



COMMITTEE OF THE WHOLE
SEPTEMBER 26, 2011
5:30 PM

Opening of Meeting

Nondenominational Invocation

Roll Call

Approval/Amendments to Agenda

1. Closed Session - Under NCGS § 143-318.11(a)(3) Attorney Client Privilege
2. Authorize – City Manager to Award Contract to All Around Painting for Exterior Painting of the Impressions Building (\$48,400) (**page 2**)
3. Adopt - Budget Ordinance and Approve Purchase Order for Main Street Energy Fund (**page 4**)
4. Adopt - Resolution Authorizing Designation of Applicant's Agent for Hurricane Irene (**page 9**)
5. Approve - Civic Center Deck Engineering Bid (\$2,500) (**page 12**)
6. Discussion – Waterfront Dock Project Update (**page 13**)
7. Discussion – Prohibition of Weapons in Public Recreation Areas (**page 15**)
8. Discussion – Festival Park Use – Regulations & Restrictions
9. Adjourn – Until Monday, October 10, 2011 at 5:30pm in the Council Chambers at the Municipal Building.



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Michael Whaley, Purchasing Agent
Date: September 8, 2011
Subject: Authorize Manager to Award Contract to All Around Painting for Exterior Painting of the Impressions Building.

Applicant Presentation: N/A
Staff Presentation: Allen Lewis

RECOMMENDATION:

I move that Council authorize 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.

BACKGROUND AND FINDINGS:

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.

PREVIOUS LEGISLATIVE ACTION

N/A

FISCAL IMPACT

X Currently Budgeted (Acct. 56-60-4930-4500) ___ Requires additional appropriation ___ No Fiscal Impact

SUPPORTING DOCUMENTS

Bid tab attached.

City Attorney Review: ___ Date By: ___ (if applicable)
Finance Dept Review: ___ Date By: September 26, 2011 (if applicable)
City Manager Review: AL Concur ___ Recommend Denial ___ No Recommendation 9/26/11 Date

BID TABULATION

Bid for: Impressions Painting
Opened: 10:00 AM, Wednesday
August 17, 2011

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<u>Item</u>	<u>Description</u>	<u>McGowan Painting</u>	<u>Advance Custom Painting</u>	<u>Ross Ind. Services</u>	<u>All Around Painting</u>
1	Paint Impressions Building as proposed in City of Washington Invitation to Bid	\$43,350.00	\$98,816.84	\$63,400.00	\$32,800.00

Recommendation: The recommended vendor would be All Around Painting. The above bid is based on one coat of paint. All Around Painting quoted and alternate of 2 coats for \$48,400.00.

Signed: Michael Whaley



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: John Rodman, AICP Planning and Community Development
Date: September 19, 2011
Subject: Adopt Budget Ordinance and Approve Purchase Order for Main Street Energy Fund
Applicant Presentation: N/A
Staff Presentation: N/A

RECOMMENDATION:

I move that Council adopt the budget ordinance and approve the purchase order for the Main Street Energy Fund for the installation and educational program support for the Sprout Energy Kiosk.

BACKGROUND AND FINDINGS:

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 award 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 (see attached budget revision request).

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

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

PREVIOUS LEGISLATIVE ACTION

2/7/11: Accept award, adopt budget ordinance
 8/8/11: Award construction contract

FISCAL IMPACT

Currently Budgeted (Account _____) Requires additional appropriation No Fiscal Impact

SUPPORTING DOCUMENTS

Request for Budget Revision and Scope of Work Amendment
 Email from State Energy Office

City Attorney Review: _____ Date By: _____ (if applicable)
Finance Dept Review: _____ Date By: September 26, 2011 (if applicable)
City Manager Review: JK Concur _____ Page 4 of 20 Denial _____ No Recommendation 9/21/11 Date _____

**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	<u>14,200</u>
		\$(29,442)

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	<u>28,400</u>
		\$(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.

MAYOR

ATTEST:

CITY CLERK

AMENDMENT # 1

The contract dated January 31, 2011 by and between The City of Washington (hereinafter called the "Grantee" or "Contractor") and the North Carolina Department of Commerce, Energy Division (hereinafter called the "Agency"), is hereby amended as follows (hereinafter, the contract as amended by this amendment and any previous amendments are collectively referred to as the "Agreement"):

Scope of Work: The project scope of work is hereby changed as shown on Attachment A and submitted to address the following project scope changes:

1. *The City of Washington will redirect funds to support the purchase and installation of a Sprout Kiosk at the NC Estuarium. Showcasing solar panels; a wind turbine, and weather station, Sprout kiosk produces real-time data for education and powers itself to go in anywhere. The Sprout kiosk connects technology and information seamlessly, transforming how we learn about clean energy. The integrated components are easy to see, and Sprout displays real-time data on its screen and through a web-interface to any location.*
2. *A reduction in participating building owners from Seven (7) to three (3). The construction contracts for this work total \$85,280 and will save an estimated: 86,028 BTU/Sq.FT/Yr and 39,384 kWh.*

Budget: This amendment will decrease the SEO funds by \$14,698.79; which returns this amount to the state.

All other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to be duly signed and executed with the intention of becoming legally bound and thereby effective as of the date and year first above written.

Grantee

Bianca Gentile 8/21/11
Printed Name Date

B. Gentile
Signature

North Carolina
Department of Commerce

Richard A. Clark 8-31-11
Printed Name Date

Richard A. Clark
Signature

Attachment A

Scope of Work Amendment

The City of Washington requests a budget revision to accommodate a change in project scope.

- 1. Construction contracts have been awarded totaling \$85,280 in services. Program attrition left the City of Washington at risk of losing money in its downtown. In an effort to keep funding inside our business district, we request that the State Energy Office support a modification to the program scope- expanding to include an Educational Demonstration.*

The Sprout kiosk showcases solar panels, a wind turbine, and weather station. The data generated from all three components serves to educate students and the general public and the integrated information appears on an intuitive dashboard to help connect weather to the renewable energy it can produce. The stand-alone kiosk is powered by its energy systems to go anywhere with minimal infrastructure coordination. The Sprout kiosk connects technology and information seamlessly transforming the process for learning about clean energy. The full size components are easy to see and Sprout displays real time data on its screen and through a web-interface to any location.

Business owners in downtown Washington were offered 50% funding from the Main Street Energy Fund to invest in energy efficiency improvements for their buildings, and more than half of those later decided it was still not worth it. Obviously, education is still needed for students of all ages, not only for energy conservation, but for energy alternatives as well.

The goal of the City of Washington, through its partnership with the NC Estuarium and Sprouts, is to bring these issues to the forefront of a discussion by making new options visible and getting people to start asking questions. In addition, we hope Sprout, as a unique and emerging educational tool, will attract visitors, environmental educators and students to our downtown district. The increase in tourism is likely to have educational and economic benefits to the NC Estuarium and Washington's Historic Harbor District.

To date, the City has raised \$14,200 for Sprout's installation.

<i>Original Project Total</i>	<i>143,077.58</i>
<i>Total awarded construction costs</i>	<i>85,280.00</i>
<i>Total Sprout</i>	<i>28,400</i>
<i>Difference between original and proposed project total</i>	<i>29,397.58</i>
<i>Anticipated funds to be returned to state</i>	<i>14,698.79</i>



INVOICE

City of Washington, NC

Date: 08/16/2011
Invoice Number: INV-081211
Sprout Energy Contact: Addie Randall
252-721-8822

Contact Name: Ms. Blanca Gentile
Community Development Planner
Email Address: bgentile@washingtonnc.gov
Phone: 252-402-6888

ADDRESS INFORMATION

Bill To:
City of Washington
P.O. 1988
Washington, NC 27889

Ship To:
NC Estuarium
233 Water Street
Washington, NC 27889

<u>ITEM</u>	<u>Unit Price</u>	<u>Amount</u>
EQUIPMENT HARDWARE PURCHASE:		
Sprout Kiosk – Full turnkey installation (Includes Foundation, Delivery and Installation; three customizable pages)	\$ 25,000.00	
50% Deposit Due:		\$12,500.00
	Total Due *:	\$12,500.00

* Prices shown above do not include any taxes that may apply. Any such taxes are the responsibility of Customer and will appear on final invoice.



City of Washington

REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Matt Rauschenbach, C.F.O.
Date: September 26, 2011
Subject: Adopt Resolution Designation of Applicant's Agent for Hurricane Irene
Applicant Presentation: N/A
Staff Presentation: Matt Rauschenbach

RECOMMENDATION:

I move that City Council adopt a resolution designating Robbie Rose as primary agent and Matt Rauschenbach as secondary agent for the Hurricane Irene disaster.

BACKGROUND AND FINDINGS:

This 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.

PREVIOUS LEGISLATIVE ACTION

FISCAL IMPACT

___ Currently Budgeted () ___ Requires additional appropriation
X No Fiscal Impact

SUPPORTING DOCUMENTS

Resolution Designation of Applicant's Agent

City Attorney Review: ___ Date By: ___ (if applicable)
Finance Dept Review: ___ Date By: ___ (if applicable)
City Manager Review: JK Concur ___ Recommend Denial ___ No Recommendation
9/21/11 Date

**RESOLUTION
DESIGNATION OF APPLICANT'S AGENT**

North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) Disaster Number:
City of Washington 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
[REDACTED]

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

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__.

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title Archie Jennings, Mayor	Name Cynthia S. Bennett
Name and Title	Official Position City Clerk
Name and Title	Daytime Telephone 252 975-9318

CERTIFICATION

I, Cynthia S. Bennett, (Name) duly appointed and City Clerk (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 City of Washington (Organization) on the _____ day of _____, 20__.

Date: _____ Signature: _____

APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.



City of Washington
REQUEST FOR CITY COUNCIL ACTION

To: Mayor Jennings & Members of the City Council
From: Joshua Kay, City Manager
Date: September 26, 2011
Subject: Civic Center Deck Engineering Bids
Applicant Presentation:
Staff Presentation:

RECOMMENDATION:

I move that the City Council approve 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.

BACKGROUND AND FINDINGS:

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

PREVIOUS LEGISLATIVE ACTION

None

FISCAL IMPACT

Currently Budgeted Requires additional appropriation No Fiscal Impact

SUPPORTING DOCUMENTS

City Attorney Review: _____ Date By: _____ (if applicable)
Finance Dept Review: _____ Date By: _____ (if applicable)
City Manager Review: JK Concur _____ Recommend Denial
 _____ No Recommendation 9/21/11 Date



City of Washington

P. O. Box 1988, Washington, NC 27889-1988

MEMORANDUM

TO: Mayor & City Council
FROM: Josh Kay, City Manager 
DATE: September 26, 2011
RE: City of Washington's Docks

There are two major issues that staff needs direction from Council in regards to the City's dock facilities:

- 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:

<u>Item</u>	<u>Provider</u>	<u>Amount</u>	<u>Type of Amount</u>
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:

<u>Item</u>	<u>Provider</u>	<u>Amount</u>	<u>Type of Amount</u>
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: \$85,000 (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.*



City of Washington

P. O. Box 1988, Washington, NC 27889-1988

MEMORANDUM

TO: Mayor & City Council

FROM: Josh Kay, City Manager 

DATE: September 26, 2011

RE: 2011 Amendments to NC General Statutes concerning Local Government's authority to limit the Carrying of Concealed Weapons on Public Property

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."

Attached to this memo are two supporting documents:

1. An August 4, 2011 memorandum from the NC League of Municipalities explaining the HB 650; and
2. A September 19, 2011 memorandum from Chief Reed outlining the proposed changes to the City's current Code to reflect the needed changes resulting from HB 650.

Additionally, below is the City's current Code concerning the prohibition of concealed weapons.

Sec. 20-15. - Signs regarding concealed handguns prohibition.

(a)

Posting of signs required. The city Public Works Department is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building or portion of a building owned, leased as lessee, operated, occupied, managed or controlled by the city, as well as the appurtenant premises to such buildings, indicating that carrying a concealed handgun is prohibited therein.

(b)

Location of signs. Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The city Public Works Department shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.

(Code 1993, § 10-15)

MEMORANDUM

To: Managers, Administrators, Clerks and Attorneys

From: John M. Phelps, II, Senior Assistant General Counsel

Date: August 4, 2011

Re: 2011 Firearms Legislation

The 2011 General Assembly considered a number of bills that concern the rights of individuals to own, possess, or carry firearms. One of those bills, *HB 650 – Amend Various Gun Laws/Castle Doctrine (SL 2011-268)*, contains several provisions of interest to local governments. Those provisions are the focus of this memo. Other items of general interest found in the bill are also summarized below. A short summary of a city’s authority to regulate firearms as it will exist after the effective date of HB 650 is also included at the end of the memo. The effective date for the act is December 1, 2011.

I. Limitation on local government authority to post prohibitions on carrying of concealed weapons

Current law. The intent of the General Assembly to prescribe a uniform system for regulating the carrying of concealed handguns is specified in G.S. 14-415.23 [statewide uniformity of concealed handgun regulation]. To insure that uniformity, it further provides that local governments are prohibited from enacting ordinances and other rules concerning regulation of carrying concealed handguns. It has, however, authorized units of local government to adopt ordinances to permit the posting of a prohibition against carrying concealed handguns, in accordance with G.S. 14-415.11(c) (discussed below) on local government buildings, their appurtenant premises, and parks.

“Parks” deleted from posting authority. Under G.S. 14-415.23 as amended by HB 650, a unit of local government may adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun, in accordance with G.S. 14-415.11(c), on local government buildings and their appurtenant premises. This language deletes “parks” from the list of places where the posting may occur.

“Recreational facilities” now included in posting authority. The amended statute then provides that a unit of local government may adopt an ordinance to prohibit, by

posting, the carrying of a concealed handgun on municipal and county recreational facilities that are specifically identified by the unit of local government. The statute defines the term “recreational facilities” to include only the following: a playground, an athletic field, a swimming pool, and an athletic facility. Consequently, a local government may not post a prohibition for park property in general, but can post in areas of parks that include a playground, swimming pool, or athletic fields or facilities.

Exception for storage of handgun. The amendments to G.S. 14-415.23 also provide that when a local government adopts a prohibition ordinance with regard to recreational facilities, the concealed handgun permittee may, nonetheless, secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment within or on the vehicle.

II. Additional exceptions authorizing persons to carry concealed weapons

Current law. G.S. 14-269 [carrying concealed weapons] sets forth the general prohibition that it is unlawful for any person willfully and intentionally to carry concealed about his or her person any pistol or gun except in specified circumstances, such as when on the person’s own premises or when the person has obtained a permit to carry a concealed handgun. Additionally, it provides a listing of groups of persons to whom the prohibition does not apply. Prior to the enactment of HB 650, the listing contained five groups.

New exceptions. As rewritten, there are now three additional groups of persons to whom the prohibition on carrying concealed handguns does not apply. Those groups are:

- Any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney [district attorney personnel] who has a concealed handgun permit; provided that such person shall not carry a concealed weapon at any time while in a courtroom or while consuming alcohol or an unlawful controlled substance.
- Any person who is a qualified retired law enforcement officer as defined in G.S. 14-415.10 [definitions applicable to concealed handgun statutes], is a holder of a concealed handgun permit, and is certified by the North Carolina Criminal Justice Education and Training Standards Commission.
- Detention personnel or correctional officers employed by the state or a unit of local government who park a vehicle in a space that is authorized for their use in the course of their duties may transport a firearm to the parking space and store

that firearm in the vehicle parked in the parking space, provided that the firearm is secured.

III. Modifications to scope of concealed handgun permits

Current Law. Under G.S. 14-415.11, any person who has a permit to do so may carry a concealed handgun unless otherwise specifically prohibited by law. Subsection (c) of the statute lists (with one new exception discussed below) areas where a person, despite having a permit, may not carry a concealed handgun. Included on that list are places where a notice has been posted indicating that carrying a concealed handgun there is prohibited. It is through this statute that the authority of a local government to post concealed handgun prohibitions (as authorized in G.S. 14-415.23) is implemented.

Additional locations where concealed handguns may be carried. HB 650 adds several subsections to G.S. 14-415.11 clarifying several locations where concealed handguns may be carried. A person who has a concealed handgun permit may carry the concealed handgun on the grounds or waters of a park within the State Parks System. The legislation also allows a person to carry any firearm openly, or to carry a concealed handgun with a permit at any state-owned rest area, at any state-owned rest stop along the highways, and at any state-owned hunting and fishing reservation.

Expanded permit scope for District Attorneys. An amendment was made to the G.S. 14-415.11(c) list of areas where concealed handgun permittees may not carry concealed handguns, providing that the subsection does not apply to those individuals described in G.S. 14-415.27. G.S. 14-415.27, also enacted as a part of HB 650, authorizes any district attorney personnel who have a concealed handgun permit to carry a concealed handgun in the areas listed in G.S. 14-415.11(c) unless otherwise prohibited by federal law. This means that in areas where a local government posts a prohibition on carrying concealed weapons, the prohibition will not apply to district attorney personnel.

IV. Other significant provisions of HB 650

Among the other provisions of HB 650, several new sections have been enacted that concern a person's use of defensive force. New G.S. 14-51.2 provides that the lawful occupant of a home, motor vehicle, or workplace may use deadly force against an intruder under circumstances described therein and provides that a person using such force is generally immune from civil or criminal liability. The person using the force does not have a duty to retreat from the intruder.

The bill also amends G.S. 14-409 [machine guns and other like weapons] to allow a person to possess or own such weapons under state law if the person possess or owns

the weapon in compliance with federal law. A similar amendment was made to G.S. 14-288.8 [weapons of mass destruction].

V. Summary of city authority to regulate firearms

Concealed firearms. Upon the effective date of HB 650, local governments may adopt ordinances to permit the posting of a prohibition against carrying concealed handguns on local government buildings, their appurtenant premises and on recreational facilities. After these postings, individuals may not carry a concealed weapon upon the properties named unless one or more of the exceptions described above apply.

Non-concealed firearms. G.S. 14-409.40 provides that the regulation of firearms is an issue of general, statewide concern and that the entire field of regulation of firearms is preempted from regulation by local governments except as provided in that section. Subsection (f) of that section states that nothing in the section prohibits municipalities from application of their authority under (among several statutes listed) G.S.160A-189 [firearms], G.S. 14-269 [carrying concealed weapons discussed above], 14-415.11 [scope of concealed handgun permits discussed above], and G.S. 14-415.23 [posting authority discussed above]. G.S. 160A-189 authorizes a city by ordinance to regulate, restrict, or prohibit the discharge of firearms at any time or place within the city except when used in defense of person or property or pursuant to the lawful directions of law enforcement officers. It further provides that a city may, by ordinance, regulate the display of firearms on the streets, sidewalks, alleys, or other public property. Under this authority, cities may still, for example, prohibit the discharge of firearms within the city limits and may prohibit a person from possessing or carrying a non-concealed firearm on streets and other public property.



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Sandy Blizzard
Deputy Chief of Police

MEMORANDUM

TO: Josh Kay, City Manager

FROM: G.M. Reed, Chief of Police

DATE: September 19, 2011

SUBJECT: Recommendation to amend City Ordinance; Section 20-15, as it pertains to posting signs prohibiting concealed weapons on City property.

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)
- Gary Tomasulo Playground, "Papa's Playground"
- 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)