

The Washington City Council met in a regular session on Monday, August 13, 2007 at the Municipal Building at 4:30 p.m. Present were: Judy Jennette, Mayor; Ed Gibson, Councilman; Richard Brooks, Councilman; Archie Jennings, Councilman; Mickey Gahagan, Councilman; Darwin Woolard, Mayor Pro tem; 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; Mick Reed, Police Chief; Bobby Roberson, Community Development Planning Director; Keith Hardt, Electric Director; Allen Lewis, Public Works Director; Susan Hodges, Human Resources Director; Philip Mobley, Parks & Recreations Director; Bob Trescott, DWOW Director; Honor Tarpenning, of Pamlico News; and Mike Voss, of the Washington Daily News.

Mayor Jennette called the meeting to order.

Councilman Gibson delivered the invocation.

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

Mayor Jennette asked that the following items be added: A Report from John Vogt on Turnage Theater Grant under VI.A.5; under VI.B. 2. Letter from Linnie Perry; moved Closed Session to VI.B.3, and add (6) Personnel to Closed Session item.

On motion of Councilman Gibson, seconded by Mayor Pro tem Woolard, Council unanimously approved the agenda, as amended.

### **APPROVAL OF MINUTES**

On motion of Councilman Gibson, seconded by Mayor Pro tem Woolard, Council unanimously approved the minutes of June 25 (4:30 p.m. meeting); July 9, and July 23, 2007, as submitted.

### **PRESENTATION – GOVERNMENT FINANCE OFFICERS ASSOCIATIONS CERTIFICATE OF ACHIEVEMENT**

Mayor Jennette read the Certificate of Achievement from the Government Finance Officers Association for Excellence in Financial Reporting for FY 05-06. This is the eleventh year since the Finance Department began submitting the City's Comprehensive Annual Financial Report to the award program.

Mayor Jennette commended Carol Williams Finance Director and the accounting department for their excellent work.

### **CONSENT AGENDA**

On motion of Councilman Gahagan, seconded by Mayor Pro tem Woolard, Council unanimously approved the Consent Agenda, as follows:

- A. Adopt – Resolution establishing just compensation for the acquisition of approximately 9.77 acres of property located along Keysville Road and Adopt budget ordinance amendment (\$10,000)

### **RESOLUTION ESTABLISHING JUST COMPENSATION FOR SELECTED REAL PROPERTY IN THE CITY OF WASHINGTON (CDBG-HD)**

WHEREAS, it has been certified by Tom Howard & Associates as the city's review appraiser for the CDBG-HD program that the property listed below has been appraised in accordance with NC state law, Uniform Standards for

Professional Appraisal Practice (USPAP) guidelines, and CDBG program guidelines; and

WHEREAS the city has copies of said appraisal reports in its possession that have been reviewed and found to be accurate and reliable.

THEREFORE BE IT RESOLVED, that Just Compensation is hereby established by the City of Washington City Council for the following parcel:

<b>Owner Name</b>	<b>Parcel Identification Number (PIN) of Parcel to be Acquired</b>	<b>Street Address</b>	<b>Established Value</b>
Metropolitan Housing	DB328,PG131, BC	Keyesville Road lot	\$64,000

Adopted this 13<sup>th</sup> day of August, 2007.

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

ATTEST:

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

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

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

Section 1. That account number 51-60-4930-7100, Acquisitions, portion of the Keyesville Road Subdivision Project appropriations budget be increased in the amount of \$10,000 to provide funds for land acquisition.

Section 2. That the following accounts in the Keyesville Road Subdivision Project appropriations budget be decreased in the amounts shown to provide funds for land acquisition:

51-60-4930-4500	Street Improvements	\$4,000
51-60-4930-4501	Water Improvements	3,000
51-60-4930-4502	Sewer Improvements	<u>3,000</u>
		\$10,000

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

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

Adopted this the 13<sup>th</sup> day of August, 2007.

s/Judy Jennette  
JUDY JENNETTE  
MAYOR

ATTEST:

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

- B. Award – Contract for labor and equipment for relocation of electrical facilities (Highway 17 Bypass Project) (\$343,885.45)

**AWARD OF CONTRACT**

**COPY OF MINUTES FOR THE CITY OF WASHINGTON  
WASHINGTON, NORTH CAROLINA**

**LABOR AND EQUIPMENT CONTRACT**

**FOR THE  
HIGHWAY 17 BRIDGE  
230 kV TRANSMISSION  
AND  
15<sup>TH</sup> STREET SUBTRANSMISSION AND DISTRIBUTION  
HIGHWAY 17 BYPASS NORTH  
SUBTRANSMISSION AND DISTRIBUTION  
ELECTRIC FACILITIES RELOCATION**

At a regular meeting of the City Council of the City of Washington, North Carolina, duly held on the 13<sup>th</sup> day of August, 2007, in the City Hall, pursuant to due and lawful notice to all City Council Members, Mayor Judy Jennette presiding and Council Members present Mayo Pro tem Woolard, Councilman Gibson, Councilman Brooks, Councilman Jennings, and Councilman Gahagan. Council Members (s) absent: None.

OBJECT OF THE MEETING: The acceptance of Proposals and the award of the Contract on all those parts of the work bid in the Contractor's Proposal, incorporated in "PLANS AND SPECIFICATIONS," "INSTRUCTIONS TO BIDDERS," "CONTRACTOR'S PROPOSAL," etc., "LABOR AND EQUIPMENT CONTRACT FOR THE HIGHWAY 17 BRIDGE – 230 kV TRANSMISSION RELOCATION AND 34.5 kV SUBSTATION TRANSMISSION AND 12.5 kV DISTRIBUTION ELECTRIC FACILITIES RELOCATION."

The bids on the aforementioned work were received, unsealed, and read in open meeting, and all of same were tabulated, computed and canvassed; thereupon, after consideration of several bids by the Council in consultation with the Engineer, it was determined that the acceptance of the Proposals and Bids of C.W. Wright Construction Company, Inc. for **Schedule 1** and E & R, Inc. for **Schedules 2 and 3** would be to the best interest of the City of Washington, North Carolina, and consequent upon which the award of the following bid contracts was proposed by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, all of the bids duly and regularly made on the parts of the work, specifically referred to in the Contractor's Proposal, above referred to, were duly opened, read, tabulated, and canvassed, and

WHEREAS, after due consideration, it was determined that the acceptance of the Proposals and Bids of C.W. Wright Construction Company, Inc. for **Schedule**

1 and E R, Inc. for **Schedules 2 and 3** would be to the best interest of the City of Washington, North Carolina.

NOW, THEREFORE, be it resolved that the City Council does hereby award the Contract for all of said parts of said work to the said C.W. Wright Construction Company, Inc. for **Schedule 1** and E R, Inc. for **Schedules 2 and 3** at and for the rates and prices set out in said Proposals, said award being subject to all conditions and stipulations set out in the Notice to Prospective Bidders, Instructions to Bidders, Plans and Specifications, Contractor's Proposal, and Contract above-mentioned and the Mayor is hereby authorized and directed to execute said Contract on behalf of the City of Washington, North Carolina.

The foregoing bid contract was adopted by the City Council,

5 Council Members voting Aye, and

0 Council Members voting No.

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

ATTEST:

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

- C. Adopt – Budget ordinance amendment to appropriate funds for Recreation Skateboard Park Concessions (\$500)

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

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

Section 1. That the Estimated Revenues in the General Fund be increased in the amount of \$500 in the account Recreation Skateboard Park Concession, account number 10-40-3612-4803.

Section 2. The account number 10-40-6121-4801, Concession Purchase-Skateboard, Events & Facilities portion of the General Fund appropriations budget be increased in the amount of \$500 to provide funds for t-shirt purchase for resale.

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 13<sup>th</sup> day of August, 2007.

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

**ATTEST:**

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

**SANDREA DAVIS – TO REQUEST SPONSORSHIPS TO HELP  
“MERRY HEART PRODUCTION”**

Ms. Sandra Davis passed out some information on “Merry Heart Production.” She is requesting sponsorships to help fund this program that is designed to help the elderly and other units of the nursing home. The program consists of music, games, puppetry, etc.

Mayor Jennette pointed out to Ms. Davis that non profits present their requests to Council in February each year.

**ECONOMIC DEVELOPMENT COMMISSION**

Tom Richter, with the Committee of 100, was present to give a report on Economic Development, which included:

**YEAR END REPORT**

- 67 jobs added in 2007 year to date
- total jobs added in comparison to 2002 thru now is 745
- Grant dollars was \$6 million at the beginning of the year compared to obligations of another \$5 million (\$1 million River Road, \$1 million Blue Chip site, \$3 million Carver and Impressions)
- Committee members increased, 37 more since the year began, now have 595 members

**PROGRESS OF COMPANIES**

**Brooks Boat Works**

- Had 20 employees
- Now 40 employees

**Carver**

- Had 60 employees
- Adding 50 employees

**Camfill Farr**

- Had 101 employees
- Now 102 employees

**Egret Boats**

- Had 16 employees
- Now 25 employees

**Hackney**

- Had 134 employees
- Now 142 employees

**Prettl Noma**

- Had 52 employees
- Now 77 employees

**Unannounced Company**

- Will employ 100 employees

- X Smith
- 0 employees
- Now 10 employees

Mr. Richter stated they are working on their mission about creating jobs effectively and increasing the tax base in Beaufort County.

#### **TOURISM DEVELOPMENT AUTHORITY**

Mayor Jennette stated the TDA is working on:

- long range plan
- Director is working to upgrade the website
- "fan tour"

#### **HUMAN RELATIONS COUNCIL**

Mayor Jennette stated they have received complaints from citizens on 5<sup>th</sup> Street about their homes being destroyed by the vibration. Allen Lewis and DOT trying to improve that situation. A complaint was received from a mother whose son has some problems at school. "Men who Cook" will be postponed. The Pulpit Exchange is this weekend.

Mr. Lewis reported on the complaint on 5<sup>th</sup> Street, stated that where the joints and concrete pavement are reflective cracking. Issue of manholes and water values have been paved over to their satisfaction and utility pavement cuts causing a rough ride. DOT has ground the bumps down (will cause problems later).

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

Bob Trescott, DWOW Director reported on DWOW's activities:

- Downtown Chat Program (39 attendees)
- Report from Parking Committee will be presented at 2:00 p.m. tomorrow
- Pickin' on the Pamlico Saturday – 5 to 9

#### **PARKING COMMITTEE**

Councilman Jennings stated he has seen a preliminary copy and it looks like some good information to move forward on.

Council will receive copies of the plan.

#### **WARREN FIELD AIRPORT**

Mr. Smith stated that the wind direction indicator is being repaired. Because of the high price of fuel, general aviation has been depressed. Tradewind is retaining one fulltime employee (Elmo Carawan) and one contract employee at the Airport. The Flight School and jump School are on-going by the contract employee. There been some significant improvements at the airport in terms of the fencing, replaced cotton crops with sod, repair lighting, and started construction of a new hangar, but it will take some time to get the level of activity up to the point where it can support significant staff.

Councilman Gibson asked about the status of the grant that has been discussed? Mayor Jennette stated that they are still working on the Rural Airport Grant. She will be attending a meeting in two weeks in Plymouth to get an update. They are still working on the acquisition of the land at the end of the runway.

### **ENTERPRISE FUNDS CONTROLLER**

Mayor Jennette stated that this is a lengthy report and recommended that James Tripp summarize the report tonight and do an in-depth report at the Committee of the Whole or at a special meeting.

James Tripp, Enterprise Funds Controller, stated that the report includes five documents. The report from Cherry, Bekert & Holland is included with statistics he compiled from other municipalities using the key ratios that Cherry, Bekert & Holland used. There is also a report from Booth & Associates on an analysis on the City's net revenues compared to the state's average of net revenues, the southeastern United States average and the United States as a whole on net revenues per kilowatt. The United States analysis includes about 20,000 electric systems. The last report is on the energy costs. The separate document is the debt structure of North Carolina Eastern Municipal Power Agency as it is divided amongst the numerous communities in that power agency. Our share, going back to the 80's, makes up the bulk of our power costs every month, about 80% of the total cost of our electric system.

Councilman Gahagan asked if there are any recommendations in the report? Mr. Tripp stated there are no specific recommendations. The contract with the accounting firm did not go as far as to ask them to provide recommendations. There are some very light recommendations. Councilman Gahagan stated that for the Committee of the Whole meeting, he would like to see the projected revenues and what our actual revenue numbers were for 06-07 so we can see if we are doing any better on our projections.

Council agreed to discuss this at the Committee of the Whole Meeting on August 27, 2007.

### **APPOINTMENT – WASHINGTON HOUSING AUTHORITY**

On motion of Councilman Gibson, seconded by Mayor Pro tem Woolard, Council unanimously appointed Fritz Newsom to the Washington Housing Authority to fill the expired term of Rosa Beamon, term to expire June 30, 2012.

### **APPOINTMENTS - RECREATION ADVISORY COMMITTEE**

Mayor Jennette encouraged Council to seek applicants to fill seats on the Recreation Advisory Committee. Councilman Jennings reminded Council that this committee has changed in its objective and is no longer athletically-minded and the Recreation Department no longer takes up athletics any longer, its more of a facilities management board.

### **REVIEW – SIGN ORDINANCE – BANNER REGULATIONS**

Mr. Smith stated that about ten years ago, our current sign ordinance was adopted. Over that period of time there was a lot of banners all around town and, after receiving complaints, staff went back to enforcing the existing regulations. The question has come up as to how we want to treat non-profit organizations.

Mr. Roberson focused on the information in the agenda package, showing signs in conformance and others that are not in conformance. The two types of circumstances are, (1) a sign advertising an event with no advertising logo is exempt, and (2) a sign advertising an event off premises with a commercial logo is in violation. He stated he is looking for Council direction how to enforce the sign ordinance.

Mr. Smith stated that the issue is how to handle non-profits. The commercial banner is not legal and is normally not accepted by most communities. One of the possibilities for the non-profits is to ask the Planning Board to look at locations on city-owned property that could help those entities display their banner for a two week period.

Mr. Roberson stated we could charge a filing fee which would be refunded when they take the banner down. Bonner and Fifth could be a good location.

Mayor Pro tem Woolard stated that everyone needs to understand how this will work.

Councilman Jennings asked that the banners have some "standard" form and focus on the quality. Mr. Roberson stated he would get the Chamber of Commerce involved.

Council mutually agreed to let the Planning Board look at the existing ordinance, locations, filing fee, enforcement, etc. and make recommendations to the Council.

**AUTHORIZE – CITY MANAGER TO ENTER INTO A  
PROFESSIONAL CONTRACT WITH RIVERS AND ASSOCIATES  
FOR THE ENGINEERING AND CONSTRUCTION DESIGN ON  
THE RIVERFRONT NATURE PARK**

Mr. Roberson stated that the City has been awarded a CAMA grant in the amount of \$100,000 to construct a bathroom and storage facility with parking lot improvement of the entrance to the proposed Riverfront Nature Park. The \$100,000 is from CAMA and another \$30,000 from the City. Since there are not enough funds for the entire project, it is recommended that we ask CAMA to reduce the scope of the project and eliminate the building on the site which is the majority of the cost.

Mayor Jennette asked if the wetlands would be developed into a nature trail in the future? Mr. Roberson stated that other grant funds could be obtained to enhance the park. This will help eliminate the cars being parked on the right of way by people who are fishing off the bridge.

On motion of Mayor Pro tem Woolard, seconded by Councilman Gahagan, Council unanimously authorized the City Manager to request an amendment to the grant by removing the proposed building from the project and apply for additional funds in another grant cycle for the improvement to the Riverfront Nature Park.

**ADOPT – RESOLUTION REGARDING THE PRESERVATION  
AND IMPROVEMENTS OF HAVENS GARDENS**

Mayor Jennette stated that the City is more concerned on protecting Havens Gardens and the businesses than relocating the Runyon Creek Bridge at Washington Park. The Mayor and Manager met with Marvin Blount, and Neal Lassiter and discussed other variations of the bridge. NC DOT officials told them it was the plan proposed at the last meeting or build the bridge back where it is. There would still not be any left turns at Edgewater Street which was a driving force in getting the bridge moved. Mr. Smith stated that funding will be sought for a study of activities that go on in the park and hopefully we can look at what should be there. Maybe the parking lot could be moved further to the west, old asphalt removed for more green space, etc. that could improve the park.

On motion of Mayor Pro tem Woolard, seconded by Councilman Gibson, Council unanimously adopted the Resolution regarding the Preservation and Improvements of Havens Gardens.

**RESOLUTION REGARDING THE PRESERVATION AND  
IMPROVEMENTS OF HAVENS GARDENS**

**WHEREAS**, Havens Gardens and the adjoining boat ramp areas are among the City of Washington's most treasured recreational assets; and

**WHEREAS**, Havens Gardens and the boat ramps is a multi-use facility providing water access for fishing and boating, as well as picnic, playground, and family gatherings areas; and

**WHEREAS**, Havens Gardens provides a magnificent view of the Pamlico River and its shoreline; and

**WHEREAS**, the range of activities provided at Havens Gardens are enjoyed by all segments of Washington's citizens; and

**WHEREAS**, the restaurant and recreational businesses adjacent to the City's boat ramps add to the opportunities for enjoyment of the park and the river; and

**WHEREAS**, the North Carolina Department of Transportation has declared its intent to replace the Runyon Creek Bridge, which traverses Havens Gardens and boat ramps; and

**WHEREAS**, the replacement of the Runyon Creek Bridge has the potential of significantly impacting Havens Gardens and the City boat ramps, as well as the adjoining business owners; and

**WHEREAS**, the City of Washington most earnestly desires to protect these most precious recreational facilities, as well as the successful businesses adjoining them:

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Washington implore the NCDOT to collaborate with the City in the location and design of the new Runyon Creek bridge and make the top priority of the design process, the preservation and improvement of Haven's Gardens, the city boat ramps and their adjoining businesses.

**This Resolution shall take effect upon passage,**

This, the 13<sup>th</sup> day of August, 2007.

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

ATTEST:

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

Councilman Gahagan stated he was embarrassed that a plan had been designed that would take out two businesses and Council did not even know and the businesses were not even notified. Councilman Jennings asked if DOT appreciated the fact that a plan was being designed that affected Washington without Washington having any knowledge of it? Mr. Smith stated that everyone

was surprised, but we were trying to be good neighbors. He stated that there was no mention that a complete drawing of the realignment of the bridge had been done.

A gentleman from the audience (who did not give his name) asked why was the bridge proposed to be moved and he was appalled that it would destroy some of the precious facilities there. Mayor Jennette stated that drawings were put together and DOT felt to do something about it. The officials that got the drawings felt it had more people's blessings than it really did. DOT felt that the City of Washington knew about it.

Councilman Gibson asked about the Brown Street bridge replacement. Mayor Jennette stated that DOT will not pay for it because it is not a DOT bridge; however they have advised the City about some grants that might be available. Also, we are waiting for the drainage study to be completed so we will know what to apply for. That bridge will affect Charlotte Street Bridge. Mr. Smith stated that if Jacks Creek was widened you would increase the holding capacity of that area that stores water in flooding conditions; and the Charlotte Street Bridge passage underneath is too small and that would be affected.

Councilman Gahagan asked that Council receive a "real" estimate on the Brown Street Bridge. Councilman Jennings asked that somehow this be communicated to the public.

Mayor Jennette stated that we will need a special meeting to discuss the Drainage Study.

#### **DISCUSSION – DISPOSAL OF REAL PROPERTY (416 GLADDEN STREET)**

Mr., Smith stated that the person who bid on 416 Gladden Street did not close on the property and therefore has forfeited their deposit. Council discussed different methods to sell the property.

After discussion, on motion of Mayor Po tem Woolard, seconded by Councilman Brooks, Council unanimously approved to null and void the previous acceptance sale on May 14, 2007 of property located at 416 Gladden Street, Tax ID #01017699 to Mr. Mark Gray in the amount of \$2,600 and authorized the disposal of real property located at 416 Gladden Street by sealed bids.

#### **TURNAGE THEATER GRANT**

Mayor Jennette stated that she was asked to sign a Rural Center grant application to indemnify the Turnage Theater that if they got this grant and didn't create the jobs, the City will have to pay back so much for any jobs not created, ten (10) in this particular grant. She has asked John Vogt, Turnage Theater Director, to come and tell us how he is going to have ten (10) jobs there.

Mr. Vogt stated he had a meeting with the Executive Committee on Friday and they discussed this issue at length. This project has been ongoing for more than a year. The City received approval of this grant over a year ago and they have just now received the paperwork from the Rural Center. Based on the discussions with the Executive Committee, they are willing to back up the figures that were submitted with the grant. In concert with East Carolina University School of Theater and Dance, they put these numbers together based on the approval and beginning of their ECU partnership which will begin in 2008. It is not signed at this moment but they have met with the Chancellor and they are waiting for board approval at their next meeting for the final approval of that partnership. At that time, April, 2006, they estimated that the total fulltime equivalent would equal 33 and one-half positions. Without that, if they don't do any of these things, they are calculating that they will have about 15 fulltime

equivalent positions in the first year. At this moment, he has over 70 performances booked at this date. That does not include the motion picture activity and additional rentals they have planned in addition to those public performances they are presenting. He stated he is anticipating having a very, very busy facility and he personally thinks the ten (10) positions are actually pretty conservative.

Mr. Smith stated he reviewed this project, the community has raised a lot of funds for this project, federal tax credits involving the project, etc. and this is probably the final piece for the construction. It will be \$100,000 towards the construction. In 2003, the City agreed to provide \$500,000 of Economic Development Funds over 5 years, \$50,000 was spent for some of the improvements to the utilities so over five years, four \$100,000 payments, plus a \$50,000 final payment to be made. Two of those payments have been made to date, the balance is still outstanding. His recommendation to Council is to go ahead and back the Theater on this grant with the understanding that if for some reason any of the jobs required are not created, each one of those jobs represents \$10,000 that any liability would come back on the City, would be deducted from that \$500,000.

Mr. Vogt stated his board is aware of that and the exposure here is not the full \$100,000, it is the incremental \$10,000 per job not created and maintained over a 24 month period. He stated they feel very strongly they will be able to do that. He stated his board is not looking for recourse here, they intend to have other resources in place to hold back because of that claw back position being enacted.

On motion of Councilman Gahagan, seconded by Mayor Pro tem Woolard, Council unanimously authorized Mayor Jennette to execute the Rural Economic Development Center grant agreement and Promissory Note conditioned upon the Turnage Theater Foundation understanding that if the required job creation conditions are not met, resulting in liability being created to the City of Washington, the City will withhold an amount equal to its liability plus any legal fees involved coming from the \$450,000 pledge of the City economic development funds for the Turnage Theater.

Council convened at 5:55 p.m. and reconvened at 6:05 p.m.

**CONSIDER – PRELIMINARY SUBDIVISION PLAT APPROVAL FOR  
WASHINGTON CENTER, LLC, CONDOMINIUM AND RETAIL SPACE**

Ms. Dot Moate, a member of the Planning Board, presented and discussed the Planning Board's recommendation. She stated that at the Planning Board meeting of July 24<sup>th</sup>, the preliminary subdivision Plat of the Washington Center was presented by Jack Ulrichs, Frank Smith and Hood Richardson. The subject property encompasses the entire block bound by West Second Street, US 17 North, Third Street, and Van Norden Street and was the former location of the Dr. Pepper Plant. The tract contains 3.71 acres of land and is zoned B1-H Commercial which allows for mixed use development. The preliminary subdivision indicates that the first floor is intended retail space and the second floor through the seventh floor will be residential condominiums. The total number of residential units as shown on the plan is as follows:

24 one bedroom units  
24 two bedroom units  
24 three bedroom units

Ms. Moate continued that, during the public hearing process, citizens came forward and voiced concerns about the overall height and the scale of the proposed structure, how it would look and its affect on the surrounding property. Additional questions were raised about storm water, parking requirements, and

driveway entrances. During the discussion it was noted by the Planning Staff that you may not like the design of the building, but, if in fact the preliminary subdivision plat meets the zoning and the subdivision requirements for the development, then it would be very difficult to deny the request. Therefore, the Planning Board voted to recommend the approval, subject to the conditions that have been marked Exhibit A in your packet.

Mayor Jennette asked if a lot of people attended the Board meeting. Ms. Moate answered yes, and there was a lot of discussion relative to the height, the fact that the system does allow 96 feet in that zone, and their hands were tied because they could not restrict it to any height less than 96 feet. Mayor Jennette asked if there was any discussion on how it was positioned on the property? Ms. Moate answered yes, it is positioned on one side and the fact that there would be a balance of the property that would be basically landscaped with no building was discussed. There was also a discussion about the underground parking which is proposed. The final plat may not indicate some of these things.

Councilman Jennings asked is this allowed in this zone, but not in the overlay? Ms. Moate said, not in the overlay historic zone. Councilman Jennings stated there are only two parcels in that zone that are not subject to the overlay, is that right? Ms. Moate answered there are two large parcels and that is one of them. Councilman Jennings asked if there was any discussion around that oddity, that there were just those two large buildable parcels that were left out? Ms. Moate stated she believes it was mentioned but not discussed at any length. It was discussed that we had no jurisdiction to prohibit what was going up. It was discussed that we were not very happy with the height of the building but there was nothing we could do legally.

Mayor Jennette called on Bobby Roberson, Director of Planning and Development to explain the history of how that zoning got changed, that the original design was going to be much different than what is proposed now.

Mr. Roberson stated that Roberson Beverages was a non-conforming use in the B2 zoning classification because they were manufacturing in the highway commercial district. When the plan was done in the early 60's, it was a nonconforming setup, so in 1996, we actually zoned the property B2, which is General Business. The former developers came forward and said they would like to have a mixed use project and the B2 zoning classification does not allow for residential uses. The idea came forward to just extend the B1H district out of the overlay district into the B1 classification to allow for residential construction inside that district.

Councilman Jennings asked why wasn't the overlay also extended? Mr. Roberson answered because the actual property at the time was not historic, it was a non-contributing structure and was not looked at in terms of extending the historic district because we knew for a fact that the building was going to be taken down and so we never petitioned the state to extend the boundary.

Councilman Gibson asked was there any reason given by discussion on the height of the building other than people just saying they just don't like high buildings? Is there some reason for that? You can stand on Main Street and can't see the river unless you look down the alley, was that a problem? Ms. Moate stated that she believes the discussion from the public was the fact that this would be the tallest building in that area and it would have an affect on the other properties within that area because they are so much shorter in height than this particular piece and they felt that this project, regardless of the height, should blend in with the buildings on the other properties and this particular design would not do that.

Mayor Jennette asked if the Planning Board had the purview to ask the designers to reconsider the way the roofline was shaped? Ms. Moate answered they did, and he was very amenable to take a look at it in trying to accommodate the request to make it fit in, but realizing that we have no jurisdiction to make it a requirement.

Councilman Gibson stated that it seems to him that the idea of more height would enable the developer to have more green space, whereas, if you flatten everything out and still try to have the same number of units, it would take up a lot of green space and he knows people are pretty animate about how they feel about green space in Washington. Ms. Moate stated that if you notice on the plat map they do plan on having a large portion of green space planted, etc. Councilman Gibson stated that you can't have both.

Mayor Jennette asked if the Planning Board has any purview on the plans or location of the property? Mr. Roberson answered no, there is a landmark case in Carolina Beach and the issue is that if in fact the developer has a vested right in the project (he has reviewed the zoning ordinance and these are the standards the City has), and if in fact he meets the standards, then it should be approved. Subsequently, the developers came in and we told them what the requirements were and they proceeded along those lines. In essence, if they meet all the requirements it would be very difficult to turn them down. In the Carolina Beach case, the case in point was they had the same issue. All of the coastal communities are having issues with height. In the Carolina Beach scenario, they tabled the request because they had the same concerns. In the following meeting, they actually changed the height and reduced it down. The developers went to Court and recovered because they had a vested right in the property and felt they acted in good faith on information they had available. Mr. Roberson stated it would be very difficult, unless there is a public safety issue, about the driveway cuts and storm drains and those questions were answered at the Planning Board meeting.

Mayor Jennette opened the public hearing.

Mr. Jack Ulrichs stated he is here to present the Washington Center. He stated this whole project has been in the making for at least two and one-half to three years. By going through DNER and the environmental issues, and other agencies, it has taken over two and one half years to get to a point where they could finally clean up the site. The surface was done in November, 2005, but the actual clean up of the two acres was hazardous waste material that has recently been completed. He owned the property for three years and nothing had been done on that site. They decided to pursue it, even with the help of some of you people here, and the Planning Board, and were guided in the right direction to the people in Raleigh. It took about eight months to make it a number one priority clean up site. Initially, they were 35 on the list to clean it up as a Superfund in North Carolina. It took eight months and they came just behind Raleigh (they built a Civic Center on a Superfund site). It was a lot of work and effort to get this place cleaned up.

At this point, Mr. Ulrichs made a power point presentation on the Washington Center which has been retained for the record. The power point included pictures of the site at Bridge and 3<sup>rd</sup> Street before the demolition started, pictures after it began, and the proposed site plan.

Facts and Figures for the project include:

Approximately 8 to 10,000 tons of Hazardous Waste was removed, and replaced with the same amount of inland fill, which returned the property to a productive use.

Cleanup cost: Progress Energy

\$1,200,000.00

Washington Center	\$ 300,000.00
Present Tax Revenues to the City	\$ 1,900.00
Projected future Tax Revenues to the City	\$ 450,000.00

(Not included are Utilities and other City Services)

The Project and 8 to 10 Store Fronts will generate 50 to 60 new jobs.

They will also be adding 2 to 300 construction jobs for the local residents and subcontractors for the next 3 to 4 years.

Over 100 new people will be living in 60 condominiums and will also bring their talents and money to Downtown Washington.

230 new parking spaces will be created for the public (85 more than required by ordinance).

A Plaza like atmosphere with trees, green space, fountains and benches will be created.

The building will be built above the 11 ft. flood plain facing 2<sup>nd</sup> Street and the River.

The top 3 floors will have a river view.

The total estimated cost: 30 to 40 million dollars (but much of this money will be spent locally).

(The final figures are not yet in.)

Mr. Frank Smith, Architect, stated that he was excited when he met Mr. Ulrich and his partner and became more excited when he met Mr. Roberson and looked at the Revitalization Plan for downtown. He learned as much as he could about the history of Washington and the area as he could. In Wilmington, they have been working with the complex issues of keeping the historic character of the town, what you do with building height because there will always be a demand for it and where it is appropriate to put it.

**The Revitalization Strategy Goals in the City's plan are:**

Strengthen the urban core by encouraging new development

Increase commercial and recreational activity along the waterfront

Create the physical infrastructure to accommodate public markets, festivals, and the arts; and

Maintain existing parking and provide additional parking to accommodate increased visitation.

**Smart Growth Principles**

The following Smart Growth principles are identified in the Revitalization Strategy as being instrumental to successful revitalization:

New residential and commercial development concentrated in and around the downtown and adjacent neighborhoods

Mixing commercial and residential uses in a common environment.

Promotion of the neighborhood-commercial sector to support walkable neighborhoods; and

Buildings oriented to the street, with parking moved to the rear of the facility.

Mr. Smith showed slides of the project site, the site plan which included the streetscape improvement, street level commercial, additional parking provided, and green space public plaza, along with the conceptual design.

Mr. Smith stated that the initial development will be commercial on the ground level, predominately along 2<sup>nd</sup> Street. There will be a covered porch across the entire facility and you will be able to walk through the center to the green space in the back where there is landscaping, fountain, etc. and access from the commercial spaces onto this public space. He stated that there will be six levels over the commercial area, a promenade along 2<sup>nd</sup> Street, access to the commercial and terraces towards each end for potential restaurant sites and outdoor dining, and rooftop terraces with penthouses. He pointed out that this is conceptual in nature. At this point in time, it is tough to get into detailed architectural drawings when they are just trying to ensure that they have a project. They are going through market studies and analyses. They plan to pick brick that will be fit into the area and tie in colors and materials with the downtown. They want to be a part of the downtown, not a space ship that just landed. They think it is a location that will be a landmark and gateway to downtown as opposed to something being in the center of town that will hover over everything else. It is not on the river blocking everyone's view. They think this is a unique location and he knows there is concern about the building height, but the fact of the matter is, after looking at the revitalization study, it was what is allowed by right. You can get more value out of the units once you get over the trees and then have the panoramic view of the river and is certainly something that should be taken advantage of.

Councilman Gibson asked how far away from the street would it be? Mr. Smith answered about 22 feet 6 inches but he would have to look at the plan. It is set back further than your typical building downtown. They have gone over and above what is recommended in the revitalization plan.

Mayor Jennette asked if any thought had been given to moving it over another 20 feet, as it will cast a huge shadow to everything in 2<sup>nd</sup> Street. Mr. Smith stated that, in actuality, he thinks the best rendition is that early in the morning there could be some shadow. She asked how would that diminish the project, moving it 20 feet? Mr. Smith stated it could be considered, but it would bring some challenges regarding the Fire Station.

Councilman Jennings asked about it being above the flood plain level and what is the elevation at that site? Mr. Smith answered that, at the curb, it is around 10 feet and drops to between 6 foot and 7 foot at Third Street. The building will be raised about four feet and parking spaces will be below this building. The building is raised partially to accommodate the parking beneath without having to go down so low.

Councilman Jennings asked what is the total elevation of the rendition, from street grade at 10 feet above sea level to the top of the building. Mr. Smith stated that the zoning ordinance defines it as 95 feet 10 inches from the sidewalk to the highest point. The church steeple is 92.9. Councilman Jennings asked if it is common practice to ask for everything you can get and then, based on market analyses and costs, working back from that. Mr. Smith stated that is a prudent approach. He stated that the market study could come back and the

project could shrink, but not get any larger without coming back through the process. He stated he would want to get something above the minimum flood level.

Councilman Jennings referred to the parking beneath the building and asked what the regulation is which is very much below flood grade? Mr. Smith stated that as long as you don't have fixed equipment you are allowed any parking storage of that nature and everyone would understand to move any personal property. A sunk pump would also be available for pumping water out.

Mayor Pro tem Woolard asked if the plan would be done in phases. Mr. Smith stated that the plan is to build it all at once, however, if the market study came back and said the absorption would not be as great, then the project could be designed in phases. One side would be built versus the other. They would not envision building a building that looks like half a building. It could be in fact two buildings.

Councilman Gibson asked about the number of parking spaces. Mr. Smith stated there is a total of 230, leaving 80 to 85 over and above what is required by the ordinance. Councilman Gibson asked if there is a flood predicted, would there be enough spaces to accommodate two cars per family unit? Mr. Smith stated he would have to look at the drawings.

Mayor Jennette asked if the design changed dramatically, who has purview over the new design? Mr. Roberson stated that if it is a major redesign, it would go back before the Planning Board and City Council. Mr. Smith stated that nothing would be put in front of buyers until they get the marketing study. It would impact what we see here.

Mr. Smith stated they are not playing games or hiding anything from anybody, they are trying to do a good project.

Councilman Gahagan asked the total cost of the project. Mr. Smith answered \$36 million dollars. The \$450,000 tax figure is for City and County taxes.

Mr. Charles Major stated that he spoke at the Planning Board and questioned if this project is appropriate to the Historic District. He thinks that while the developer is within his rights, this project is being jammed down their throats. Mr. Smith has done a great deal of work to talk about Smart Growth but he thinks we need to talk about what is appropriate to a City, a historic district, a waterfront, etc. He stated that Mr. Smith stated this would be a landmark for Washington and he has not lived here all his life, but he thinks the area has a lot of landmarks for Washington and he doesn't know that we need a 96 foot block to block building for a landmark. He pointed out that he believes it is inconsistent with the Historic neighborhood and is going to overshadow private homes, the First Methodist Church and the whole end of the Historic District. He believes this will create a parking problem with a number of people trying to get to the retail shops using Van Norden Street and possibly Main Street rather than going behind the building and having to walk through. Anyone who has tried to get out of Washington on 2<sup>nd</sup> Street in the evening is going to realize it will create a traffic problem at 2<sup>nd</sup> and Bridge which is already a problem. Finally, this will diminish the historic significance of several of our landmarks, First Methodist Church and Moss House. He stated that if Council cannot or will not change this project, he asked them if they do not believe this is appropriate for historic Washington, to so state that in the motion to approve the preliminary plat. Expressing your lack of support while going ahead and saying there is not much we can do is a more honest approach than what the Planning Board did. Requesting some changes that would make it accommodate the neighborhood would be something that would be appropriate. If the project is built in phases, Council should stipulate how those phases should be done. It was suggested at the Planning Board that,

if it was built in phases, that they might build the corner overlooking the Methodist Church first. If by chance they don't build the second building, the first building should be on Bridge and Second Streets, minimizing the impact on the neighborhood. Council should ask them to put in writing as a covenant that an area could remain open space and would never become a gated community.

Ms. Dot Moate stated that the Planning Board did discuss the entrance and exit to the property. They had proposed an entrance off Bridge Street between Second and Third, and another off Van Norden. The Planning Board had concern about the entrance between Second and Third Streets and perhaps they should consider the entrance off Bridge to either Third or to some other configuration.

Mr. Scott Sipprell, owner of the Moss Bed & Breakfast, expressed his concerns at the Planning Board meeting about this project overshadowing his home and business. Some of the positive spins have been creating jobs and he wonders if they will be locals or brought in from somewhere else. His personal concern is overshadowing his home and business and a project of this scale, what is the construction noise going to do to the nature of his business. The cleanup started early and ran late and was disturbing sometimes. They like to have their windows open and construction noise is not conducive to his business.

Ms. Judy Smith, representing the Washington Area Historic Foundation, stated that the Foundation opposes this 96 foot project facing the Historic District on West Second and Van Norden Street. This building will bring visual damage to the town's center and will dominate the approach from the north and south and will be visible from the riverfront. In Edenton, the limit for new construction is 50 feet and in New Bern, 60 feet, and in the waterfront overlay district, to go higher, a special use permit is required. Height restrictions should provide for orderly growth through which an historic town can exist in harmony with new economic growth. This project, as it stands, is not appropriate growth for Washington. The Mission Statement for the City of Washington states "to protect and preserve the unique character and heritage, to plan and manage growth in harmony with our surroundings." This project will warp the surrounding historic district.

Mr. Jack Ulrichs stated that the people who will be living in the proposed condominiums will have children coming in to visit and will need accommodations, so it will enhance businesses all around town. They have advised people to stay at their Bed & Breakfast. Also, he stated he would like a show of hands from the audience who is and who is not in favor of this project.

Mayor Jennette asked who was in favor and was not in favor of the proposed project. The show of hands favored the project.

Mr. Sipprell asked who in the audience lives in the shadow of this proposed project?

Mr. Roberson passed out a statement from Steve Moler for the record:

Letter from Steve Moler – "Please remember that the Planning Board unanimously approved another preliminary site and building plan for this site about 2 years ago. At that time the project was to be a combination of town houses, retail shops and a few condominiums over the retail space. Maximum height for this plan was to be approximately 30-34 feet.

At our meeting about this new proposal, there was considerable discussion about the design of the 7 story structure, and the dominating impact on the surrounding neighborhood, the Historic District, and the City of Washington skyline.

Unfortunately, for the City of Washington, the Planning Board had not completed their deliberations over height restrictions in the B1H overlay district, which would have affected the height of the Washington Center project.

The proposed height of buildings in the B1H overlay district is expected to be 65 feet.

Mr. Ulrichs, developer and Mr. Smith, Architect, knew these deliberations were going on as far back as May 4, 2007 when a picture and article about the Washington Center project first appeared in the Washington Daily News. They took advantage of the lack of height restrictions, the slow moving planning board, and submitted a structure that will include 7 stories and will be a little less than 90 ft.

What is my point?

First, the original project planned for the site was never officially withdrawn. The City of Washington and the Planning Board were still expecting to see the original project but we were all surprised when the article appeared in the WDN in May of 2007.

Second, at the last Planning Board meeting, Mr. Smith, Architect for Washington Center, said that the developers of the project would like to be "good stewards" with this project. However, they are not acting like "good stewards" when they know that discussions are going on about the heights of buildings in Washington and they present a plan that will obviously be exceeding a height that is under discussion.

I recommend that you table any decision about this project until you can inform the developer that the so called "Smart Growth Principle – It is better to build higher rather than wider" has its limitations in Washington.

We are not New York City, Raleigh, or Greenville. We are a small town with relative small buildings. If you want to maintain our small town character and image, then you need to take control of what is being built in our town. It is obvious, that the Planning Board cannot help you."

Ms. Margaret Holder stated that she has invested in this area and would possibly own a unit at some point in the future. She stated this plan is the result of several years of work and planning with the historic appearance of the building being taken into consideration. It's not a fly by night kind of operation...let's move into a small town, riverfront, make a lot of money and move on. That's not the intent of the developers at all. They adopted Washington as their home and want what's good for Washington. In reference to the man who owns the Bed & Breakfast, she stated she knows for a fact that they did try to use local talent, which didn't work out. This is a \$35 million dollar project and many times this is beyond what a small rural community has potential to do so that is why the architect from Wilmington was employed. Secondly, also on the street that runs beside the Methodist church is all old houses converted to businesses. The Moss House is residential, the Library is there, etc. This is not such a residential area that would be impacted so negatively. The developers have done everything they can do to meet the demands asked of them. They have even said the outside exterior look will be made acceptable to what is wanted. This is a big investment that will pay Washington and the people in Washington will benefit from it. It's almost like we're forgetting our good southern manners to this man that has extended his hand and friendship to us. He has allowed for parking, done everything the City has asked him to do and met all the requirements costing him money to do so. She stated that instead of holding our positions, we should be more open minded and look at all this area of Washington. Only one project, the Turnage Theater, has met any kind of success in the time she has been here. When you consider other projects, this

one is ready to go. It is funded, the money is there, plans are in place, the hazardous waste issue has been taken care of, it is ready to go. Much different than other projects that make the downtown area look really shoddy. This should be looked at as a improvement, not as an infringement. We need to meet the developer's graciousness with our own.

Mayor Jennette closed the public hearing.

Councilman Gibson moved that the City Council accept the recommendation of the Planning Board and approve the Preliminary Subdivision Plat of Washington Center, LLC., Condominium and Retail Space, subject to the Technical Review Committee (TRC) conditions marked as Attachment A. Councilman Gahagan seconded the motion.

### **Attachment "A"**

PRELIMINARY SUBDIVISION PLAT APPROVAL –  
WASHINGTON CENTER, LLC  
COMMENTS FROM MEETING ON 7-16-07

**Public Works Department Comments:**

- a. Project will require submittal of Tar-Pam Stormwater Permit.
- b. Additional right-of-way will be required on North side of 2<sup>nd</sup> Street for parallel parking.
- c. Prior to construction, complete water & sewer plans meeting all City of Washington requirements, must be submitted.

**Electric Department Comments:**

- a. No comments at this time other than a meeting will need to be scheduled with the Electric Director to discuss meter locations and other items of concern. Contact Jack Gurkin at 975-9344 if you have questions.

**Planning and Development Comments:**

- a. Landscaping plan to be submitted with design standards from the Renaissance Plan

**Fire –Rescue-EMS Comments:**

- a. Plan A-10 measurements are not to scale
- b. Page one and two of the preliminary plan has out building as 60 feet wide, it measures 50ft.
- c. Maintain Fire Apparatus Access Road of 26 feet width with inside curb radius of 25 feet with-in 150 feet of any portion of building meeting the following criteria.
  - o Signs and markings per City of Washington Code and NC Fire Code
  - o Buildings Exceeding 30 feet or 3 stories Access road shall be parallel to one side No closer than 15 or more than 30 ft from building
  - o No overhead obstructions entire length of fire department access road
  - o Access road also includes access to entrance underground parking garage
- d. Fire Flow Requirements See Appendix B table 105.1 of the NC Fire Code Fire. Fire Flow cannot be determined until building plans are submitted. Is there enough available water supply for structure.
- e. Fire hydrant and FDC locations shall be approved by Fire Marshal. Site plan shall note FDC Locations, DBFP locations, size of piping and all valves. Contact Fire Marshal for assistance.

- f. Page 3.1 shows detail of building height per floor. However detail A-3.1 Building Section shall show distance from fire department access road (assumed to be Second Street) to the highest floor service.

The approval of site plan does not constitute an approval of construction methods, devices and/or construction materials. All construction materials and methods, devices, and systems shall be approved contingent of each meeting the intent of the North Carolina Fire Code and all other applicable standards. Once Building plans have been reviewed additional site requirements to meet the NC fire Code may occur.

**Parks and Recreation Comments:**

- a. No comments at this time

**Police Department Comments:**

- a. No comments at this time

Before a vote was taken, Council discussed the issue further. Councilman Gahagan thanked Jack Ulrichs and his partners for coming to Washington and proposing a project such as this, but understands none of us are excited about the height of it and we only have ourselves to look at for that. They designed their project under our guidelines and this is the second one we are not happy with. We have some things on the table tonight to talk about that will hopefully deal with the historic district. He stated that, if Council does not like the height guidelines, we need to do something about it.

Councilman Jennings commended the ambition of this project. There has been tremendous cost in improving and cleaning up that site and he always wondered, left to just anyone, who would take on a project like that. The height is an issue and also the scale of this project, not necessarily in its physical scale, but just the size of the partnership this development will mean with the City. He stated that on a previous significant project like this, the City sat down with the developer and got some questions answered around intentions. When someone proposes something, you sit down and talk about it so we can get more comfortable. The other thing, he is not personally comfortable with how we wound up with this hole in our overlay. It may have been entirely natural in its development but he would like to get the questions answered before we go further down the road that that was an appropriate development for that gap in the overlay. It was certainly not the intent of the overlay.

Mayor Jennette agreed and has asked that question three times before. She doesn't understand how this stayed in the O&I even though it was in the B2. It was pointed out it is in the B1H, not the historic overlay.

Councilman Gahagan asked how many other businesses are in the B1H but not in the overlay? Mr. Roberson stated there are some on Second and Third, even the Post Office is not in the historic overlay.

Mayor Jennette asked if there is any existence in another town of a transitional zone where historic districts overlay with other districts so you have some control what abuts the historic district. Mr. Roberson answered only in the City of Wilmington. You have to look at what we want to do in Washington.

Mayor Jennette stated they are appreciative of what they have done with this property, but this is a big departure from what they first talked about. She is concerned that it is so close to Second Street that it will overpower all those houses. She asked if they could talk about moving it back, if there is some way that they could sit down with the City and see if there are a few modifications they can make. She stated that she doesn't know that we can stop it and she doesn't want to stop it, but she does think if we can make it mesh better with the Historic District.

Mayor Pro tem Woolard mentioned again about the entrance off Bridge Street that needs to be looked at. Also, we don't have a choice.

Mayor Jennette stated also, if it is built in phases, if it could be built more in the corner of Second and Bridge rather than move it closer to the Church.

Councilman Jennings asked if their timeline allowed for a prompt meeting with a subcommittee of the Council? Mr. Smith stated that he thinks there would be an opportunity once the market study is in. He stated they don't have anything to hide and they want a good project. They want to do everything they can to address the community's concerns because they want the project to be part of the community and not something that someone will say five years from now, how did we let this happen. It's not what they want so whatever format that would take.

Mayor Jennette asked when the market stuff would be ready. Mr. Smith stated they expected it this week.

Councilman Jennings stated he is confused by that answer and asked if it would be disruptive to his process if they deferred this decision until they meet with them subsequent to the market study and would know more then. Mr. Smith answered, yes, it could potentially be disruptive, that they need to know that they can keep moving forward, rather than stop the process.

Councilman Jennings stated that he would not feel comfortable about voting for this without fully understanding this. He stated this is the fifth time he has had this explained to him and he still doesn't understand why that is not in the historic district and how that happened. He asked if we purposely reverse spot zoned by doing that?

Mr. Roberson stated that it was an extension of the B1H district, the only remaining was the old Roberson Beverage building and they opted not to petition. It allows for mixed use and B2 does not allow it. Mayor Jennette stated that we need mixed uses downtown, that's part of the Smart Growth principles.

Councilman Jennings stated that what we are missing. . . we're getting ready to take up a conversation later on today about the height of other buildings in the historic district relative to their neighbors. Basically, what we are saying, is that this is going to be a 96 foot building, at least allowable, and by definition, nothing around it can be 96 feet? We are going to talk about a overlay today that will limit basically height of buildings around it at 65 feet. We're working backwards.

Mayor Jennette stated we desperately need a transitional zone.

Councilman Gibson called for the question. Mayor Pro tem Woolard seconded it.

Vote on the motion:

AYES: Mayor Pro tem Woolard  
Councilman Gahagan  
Councilman Gibson  
Councilman Brooks

NAYS: Councilman Jennings

Mayor Jennette asked that they be contacted when the market study is in and they will proceed from there.

**CONSIDER – A ZONING CHANGE FOR 1.5 ACRES OF LAND  
LOCATED ALONG US 17 SOUTH (FORMERLY PARK BOAT  
COMPANY) FROM B-2 GENERAL BUSINESS TO O & I OFFICE AND  
INSTITUTIONAL**

Ms. Dot Moate stated that the Planning Board heard the request of Ruby and Terry Smithwick, Harborside Development, LLC, to rezone 1.5 acres of property from B2 General Business to O&I Office & Institutional. There was no opposition to the rezoning and does not conflict with the CAMA Land Use Plan. The Planning Board recommended the rezoning change as submitted.

Councilman Jennings asked if they could build up to 96 feet? Ms. Moate answered yes.

Mayor Jennette stated this is a public hearing.

Mr. Rudy Smithwick stated they have been working in a total plan to have a dry stack marina on the major portion of the property and have some town homes on the point facing the river/Main Street area.

Councilman Jennings asked if the dry stacks would be set back from the water? Mr. Smithwick answered yes and fronts the wetland woodland area.

Mayor Pro tem Woolard asked if they will be 96 feet high? Mr. Smithwick stated it will be about twenty (20) town homes, forty or forty-five feet high.

Mayor Jennette closed the public hearing.

On motion of Councilman Gahagan, seconded by Mayor Pro tem Woolard, Council unanimously accept the recommendation of the Planning Board and approved the rezoning change of the property located along US 17 South, formerly Park Boat Company, containing approximately 1.5 acres of land from B2 General Business to O&I Office and Institutional and by approving the zoning petition has found the zoning change not to be inconsistent with the Land Use Plan by allowing the Office & Institutional land uses along this corridor by discouraging strip commercial development and is not detrimental to the public health, safety and welfare of its citizens.

**DISCUSSION– A POTENTIAL 2007 COMMUNITY DEVELOPMENT  
BLOCK GRANT-INFRASTRUCTURE GRANT AS ADMINISTERED BY  
THE NORTH CAROLINA DEPARTMENT OF COMMERCE THROUGH  
THE DIVISION OF COMMUNITY ASSISTANCE**

Allen Lewis, Public Works Director, stated that this is a hearing to receive information and public comment concerning a potential 2007 Community Development Block Grant-Infrastructure grant administered by the N.C. Department of Commerce through Division of Community Assistance. This grant can be used for critically needed community improvement projects.

Kevin Richards, with MidEast Commission, reviewed the synopsis:

State CDBG funds are provided by the U.S. Department of Housing and Urban Development (HUD) to the State of North Carolina.

CDBG funds are available to local municipal and county governments for projects that enhance the viability of communities by providing decent housing and suitable living environments and by expanding economic opportunities, principally for persons of low to moderate income.

Each year, CDBG provides funding to local governments for hundreds of critically-needed community improvement projects throughout the state. These community improvement projects are administered by the Division of Community Assistance and the Commerce Finance Center under eight grant categories:

**Infrastructure** – Provides public water or sewer to correct severe health or environmental problems.

**Economic Development** – Provides grants or loans to local governments for creating and retaining jobs.

**Small Business Entrepreneurial Assistance** – Helps small businesses expand and grow.

**Community Revitalization** – Strengthens neighborhoods and rehabilitation homes.

**Scattered Site Housing** – Addresses the most critical housing needs of families.

**Housing Development** – Supports development of single family and rental housing.

**Urgent Needs** – Helps communities recover from disasters that threaten public health and safety where insufficient or no local/other funds are available.

**Capacity Building** – Helps non-profits design and carry out CDBG activities in partnership with units of local government.

### **Infrastructure**

The infrastructure category improves the quality of life in a residential area or in a local government's jurisdiction to correct problems that post a severe health or environment risk where at least 70% of the residents are low to moderate-income.

**Program requirements:** Eligible activities include the installation of public water and/or sewer lines, improvements to water and/or sewer treatment plants that have specific problems such as being under moratoriums or special order of consent.

**Maximum Amounts:** There are two pools of infrastructure funds available in 2007 with \$2.10 million per pool. One pool of funds is reserved for 21<sup>st</sup> Century Communities which include Anson, Beaufort, Caldwell, Graham, Edgecombe and Harnett Counties. The maximum grant in 2007 is \$750,000.

Mayor Jennette asked Mr. Richards if this grant money could be used to help the bottleneck in the sewer system near Pennsylvania and Havens Street? Mr. Richards stated that it could potentially be used depending on the number of low to moderate income residents there.

Mr. Smith asked if it could be used to address design related safety issues for public housing? Mr. Richards stated no, not for infrastructure grants, its for water and wastewater lines.

Councilman Gibson asked if this money could be used to repair/renovate a commercial building owned by the City? Mr. Richards answered no.

Mayor Jennette asked if we get this grant, does that prohibit the City from applying for other types of CDBG? Mr. Roberson stated that the max is \$1.25 million so you have from \$750,000 to \$1.25 million margin.

Mayor Jennette stated this is a public hearing.

Mr. Dick Leach asked if the water lines have to cross Runyon Creek, is there any way to monitor it if it ever had a leak and how soon would you know it? Also, what impact would it have on River Road because there is no zoning and when you extend an infrastructure would that cause a huge amount of building that the City cannot regulate. He said he cannot say he is opposed to it or for it, but if it would impact in a negative way by having uncontrolled development, he would oppose it.

Councilman Gahagan stated it would be contingent upon the City agreeing with the project.

Mr. Lewis stated that it is similar in nature to the Carver's Machine Project. It is in the County's name because it is in the County's jurisdiction. In order for us to apply for this grant, whatever infrastructure improvements are made, we need to be within our jurisdiction. The section between Pennsylvania and Haven is in the city limits. In reference to a water leak, if it crosses anywhere in the city's system, we monitor the amount of water that flows out of the plant compared to the amount that is metered out to every customer, including the county. Historically, we only lose about 3% of our water. From a sewer standpoint, that particular section has a bottleneck dumping from a 24" sewer line into a 12" sewer line which can cause sewer overflow and these funds could be used to upgrade that.

Mr. Lewis stated that if you cross Jacks Creek with a sewer line from gravity sewer standpoint, we would look upstream. You don't monitor gravity flow with a meter. In regards to the Carver Project, it is tied into an existing line near 264, running a force main line down River Road to Brick Kiln Road, from Brick Kiln Road to the railroad crossing and dump in to a gravity manhole. From that point it flows gravity towards Pennsylvania and Havens on the existing sewer line.

Mr. Smith stated, in regards to the second question, our initial goal is to get all the septic systems that leech into the river, out of the river and that's why we feel it is so important to get sewer down River Road. If a major project is proposed, it would probably be annexed into the City, depending how far down River Road it is located and zoning and control would be provided.

Mayor Jennette closed the public hearing.

**AMEND – HISTORIC PRESERVATION DESIGN GUIDELINES TO  
INCLUDE GUIDELINES ON ANY ROOF TOP DEVELOPMENT  
PROPOSED FOR THE BI-H (BUSINESS HISTORIC) ZONING DISTRICT**

Mr. Michael Overton, a member of the Historic Preservation Commission, stated that the rooftop guidelines have been included in the agenda package. At the present time, there are no design guidelines.

Councilman Jennings stated that there are two points that refer to "case by case analysis" and asked if they feel that allowances for those is enough or do they prefer more definitive language as to what can and cannot be submitted. He is wondering about the two story additions being reviewed on a case by case basis, or would it be preferably to say if its not more than so many stories tall. Mr. Overton stated that the original proposal actually said two stories or less, they would not allow it. Mr. Overton stated that if a building is sitting out there by itself it might be a different consideration than one that is sitting next to many

others. The HPC feels comfortable with the guidelines. It will take some projects to make a decision whether or not it is effective enough, that they might have to come back if they see some loop holes.

Mayor Jennette asked if they only apply to contributing structures? Mr. Overton answered yes, but the non contributing structures still have to go to the HPC. Mr. Overton stated that non contributing is eventually going to become a contributing structure. Their job is to protect and enhance the district even with non contributing buildings.

Mayor Jennette suggested that we create an Appearance Committee that will help when requests come, like two architects, two design people and a couple of developers specializing in historic preservation. That committee could review the designs first.

Mr. Overton stated they have the new construction committee. He suggested they take that committee and expand it because it is only three members of the Historic Commission.

It was suggested that it be called "Design Advisory Committee" instead of an "Appearance Committee." The committee would work with the Planning Board and the Historic Preservation Commission.

Michael Overton will meet with Bobby Roberson and John Rodman and bring a proposal back to Council in September or October.

Mr. Roberson stated we would be amending Section 3.0 of the Historic Guidelines by adding a new section Roof top additions under subsection 3.150.

Mayor Jennette opened the public hearing.

There was no one present to speak.

Mayor Jennette closed the public hearing.

On motion of Councilman Jennings, seconded by Mayor Pro tem Woolard, Council unanimously accepted the recommendation of the Historic Preservation Commission and approve an amendment to the Historic Preservation Design Guidelines to include guidelines on rooftop additions and alterations located in the B-1H (Business Historic) District.

### **Rooftop Additions and/or Alterations Proposed Guidelines**

As stated in the City of Washington's vision statement, maintaining the city's small Southern town character is important to its citizens. Promoting preservation and adaptive re-use of Washington's historic buildings, especially those in the central business district, is an important part of achieving this vision.

In making this declaration, it is important to note that Washington's commercial waterfront was, for more than a century, the economic hub of the city and county. Maritime commerce was at the root of Washington's prosperity prior to the mid 20<sup>th</sup> century. Also worth noting, during the urban renewal era of the late 1960's, Washington chose to demolish the derelict commercial properties that once lined the waterfront. Yet, in the early 1970's, Washington created a historic district to preserve its remaining stock of historic structures. Hence, the remaining roof-scapes of buildings in the downtown business district are crucial to maintaining the City of Washington's historic character.

Nationwide, rooftop additions have become a very popular way of adding additional space and increasing the square footage and floor area ratio on existing buildings in historic downtown areas. These amenities are attracting

residents to move back in to the upper floors of restored buildings, therefore contributing to the revitalization of historic downtowns.

However, it is important that the historic integrity of these structures and areas be maintained. Roof-scapes at lower elevations are visually prominent from higher elevations, and waterfront roof-scapes are highly visible from the waterfront and its approaching corridors. Therefore, it is equally important that rooftop additions, when allowed, contribute to the character of the area and respect the design and context of the building and the street scene to which they are added.

Alterations that diminish or conceal character-defining features are discouraged. Construction of a rooftop addition to a building so that the historic appearance of the building is radically changed will not be permitted.

All proposed rooftop construction will be reviewed by the Historic Preservation Commission for its overall visibility from all viewpoints. In general, a successful rooftop addition, when held away from the building's perimeter, will fit in design and scale with its surrounding buildings. Scale and design are addressed in this document.

The removal of historic materials or alteration of architectural features and spaces that characterize a property shall be avoided. The rooftop addition should be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features. Massing, size, scale, and architectural features are also addressed in this document.

**Definition:**

A rooftop addition is defined as any new construction on top of an existing rooftop for occupiable or non-occupiable space (this includes full floor additions) on any contributing structure within a historic district.

**Policy:**

In general, the Historic Preservation Commission will review applications for rooftop additions and/or alterations on a case-by-case basis.

The approval of a rooftop addition and/or alteration on any one building or a previously approved application for a rooftop addition and/or alteration shall not be considered as precedents or construed to mean that new proposals will automatically be approved.

The extent of an addition and/or alteration on buildings two stories or less will have to be reviewed on a case-by-case basis.

A rooftop addition and/or alteration shall not call attention to itself, nor detract from the architecture of the existing building or the surrounding historic district, streetscape, or adjacent structures.

When rooftop additions are proposed for buildings which are adjacent to empty but potentially buildable lots, the proposal shall be evaluated on a case-by-case basis as if no building will ever be built on the buildable lot.

Rooftop additions and/or alterations shall comply with existing zoning, and may not be eligible for the granting of a variance for height limits or floor area ratios.

**Design Standards for Rooftop Additions:**

Rooftop additions, if permitted, shall:

1. Be limited to a maximum of 75% of the roof area, excluding the parapet.
2. On contributing structures, be limited to one story in height, with an average exterior height not to exceed the height of a single story of said structure, excluding exceptions for code-required components, such as elevator overrides. Elevator equipment, mechanical equipment, and HVAC equipment shall fall within the single story, 75% footprint. Additions to non-contributing structures seeking more than one story and exceeding the 75% footprint will be considered on a case-by-case basis.
3. Be permitted only on buildings with existing parapets in excess of 18" from the highest point of the roof and on existing roofs which have less than a 3 in 12 pitch.
4. Be permitted only when the designs of such additions reflect the basic design, color, texture, and fenestration of the original building. The rooftop addition and/or alteration shall be as inconspicuous as possible when viewed from the street. It must be designed and constructed with compatible materials and detail with the main building.
5. Be constructed so that there is the least possible loss of historic fabric. Also, it is vital that character-defining features of the historic building are not obscured, damaged, or destroyed. Additionally, the proposed addition and associated construction should not alter the historic fenestration.

**Submittal Requirements:**

1. Dimensioned elevations and plans showing the proposed rooftop addition on the existing building.
2. Sight-line studies, either photographs or drawings, illustrating the massing of the addition and visibility from 100 feet on public rights-of-way in all directions, and showing not only the impact on the subject heading, but also on the adjacent buildings and the historic district as a whole.
3. A complete and detailed list of all materials to be used in the construction.
4. A list of all existing materials in the original building which will be lost in the construction.
5. All buildings utilizing the state grant fund, federal historic tax credits, and/or state and federal environmental review must submit their designs for review to the State Historic Preservation Office, and then must have their approvals prior to submitting for a Certificate of Appropriateness to the local Historic Preservation Commission. In addition, the applicant must have approval from the US Department of the Interior.

**AMEND – HISTORIC PRESERVATION DESIGN GUIDELINES TO  
INCLUDE GUIDELINES ON THE MEASUREMENT OF HEIGHT OF A  
NEW BUILDING IN THE BUSINESS HISTORIC OVERLAY DISTRICT**

Mr. Overton stated that the Historic Preservation Commission met with the Planning Board and since then have had some concern about the language and feel that it could be simplified. They definitely feel that there needs to be a height limitation of 65 feet and their concern comes in the 15% in the same block and that language needs to be simplified.

Councilman Gahagan stated that we need to approve the grade and set the 65 foot limit tonight. Councilman Gahagan asked if we could limit the height

in the O&I tonight. Mr. Roberson answered no; we have to have two public hearings.

Councilman Jennings stated he would like to have a definitive date when we will come back and revisit that. He stated that the area is not that large, and he would like to see it building by building, lot by lot, to see what it would do by varying the scale.

Councilman Gibson stated that he appreciates the work that has been done, but it does not have to be complicated. It should be..."the height of the new building should relate to the prevailing height along the street but no taller than 65 feet."

Mayor Jennette stated this is a public hearing.

Mr. Skip Majors stated that when designing the guidelines, they tried to maintain a scale in the Historic District and tried not to get something arbitrary or inconsistent and that is where the 15% comes from. That was just a number that made sense if you tried to measure the average height along an entire block. He asked if this just relates to the overlay district or to the whole B1-H district? Mr. Overton answered just the overlay. He thinks we are being short sighted to not apply this to the entire B-1H district and we need transition. He gave the old K-Mart building as an example of going up 86 feet backing up against a residential neighborhood.

Mayor Jennette asked if we extend this to the entire B-1H district, would that create enough of a buffer to provide that transitional phase? Mr. Roberson stated he is confused as to what we are looking for. Councilman Jennings stated that you could go higher away from the water, preventing a wall being built around the river.

Councilman Gahagan stated you look at the worst case scenario.

Mr. Smith stated that once you get above floor level of 75 feet you have to go to high rise building code mode, and it cost substantially more.

Mr. Leech stated he is encouraged that Council is considering lowering the height. He stated that Mr. Gahagan has mentioned the fact he would like to deal with the O&I district as soon as possible. He stated he disagreed with the 65 feet, that it is too high and should be 55 feet. He would like to see the maximum height consistent with the existing height of the highest building downtown, but he could live with 65.

Ms. Dee Congleton stated that that Washington Area Historic Foundation recommends and has a Resolution that the height of any new construction, addition or modification of existing buildings in the Historic District not exceed the average height of the buildings on the same block and recommends 50 feet as the maximum height limit. A structure affects the visual quality of any adjoining historic property. She presented a picture of what 65 feet looks like.

Mr. Chris Collier stated he thinks that 65 feet would be a good height and the language simplified. He doesn't think the 15% is enough percentage to do anything with.

Mayor Pro tem Woolard left the meeting at this point.

Mayor Jennette closed the public hearing.

Councilman Jennings suggested we temporarily adopt the restriction to no higher than one story more than the adjoining properties in that block as defined by the average height of an upper floor in the historic district.

On motion of Councilman Gahagan, seconded by Councilman Jennings, Council unanimously accept the recommendation of the Historic Preservation Commission and the Planning Board and approved the amendment to Section 2 as written, and amend Section 4 to state that the height of the new building should relate to the prevailing height along the street. The height should not exceed 15 feet above the average height of the buildings on the block, measuring from both sides of the street, but no taller than 65 feet in height.

**HISTORIC PRESERVATION COMMISSION  
DESIGN GUIDELINES  
AMENDMENTS**

- Section 1. That the Washington Historic Preservation Design Guidelines under Chapter 5., New Construction, Section 5.1., Downtown Commercial Construction, Subsection 5.1.1., which reads: *“Buildings within Washington’s historic district are of similar height. Therefore, the height of a new building shall be compatible with other buildings in the district when measured from the current Base Flood Elevation (BFE)”* be deleted in its entirety and replaced with the following;
- Section 2. Section 5.1., Subsection 5.1.1., will read as follows: **“Buildings within Washington’s historic district are of similar height. Therefore, the height of a new structure is the vertical distance from the average grade existing on the site prior to development (plus 1 foot) to the highest point along the roofline.**
- Section 3. That the Washington Historic Preservation Design Guidelines under Chapter 5., New Construction, Section 5.1., Downtown Commercial Construction, Subsection 5.1.2., which reads: *“All new buildings shall be compatible in height with adjacent buildings on the block”* be deleted in its entirety and replaced with the following:
- Section 4. Section 5.1., Subsection 5.1.2., will read as follows: **“The height of the new building should relate to the prevailing height along the street. The height should not exceed fifteen (15) feet above the average height of the buildings on the block, measuring from both sides of the street, but no taller than 65 feet in height.”**
- Section 5. These amendments shall become effective upon their adoption.
- Section 6. All amendments or parts in conflict herewith are repealed.

Adopted this 13<sup>th</sup> day of August, 2007.

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

ATTEST:

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

**CONSIDER – CHANGING THE ZONING CLASSIFICATION FOR THE  
PROPERTY LOCATED AT 2013 WEST 15<sup>TH</sup> STREET, AT THE REAR  
PROPERTY LINE, FROM RMH (RESIDENTIAL MOBILE HOME) TO B-2  
GENERAL BUSINESS**

Ms. Moate stated that the Planning Board recommended the rezoning of the property located at 2013 West 15<sup>th</sup> Street from RMH to B-2. There was no opposition.

Mayor Jennette stated this is a public hearing.

There was no one present to speak.

Mayor Jennette closed the public hearing.

On motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously accepted the recommendation of the Planning Board and approved the rezoning change on the property, located at 2013 West 13<sup>th</sup> Street from RMH (Residential Mobile Home) to B02 General Business and by approving the zoning petition the City Council as found the zoning change not to be inconsistent with the Land Use Plan by allowing commercial development within close proximity to the US 17 commercial node, permits the expansion of an existing conforming office complex; is not detrimental to the public health, safety, and welfare of its citizens and is adjacent to existing property zoned B-2 General Business.

**COMMENTS FROM THE PUBLIC**

There were no comments from the public.

**APPROVE – REQUEST TO SERVE ALCOHOLIC BEVERAGES  
ON CITY-OWNED PROPERTY**

On motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously approved the request to serve alcoholic beverages on city-owned property presented by Karen West on the green space near the estaurium on Saturday, September 15, 2007 from 6:00 p.m. until 11:00 p.m.

**LINNIE PERRY PROPERTY**

Mr. Smith stated they have met with NC DOT officials regarding the need to provide north and south bound turns onto State Route 17 at the Hamilton Beach property between Linnie Perry Road and Springs Road. Washington will donate approximately two thousand feet of 60 to 80 foot right-of-way necessary for constructing the street.

On motion of Councilman Jennings, seconded by Councilman Gibson, Council unanimously authorized the Mayor and City Manager to execute appropriate agreements to transfer to the State of North Carolina the necessary right-of-way to connect Linnie Perry Road to Springs Road.

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

At 8:30 p.m., on motion of Councilman Gahagan, seconded by Councilman Gibson, Council unanimously agreed to go into closed session under G. S. 143-318.11(a)(3) Attorney/Client Privilege and G. S. 143-318.11(a) (6) Personnel.

At 9:10 p.m., on motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously agreed to come out of closed session.

**CONTINUE MEETING**

On motion of Councilman Gahagan, seconded by Councilman Brooks, Council unanimously adjourned the meeting until Monday, August 27, 2007 at 4:30p.m. in the Council Chambers at the Municipal Building.

---

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