89,276	10,000	724	2nd round of meters on order, complete 6/30/14	
Water Meter Svc.	30-90-7250-7400	AMR Meters	235	0	0	235	Completion by 6/30/14	
Water Treatment	30-90-8100-7400	Maint. & Repair of Cameras	25,000	21,276	0	3,724	Complete	
Water Maintenance	30-90-8140-7400	Replace Truck #414	60,000	0	59,755	245	Complete	
Water Construction	30-90-8180-7400	6 Summit Ave WL	179,000	9,693	4,350	164,957	Design in process, complete project October 1	
		Total Water Fund	364,235	120,245	74,105	169,884		
		Actual	364,235	120,245	74,105	169,884		
Sewer:								
Wastewater Treatment	32-90-8220-7400	Liquid Feed Constr. Admin.	4,464	2,495	0	1,969	Complete	
Wastewater Treatment	32-90-8220-7400	Replace Return Sludge Pump	21,000	20,916	0	84	Complete	
Lift Stations	32-90-8230-7400	Generator for Fountain Pump	90,000	36,952	12,086	40,962	Project under construction, complete by 6/30/14	
		Total Sewer Fund	115,464	60,364	12,086	43,014		
		Actual	115,464	60,364	12,086	43,014		
Electric:								
Electric Meter Service	35-90-7250-7400	Meters	50,000	21,912	10,831	17,257	In Progress	
		AMR Mobile Collector	20,000	20,000	0	0	Completed	
		Total Electric Meter Svc.	70,000	41,912	10,831	17,257		
		Actual	70,000	41,912	10,831	17,257		
Substation Maint.	35-90-8370-7400	Highland Drive Recloser	30,000	31,620	0	(1,620)	Completed	
		Highland Dr. Breaker Replace	40,000	36,342	0	3,658	Completed	
		RTAC (White Post substation)	6,000	6,040	0	(40)	Completed	
		Distribution reclosers	20,000	14,955	0	5,045	In Progress	
		Capacitors	8,000	6,436	0	1,564	Completed	
		Replace Truck #651	25,000	23,896	0	1,104	Completed	
		Total Substation	129,000	119,289	0	9,711		
		Actual	129,000	119,289	0	9,711		
Load Management	35-90-8375-7400	Load Management Switches	66,000	65,693	0	307	Completed	
		Actual	66,000	65,693	0	307		
Power Line Construction	35-90-8390-7400	2nd St./5th St Rebuild Engin	100,000	20,904	4,990	74,106	In Progress, completed by 6/30/14	
		High School Feeder relocatio	180,000	65,912	2,317	111,772	OH complete, UG bid awarded 6/9/14	
		Grimesland Feeder Engineeri	90,000	0	50,000	40,000	In Progress, completed by 6/30/14	
		NC 32 Feeder Engineering	50,000	2,894	30,000	17,106	In Progress, completed by 6/30/14	
		White Post/Statestone Feede	100,000	0	0	100,000	Delayed until FY 2014-15	
		Equipment Shelter	42,000	46,500	0	(4,500)	Completed	
		Row Bushog	12,000	10,591	0	1,409	Completed	
		Trencher Trailer	8,000	7,055	0	945	Completed	

Capital Project Status FY 2013/2014

7/7/2014

Fund/Department	Account	Description	Budget \$	Spent	Open PO	Balance	Status	Notes
Power Line Construction	35-90-8390-7400	Rope Pulling Machine	25,708	24,368	0	1,340	Completed	2
	35-90-8390-7400	Vehicle #651	44,580	45,174	0	(594)	Completed	2
	35-90-8390-7401	Bucket Truck #616	235,547	235,541	0	6	Completed	2
		Total Power Line Construct	887,835	458,939	87,307	341,589		
		Actual	887,835	458,939	87,307	341,589		
Total Electric Fund			1,152,835	685,833	98,138	368,864		
Actual			1,152,835	685,833	98,138	368,864		
Airport:								
Warren Field Airport	37-90-4530-7400	John Deere Rotary Mower	15,752	15,751	0	1	Complete	
		Total Solid Waste	15,752	15,751	0	1		
		Actual	15,752	15,751	0	1		
Solid Waste:								
Solid Waste Collection	38-90-4710-7400	Replace Truck #438	131,350	579	124,965	5,806	On order	
		Total Solid Waste	131,350	579	124,965	5,806		
		Actual	131,350	579	124,965	5,806		
Cemetery:								
Cemetery Fund	39-90-4740-7400	Kubota Tractor	35,000	35,000	0	0	Complete	
		Total Cemetery	35,000	35,000	0	0		
		Actual	35,000	35,000	0	0		
Grand Total			2,432,264	1,364,369	376,535	691,360		
Actual			2,432,264	1,364,367	376,536	691,360		

Notes:
1 PO carryforward
2 Project carryforward

ADOPT: BUDGET ORDINANCE AMENDMENT AND GRANT PROJECT AMENDMENT TO TRUE UP BUDGET FUNDING IN PREPARATION OF THE FISCAL YEAR CLOSEOUT

City Manager, Brian Allgood explained the budget amendments are necessary to provide funds to close out the fiscal year. Mr. Allgood noted Mr. Rauschenbach made the following amendments and stated the reason for the amendments:

1. idX building improvement loan was paid off with the proceeds of the property sale
2. Airport does not have adequate fund balance to cover cost of operation for the year
3. Electric Fund's purchased power is higher than projected, offset by additional sales
4. Cemetery Fund's contingency was not adequate to cover additional operating expense
5. Library and Cemetery trust Fund interest earned was higher than budgeted

Councilman Mercer expressed concern regarding Section 6 and Section 7 – Electric Fund to be increased in the amount of \$1,110,025 in order to cover the cost of additional power. Mayor Pro tem Roberson stated he wants to be sure at the end of the year we are consistent with our accruals.

By motion of Councilman Pitt, seconded by Councilman Brooks, Council adopted a Budget Ordinance Amendment and Grant Project Amendment to true up budget funding in preparation of the fiscal year closeout.

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF WASHINGTON, N.C. FOR THE FISCAL YEAR 2013-2014

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 \$336,378 in the account Sale of Fixed Assets, account number 10-00-3835-8200 to recognize loan payoff proceeds from the idX facility sale.

Section 2. That the following account numbers in the General Fund appropriations budget be increased in the amount indicated for the payoff of the idX building improvement loan:

10-50-4020-8100	Principal payments	\$ 334,067
10-50-4020-8300	Interest payments	<u>2,311</u>
	Total	\$336,378

Section 3. That the Estimated Revenues in the General Fund be increased in the amount of \$125,000 in the account Fund Balance Appropriated, account number 10-00-3991-9910, to provide funds for transfer to the Airport Fund necessary to supplement fund balance required for operations.

Section 4. That the following account number in the Miscellaneous Department of the General Fund appropriations budget be increased in the amount indicated:

10-00-4400-3700	Transfer to Airport Fund	\$ 125,000
-----------------	--------------------------	------------

Section 5. That the Estimated Revenues in the Airport Fund be increased or decreased in the following accounts and amounts:

37-90-3397-1000	Transfer from General Fund	\$ 125,000
37-90-3991-9910	Fund Balance Appropriated	(125,000)

Section 6. That the Estimated Revenues in the Electric Fund be increased in the amount of \$1,110,025 in the account Sale of Electricity account number 35-90-3710-5100, to provide funds for June's purchased power.

Section 7. That the following account numbers in the Purchase Power Department of the Electric Fund appropriations budget be increased in the amounts indicated:

35-90-8320-4800	NCEMPA	\$ 1,100,000
35-90-8320-4801	SEPA	10,000
35-90-8320-5000	NC Green Power	<u>25</u>
	Total	\$ 1,110,025

Section 8. That the Estimated Revenues in the Cemetery Fund be increased in the amount of \$4,220 in the account Fund Balance Appropriated, account number 39-90-3991-9900, to provide funds for operations.

Section 9. That the following account numbers in the Cemetery Fund appropriations budget be increased in the amounts indicated:

39-90-4740-0200	Salaries	\$ 1,000
39-90-4740-0600	Group Insurance	4,100
39-90-4740-5400	Insurance Premium	2,100
39-90-9990-9900	Contingency	<u>(2,980)</u>
	Total	\$ 4,220

Section 10. That the Estimated Revenues in the Library Trust Fund be increased in the amount of \$350 in the account Interest Earned, account number 11-40-3831-0000, to recognize additional interest earnings.

Section 11. That the following account number in the Library Trust Fund appropriations budget be increased in the amount indicated:

11-40-6300-9200	Admin. Charges to General Fund	\$ 350
-----------------	--------------------------------	--------

Section 12. That the Estimated Revenues in the Cemetery Trust Fund be increased in the amount of \$1,620 in the account Interest Earned, account number 12-30-3831-0000, to recognize additional interest earnings.

Section 13. That the following account number in the Cemetery Trust Fund appropriations budget be increased in the amount indicated:

12-30-6400-9205	Admin. Charges to Cemetery Fund	\$ 1,620
-----------------	---------------------------------	----------

Section 14. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 15. This ordinance shall become effective upon its adoption.

Adopted this the 23rd day of June, 2014.

ATTEST:

s/Cynthia S. Bennett, CMC
City Clerk

s/Mac Hodges
Mayor

**AN ORDINANCE TO AMEND THE GRANT PROJECT ORDINANCE FOR THE
AIRPORT TERMINAL
CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2013-2014**

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

Section 1. That the following appropriation accounts in the Waterfront Restroom grant be increased or decreased by the following amounts:

66-90-4530-0400	Professional Services	\$ 36
66-90-4530-0401	Preparation Engineering	270
66-90-4530-9900	Contingency	(306)
	Total	\$ 0

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective upon its adoption.

Adopted this the 23rd day of June, 2014.

ATTEST:

s/Cynthia S. Bennett, CMC
City Clerk

s/Mac Hodges
Mayor

ADOPT: BUDGET ORDINANCE AMENDMENT IN THE CEMETERY FUND

City Manager, Brian Allgood explained this is a request to do some repair work as a result of the storm event on Friday, June 13, 2014, approximately 16 l.f. of 24" concrete storm drain pipe caved in as well as a large stormwater junction box. Repairing this is beyond the capability of the equipment we have. The amount requested is for removal of the damaged materials and replacement with new materials. We will be providing fill material to reduce the cost by an additional \$1,870.

By motion of Mayor Pro tem Roberson, seconded by Councilman Brooks, Council adopted a Budget Ordinance Amendment in the cemetery fund for storm drainage repairs at Oakdale cemetery.

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2013-2014**

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 \$6,373 in the account Fund Balance Appropriated, account number 10-00-3991-9910.

Section 2. That the following account number in the General Fund appropriations budget be increased in the amount indicated to fund the repair of cemetery damages from the June 13th rain event.

10-00-4400-3900	Transfer to Cemetery Fund	\$6,373
-----------------	---------------------------	---------

Section 3. That the Estimated Revenues in the Cemetery Fund be increased in the amount of \$6,373 in the account Transfer from General Fund, account number 39-90-3980-1000.

Section 4. That the following account number in the Cemetery Fund appropriations budget be increased in the amount indicated:

39-90-4540-5600 Materials \$6,373

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This ordinance shall become effective upon its adoption.

Adopted this 23rd day of June, 2014.

ATTEST:

s/Cynthia S. Bennett, CMC
City Clerk

s/Mac Hodges
Mayor

MEMO: PHONE SYSTEM EMERGENCY OPERATIONS

City Manager, Brian Alligood explained that as we continue to evaluate our emergency preparedness and as we test the system, we are finding weaknesses in those systems and are working to fix them. Mr. Alligood explained a couple of events that cascaded down and took out the PRI at City Hall. As we looked at it, we determined this was another point of failure that we needed to correct. We are also looking into if something major was to happen to City Hall and we had to relocate how we would continue operations.

(Begin memo)

The disaster recovery and emergency operations of the City's phone system were recently reviewed and evaluated in preparation of hurricane season. The phone system and server reside at City Hall as well as the PRI that manages incoming call traffic. The evaluation identified a need for redundancy of the system server and PRI at the Communications Center to provide a backup in case of failure at City Hall as well as provide overflow call capacity by adding a second PRI. During the recent tornado a call overflow condition was experienced and will be alleviated by the installation of a second PRI.

The installed cost of a redundant Cisco server is \$19,063.38 and \$6,916.50 for the PRI hardware and call reporting system. Staff recommends the utilization of \$30,000 budgeted for the PC virtualization project that is on hold pending evaluation of the platform and management of our information systems. (end memo).

By motion of Councilman Mercer, seconded by Councilman Brooks, Council approved the request of transfer of funds in the amount of \$30,000 budgeted for the PC virtualization project to fund the installation of a second PRI at the Communications Center.

UPDATE: SCHOOL OF GOVERNMENT

City Attorney, Franz Holscher explained at the June 9, 2014 meeting Council had a request before them that was presented during scheduled public appearances. Questions arose as to what Council's policy was concerning the definition of a super majority in order to act on requests during scheduled public appearances. Being there were only four (4) Council members present, the motion was made to approve the request and the motion received three (3) affirmative votes and one (1) negative vote. It was noted that three votes should not qualify super majority. Council sought the Attorney's opinion as to whether or not the 3-1 voted constituted a super majority at the time; Mr. Holscher suggested that in his opinion it was. The way it is handle is if there is a procedural question, the procedural question is given to the Mayor and the Mayor makes a ruling on the procedural question ~ that is what happened in that meeting. The Mayor indicated the 3-1 vote satisfied the super majority requirement and the request was approved.

Councilman Mercer requested the Manager and the Attorney get an opinion from the School of Government as to the process, Council's policy and how it was interpreted in the meeting. An email was forwarded to Frayda Bluestein(UNC-SOG) that contained a copy of the Council's policy as written in the previous motion with the background of the minutes from the meeting. Ms. Bluestein's opinion was different from that of Mr. Holscher and she explained that under Council's policy, three (3) votes was not enough to approve the request that was presented at the June 9th meeting. She further noted that the action taken at the meeting was final because the procedural ruling was not appealed to the larger body of the Council. Therefore, the request

approved on June 9th is approved. The question becomes whether or not City Council wishes to clarify, amend, revise, or leave the Council policy as it is currently written or given the opinion from the School of Government, whether the Council wishes to review the request made on June 9 and if Council wishes to ratify or rescind that action.

Second question that came up during the June 9th meeting was if the Committee of the Whole is a regular Council meeting. Ms. Bluestein did agree with the Attorney's opinion in that it is a regular meeting.

Councilman Mercer shared the reason why he submitted the language regarding the policy. Councilman Mercer feels the need for a super majority is still a good policy. Council was having a number of appearances in which there were strong desires by the applicant during the scheduled public appearance to have Council take action on their request. Many times when Council was approach like that, they did not have adequate information to truly evaluate the comments received during a five minute presentation without the background information. If an individual wants to appear before Council with a request then it should be scheduled for either new or old business and then we eliminate this problem.

Mr. Alligood stated that staff was looking for some clarification in the language. Councilman Mercer revised the language to read as super majority defined as four members of the acting Council. Mr. Alligood stated this would make it very clear for staff. Councilman Brooks inquired if it could read 75% of Council members present during the meeting and Mr. Holscher responded (just a suggestion) that maybe the policy could say instead of using percentages that if five (5) members are present it would take four (4) or if four members were present it would take three (3) and could not act at all if there are only three members present. Councilman Mercer reiterated the suggestion of defining as four members and can bring the language back to Council on July 14, 2014 and Mr. Alligood agreed this would give staff the guidance they need.

By consensus, Council agreed to bring the clarification to the language back before Council on July 14, 2014.

Mayor Pro tem Roberson inquired as to the term/definition of "Committee of the Whole" and suggested to change wording. If it is going to be an action meeting and he feels everytime the City Council meets is an action meeting, then the term "Committee of the Whole" needs to be changed. Mayor Hodges agreed with Mayor Pro tem Roberson.

By consensus, Council agreed to the wording change of "Committee of the Whole" to 2nd meeting of the month.

DISCUSSION: CARELESS/RECKLESS DRIVING – FLOODED AREAS

Reading from the City's website, Councilman Pitt reminded citizens about driving in flooded streets. This issue was raised after a June 13 thunderstorm, which Washington received between five and six inches of rain and flooded streets in Washington. When our citizens are out diving they are actually pushing water into homes and doing damage to landscaping. Washington Police blocked intersections from 3rd Street to 15th Street to keep motorists from driving into deep water. Also, Washington Police can issue a citation up to \$500 for driving on flooded streets or careless/reckless driving. Councilman Pitt voiced careless and reckless driving carries a mandatory court appearance, a possible six-month prison sentence, four points on the ticketed driver's license and four insurance points.

Members of Council voiced damage can be caused by the wake created by driving through flooded streets and wash away soil in yards and damage shrubbery. Councilman Mercer stated this is a major concern and we understand there is a flooding problem in the City. We have spent a tremendous amount of money in the last five years on drainage problems. When the study was completed, the total cost of the project was between twelve to thirteen million dollars and we have spent between five to six million dollars which has just dented the problem. Mr. Alligood agreed with Councilman Mercer and voiced we realize there are some issues, as new facilities are paved there are some requirements regarding stormwater in which it be allowed run off. There are some state laws that relate to this as well and even though it helps, it doesn't

address the issue of having undersize pipes. Also, Mr. Alligood said our employees work tremendously hard before, during and after the event occurs to keep the drainage system running and they worked all night long and into the morning hours. There was some bad information that did not come from the City which stated our pumping system was not working. We addressed that issue immediately because citizens thought we weren't doing our job. Our staff is doing a great job and we understand the frustration our citizens have.

ADJOURN

By motion of Councilman Pitt, seconded by Councilman Brooks, Council adjourned the meeting at 6:35pm until Monday, July 14, 2014 at 5:30 p.m. in the Council Chambers at the Municipal Building.

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