

The Washington City Council met in a continued session on Monday, September 26, 2011 at 5:30 pm in the City Council Chambers at the Municipal Building. Present were: Archie Jennings, Mayor; Bobby Roberson, Mayor Pro tem; Doug Mercer, Councilman; Gil Davis, Councilman; William Pitt, Councilman; Josh Kay, City Manager; Cynthia S. Bennett, City Clerk and Franz Holscher, City Attorney. Ed Moultrie, Councilman was absent and excused from the meeting.

Also present were: Matt Rauschenbach, Chief Financial Officer; Robbie Rose, Fire Chief; Mick Reed, Police Chief; Allen Lewis, Public Works Director; John Rodman, Planning & Development Director; Philip Mobley, Parks and Recreation Director; Susan Hodges, Human Resource Director; Gloria Moore, Library Director; Mike Voss, of the Washington Daily News, Delma Blinson, of the Beaufort Observer and Morgan Peed from Boy Scout Troop 99

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

APPROVAL/AMENDMENTS TO AGENDA

Mayor Jennings requested adding: Jack's Creek Greenway Bids to the agenda. This item was emailed earlier to Council.

Mayor Pro tem Roberson requested adding a Discussion of City Manager's Goals and Evaluation Process(this item will be discussed at a later meeting).

Councilman Mercer requested moving the Closed Session to the end of the meeting and added closed session under NCGS 143-318.11(a)(6) Personnel.

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

AUTHORIZE – CITY MANAGER TO AWARD CONTRACT TO ALL AROUND PAINTING FOR EXTERIOR PAINTING OF THE IMPRESSIONS BUILDING (\$48,400)

Josh Kay, City Manager explained that on August 17, 2011 we received four bids for painting the exterior of the Impressions building at 234 Springs Road. All Around Painting of Washington, NC was the lowest bid for a single coat of paint at \$32,800. They also provided a bid alternate for a second coat of paint with the total being \$48,400. Impressions Marketing Group (IMG) and staff concur that two coats of paint, at a price that was lower than the original estimate of approximately \$60,000, provides the best value. As a reminder, this work will ultimately be paid for by IMG in the form of the higher lease agreement that was recently entered into.

By motion of Councilman Davis, seconded by Councilman Pitt, Council authorized the Manager to award a contract for painting the exterior of the Impressions building in the amount of \$48,400 to All Around Painting of Washington, NC and approve the corresponding purchase order.

ADOPT - BUDGET ORDINANCE AND APPROVE PURCHASE ORDER FOR MAIN STREET ENERGY FUND

Mr. Kay explained that the Main Street Energy Fund is a program designed to assist downtown business owners in completing energy efficiency renovations to privately-held buildings. At the time the grant application was submitted, seven building owners were participating. Once, the project was funded, half of the building owners dropped out (overdue taxes, changed financial climate, etc). The three participating local businesses are: Moss House Bed and Breakfast, Carolina Wind and Yacht Center and Edward Jones Investments. On August 8, 2011, the Council awarded two construction contracts totaling \$85,280 to complete the construction work at these locations.

In an effort to keep funding inside Washington's central business district, a request was submitted to the State Energy Office to support an expanded program scope and budget revision. The program was modified to include an educational demonstration, Sprout Kiosk, and reduce the construction budget in light of program attrition.

To date, the City has collected \$14,200 for Sprout's installation. Sprout Energy requested a 50% deposit.

Original Project Total	\$143,077.58
Total awarded construction costs	\$85,280.00
Total Sprout (\$25,000 turnkey installation and \$3,400 educational program support)	\$28,400.00
Difference between original and proposed project total	\$29,397.58
Anticipated funds to be returned to state	\$14,698.79

By motion of Councilman Pitt, seconded by Mayor Pro tem Roberson, Council adopted the budget ordinance and approved the purchase order for the Main Street Energy Fund for the installation and educational program support for the Sprout Energy Kiosk.

**AN ORDINANCE TO AMEND THE GRANT PROJECT BUDGET ORDINANCE
 OF THE CITY OF WASHINGTON, N.C.
 FOR THE MAIN STREET II ENERGY GRANT
 FOR THE FISCAL YEAR 2011-2012**

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

Section 1. That the Estimated Revenues in the Main Street II Energy Grant be increased or decreased in the following accounts by the indicated amounts.

66-60-3352-0000	Owner Contributions	\$(28,898)
66-60-3490-2300	Federal Grants	(14,744)
66-60-3355-0000	Corporate Sponsorships	14,200

Section 2. That the appropriation line items be increased or decreased in the following accounts by the indicated amounts.

66-60-4930-4500	Rehabilitation	\$(57,842)
66-60-4930-4550	Educational Demonstration	28,400
		\$(29,442)

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 26th day of September, 2011.

ATTEST:

**s/CYNTHIA BENNETT, CMC
 CITY CLERK**

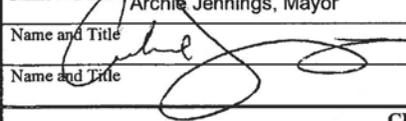
**s/N. ARCHIE JENNINGS, III
 MAYOR**

**ADOPT - RESOLUTION AUTHORIZING DESIGNATION OF APPLICANT'S AGENT
 FOR HURRICANE IRENE**

Mr. Kay stated the resolution authorizes the primary and secondary agents to execute and file applications for federal and state assistance and represent the City of Washington in all matters with the State and FEMA pertaining to disaster assistance.

By motion of Mayor Pro tem Roberson, seconded by Councilman Davis, Council adopted a resolution designating Robbie Rose as primary agent and Matt Rauschenbach as secondary agent for the Hurricane Irene disaster.

Mr. Kay noted that next month purchase orders will be presented to Council for approval relating to Hurricane Irene.

RESOLUTION	
DESIGNATION OF APPLICANT'S AGENT	
North Carolina Division of Emergency Management	
Organization Name (hereafter named Organization) City of Washington	Disaster Number: FEMA-4019-DR-NC
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):	
Applicant's Fiscal Year (FY) Start	Month: July Day: 1
Applicant's Federal Employer's Identification Number ██████████	
Applicant's Federal Information Processing Standards (FIPS) Number	
PRIMARY AGENT	SECONDARY AGENT
Agent's Name Robbie Rose	Agent's Name Matt Rauschenbach
Organization City of Washington	Organization City of Washington
Official Position Fire Chief	Official Position Chief Financial Officer
Mailing Address 410 N Market St.	Mailing Address P.O. Box 1988
City, State, Zip Washington, NC 27889	City, State, Zip Washington, NC 27889
Daytime Telephone 252 948-9400	Daytime Telephone 252 975-9312
Facsimile Number 252 975-6048	Facsimile Number 252 946-1965
Pager or Cellular Number 252 943-9466	Pager or Cellular Number 252 945-4050
<small>BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this _____ day of _____, 20____.</small>	
GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title Archie Jennings, Mayor	Name Cynthia S. Bennett
	Official Position City Clerk
Name and Title	Daytime Telephone 252 975-9318
CERTIFICATION	
I, <u>Cynthia S. Bennett</u> , (Name) duly appointed and <u>City Clerk</u> (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of <u>City of Washington</u> (Organization) on the <u>26th</u> day of <u>September</u> , 20 <u>11</u> . Date: <u>September 26, 2011</u> Signature: 	
<small>Rev. 06/02</small>	

APPROVE - CIVIC CENTER DECK ENGINEERING BID (\$2,500)

Mr. Kay noted that at Council's request, City Staff received bids for engineering and design services for the Civic Center decking. The bid tabulation is listed below. The City currently has \$15,000 budgeted (General Fund — Civic Center — Maintenance/Repair Building), which could be utilized for this expenditure.

Bidder	Location	Amount
Mosley Construction	Greenville, NC	\$ 2,500
MHA Works	Greenville, NC	\$ 4,200
Infocus Engineering	Greenville, NC	\$ 3,000

Councilman Mercer expressed concern with comments made by staff at last month's meeting regarding engineering as staff indicated the engineering was "free". Mr. Kay stated that Mosley Construction will continue to offer the "free" engineering service but it will be included in the construction cost if they are awarded the job. If they are not awarded the job the engineering will be \$2,500.

By motion of Mayor Pro tem Roberson, seconded by Councilman Pitt, Council approved the low bid of \$2,500 from Mosley Construction Company of Greenville, NC to provide engineering and design services to the City of Washington for the Civic Center decking.

JACK’S CREEK GREENWAY BIDS

Mr. Kay stated that City Staff received bids for the clearing, grading, and paving of the Jack’s Creek Greenway, bids are listed below. The grant is a 75-25% match, meaning that the City must contribute at least 25% of the total project cost either through cash or in-kind services. The total anticipated project cost is approximately \$66,700 – with the City’s match being approximately \$16,700.

Bidder	Project	Amount
<i>BE Singleton</i>	<i>Clearing & Grading</i>	<i>\$ 26,400.00</i>
St. Clair Trucking	Clearing & Grading	\$ 28,177.50
<i>Garris Grading & Paving</i>	<i>Asphalt Paving</i>	<i>\$ 23,812.50</i>
Randolph Paving	Asphalt Paving	\$ 34,500.00

The majority of the remaining projects involved in the completion of this project will be handled primarily by City staff and will be the majority of the City’s match. The project must be completed by November 15th. Council discussed in-kind work as well as the City’s match for this grant.

By motion of Councilman Pitt, seconded by Councilman Davis, Council approved the low bids and Purchase Orders of \$26,400.00 from B.E. Singleton of Washington, NC and \$23,812.50 from Garris Grading & Paving of Greenville, NC to construct the Jack’s Creek Greenway.

DISCUSSION – WATERFRONT DOCK PROJECT UPDATE

Mr. Kay reviewed the memo presented to Council which addressed the two major issues that staff needs direction from Council in regards to the City’s dock facilities:

1. Continuation of the 2008 Big-P Dock Grant: City Staff have requested from the 2nd lowest bidder (TJ Marina Construction, LLC) a revised/reduced cost to extend docks A & B as originally planned. The revised proposal does NOT include the extension of utilities at the docks; however, we are awaiting bids from an electrical subcontractor for the expansion of the electric system and Allen Lewis is reviewing what services City personnel can provide for water and sewer services. The City has an open grant of \$200,000. All purchase orders relating to this project have been closed, and there are no additional funds currently budgeted for this project.

With this in mind City Staff requests direction as to whether or not Council desires us to move forward with the project. Below is a brief summary of anticipated expenses, should Council decide to move forward:

Item	Provider	Amount	Type of Amount	
Expansion of Docks A & B	TJ Marina Construction	\$183,048	Firm	
Fire Dry Line	Williams Fire Sprinkler Co.	\$ 15,690	Firm	
Water Line Extensions	City of Washington	\$ 5,000	Estimate	
Sewer Line Extension	City of Washington	\$ 5,000	Estimate	
Electrical Extension	Subcontractor	\$ 100,000	Estimate	Total \$ 308,738

2. Damage to all docks due to Hurricane Irene: All City-owned docks have incurred some level of damage due to Hurricane Irene. All electrical pedestals are inoperable at this time and are in need of repair and/or replacement. Additionally, there is some damage to the dinghy dock,

bathroom facility, railings, and dock station. Some cost estimates are available for your review and are listed below:

Item	Provider	Amount	Type of Amount
Electric Pedestals Replacement	Subcontractor	\$45,000	Estimate
Repair of Electric Pedestals	Subcontractor	\$20,000	Estimate
Dinghy Dock	Subcontractor	\$40,000	Estimate
Other Repairs Needed	Subcontractor	\$10,000	Estimate

Options

1. Continue with the Big-P Dock Grant and increase the scope of the contractors to include the replacement of all electrical pedestals and repair all other facilities — Total Estimated Cost: \$403,000 (City-incurred costs: \$203,000). *Note: City Staff are in discussions with FEMA concerning the possibility of having some assistance in the replacement of these pedestals, docks, and other facilities due to hurricane damage; however, no information is available to date as to the likelihood of this funding source.
2. Do Not continue Big-P Dock Grant and replace all electrical pedestals, repair dinghy dock, and repair other dock facility — Total Estimated Cost: \$95,000 (City-incurred costs: \$95,000)
3. Do Not continue Big-P Dock Grant and repair all electrical pedestals, repair dinghy dock, and repair other dock facilities — Total Estimated Cost: \$70,000 (City-incurred costs: \$70,000) *Note: The repair estimate for electric pedestal is a rough estimate based on conditions of existing wiring.
4. Continue as is without the expansion of Docks A & B and do not repair or replace electrical pedestals or dinghy dock. *Note: This is not a recommendation of City Staff as this option would decrease the marketability of the City-owned docks and could potentially result in loss of revenue to the City.

Councilman Mercer expressed concern over the cost of the project with a possible forty year payback and is opposed to moving forward with the project. Councilman Davis reviewed the history of the grant. Councilman Pitt inquired if the grant is a renewable grant? Mr. Kay stated the grant is not renewable, it is a very competitive grant and we could always apply for the grant again. Mayor Pro tem Roberson felt we need to repair what we have.

Public Comment:

Fred Crawmer stated he felt it would be better to build 12 lease docks instead of 12 transient docks.

Bill Sykes feels the current design is flawed and is an unfriendly plan to boaters. He further suggested that the Harbor Committee be reactivated and possibly review Fred Watkins' design and Council should reject moving forward with the current project.

By consensus Council agreed to not continue the Big-P Dock Grant and to replace all electrical pedestals, repair dinghy dock, and repair other dock facility. Total Estimated Cost: \$95,000 (City-incurred costs: \$95,000).

DISCUSSION – PROHIBITION OF WEAPONS IN PUBLIC RECREATION AREAS

Mr. Kay explained that the NC General Assembly approved HB 650 which modifies a local government's ability to prescribe areas where citizens can and cannot carry concealed weapons on public property. The primary amendment to the General Statute affecting the City of Washington is centered on the deletion of the word "park" and the replacement of that with

“recreational facilities.” The intent of this item is to bring the current City Code in line with new State law. Locations have to be specific, not just noted as “park”.

(memo from Chief Reed and Philip Mobley)

To comply with the statewide uniformity system for the regulation of legally carrying concealed handguns; it is the recommendation of the Washington Police Department and the City of Washington’s Parks and Recreation Department that Section 20-15 of the City Ordinance be amended to include that the following recreation areas/facilities be specifically posted to prohibit the carrying of concealed weapons:

Playgrounds:

- Havens Gardens (parking lot, playground & shelter on west side)
- Bug House Park (playground, shelter, parking lot, and tennis courts)
- 7th Street Park (playground, parking lot, and basketball courts) Bobby Andrews Park
- Gary Tomasulo Playground, “Papa’s Playground” Festival Park
- 3rd & Pierce Street Playground (playground)
- 15th Street Basketball Courts (basketball courts & parking lot)
- PCM Skate Park

Athletic Facilities:

- Susiegray McConnell Sports Complex (fields, stands, parking lot, sideline area, concessions, all complex area North of Airport Road)
- Moore Aquatic & Fitness Center (facility & parking lot)
- Bobby Andrews Recreation Center (facility & parking lot)
- Little Tar heel League Fields, W. 3rd Street (fields, concessions, bleachers & sideline area) Todd Maxwell Complex
- Dick Jones Field –girls softball(joint use agreement with school)

Council members voiced possible concerns and issues that could arise from this as well as locations that need to be posted. It was also noted that an ordinance amendment will need to be drafted for Council approval and possibly hold a public hearing to allow the public to voice their concerns. In regards to non-concealed firearms GS 160A-189 provides that a city may, by ordinance, regulate the display of firearms on the streets, sidewalks, alleys, or other public property.

Public Comment:

Barry L. Gutfeld stated that criminals don’t obey gun laws so the signs will not matter. He also stated he has concern with prohibiting the carrying of concealed weapons if a person has been issued a concealed handgun permit. He requested Council take more time to review this issue.

DISCUSSION – FESTIVAL PARK USE – REGULATIONS & RESTRICTIONS

Mr. Kay reviewed the current Special Events Policy and Permit with Council and noted these documents are currently being used in regards to events at Festival Park. Staff had a meeting with the majority of the large users of Festival Park including Chamber of Commerce, Arts Council, Estuarium, WHDA, Rotary, etc. and their specific needs at the park. Do we continue using the current policy or create a new policy for Festival Park? The estimated time line for Festival Park is that in early to mid October to put in rye grass. Papa’s Playground is completed with a ribbon cutting ceremony to be held in the near future. After the rye grass takes hold we would like to hold a dedication ceremony for Festival Park as a whole. In mid- June after Summer Festival we will spray to kill all of the weeds. In July the plastic web and netting will be removed and the area will be fertilized and later in July to install sod. This will give us six weeks for the sod to take hold before the Pickin’ on the Pamlico is held. During this six week period we are requesting to not have any events at Festival Park to allow the sod time to take hold and start growing. There will be irrigation at the site and the lines will be marked to insure that tents will not be an issue.

Mayor Jennings stated that park belongs to the public and feels the current policy should be revised as needed to fit the needs at Festival Park. Councilman Mercer agreed that the park needs to be opened and used for public events as soon as possible. We need to be very careful of some events that are occurring regarding bikes and skateboards being ridden on the ramps. The sod would cost approximately \$9,000. Council recommends that staff refine the current policy

and fees as we go to see how the facilities are used. By consensus Council agreed to refine the current policy and fee schedule and to allow the facilities to be used as soon as possible.

**REMINDER: TRANSPORTATION CAREER DAY(AL POWELL) AT WARREN
FIELD AIRPORT – SEPTEMBER 28TH & 29TH**

**CLOSED SESSION - UNDER NCGS § 143-318.11(A)(3) ATTORNEY CLIENT
PRIVILEGE AND NCGS §143-318.11(A)(6) PERSONNEL.**

By motion of Councilman Pitt, seconded by Mayor Pro tem Roberson, Council agreed to enter into closed session at 6:45pm under NCGS 143-318.11 (a)(3) Attorney Client Privilege and 143-318.11(a)(6) Personnel.

EXTENSION OF MEETING

During closed session by motion of Councilman Davis, seconded by Mayor Pro tem Roberson, Council voted to extend the meeting for one hour (7:30pm).

**ADJOURN – UNTIL MONDAY, OCTOBER 10, 2011 AT 5:30 PM IN THE COUNCIL
CHAMBERS AT THE MUNICIPAL BUILDING**

By motion of Councilman Pitt, seconded by Councilman Davis, Council adjourned the meeting until October 10, 2011 at 5:30 pm in the Council Chambers at the Municipal Building.

Cynthia S. Bennett, CMC
City Clerk