

The Washington City Council met in a regular session on Monday, January 8, 2007 at the Municipal Building at 4:30 p.m. Present were: Judy Jennette, Mayor; Darwin Woolard, Mayor Pro tem; Ed Gibson, Councilman; Richard Brooks, Councilman; Archie Jennings, Councilman; Mickey Gahagan, Councilman; James Smith, City Manager; Franz Holscher, City Attorney; and Rita A. Thompson, City Clerk.

Also present were: Carol Williams, Finance Director; Jimmy Davis, Fire Chief; Bobby Roberson, Community Development Planning Director; Keith Hardt, Electric Director; Lynn Lewis, Tourism Development Director; Gerald Galloway, Interim Police Chief; Joey Toler, DWOW Director; Allen Lewis, Public Works Director; Susan Hodges, Human Resources Director; and Mike Voss, of the Washington Daily News.

Mayor Jennette called the meeting to order and thanked everyone for coming.

Councilman Gibson delivered the invocation.

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

Mayor Jennette added a discussion on the VI. A. 10. John Small School Property Update under Old Business and VII.B 5. Mutual Aid Resolution for the Police Department under New Business. Councilman Jennings asked that item I.A.be moved to Old Business as item I.4. and renumber consecutively.

On motion of Councilman Gibson, seconded by Councilman Gahagan, Council unanimously approved the agenda, as amended.

#### **APPROVAL OF MINUTES**

On motion of Councilman Gahagan, seconded by Mayor Pro tem Woolard, Council unanimously approved the minutes of December 11 and December 18, 2006, as submitted.

#### **PRESENTATION OF RETIREMENT RESOLUTIONS AND MEMORIAL RESOLUTIONS ADOPTED BY THE NC LEAGUE OF MUNICIPALITIES**

Mayor Jennette presented Retirement Resolution adopted by the N. C. League of Municipalities to Richard Moore, William Ebison, William Whitehead, and James Earl Blackledge. (Larry Ray Walker and Douglas Nichols could not be present). She also presented Memorial Resolutions to the families of Kenneth Lewis, Jr., Danny Boyd and Jesse Hodges.

#### **CONSENT AGENDA**

On motion of Councilman Gahagan, seconded by Councilman Jennings, Council unanimously approved the Consent Agenda, as follows:

- A. **MOVED TO NEW BUSINESS** -Approve – Fire Departmental Roster for year 2007
- B. **Acknowledgement** – Reallocation of funding in the General Fund to replace furnace at City Garage (\$6,481)
- C. **Adopt** – Budget Ordinance Amendment for Outside Agency Division in the General Fund for B.A.T.S. Public Transportation Service (\$1,000)

#### **AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF WASHINGTON, N.C. FOR THE FISCAL YEAR 2006-2007**

**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 \$1,000 in the account Public Transportation Fees, account number 10-40-3617-4100.

Section 2. The account number 10-40-6170-9132, B.A.T.S., Outside Agency portion of the General Fund appropriations budget be increased in the amount of \$1,000 to provide funds for contribution to public transportation contract.

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 8<sup>th</sup> day of January, 2007.

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

**ATTEST:**

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

#### **ECONOMIC DEVELOPMENT COMMISSION**

Councilman Gahagan reported that a prospect was lost to a neighboring county because EDC didn't have a building and the other county did. They are looking forward to getting Quick Start #2 Building underway.

#### **TOURISM DEVELOPMENT AUTHORITY**

Mayor Jennette reported that the Contract between the City and TDA is near completion, and TDA wants it finalized by January 15<sup>th</sup>. Council might have to call a special meeting for this to be approved. Also, TDA will report on the proposed rest stops DOT is planning along the Highway 17 Bypass at the February meeting.

#### **HUMAN RELATIONS COUNCIL**

Mayor Jennette stated that Human Relations Council's December meeting was a Christmas Social.

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

Joey Toler, DWOW Director, stated Council charged DWOW with implementing the recommendations of the W.K. Dickson Plan and designated an implementation committee with members from the City, the County, Historic Preservation Commission, Chamber of Commerce, Planning Board, TDA, Downtown Merchants, Arts Council, PTRF, Estuarium, and DWOW. The committee met in October and prioritized projects in Phase I. Items identified were the Civic Center park to include the current restroom location, the central activity node at Harding Square, the waterfront restroom dockmaster's office (shower and laundry, restroom) and a parking deck footprint. They met with Allison Platt which resulted in a proposal from her company to provide concept and design development drawings for the projects, identified at a cost of \$30,000. The committee met on January 4<sup>th</sup> and discussed and accepted Ms. Platt's proposal except for

the parking component. The committee moved to request a parking study to address the issue in depth before allowing Allison Platt's work to take place. DWOW will take the conclusions of the committee to the next Parking Committee meeting and will move forward from that. The first phase of the implementation committee's work is done.

Councilman Jennings asked about the alley work. Mr. Toler stated that the design work has been turned over to Rivers & Associates to do the bid documents and they have not heard from them. Mayor Jennette suggested that Allen Lewis get involved in getting in touch with Rivers & Associates.

Council expressed concern in pushing this along since this has been going on for a long time. Mayor Jennette stated we can look at other firms.

### **PARKING COMMITTEE**

Councilman Jennings stated that the committee is split into subcommittees to work on long term solutions which have lead to this potential study we are talking about and short term solutions for residents South of Main Street. Mr. Toler plans to talk to the Parking Committee about the scope of this study. There are some developers also working on the committee to give some thought to acceptable or creative ways developers they can fund each of the long and short term solutions.

### **WARREN FIELD AIRPORT**

Jim Smith, City Manager, stated that the fencing project at the Airport is well along and the lighting and signage will be completed next month.

### **APPOINTMENT OF COUNCIL LIAISON FOR BROWN LIBRARY**

On motion of Mayor Pro tem Woolard, seconded by Councilman Brooks, Council unanimously appointed Councilman Gibson as Council Liaison for the Brown Library.

### **PRESENTATION – DWIGHT DAVIS – ELECTRIC RATES**

Mr. Smith stated that in October, 2006, it was evident that the City had a cash flow problem. The Council increased wholesale power costs and asked for a rate study to be presented at the January 2007 meeting. Dwight Davis, of Booth & Associates, will be presenting the study, however, no action will be taken on permanent rates until January, 2008. That will be a complete restructuring of the rates and allocating all of the costs to the various classes of users and will zero out the wholesale power cost adjustment. Any changes that the Power Agency makes will be reflected in that number in the future, after January, 2008.

Councilman Jennings asked if there is not a projected rate cut from Electricities to take place in July? Mr. Smith stated that there is a change in the wholesale power cost adjustment of 1% and they have incorporated that into the presentation Council will see tonight. Councilman Jennings asked Keith Hardt and he answered no there is not. Councilman Jennings stated he received information there is a proposed decrease. Mr. Hardt stated January 1<sup>st</sup>, nothing in July.

Dwight Davis, of Booth & Associates, referred to Schedule I, II and III and a Summary of the Cost of Service Study. He stated that the two assignments were to look at the current fiscal year and provide their assessment of how revenues and all operating budget requirements matched up. The second assignment was to look forward and take into account Council's desire to establish a fund reserve as well as budget requirements and then establish rates or do an allocation of budget requirements to each of the various rate classes. The current fiscal year does not take into account the additional fund reserve, it's based on current budget only. They did estimate revenues and wholesale independently of the budget. The shortfall estimated is approximately \$458,000 \*Schedule I) based on total revenues of approximately \$33.4 million of which the rate revenues are \$31.7 million. That takes into account the \$24.9 million of wholesale power

costs, which takes into account the rate reduction by power agency effective January 1<sup>st</sup>, a reduction of about 1.5% in wholesale power costs. The total annual budget requirements are \$33.9 million, what you need to get from electric service revenues and approximately \$1.7 million of miscellaneous revenues and charges, lease purchases included.

In Schedule II does not include the items that are being lease purchased this year there is approximately seven months of lease purchase payments built into the current budget. When you take the twelve months of lease purchase payments as well as the reserve for contingency (based on 10% of overall revenue requirements spread over three years) you come up with \$1.1 million being approximately \$3.3 million overall spread over three years.

Mr. Smith stated that in October we found that there was inadequate fund balance to carry us through changes in cash flow. That raises the question on what would happen if we had a major storm so an analysis was done on the impact and came up with a loss in the \$5+ million dollar range, about 15% fund balance. The rate impact of trying to build a 15% fund balance that was too much a burden so we fell back to a 10% fund balance. Even to do that, we are projecting to do it over a three year period.

Mr. Davis stated that they look at all the revenues and costs on an annual basis, and power costs the same way. The other budget requirement he has mentioned specifically are all from this fiscal year budget. The results (Schedule II) is that the current rates in place would be short on an annualized basis of almost \$1. million.

On Schedule III, line items are spread using allocation factors that are normally used for regulating utilities to each of the rate classes to determine what the rates need to be for each of the rate classes. From the standpoint of the total system with these assumptions, the total revenue requirement is about 11.8¢ per kilowatt hour. That spread is almost 13¢ for residential service and small general service lightly lower, medium general service, about 11.4¢, and larger customer 9.4¢ up to 1000kw, and three largest consumer in the industrial group 8.7¢. Outdoor lighting is about 15¢(most of that is the investment in lighting facilities, not wholesale power cost). The percentage adjustment involved to get to that point from where we are now is about 3% overall. That 3% breaks down to a little higher increase for residential, slight reduction for Small General Service, medium consumers up to 150kw a slight increase, and Large General Services a 4.7 %. Outdoor lighting would be a 5.4% increase due to the fact that in the current budget the city is reimbursing the Electric Fund basically for wholesale power cost. The investment in street lighting is driving this differential. Area lighting looks to be more reasonable.

Mr. Davis' Cost of Service Study is copied herein for information:

The Cost of Service evaluation has been prepared to assist in evaluating financial results for the current fiscal year and to provide cost-based adjustments desired to rebuild Electric Fund contingency reserves. Results of the study summarize annual rate requirements in total and for each major rate classification. Allocations of costs to each class are by budget line item using allocation factors and methods generally accepted for regulated utilities. Revenues and power costs used in the analysis are based on sales and power requirements for the twelve months ended October 2006. Electric sales in 2006 were lower than 2005, attributable significantly to milder weather. Forecast assumptions were conservative by design with the intent that sales growth is needed to cover year to year increases in salary and other costs. Annual rate requirements other than power costs were based on the current fiscal year budget, except for consideration of the Electric Fund reserve for contingencies.

Projected results for the current fiscal year incorporate nine months of the rate adjustments made effective October 1 and six months of the reduction in fuel adjustment charges by NCEMPA effective January 1. Current rates are projected to be adequate to cover fiscal 2006-07 budget requirements on an annualized basis (see Schedule 1). However, the rates are not expected to cover budget requirements fully with three months of rates prior to the adjustment in October and nine months of new rates. The fiscal year shortfall is projected to be approximately \$458,000. The forecast does not consider

additional cash shortfall experienced at the beginning of the fiscal year due to delays in monthly billing. Our expectation is that billing schedules will be adjusted to be more consistent with historical billing and the shortfall will be recovered. If not, the current fiscal year budget shortfall will be compounded.

Schedule 2 shows cost of service results by rate class including the appropriation for a fund reserve. The \$1.1 million included in revenue requirements is based on the first step of a three year buildup of reserves to ten percent of total annual budget requirements. The reserve is equivalent to approximately five weeks of budget requirements rather than eight weeks desired. Rate adjustments consistent with cost of service results to provide the first step toward the reserve for contingencies are shown in Schedule 3. Overall, the adjustment is approximately 3.0 percent, although the impact will vary by rate class and for different customers. Rates may be developed based on the cost of service results or modified according to the direction of the City. The full cost of service report is available for review and discussion as requested.

Councilman Jennings expressed that he thought we are coming at this problem at the wrong angle. He doesn't see anything on how we can present our current business cheaper and create savings to the bottom line. Are we doing this as efficiently and inexpensively as we can? Mr. Davis stated that out of the \$35 million requirement, the wholesale power cost is about \$25 million out of the \$35 million, the rest is your own internal expense. Mayor Jennette stated that the expense side (internal issue) should come from Council during the Planning Session.

Councilman Gibson stated that this shortfall has generated a lot of concern. Hiring someone to look at finances is another expense. We have been paying Booth to furnish us a month by month report on revenues and power costs, so how could we get in such a dilemma? What can we do to avoid this happening again? Mr. Davis stated that they have looked at the last three or four years which were consistent and on target. Mr. Davis stated that any power cost adjustments are reflected in the projection of power costs. He stated that you were passing along wholesale power cost increases but you were having budget increases that weren't getting reflected in the rate adjustment. He pointed out that Booth & Associates send in the power sales and cost forecast but were not involved in the budget process, that is done internally.

Councilman Gahagan asked if we have a contingency plan that says when we reach a certain revenue level, we put off capital expense, cut hours, etc. Councilman Gahagan stated we are talking about a contingency plan, not a contingency fund. Mr. Davis stated that you can have a contingency plan, but you need a contingency fund if you do have a backfall. Mr. Davis stated that to be conservative, they looked at the historical twelve months of sales and power requirements, and then as your sales grow, it will help absorb salary increases or other cost increases. There is no way of overcoming weather conditions.

Mr. Davis stated that they found in the billing of the first couple of months of this fiscal year were unusually delayed and seemed to be continuing. If the billing cycles are crammed up to the end of the month, you don't get the revenue in the current month. A ten day delay of revenue was coming in and they have hopefully focused on that more carefully.

Councilman Gibson, reflecting on Councilman Jennings statements, asked Mr. Davis if he had recommendations on the City lowering its cost? Mr. Davis stated that is internal costs, and most cities squeeze internal costs in order to help overcome the rates overall. Mr. Davis stated that the line share of your cost is where the big problem is and have very little control over that, if any.

Mr. Smith stated that if you cut 10% out of everything, the miscellaneous non-department line item is where we have the dividends that are paid out to the General Fund, about \$1.2 million of the \$1.4 million. That's the single largest reduction you can make but that \$1.2 million would add about two and one-half cents to the tax rate. Also, in terms of capital, the population is around 10,000 and is projected to be 10,000 ten years from now. The biggest source of new revenue is outside the city so that is where

capital investments need to take place. Mr. Smith stated that an independent study could be done of the \$22.9 million of power cost. It's difficult to control fixed costs and keep the dividends up.

Mr. Smith stated that it is a delicate balance and we have to watch it every day. Mr. Smith stated that we have to move water and sewer lines for the Bypass, we don't have any contingency to pay for that. It's not just this fund, all the funds have to be managed on a day to day basis. We have to look at every one of these items and postpone some things and try to make investments in areas where we can spread these fixed costs to more retailers.

Councilman Gibson suggested we reduce the customer marketing services, \$35,000 a year. Mr. Smith stated the customer marketing is the billing, however, some advertising has been cut.

Councilman Gahagan asked if any other cities had the evaporating, shocking, disappearance of contingency we had. Mr. Davis stated that is overall with cities and some are better able to absorb it.

Councilman Gibson stated that we have to tighten our belt.

Mayor Jennette stated that will be discussed at the Planning Session. She thanked Mr. Davis for his presentation.

**AUTHORIZE – CONTRACT WITH TRADEWIND FOR  
MANAGEMENT OF AIRPORT**

After discussion, on motion of Mayor Pro tem Woolard, seconded by Councilman Gahagan, Council unanimously authorized the Mayor to execute a contract with Tradewind Aviation of New Bern, NC to operate Warren Field Airport.

Council convened at 6:00 p.m. for a break and reconvened at 6:10 p.m.

**AMEND – CHAPTER 27, ARTICLE II, ARTICLE IV AND ARTICLE V  
OF THE CITY CODE ZONING ORDINANCE TO ALLOW FOR DRY  
STACK BOAT STORAGE**

Dot Moate, Planning Board member, stated that a request by Park Boat Company, along with Scott Sheppard and James Chesnutt, to allow dry boat storage was unanimously approved by the Planning Board.

Mayor Jennette stated this is a public hearing.

Terry Smithwick, of Park Boat Company, thanked City staff for working with him. He pointed out that the recent W.K. Dickson Study recommended dry stack boat storage which would be an economic incentive for the City.

Mayor Jennette closed the public hearing.

On motion of Councilman Gahagan, seconded by Mayor Pro tem Woolard, Council unanimously adopted an Ordinance to amend Chapter 27, Article II, Article IV and Article V to add dry stack boat storage.

**An Ordinance to Amend Chapter 27, Article II, Article IV, and Article V  
of the City of Washington Zoning Ordinance,  
concerning Dry Stack Boat Storage**

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

Section 1. That Chapter 27, Article II, Section 27-13 entitled, “ Words and terms defined,” shall be amended by adding new definitions concerning dry stack boat storage which are as follows:

- Dry stack boat storage: A facility for which the primary structure is designed for the temporary storage of boats, stacked vertically and horizontally in layers, and elevated off the ground.
- Aisle Width. The distance between two rack sections, allowing for the marine forklift to turn while carrying a boat to or accessing a boat rack.
- Marine Forklift. A forklift designed to move boats. In most cases, marine forklifts are designed with negative lift to launch boats.
- Negative Lift. A distance from the top of a boat launch pad to the point below the water which will launch a boat.

Section 2. That Chapter 27, Article IV, Section 27-43 entitled, “Table of Uses” be amended by adding a new use, “Dry stack boat storage facilities” in Transportation, Warehousing and Utilities as a Special Uses in the B2, I1, and I2 Zoning Districts and mark an “S” in each zoning classification herein listed as B2, I1 and I2.

Section 3. That Chapter 27, Article V, Section 27.48, entitled, ”Index to Listed Uses” be amended by adding “(nn) dry stack boat storage”.

Section 4. That Chapter 27, Article V, Section 27-49, entitled, “Listed Uses; Specific Criteria” be amended by adding the following requirements for dry stack boat storage:

- (nn) Dry stack boat storage
- (1) Site Plan: A site plan shall be prepared by a licensed architect engineer and contain a metes and bounds description prepared by a licensed registered surveyor in North Carolina.
  - (2) Approval: A site plan shall be prepared and approved in accordance with Article XVIII. Site Plan Review of the Zoning Ordinance
  - (3) Lot of Record: The lot of record on which the dry dock boat storage is located must be adjacent and contiguous to public trust waters as defined by the Coastal Area Management Act under Section 15A NCAC 7H.
  - (4) Stormwater Plan: A stormwater management plan is required for each dry stack boat storage facility (one stormwater management plan per lot of record). The plan shall comply with the City’s stormwater management ordinance and demonstrate specific design components intended to minimize impact(s) on contiguous public trust waters and coastal wetlands as defined by 15A NCAC 7H.
  - (5) Dimensional Standards:
    - a. Lot Size: 43,560 sq. ft.
    - b. Minimum lot width: 100 feet
    - c. Minimum front yard setback: 50 feet
    - d. Minimum side yard setback: 20 feet
    - e. Minimum corner lot side yard setback: 20 feet
    - f. Minimum rear yard setback: 20 feet

g. Maximum height: The maximum height of the dry stack boat storage shall be sixty five (65) feet. The maximum height of all accessory buildings shall be fifty (50) in height. In order to increase the height of the principal structure the setback from the shoreline shall be increased one (1) foot for every two (2) feet in excess of 65 feet or thirty (30) feet from shoreline, whichever is greater.

h. Minimum shoreline setback: 30 feet

i. Recommended minimum aisle width in the building: Any aisle providing direct access to a storage rack must have the following minimum width or be designed by a professional engineer or architect:

<u>Boat Length</u>	<u>Minimum Aisle Width</u>
Up to 30 feet	65 feet
Up to 36 feet	70 feet
Up to 45 feet	75 feet

(6) Off Street Parking: Off-street parking shall be provided at the ratio of one parking space per each six dry stack storage racks (enclosed or open) and one parking space for each wet slip. The number of boat racks shall exclude racks used exclusively for washing and cleaning. Off-street parking is allowed in the minimum setback requirement but no closer than ten (10) feet to any property lines and thirty (30) feet to any shoreline. In addition, the development shall comply with Article XVII – Parking of the Zoning Ordinance.

(7) Bufferyards, Landscaping: For buffer yards/landscaping requirements (shall be in compliance with Article VII of the Zoning Ordinance), dry stack boat storage facilities shall be a classification V – high impact recreational use.

(8) Lighting: All on-site lighting must be directed away from contiguous lots of record. Illumination of 15A NCAC 7H public trust areas shall be limited to dock/pier areas.

(9) Navigation: The location/operation of any dry stack boat storage facility must not impede safe navigation of public trust waters.

(10) Access: All dry stack boat storage facilities must have direct access to public rights-of-way designed to accommodate vehicular traffic.

(11) Drystack Facility Types: Open dry stack boat storage facilities are allowed, provided however when a building elevation fronts on a dedicated street right-of-way the front building elevation has to be enclosed or covered with appropriate building material.

(12) Exterior Design: The buildings exterior shall be broken up by a variation in design, materials and/or color, as approved by the Planning Board.

(13) Adopted Plans: The Board of Adjustment may provide additional requirements as it deems necessary in order to make the proposed project compatible with the City of Washington CAMA Core Land Use Plan, and the City of Washington Comprehensive Plan, or any other adopted plan regulating land uses.

Section 3. This Ordinance shall become effective upon its adoption

Section 4. All ordinances or parts in conflict herein are repealed



Adopted this the 8<sup>TH</sup> day of January, 2007

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

ATTEST:

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

**CONSIDER – APPLICATION FOR A COMMUNITY DEVELOPMENT  
BLOCK GRANT, UNDER THE CDBG-CR CATEGORY (\$850,000)**

Bobby Roberson, Planning Director, stated that this is the second required public hearing to submit the application for \$850,000 CDBG grant category.

Chris Hilbert, of Holland Consulting Planners, stated he has worked with staff to identify areas for housing rehabilitation, acquisition, clearance, relocation and public works improvements. The City's match is \$75,000 over a two year time frame. The area being looked at is in the eastern part of the City, Havens Street and Sixth and Van Norden.

Mayor Jennette opened the public hearing.

There were no comments from the public.

Mayor Jennette closed the public hearing.

On motion of Mayor Pro tem Woolard, seconded by Councilman Brooks, Council unanimously authorized the Mayor to sign the grant application in the amount of \$850,000 and adopted a resolution of local commitment and signatory.

**CITY OF WASHINGTON  
FY07 DCBG COMMUNITY REVITALIZATION APPLICATION  
RESOLUTION OF LOCAL COMMITMENT AND SIGNATORY**

**WHEREAS**, the City of Washington wishes to demonstrate local support for its proposed FY07 CDBG Community Revitalization application, and

**WHEREAS**, the city wishes to submit a competitive application to the Division of Community Assistance;

**NOW, THEREFORE**, the Washington City Council hereby resolves to commit \$75,000 in unrestricted local revenues to the FY07 CDBG Community Revitalization project if funded. These funds will be disbursed at the discretion of the City Council during the FY07-08 and FY08-09 budget years. Local funds will be budgeted for housing activities or public works improvements by the city's planning consultant, based on the use that will provide the most competitive application. The Washington City Council also authorizes the city's Director of Development to submit the CDBG-CR application to the North Carolina Division of Community Assistance, and authorizes the Mayor to execute all signatory pages required for submittal of the application.

**RESOLVED** this 8<sup>th</sup> day of January, 2007.

s/Judy Jennette

**JUDY JENNETTE  
MAYOR**

ATTEST:

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

**ADOPT – ANNEXATION ORDINANCE FOR THE TREE SHADE  
COMMUNITY, PHASE II PROPERTY**

Mayor Jennette stated this is a public hearing.

John Wehrenberg stated this is the last phase of Tree Shade Community, which is progressing.

Mayor Jennette closed the public hearing.

On motion of Councilman Gahagan, seconded by Mayor Pro tem Woolard, Council unanimously adopted the annexation ordinance to extend the City of Washington corporate limits for the contiguous annexation of the Tree Shade Community property (Phase II) located on John Small Avenue (Hwy 264 East) and containing 22.47 acres.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF WASHINGTON, NORTH CAROLINA**

WHEREAS, the Washington City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question on of this annexation was held at the City Council Chambers on the 2<sup>nd</sup> floor of the municipal building located at 102 East 2<sup>nd</sup> Street at 6:00 p.m. on Monday, January 8, 2007, after due notice by the Washington Daily News on January 3<sup>rd</sup> & January 7<sup>th</sup>, 2007;

WHEREAS, the Washington City Council finds that the area described herein meets the standards of G.S. 160A-31;

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

Section 1. By the virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Washington as of February 28, 2007:

Being all of that tract of land noted on that survey "Annexation Map, Tree Shade Community, Phase II" by Mayo and Associates, P.A. dated September 5, 2006 and being located in Long Acre Township, Beaufort County North Carolina and being more particularly described as follows;

Beginning at an existing rebar at the Northeast corner of Tree Shade Community, Phase I as recorded in Plat Cabinet G, Slide 56-7 thru 56-10 in the Beaufort County Register of Deeds, Beaufort County, North Carolina and thence from said POINT OF BEGINNING North 65 degrees 41 minutes 58 seconds West for a distance of 179.73 feet to an EXISTING REBAR IN EAST RIGHT-OF-WAY LINE OF TREE SHADE DRIVE;

THENCE North 22 degrees 15 minutes 10 seconds East for a distance of 51.26 feet along the East right-of-way of Tree Shade Drive to an EXISTING REBAR;

THENCE North 67 degrees 06 minutes 35 seconds West for a distance of 50.00 feet to an EXISTING REBAR IN THE WEST RIGHT-OF-WAY LINE OF TREE SHADE DRIVE;

THENCE North 65 degrees 47 minutes 40 seconds West for a distance of 244.74 feet along the North right-of-way line of Castle Court to an EXISTING REBAR;

THENCE North 27 degrees 33 minutes 30 seconds East for a distance of 25.31 feet to a CL SWALE;

THENCE North 34 degrees 32 minutes 55 seconds East for a distance of 39.44 feet along a CL OF A SWALE TO AN EXISTING REBAR;

THENCE North 34 degrees 40 minutes 18 seconds East for a distance of 76.69 feet to an EXISTING REBAR IN A BRANCH;

THENCE North 33 degrees 21 minutes 17 seconds West for a distance of 59.00 feet to an EXISTING REBAR IN A BRANCH;

THENCE North 23 degrees 33 minutes 21 seconds West for a distance of 72.25 feet to an EXISTING REBAR IN A BRANCH;

THENCE North 18 degrees 35 minutes 35 seconds West for a distance of 16.54 feet to an EXISTING REBAR IN A BRANCH;

THENCE North 06 degrees 07 minutes 37 seconds West for a distance of 55.85 feet to an EXISTING REBAR IN BRANCH;

THENCE North 01 degrees 56 minutes 06 seconds West for a distance of 44.32 feet to an EXISTING REBAR IN A BRANCH;

THENCE North 02 degrees 01 minutes 11 seconds East for a distance of 71.10 feet to an EXISTING REBAR IN BRANCH;

THENCE North 08 degrees 42 minutes 42 seconds West for a distance of 34.55 feet to an EXISTING REBAR IN A BRANCH;

THENCE North 08 degrees 42 minutes 42 seconds West for a distance of 87.28 feet to an EXISTING REBAR IN A BRANCH;

THENCE North 07 degrees 29 minutes 30 seconds West for a distance of 102.09 feet to an EXISTING REBAR IN A BRANCH;

THENCE North 20 degrees 10 minutes 42 seconds West for a distance of 167.10 feet to an EXISTING REBAR IN A BRANCH;

THENCE North 25 degrees 47 minutes 39 seconds West for a distance of 61.87 feet to an EXISTING REBAR IN A BRANCH;

THENCE North 34 degrees 21 minutes 32 seconds West for a distance of 255.87 feet to an EXISTING REBAR IN BRANCH;

THENCE South 89 degrees 17 minutes 39 seconds West for a distance of 322.96 feet to a SET REBAR ON THE BANK OF RUNYAN CREEK;

THENCE North 65 degrees 57 minutes 59 seconds West for a distance of 41.83 feet to a NO POINT SET IN THE CENTER LINE OF RUNYAN CREEK;

THENCE North 45 degrees 06 minutes 34 seconds East for a distance of 140.00 feet along Runyan Creek to a NO POINT SET;

THENCE North 01 degrees 00 minutes 51 seconds West for a distance of 86.60 feet along Runyan Creek to a NO POINT SET;

THENCE North 20 degrees 31 minutes 13 seconds East for a distance of 62.04 feet along Runyan Creek to a NO POINT SET;

THENCE South 64 degrees 18 minutes 36 seconds East for a distance of 80.20 feet to an EXISTING IRON ROD ON THE EAST BANK OF RUNYAN CREEK;

THENCE South 64 degrees 15 minutes 50 seconds East for a distance of 448.24 feet to an EXISTING IRON ROD IN THE NORTHERN LINE OF SAID TRACT;

THENCE South 64 degrees 16 minutes 14 seconds East for a distance of 1084.80 feet to an EXISTING IRON PIPE IN THE NORTHERN LINE OF SAID TRACT;

THENCE South 64 degrees 17 minutes 51 seconds East for a distance of 190.03 feet to an EXISTING IRON PIPE IN THE EAST BOUNDARY LINE IN SAID TRACT;

THENCE South 42 degrees 27 minutes 56 seconds West for a distance of 74.56 feet to an EXISTING IRON PIPE;

THENCE South 42 degrees 28 minutes 28 seconds West for a distance of 407.58 feet to an EXISTING IRON PIPE;

THENCE South 42 degrees 28 minutes 40 seconds West for a distance of 576.01 feet to an EXISTING REBAR;

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 22.471 acres more or less.

Section 2. Upon and after February 28, 2007, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Washington and shall be entitled to the same privileges and benefits as other parts of the City of Washington. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Washington shall cause to be recorded in the office of the Register of Deeds of Beaufort County, and in the office of the Secretary of the State in Raleigh, North Carolina, an accurate map of the annexed property, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 8<sup>th</sup> day of January, 2007

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

ATTEST:

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

Annexation #06-A-05  
Tree Shade Phase II

**ADOPT – ANNEXATION ORDINANCE FOR THE FIRE STATION #2  
PROPERTY**

Major Jennette stated this is a public hearing.

There were no comments from the audience.

Mayor Jennette closed the public hearing.

On motion of Councilman Gahagan, seconded by Mayor Pro tem Woolard, Council unanimously adopted the annexation ordinance to extend the City of Washington corporate limits for the contiguous annexation of the Fire Station #2 property located at 2064 West 15<sup>th</sup> Street and containing 2.24 acres.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE  
CITY OF WASHINGTON, NORTH CAROLINA**

WHEREAS, the Washington City Council has adopted a resolution under G.S. 160A-31 stating its intent to annex the area described below; and

WHEREAS, a public hearing on the question of this annexation was held at the City Council Chambers at 6:00 p.m. on Monday, January 8, 2007, after due notice; and

WHEREAS, the Washington City Council finds that the proposed annexation meets the requirements of G.S. 160A-31;

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

Section 1. By the authority granted by G.S. 160A-31, the following described contiguous property owned by the City is hereby annexed and made part of the City of Washington as of February 28, 2007:

LYING AND BEING IN THE CITY OF WASHINGTON, COUNTY OF BEAUFORT, STATE OF NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron pipe, said iron pipe being in the north sideline of Fifteenth Street Extension and said iron pipe being more particularly located by beginning at a North Carolina Department of Transportation monument at the intersection of US HWY 264 and Fifteenth Street Extension, and said monument being shown on that certain survey of Waters Surveying, Inc. dated February 1, 2006 and running from said North Carolina Department of Transportation Monument North 66 56' 00" East 655.61 feet to an iron pipe in the Northern sideline of Fifteenth Street Extension, the point and place of beginning, and running thence from said point and place of beginning with the sideline of Fifteenth Street on a curve having a delta of 14 31' 52", a radius of 986.22 feet and a length of 250.09 feet to a point; thence leaving the sideline of fifteenth Street and running North 09 39' 47" East 272.48 feet to a point in the centerline of a canal; thence with the centerline of said canal, North 45 51' 16" West 225.29 feet to a point in an old culvert; thence South 44 03' 44" West 199.18 feet to a point; thence South 01 00' 00" East 286.36 feet to an iron pipe located in the northern sideline of Fifteenth Street Extension, the point and place of beginning and containing a total of 2.24 acres according to that certain survey of Waters Surveying, Inc. dated February 1, 2006. Reference is herein made to said survey and the same incorporated herein for a more complete and adequate description.

Section 2. The Mayor of the City of Washington shall cause to be recorded in the office of the Register of Deeds of Beaufort County, and in the office of the Secretary of the State in Raleigh, North Carolina, an accurate map of the annexed property, along with a certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 8<sup>th</sup> day of January, 2007.

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

ATTEST:

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

Annexation #06-A-06  
Fire Station #2

**AWARD – CONTRACT FOR CONSTRUCTION OF FIRE  
STATION #2**

Mr. Jim Stumbo, of Stewart, Cooper & Newell, stated they received bids for the construction of Fire Station #2, with Hudson Brothers Construction, Greenville, N. C. being the low bidder. Chief Davis passed out the latest revision to the bid prices since the

bid came in at a higher than anticipated amount. The first group of items (construction of facilities, additional grading, contingency, etc) budgeted amount was \$2,166,900 million, bid amount \$2,181,700, over about \$14,800. The second group of items (design fees, purchase cost of property, boring, etc.) budgeted amount was \$381,437. The third group of items are alternates received on bid day as part of the package (items to choose or not to choose to add to the project), adding a third bay at \$94,000, sprinkler system \$32,000, changing the doors on front of the facility to full glass doors \$97,830 and hurricane shutters \$6,000. There is also a list of seventeen items negotiated with the contractor and Fire Chief on items that can reduce costs by changes on the project which totaled \$51,887 savings. This translates to a budgeted amount of \$2,867,00, and the bid is now at \$2,966,000, a difference of \$99,122 over than anticipated. This bid amount includes the alternates and the negotiated items.

Chief Davis stated that number also includes \$103,000 contingency. The USDA loan is \$2,867,190. Chief Davis stated that basically the bid overage is the cost of the third bay. He pointed out to Council that we would already be obsolete when they move in if we don't build the third bay now, and would cost a lot more to build later.

Council had a lengthy discussion on the deletion of the third bay, sprinkler, shutters. etc.

Council asked Chief Jimmy Davis to trim the figures by \$94,000 in order to keep the third bay. Chief Davis will bring this back to Council on January 22, 2007.

**APPROVE – FIRE DEPARTMENTAL ROSTER FOR YEAR 2007**

On motion of Councilman Jennings, seconded by Mayor Pro tem Woolard, Council unanimously approved the department roster for Year 2007 for the Washington Fire Department.

**APPROVE – CIVIC CENTER LEASE WITH TOURISM DEVELOPMENT AUTHORITY**

Council reviewed the list of repairs to the Civic Center, as follows:

Sealing, painting and brick repair	\$12,750
Pressure wash decks	\$ 1,530
Repairs to deck	\$ 6,660
Repair door	\$ 728
Repairs to windows	\$ 5,225
Interior Floor Repair	<u>\$ 5,575</u>
	\$32,468

Mr. Smith pointed out that these are structural repairs and are the City's responsibility, but we cannot afford to do them right now.

Council agreed to set a special meeting to finish discussing this.

**QUARTERLY REPORT – CDBG – URBAN REDEVELOPMENT  
(THE GEORGE, DON HARVEY, FAÇADE GRANTS)**

Mr. Roberson stated that the Urban Redevelopment Grant has been broken down into three categories: The George, the Façade Grant Improvement Program, and administrative cost. The total budget allocation under the Community Development Block Grant is \$1,000,000. Their obligation is to spend the money by June 30, 2007 and

we are on a tight budget deadline. He stated if the money is not spent, the state will de-obligate the money.

Progress Partners will have a report at the Planning Session.

**QUARTERLY REPORT – CDBG – INDIVIDUAL DEVELOPMENT  
ACCOUNTS**

Mr. Roberson passed out an update on the Individual Development Accounts handled by the Gina Amaxopulos of the Washington Housing Authority, as follows:

- Currently have 14 participants enrolled
- 4 families completed IDA Program and purchase a home as of 12-20-06
- Hosted 2 free financial literacy classes (money management and pre-home ownership)
- Partnerships with local lending institutions
- EITC tax campaign with partner AARP
- Received Z. Smith Reynolds Grant of \$50K for further expansion of IDA
- 5 residents from WHA or Section 8 Housing are now enrolled in IDA Program
- Preparing application to become a HUD approved agency
- Target marketing with hospital and teachers
- Poised to increase tax base by creating 20 new homeowners

**QUARTERLY REPORT – USDA – THE TURNAGE THEATER**

John Vogt, Director of Turnage Theater, report that the Turnage Foundation is on schedule and within budget. Hopefully, they will open early November, 2007. They are booking arts now and continue to look for more money.

**ADOPT – RESOLUTION AUTHORIZING THE LEASE /OF THE  
ESTAURIUM**

On motion of Mayor Pro tem Woolard, seconded by Councilman Gahagan, Council unanimously authorized the Mayor to execute the Lease of certain property to Partnership for the Sounds (Estuarium).

Resolution Authorizing the Lease or Rental of Certain Property

**WHEREAS**, at its regular meeting on the 11<sup>th</sup> day of December, 2006, the City Council of the City of Washington adopted a resolution stating its intent to consider at its regular meeting to be held on the 8<sup>th</sup> day of January, 2007, the lease or rental of certain real property of the City; and

**WHEREAS**, public notice of the intent of the Washington City Council and of the time and place of the meeting was published along with a description of the real property and a statement of the annual rental or lease payments, as required by law; and

**WHEREAS**, at its regular meeting on the 8<sup>th</sup> day of January, 2007 the Washington City Council considered the lease or rental of the property and desires to lease or rent the real property of the City described below:

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

1. The following described property is hereby declared to be surplus to the needs of the City:

Located in the City of Washington, Beaufort County, North Carolina, which

Property is more particularly described as Parcel 1 on that certain survey entitled

Property of Partnership for the Sounds dated January 22, 1996 by Hood

Richardson, P.A. recorded in Book 1053, Page 844 of the Beaufort County

Registry.

2. The Mayor and the City Clerk are hereby authorized to execute a lease or rental agreement for the real property of the City described above, said lease or rental agreement to be for no longer than 10 years (including options to extend or renew).
3. There is no annual rental or lease payment for the real property of the City of Washington described above.

Adopted this 8<sup>th</sup> day of January, 2007.

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

ATTEST:

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

**ADOPT – RESOLUTION OF INTENT TO CLOSE BROWN  
STREET BETWEEN PARK DRIVE AND EAST FOURTH STREET**

On motion of Councilman Jennings, seconded by Councilman Brooks, Council unanimously adopted the Resolution of Intent setting a date for the public hearing on February 12, 2007 to discuss the closing of Brown Street between Park Drive and East Fourth Street.

**A RESOLUTION OF INTENT DECLARING THE INTENTION OF THE  
CITY OF WASHINGTON TO CONSIDER THE CLOSING OF BROWN STREET  
BETWEEN PARK DRIVE AND EAST FOURTH STREET**

**WHEREAS**, G.S. 160A-299 authorizes the City of Washington to close public streets and alleys; and

**WHEREAS**, the City of Washington considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of Brown Street between Park Drive and East Fourth Street;

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

That a public hearing will be held at 6:00 p.m. on the 13<sup>th</sup> day of February, 2007, in the City Council Chambers to consider a resolution closing that portion of Brown Street between Park Drive and East Fourth Street.

That the City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in the Washington Daily News.

That the City Clerk is further directed to transmit by registered or certified mail to each property owner abutting that said portion of said street a copy of this Resolution of Intent.



That the City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted this the 8<sup>th</sup> day of January, 2007, in the City of Washington, North Carolina.

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

ATTEST:

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

**JOHN SMALL SCHOOL PROPERTY UPDATE**

Franz Holscher, City Attorney, stated that the John School Property issue should be straightened out within 30 days.

**APPROVE – FISCAL SERVICES AGREEMENT WITH MID-EAST  
DEVELOPMENT CORPORATION**

On motion of Councilman Gibson, seconded by Mayor Pro tem Woolard, Council unanimously authorized the Mayor to execute a fiscal services agreement with the Mid-East Development Corporation on behalf of the City of Washington – Grace Martin Harwell Senior Center for a period of one year.

**MID-EAST DEVELOPMENT CORPORATION  
Fiscal Services Agreement  
For Grace Martin Harwell Senior Center**

**THIS AGREEMENT**, made this 8<sup>th</sup> day of January, 2007, by and between the Mid-East Development Corporation, hereinafter called the "MEDC," and the City of Washington – Grace Martin Harwell Senior Center, hereinafter called the "GMH Senior Center."

**WITNESSETH**

**WHEREAS**, the MEDC is a 501C3 private non-profit organization, and

**WHEREAS**, the MEDC is chartered for the purpose of facilitating affordable housing and community based services, and

**WHEREAS**, the GMH Senior Center desires to participate in fundraising to increase money for activities and services benefiting seniors and their caregivers, and

**WHEREAS**, the GMH Senior Center requests assistance from the MEDC to provide fiscal services and assistance during the development of a non-profit corporation to serve the GMH Senior Center.

**NOW, THEREFORE**, the MEDC and the GMH Senior Center mutually agree by and between themselves to the following:

**1. Employment and Scope of Work**

The GMH Senior Center hereby agrees to engage the MEDC and the MEDC agrees to perform in a satisfactory and proper manner the work as described in the detailed "Scope of Services" set forth in Exhibit A, attached hereto, and by this reference made a part hereof.

**2. Length of Agreement**

The MEDC shall complete work in a manner to assure expeditious completion in accordance with this Agreement as set forth in Exhibit A, Scope of Work. This Agreement and all conditions of this Agreement shall expire on December 31, 2007.

**3. Agreement Administrator**

The Agreement administrator for the MEDC shall be Cynthia Davis, Deputy Secretary. The Agreement administrator for the GMH Senior Center shall be Carolyne Everett, Special Populations Supervisor, GMH Senior Center.

**4. Assignability**

The MEDC shall not assign any interest in this Agreement, and shall not transfer any interest in the same whether by assignment or substitution, without the prior written consent of the GMH Senior Center, which shall not be unreasonably withheld unless specifically contained in the Scope of Work.

**5. Compensation and Method of Payment**

The MEDC will provide fiscal services to GMH Senior Center for fundraising purposes only under the terms of this agreement at no cost to the GMH Senior Center.

**6. Termination of Agreement for Cause**

If, for any cause, the MEDC shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or, if the MEDC shall intentionally violate any of the covenants, agreements, or stipulations of this Agreement, the GMH Senior Center shall, thereupon, have the right to terminate this Agreement by giving written notice to the MEDC of such termination forty-five (45) days before such effective date. During the forty-five day notification period, the MEDC shall have the opportunity to remedy any failures or violations to avoid termination of the Agreement. If termination occurs, the MEDC shall be entitled to receive just and equitable compensation for all satisfactory work completed.

If the MEDC is unable to complete the work in accordance with the provisions of this agreement, it shall have the right to terminate this Agreement by giving written notice to the GMH Senior Center of such termination forty-five (45) days before such effective date.

**7. Changes**

The GMH Senior Center may request changes in the Scope of Work or services to be performed by the MEDC hereunder. Such changes, including any increases or decreases in the MEDC compensation, which are mutually agreed upon by and between the GMH Senior Center and the MEDC, shall be incorporated as written amendments to the Agreement signed by authorized parties.

**8. Records**

The MEDC shall maintain financial records pertaining to this Agreement for three years after final settlement of the Agreement or until cleared by audit.

**9. Interest Statement**

The MEDC covenants that it presently has no interest, and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. The MEDC further covenants that in the performance of this Agreement no person having any such interest shall knowingly be employed.

**10. Complete Agreement**

This Agreement contains the complete agreement of the Parties and may not be modified in any respect except by written amendment hereto.

**11. Applicable Laws**

The Parties agree that this document is to be governed, construed, and enforced in accordance with all of the laws of the State of North Carolina.

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

ATTEST:

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

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

s/Carol Williams  
**CAROL WILLIAMS**  
**FINANCE OFFICER**

**EXHIBIT A**

Scope of Services

The purpose of the project is to provide fiscal services and assistance during the development of a non-profit corporation that will serve the GMH Senior Center. The GMH Senior Center desires to participate in fundraising activities to raise money for activities and services benefiting seniors and their caregivers.

The Mid-East Development Corporation (MEDC) is a 501C3 private non-profit corporation formed to assist member governments in our region. The corporation is chartered to facilitate the development of affordable housing and link health and community based services. Participation in fiscal services for GMH Senior Center's fundraising activities assists a member government and promotes the development of services in a community-based environment.

These services will be preformed for a 1 year period at no cost to the GMH Senior Center.

**Mid-East Development Corporation agrees to:**

- keep a separate income statement for Grace Martin Harwell Senior Center;
- make deposits into the MEDC account of money raised from fundraising activities as provided to MEDC from GMH Senior Center staff;
- write check(s) releasing no greater than the money raised and deposited by GMH Senior Center when a proper request is submitted by GMH Senior Center staff and approved by MEDC; and,;

- provide technical assistance to GMH Senior Center.

**Grace Martin Harwell Senior Center agrees to:**

- keep separate accounting of credits and debits and review with MEDC before and after each fundraising activity to ensure identical figures;
- submit requests for checks at least 1 week in advance; and,
- work on development of 501C3 non-profit organization.

**SET – JOINT MEETING WITH CITY COUNCIL AND THE  
PLANNING BOARD TO DISCUSS BUILDING HEIGHTS IN  
THE ZONING ORDINANCE**

Council agreed to meet with the Planning Board to discuss building heights at their second scheduled meeting on Monday, February 26, 2007 at 4:30 p.m. There will be no public input at this meeting.

**AWARD – CONTRACT FOR EASTERN SUBSTATION  
LABOR \$333,326**

On motion of Mayor Pro tem Woolard, seconded by Councilman Gahagan, Council unanimously excused Councilman Jennings from voting.

On motion of Councilman Brooks, seconded by Councilman Gibson, Council unanimously awarded a contract to E&R Construction Inc. in the amount of \$333,326 for the Eastern Substation construction labor and equipment, contingent upon the City being able to secure additional financing.

**CLOSED SESSION – UNDER G. S. 143-318.11 (A)(3)  
ATTORNEY/CLIENT PRIVILEGE AND G.S. 143-318.11  
(A)(6) PERSONNEL**

Closed Session was postponed until the next meeting.

**RESOLUTION – MUTUAL AID AND ASSISTANCE FROM OTHER LAW  
ENFORCEMENT AGENCIES**

On motion of Councilman Jennings, seconded by Mayor Pro tem Woolard, Council unanimously adopted the Resolution for Mutual Aid and Assistance from other Law Enforcement Agencies.

**RESOLUTION FOR MUTUAL AID AND ASSISTANCE WITH OTHER  
LAW ENFORCEMENT AGENCIES**

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

WHEREAS, pursuant to General Statute 160S-288, as adopted by the General Assembly of North Carolina, the governing body of a town, village or county may adopt appropriate guidelines for the purpose of lending mutual aid assistance to other law enforcement agencies; and

WHEREAS, pursuant to said law, the law enforcement assistance to be rendered authorities lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

WHEREAS, it is deemed in the best interest of the city to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other local governmental jurisdictions;

Section 1. That a Resolution for Mutual Aid and Assistance with other law enforcement agencies be adopted as follows:

1. That the Chief of Police is hereby authorized to enter into mutual assistance arrangements with other law enforcement agencies in enforcing the laws of North Carolina, provided that the head of the requesting agency requests assistance in writing. The Chief of Police may respond to the request if he determines that the request can be honored without impairing the capacity of the City to provide police protection to the property and citizens of the City of Washington.
2. The Chief of Police is hereby authorized to permit officers of the Washington Police Department to work temporarily with officers of the requesting agencies including in an undercover capacity, and to the extent may lend equipment and supplies.
3. While working with the requesting agency, a Washington police officer shall have the same jurisdiction, powers, rights, privileges and immunities as the officers of the requesting agency, including those relating to the defense of civil actions and payment of judgments.
4. While responding to a request for assistance from another law enforcement agency, the City of Washington will assume all liability and responsibility for the injury or death to any Washington police officer. The City of Washington will not assume any liability or responsibility for the injury or death of any personnel of the requesting agency.
5. While on duty with requesting agency, City of Washington police officers shall be subject to the lawful operational commands of their superior officer in the requesting agency, but for personnel and administrative purposes (including pay and other compensation), they shall remain under the control and authority of the City of Washington.
6. The Chief of Police is hereby further authorized to request mutual aid assistance from other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

Section 2. Adopted, this the 8<sup>th</sup> day of January 2007

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

ATTEST:

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

**SET – PLANNING SESSION DATE**

Council agreed to set the Planning Session date for Thursday, February 1 and Friday, February 2<sup>nd</sup> from 9:00 a.m. to 5:00 p.m. at the Brown Library if available. (Brown Library was not available so the meeting is at the Ag Center).

**CONTINUE MEETING**

At 8:30 p.m., on motion of Councilman Gibson, seconded by Councilman Jennings, Council unanimously adjourned the meeting to Monday, January 22, 2007 at 4:30 p.m. in the Council Chambers at the Municipal Building. Voting items will be handled first, and then go into discussion items.

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**Rita A. Thompson, CMC**  
City Clerk