
The Washington City Council met in a continued session on Monday, May 10, 2010 at 5:30pm in the City Council Chambers at the Municipal Building. Present were: Archie Jennings, Mayor; Doug Mercer, Councilman; Ed Moultrie, Councilman; William Pitt, Councilman; Gil Davis, Councilman; Bobby Roberson, Mayor Pro tem; Jim Smith, City Manager; Cynthia Bennett, City Clerk and Franz Holscher, City Attorney.

Also present were: Matt Rauschenbach, Chief Financial Officer; Robbie Rose, Fire Chief; Allen Lewis, Public Works Director; John Rodman, Planning Director; Keith Hardt, Electric Director; Ray Midgett, Information Technology Director; Gloria Moore, Library Director; Philip Mobley, Parks & Recreation Director; Mick Reed, Police Chief; Lynn Lewis, Tourism Director; Mike Voss, of the Washington Daily News and Delma Blinson of the Beaufort Observer.

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

APPROVAL OF MINUTES

By motion of Councilman Mercer, seconded by Councilman Pitt, Council unanimously approved the minutes of February 15, April 12, April 19 and April 26, 2010 as presented.

APPROVAL/AMENDMENTS TO AGENDA

Councilman Mercer requested all Consent Agenda items be moved to new business as items X. G, H, and I in order to obtain further information. Councilman Davis requested to add item X.J Privilege License (Internet Sweepstakes). Mayor Pro tem Roberson requested an item for the June 14th meeting consisting of Pitt Bulls inside the corporate limits of the City. Mayor Jennings requested to add under XII.A- Historic home at 507 West 2nd Street acquired by demolition by neglect and XII.B. Notification of vacancy on Coastal Resources Commission.

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

CONSENT AGENDA

- A. **(Moved to New Business X.G)Declare and Authorize** – Surplus sale of Vehicle #431 from Fire Department
- B. **(Moved to New Business X.H)Declare and Authorize** – Surplus sale of Vehicle #161 to Beaufort County Community College at a price of \$1.00
- C. **(Moved to New Business X.I)Declare and Authorize** – the sale of vehicles through Electronic Auction using GovDeals

WASHINGTON HARBOR DISTRICT ALLIANCE (DWO)

Joe Taylor, Washington Harbor District Alliance came forward and notified Council that they were awarded a PARTF grant for improvements to be made at Festival Park. Philip Mobley, Parks and Recreation Director thanked the numerous people that worked on the grant application. Councilman Mercer stated it should be Council's decision to determine the order of activities that take place at that area and establish the funding for that. Mayor Jennings stated we need a group to search for matching funds for these projects; the group will consist of members from WHDA and some members of the Council. Mr. Mobley stated it will take approximately three months to receive all the proper notification regarding the grant funding.

MS. LOUISE BUFFALO – DOGS ON THE WATERFRONT

Ms. Buffalo was not in attendance.

COMMENTS FROM THE PUBLIC

Heidi Smith came forward to speak in regards to dogs on the waterfront. She noted it is great to be able to walk on the waterfront with her dog and doesn't see a problem with it as long as they are on a leash. She further noted the benefit of the off-leash dog park in Washington and said this is a great way to meet new people. We should be proud of our etiquette and hospitality shown to our citizens in regards to dog ownership.

James Coke, 323 E. Second Street stated there not only needs to be control over dogs but over the dog owners as well for not controlling their animals. Penalties should be enforced if the rules are not followed. He is opposed to not allowing dogs on the waterfront and you shouldn't punish everyone for those few that don't follow the rules.

Karen Tripp, 625 E. Main Street stated that those not following the rules in regards to dogs should be issued a fine. Walking on the waterfront with your dog is a great way to meet new friends and enjoy exercising and we don't want to lose that privilege.

CONSIDER – ZONING CHANGE CONSISTING OF 7.78 ACRES OF PROPERTY LOCATED AT THE INTERSECTION OF HWY 17 N & NEW HOPE ROAD

Mayor Jennings opened the public hearing. Dot Moate, Planning Board Chair came forward and stated a request has been made by Mr. Jason Briley, representing Northgate Homes, to rezone approximately 7.78 acres of property located at the intersection of Hwy 17 N and New Hope Road (SR 1439). The property is currently zoned RA-20 (Residential Agricultural) and the request is to rezone the property to B-2 (General Business). The City of Washington Planning Board made the following findings and conclusions:

1. The subject parcels and rezoning request are subject to the Comprehensive Land Use Plan and other officially adopted plans by the City of Washington.
2. The rezoning request is not consistent with the City of Washington's Future Land Use Map because said map designates the subject parcels as an area suitable for an O & I (Office and Institutional) zoning classification.
3. The rezoning request is not unreasonable because of the inconsistency with said map because the land uses in close proximity to the proposed rezoning are compatible with the rezoning requests and the adjacent zoning district.
4. The rezoning request is consistent with the Comprehensive Plan which states that the demand for regional commercial nodes exist or will exist along the northern ETJ extent of the US Hwy 17 Bypass.
5. The rezoning request is in the public interest due to the change of land use activities in the area and because of the positive impact to the surrounding community and immediate neighbors.

Based on the aforementioned findings of fact, the Planning Board voted 7-0 to recommend to City Council to approve the rezoning of the 7.78 acres of property located at the intersection of Hwy 17 N & New Hope Road from RA-20 (Residential Agricultural) to B-2 (General Business).

Councilman Mercer inquired if the Planning Board had considered this to be spot zoning? Ms. Moate said this was discussed and noted the parcel was a large enough parcel that it did not fall under the spot zoning designation. Mr. Rodman stated this was listed in the comprehensive plan as an area that maybe suitable for commercial development and felt it should not be designated as spot zoning. Mayor Pro tem Roberson asked if water and sewer were available to this parcel. Mr. Rodman replied that water was available, but not sewer. Councilman Roberson voiced concern with the possibility of some of the permitted uses with this designation as the surrounding properties are residential. He also suggested sending this request back to the Planning Board to have them look at some of the possible uses in the corridor coming into the city. Mayor Jennings inquired about access to this property. Mr. Rodman stated this property is accessed by New Hope Road, there is no access from Highway 17.

Jim Smith, City Manager stated there should be a connection plan between this area and Northgate so those citizens can access this commercial property without having to get in a car. Mr. Rodman stated this has been discussed with Mr. Briley.

Public Comment

Jason Briley stated there is no access from Highway 17 they are only accessible from New Hope Road as NCDOT purchased the right-of-way on Hwy 17. He further stated that Northgate is a little over 2000 feet from this property, but he will look at sidewalks. Mayor Jennings stated we have been trying over the years to connect our subdivisions, thus the desire for sidewalks. Councilman Mercer inquired if the lots would be combined? Mr. Briley stated they would either be combined or have right-of-way access from lot 3 to lot 4.

There being no further comments, the public hearing was closed.

Mayor Pro tem Roberson suggested denying the request because the rezoning is inconsistent with the Comprehensive Plan and the parcel does not have water and sewer. Councilman Mercer feels this should be considered spot zoning. Mr. Smith stated the area is developing rapidly for residential uses. Modern zoning practices calls for mixtures of walkable areas of commercial zoning

districts alongside residential areas. Mayor Pro tem Roberson suggested the possibility of a neighborhood commercial district zoning designation.

By motion of Mayor Pro tem Roberson, seconded by Councilman Mercer, Council denied the rezoning request for the property located at the intersection of Hwy 17 N and New Hope Road (SR1439) containing 7.78 acres, from RA-20 (Residential Agricultural) to B-2 (General Business).

By motion of Mayor Pro tem Roberson, seconded by Councilman Davis, Council invited Mr. Briley to revisit the Planning Board to have them review his rezoning request.

**ORDINANCE TO AMEND CHAPTER 40, ARTICLE IV,
SECTION 40-93 (B) TABLE OF USES**

Mayor Jennings opened the public hearing.

Dot Moate, Planning Board Chair stated a request has been made by Chris Jarman, representing National Spinning Co., for a text amendment to Article IV Zoning Districts Section 40-93 (b) Table of Uses of the City of Washington Zoning Ordinance in order to allow Outdoor Advertising Signs (Billboards) as a Special Use in the I-2 (Light Industrial) Zoning District. The Planning Board voted 7-0 to recommend to City Council to deny the text amendment concerning the placement of outdoor advertising signs. Due to the opening of the Hwy 17 Bypass and the increased visibility of National Spinning, they are requesting additional placement of outdoor advertising signs. In addition they are requesting that the additional restrictions imposed on outdoor advertising signs be amended to reflect a maximum height of 50' and a maximum square footage of 200 square feet.

Ms. Moate stated the request is not consistent with the Comprehensive Plan or Smart Growth Plan. The Planning Board felt the request is inconsistent with the current adopted plans and recommended the request be denied.

Public comment

Lloyd May, United Delivery Service supports the change as this would be beneficial to the business owners along that area as they lost road frontage on Highway 17 due to the reconfiguration of the highway.

There being no further comments, the public hearing was closed.

By motion of Mayor Pro tem Roberson, seconded by Councilman Mercer, Council accepted the recommendation of the Planning Board and denied the request for an Ordinance amendment to allow Outdoor Advertising Signs (Billboards) as a Special Use in the I-2 (Light Industrial) Zoning District.

**ADOPT – RESOLUTION FIXING THE DATE FOR PUBLIC HEARING FOR THE
CONSIDERATION OF AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM
ON ELECTRONIC GAMING OPERATIONS**

Dot Moate, Planning Board Chair explained that at the April Board meeting, the definition and the history of Electronic Gaming Operations or Internet Sweepstakes Cafes was discussed. The Planning Board discussed the possibility of a moratorium being established in order to allow staff an opportunity to review internet sweepstakes operations and their compatibility with city plans and other land uses. The Planning Board recommends to City Council to fix a date for a public hearing on the moratorium.

Glen Moore, Planning Administrator explained the definition of "internet café's as adopted by UNC Institute of Government and the NC League of Municipalities. "Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers, handheld PDA's or gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is predetermined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines, or cyber-cafes. This does not include any lottery approved by the State of North Carolina or any nonprofit organization that is otherwise lawful under State law."

John Rodman, Planning Director stated this business came in "under the radar" and the business owner completed a change of use form over a year ago. We looked at our range of

permitted uses and they seemed to fit under computer services. Once we investigated further, we realized this was not an appropriate classification for this. We currently have two businesses in the City operating as "internet café's".

Councilman Mercer stated that if a use is not specifically listed, then it is strictly prohibited. Mr. Rodman stated that is not necessary true, the use doesn't have to be listed individually. Under computer services, a use is listed as internet time share, which is what this item fell under. Councilman Mercer suggested sending a letter to the current operators explaining this situation to them and telling them to "cease operations". Franz Holscher, City Attorney voiced concern over the cease and desist order due to the financial impact on the owner. Mr. Holscher suggested the Council move forward with the moratorium and allow the Planning Board to decide where this use maybe allowed and the restrictions on this type of use. Mr. Rodman will send a letter to the current owners stating their use is no longer considered a permitted use and they will not be allowed to expand their business.

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council adopted the resolution by a 4-1 vote(Councilman Mercer opposed) fixing the date for May 24, 2010 for a public hearing for the consideration of an ordinance establishing a temporary moratorium on Electronic Gaming Operations (Internet Sweepstakes Cafes).

**RESOLUTION ESTABLISHING A PUBLIC HEARING FOR THE
CONSIDERATION OF A TEMPORARY MORATORIUM ON
ELECTRONIC GAMING OPERATIONS WITHIN THE CITY OF
WASHINGTON'S ZONING JURISDICTION**

WHEREAS, North Carolina General Statute 160-381 authorizes cities to institute temporary moratoria on any city development approval required by law; and,

WHEREAS, North Carolina General Statute 160A-381 requires the City to conduct a public hearing in association with the institution of any temporary development moratoria prior to implementation; and,

WHEREAS, the City of Washington has seen several requests for the use of electronic gaming operations or internet sweepstakes cafes over the course of the past several months; and,

WHEREAS, the Washington Planning Board recommends to City Council to review both the compatibility of these land uses with the City's land use plans as well as the affects that the electronic gaming operations may have on the surrounding land uses before permitting any additional such uses to locate within the community.

THEREFORE, BE IT RESOLVED: THAT, the Washington City Council hereby establishes a public hearing for the consideration of the adoption of a temporary development moratorium on electronic gaming operations (internet sweepstakes cafes) within the City of Washington's zoning jurisdiction, said hearing will be held at the City Council Chambers on the 2nd floor of the municipal building located at 102 East 2nd Street at 6:00 p.m. on Monday, May 24, 2010.

Adopted on May 10, 2010

**s/Cynthia s. Bennett
City Clerk**

**s/N. Archie Jennings, III
Mayor**

Additional Public Comments:

Trent Tetterton, 201 Lawson Road asked Council to consider expanding the area where dogs on a leash are permitted in the City. Such locations he would like to see this expanded are the areas near the airport and sports complex as well as Haven's Gardens. He supports the earlier comments about penalizing those pet owners that don't conform to the regulations.

Rebecca Clark, 203 South Academy Street lives on the waterfront and supports allowing dogs on the waterfront. If we start restricting dogs we will start affecting those thinking of moving into our community. How do we address the boaters and visitors with dogs? They can't leave them on a boat or in their car if they are not allowed on the waterfront.

Ron Fortescue has concerns over dogs being allowed at the cemetery. The cemetery is a respectful place. Dogs shouldn't be allowed in the cemetery because they use the bathroom there and this is disrespectful.

Mayor Jennings stated we do have penalties in place if someone violates the ordinance in regards to dogs, but we have an enforcement issue. The Animal Control Officer is a County function and they only have two or three animal control officers to oversee the entire county. Mr. Smith stated the enforcement is handled by the Washington Police Department, but if an animal needs to be picked up that is handled by Animal Control. Council discussed the animal control ordinance and where dogs are or are not allowed. The cemeteries are posted that dogs are not allowed. Councilman Moultrie would like to make sure that Bebee Park is included with the prohibition of dogs in the cemetery.

RECESS 6:55pm-7:00pm

RAGAN & BILL RAMSEY – EMERSON SQUARE HOUSING DEVELOPMENT PROJECT

John Rodman, Planning Director introduced Ragan Ramsey & Bill Jenkins, representing WAJ Management, LLC. This is not a public hearing, although two are required this is not one of them. They will be making a presentation to City Council concerning the Emerson Square Project. Emerson Square is a 56 unit multi-family affordable housing development located on West 15th Street behind Midtown Crossing (former K-Mart Plaza). WAJ Management will be purchasing approximately 7 acres that is part of the Eskridge Crossing development.

WAJ Management will be making application for NCHFA Tax Credits for the project. WAJ Management is asking the City of Washington to work in partnership with the project and apply for Housing Development (HD) funds through the NC Division of Community Assistance CDBG grant funds on behalf of the proposed development. The maximum funds awarded in the form of a grant is \$250,000.

Ragen Ramsey noted that in January, a preliminary application was submitted to NC Housing Finance Agency to apply for low income housing tax credits to fund this project. The final application is due at the end of this week. They have been invited to apply for a Community Development Block Grant-Housing Development Grant being they have been invited to apply, they are guaranteed funding. This is a \$250,000 grant to the City of Washington which in turn the City would take 10%(\$25,000) for administrative cost, then the remaining \$225,000 would be loaned back to the developer for typical rate of 20 years/2% to be paid back to the City. They are here to request permission to apply for the grant. The project will consist of 56 affordable multi-family housing units. The rent on these units is very affordable. Councilman Davis discussed the load management plan through Washington Utilities. Mayor Pro tem Roberson inquired if sidewalks would be installed and Ms. Ramsey stated sidewalks would be installed and connected to the other development on the other parcel. Emerson Square will act as a buffer between the nine home sites and the commercial property to be developed on the connecting parcel. Mr. Rodman stated the large parcel has an approved site plan, but this seven acres was set aside for multi-family units. The Georgetown Center will revise their site plan to show the Emerson Square development.

<u>Bedrooms</u>	<u>Number</u>	<u>Square Footage</u>
1 Bedroom	4	803
2 Bedroom	36	943
3 Bedroom	16	1229

Mayor Jennings stated they need a letter from the City to allow them to apply for the grant. Mr. Rodman said this is the developer's application for the tax credits. The City's application is due on May 21st. Mr. Smith noted the public hearing for this project will be held on May 17, 2010 during the budget meeting, as this is the only date that is available for Council to meet prior to the application being submitted.

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council, by a 4-1 vote(Councilman Mercer opposed) authorized the Mayor to sign a letter of endorsement for Emerson Square's grant application on behalf of the City of Washington.

MR. DAVID GOSSETT – EAST CAROLINA WILDFOWL GUILD

David Gossett, Show Chairman of East Carolina Wildlife Arts Festival; Neil Woolard, Chair of Dock Dogs Event; Mike Hicks, President of East Carolina Wildfowle Guild and Julie Hicks, Co-Chairman Decoy Auction. Mr. Gossett stated he was pleased that the city has placed funding in its upcoming budget for the East Carolina Wildlife Arts Festival on the same level as that of last year. He discussed this funding as being divided into two portions, one centered mainly around city permit fees and the second around the Dock Dogs competition. The 2011 show is scheduled for February 11th through the 13th. They have been approached by Dock Dogs Inc. to sign a three year contract with them for the 2011, 2012, and 2013 shows.

Advantages of doing a three year contract will be: 1. to avoid the yearly increased cost that Dock Dogs place on a one year contract which usually runs between \$250.00 to \$500.00 per year, 2. lock in our dates to be assured that Dock Dogs will be available for the weekend of our show. 3. the competitors will know that they can expect the competition to be held in Washington for an extended period of time and not just for a short term. It is felt that this should increase attendance. At the 2010 Dock Dogs event there were 65 dogs entered with approximately 1,200 to 1,500 attendees, all on a weekend with such horrible weather conditions.

Since the guild has approved the three year contract, it is being requested that the City Council through a motion, resolution, or other parliamentary procedure show continued support for the Wildlife Arts Festival through 2013. This will give the organization some future security and will assist in signing the three year contract. It is understood that this would be a non-binding vote of confidence only and, of course, would not be applicable if some unforeseen problem occurs.

Councilman Mercer stated the City has and still supports this program. Mayor Jennings stated the City of Washington and the government supports this project.

FRIENDS OF THE LIBRARY – PRESENTATION

No one was present for the Friends of the Library presentation.

DISCUSSION – STATUS OF CURRENT GRANTS (2010 DEPARTMENTAL AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) AND NON-ARRA FUNDING OPPORTUNITIES)

Bianca Gentile, Special Projects Coordinator reviewed the status of current grants including submittals, approvals and potential projects.

Awards:

\$227,000: CDBG Housing Development grant. Designed to assist Washington Housing Incorporated in acquiring 15 lots throughout the city to construct new homes. Additionally, WHI will deliver housing counseling services to Low to Moderate Income Families in preparation for homeownership.

Potential projects:

- The Department of Homeland Security: 2010 Assistance to Firefighters Grants (AFG) Deadline: May 28, 2010. 95% grant, 5% match (Budget not determined). Would like to apply for funds to purchase industrial washing/drying machine. By motion of Councilman Mercer, seconded by Mayor Pro tem Roberson, Council approved the submittal of the application.
- \$13,000: Bureau of Justice Bulletproof Vest Partnership: Annual grant opportunity designed to provide a critical resource to assist state and local law enforcement with the cost of outfitting officers with ballistic vests. Project budget \$13,000 (\$650 x 20 vests over 2 years). Request \$6,500, Match \$6,500. Deadline: June 10, 2010. By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council approved the submittal of the application.
- \$250,000: CDBG Housing Development Grant: Funds would be used to assist with the cost of installing infrastructure to complement the construction of 56 affordable housing units. By motion of Mayor Pro tem Roberson, seconded by Councilman Pitt, Council approved the submittal of the application.
- \$250,000: Main Street Energy Fund: The State Energy Office is set to release a Request for Proposals in near future. Program is designed to assist NC Main Street municipalities with energy upgrades in the central business district. Five local businesses received FREE energy audits and will apply: Inner Banks Arts Center, Fire Station Lofts, Ward Photography, RuffKuttz and Dr. McCoy. By motion of Mayor Pro tem Roberson, seconded by Councilman Davis, Council authorized the submittal of the application.
- FEMA: Hazard Mitigation Grant Program: Letter of Intent due June 1, 2010. Apply for funds to demolish the Old Police Department and Michael Lowe's Property located on Harvey Street. Ms. Gentile stated they are requesting permission to resubmit a Letter of Intent to demolish the Old Police Department. If we are awarded FEMA funds, we do not have to accept them, this is just a safeguard for funding. Mayor Pro tem Roberson suggested opening up the lines of communication with the County to let the know the building may become available. Ms. Gentile stated that Mr. Lowe is asking for the City to be an advocate for him in applying for Hazard Mitigation/FEMA funds in demolishing his structure. Mr. Lowe informed her he has no useful life for the building and he may as well demolish it and acquire FEMA funds for it with the land being turned over to the City. Council stated that if the

land is turned over to the City from Mr. Lowe we will need a letter from him affirming no further action against the City.

By motion of Councilman Moultrie, seconded by Councilman Davis, Council authorized the submittal of the Letter of Intent for the demolition of the old Police Department. Councilman Mercer opposed the motion.

By motion of Mayor Pro tem Roberson, seconded by Councilman Davis, Council by a 4-1 vote(Councilman Mercer opposed) authorized the submittal of the Letter of Intent to advocate on behalf of Mr. Lowe to apply for FEMA funding to demolish the old Ed Tech Building, and the land will be turned over to the City. As a stipulation of advocating for him for funding it is required that a letter be furnished by Mr. Lowe which states he will not to take any legal action against the City in regard to any previous action or future action taken in regards to said property. Mr. Smith stated if the City acquires this property through assisting Mr. Lowe it will allow the large drainage conduit to be opened up to improve drainage.

Ms. Gentile stated if we do not receive funding from the Energy Efficient Block Grant Funds, the City has received support from the School of Government for interns for the energy projects,

Chief Mick Reed stated as of 7:30pm we just received official approval to extend Project Next Step.

Councilman Davis inquired on the status of the bike/pedestrian pathway grant. Ms. Gentile stated that announcement would be made in June.

WASHINGTON HARBOR DISTRICT ALLIANCE REPORT

Downtown Merchants/Restaurateurs

The merchants continue to become more organized and active, they have formed a group to coordinate co-op advertising and also have been lending support to the Music in the Streets event.

Movies in the Park (MITP)

MITP starts this month on Friday with the presentation of Blindsight starring Sandra Bullock. Please join us at 6:30 PM for an opening night kick-off at Pirates Pub & Grill will be serving hamburgers, hotdogs and refreshments.

Saturday Market

The Saturday Market is in full swing, we believe that the action by the Council to temporary close the turning lane from Main on to Stewart Parkway will make things safer for market patrons. The second Saturday of every month we will include an artisans market which will be staged both at the Caboose area and east of the farmers along the parkway.

HUMAN RELATIONS COUNCIL REPORT

An update on Project Next Step was presented by April Corbett, Project Coordinator.

- Number of clients that had completed the program
- Number of clients in school
- Number of clients employed
- Number of clients that failed the program (final decision made by the DA's office)

Fair Housing Discussion:

Fair Housing "Housing Forum" planned for Tuesday, May 11, 2010 © the Senior Resource Center at 6:30 pm.

Following organizations will be co-sponsoring or participating in this event:

- Sarah F. Bocanergra, Equal Opportunity Specialist, HUD FHEO
- Sally Lind, manager-Fair Housing Community Relations Unit, NC Human Relations Commission.
- David Caddigan, Managing Attorney- Legal Aid Assistance for Low Income
- Larry Lang, First Bank, Affordable Housing
- Self Sufficiency Local organizations will be presenting various self sufficiency programs

Council members are welcome to attend and experience one facet of the Human Relations Council.

TOURISM DEVELOPMENT AUTHORITY REPORT

March-April Tourism Development Authority Report

- TDD attended the NC Governor's Conference on Tourism. Keynote speakers addressed the importance of emerging technology, the mindset of the new generation of travelers, and the economy. TDD attended sessions on "Rethinking the Basics in a Changing Media Environment", "Want to Fill Hotel Rooms Guaranteed?" (sporting events/tournaments in your community). As always, this was a great networking opportunity to be in the presence of tourism professionals from across the state.
- TDD met with Will Mayo to review the recommendations for an Interlocal agreement between the City and the WTDA. The City Manager responded on the approved document with comments. Those comments and notes were also shared with Mayo.
- With the help of Susan Hodges, drafts of job descriptions for civic center positions are being developed and reviewed to fit the budget proposal.
- TDD met with Cindy Baldwin of the SBTDC at ECU to discuss assistance they may be able to provide in developing a new business plan for the Civic Center. The idea presented to her was to act as though we had just been given the management of the facility and basically start with a clean slate no employees, no regulations, etc.
- At the Governor's Conference, had the opportunity to share details and information about the new downtown plan with a hotel developer that has been a part of several "out of the box" hotel projects, but brand projects as well. He expressed an interest and asked for additional information.
- Also at the Governor's Conference, TDD Lewis met with a graduate student at ECU who is collecting information pertaining to group travel. We are presently determining how best to collect the information from our local attractions and perhaps creating a common method of data collection for use by all attractions.
- Plans are presently underway for the annual Tourism Day Fair in Raleigh. As the event coordinator for NCTIA, TDD Lewis will play an active role in this event.
- A new e-newsletter template was developed by Synergy Point and was implemented by the TDD. There was some initial trial and error while learning the new software, however the new software will allow the TDD to maintain and update the new website in-house.
- In preparation for the FY20 10-11 budget, TDD Lewis has developed a comprehensive marketing plan that will allow for great knowledge of ROI and impact on local travel. TDD Lewis is also working with Eye Integrated to implement this plan. New creative for the year is also being discussed.
- TDD Lewis attended a meeting to discuss final plans for the May 15th ceremony for the renaming of Highway 17 to the US Marine Corps Parkway. Washington will be one of 6 communities hosting simultaneous ceremonies at 11AM that day at Veteran's Park.
- TDD Lewis has participated in a meeting of Bath area businesses and the Chamber of Commerce. Lewis shared information about the TDA and the role it plays in promotion of area events.
- We have been dealing with technical difficulties related to emails that have prevented us from receiving inquiries from our website for several months. The problem is now resolved. The good news is that inquiries are up. The bad news is that we weren't able to respond immediately.

FINANCIAL REPORTS

Mr. Rauschenbach noted the detailed financial reports should be available by the end of the week while summary financials will be available in July.

APPOINTMENTS – AIRPORT ADVISORY COMMITTEE

Mayor Jennings noted we have received only two applications and suggested appointing those two. We are in need of three City residents to complete the board. The advertisement will be republished without the requirement of "being engaged in aviation related businesses or aviation businesses". Mayor Jennings noted this is an advisory board, not a commission. Mayor Jennings further discussed the need for a nominating committee.

By motion of Councilman Moultrie, seconded by Councilman Pitt, Council appointed Thomas Saccio and Marvin Rountree as the at-large members of the Airport Advisory Committee. Voting against: Councilman Davis.

APPROVE AND AUTHORIZE –DIRECTOR TO EXECUTE WATERFRONT DOCKING AGREEMENT WITH THE BELLE OF WASHINGTON, LLC.

Franz Holscher, City Attorney noted that last month, Council directed him to tighten up the use restrictions in regard to time stipulations for activities occurring at the Belle of Washington. The number of vehicles parked at the Belle for loading/unloading as well as maintenance of the Belle was limited to one vehicle at a time being parked at the waterfront.

Councilman Mercer made a motion to approve the revised lease. Councilman Davis seconded the motion. Discussion

Tammy Swanner operates the Belle of Washington and noted a few concerns with the changes. The stipulation of running the boat after 11:00pm could be a problem as the boat does not normally dock until at least 10:00pm. On one occasion the boat had a late cruise booked and returned to the dock at midnight. In regards to the loading and unloading, food is delivered as well as ABC orders and once they are unloaded, the vehicle is moved back to Water Street. The mechanics are usually the only ones that leave the vehicle unattended as they are working on the boat and their tools are in the vehicle. In regards to activity occurring on the waterfront after 11:00pm, it should not be any of the crew from the Belle as they are usually gone by 10:30pm. Mike Younts, Captain stated there are rare request for 8pm-11pm cruises. He has concerns for only allowing one vehicle at the waterfront to load the Belle. Mayor Jennings voiced concern with cars crossing the town commons and stated we need to find a better way. Councilman Mercer withdrew his motion to approve the docking agreement. This will allow more time for the two parties to finalize the agreement. Mr. Holscher noted the original agreement had some flexibility in it and will be glad to continue working on the agreement.

MEMO – BRICK CROSSWALKS AT THE INTERSECTION OF STEWART PARKWAY AND RESPESS STREET

Allen Lewis, Public Works Director stated that staff was asked to look into making repairs to the existing brick crosswalks rather than replacing them with concrete. As a point of reference, it was suggested that we contact the City of New Bern. After speaking with the street superintendent as well as the contractor, it became apparent that the installation of their brick crosswalks was entirely different that what was done on our waterfront. Significant costs would be incurred to remove the existing payers, as well as the concrete trench underneath, to install brick crosswalks similar to that done by the New Bern. Contact was then made with the original designer of the existing crosswalks, Mr. Bill Foreman who, in turn, contacted the contractor, Fred Adams Paving Company, Inc., that installed the original crosswalks. Both agreed that the concrete trench that the existing brick payers are set in needs to have holes drilled through it to allow stormwater runoff to drain through rather than sitting in the concrete trench. Fred Adams Paving has provided a price to remove the existing payers, asphalt underneath the payers, drill holes through the concrete and re-lay asphalt and payers for \$16,700-17,700. The difference in the price is based upon the number existing payers that can be reused. Mr. Lewis prefers to use dyed concrete with in-house labor at a cost of approximately \$3000 to repair all three crosswalks.

By motion of Councilman Mercer, seconded by Mayor Pro tem Roberson, Council authorized Mr. Lewis to place the proper funding in his budget for his recommendation of the repair and this will be discussed during the budget workshops.

ADOPT – BUDGET ORDINANCE AMENDMENT FLANDERS FILTERS PROJECT

Mr. Lewis stated as reported last month, this project has been completed. However, due to an oversight, there were some permit fees that were left out of the budget ordinance amendment last month that requires the amendment to be passed. The fees totaled \$395 and were paid long ago, just not charged to the project.

By motion of Councilman Mercer, seconded by Councilman Pitt, Council adopted a budget ordinance in the amount of \$395 to adjust the funds for the project closeout for the Flanders Filters Project.

**AN ORDINANCE TO AMEND THE GRANT PROJECT ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2009-2010**

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

Section 1. That account number 70-90-8000-4500, Construction portion of the Water Extension Grant Project Fund appropriations budget be increased by \$395 to provide funds for permit fees.

Section 2. That account number 70-90-8000-9900, Contingency portion of the Water Extension Grant Project Fund appropriations budget be decreased by \$395 to provide funds for permit fees.

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 10th day of May, 2010.

ATTEST:

**s/Cynthia S. Bennett
City Clerk**

**s/N. Archie Jennings, III
Mayor**

MEMO – ELECTRIC FUND LOAD MANAGEMENT BUDGET TRANSFER (\$300,000)

The Budget Officer transferred \$300,000 of funding between divisions of the Electric Fund to provide funds for the first phase of an accelerated residential load management initiative on May 4, 2010. The availability of these funds are the result of planned reductions in budgeted Capital Purchases and Repairs and Maintenance. The Council provided this direction during the May 3rd Electric Fund budget workshop in concert with the April 26, 2010 Town Hall Meeting. NC GS 159-15 states that this shall be reported to the Council at its next regular meeting and be entered in the minutes.

By motion of Councilman Mercer, seconded by Councilman Pitt, Council authorized the \$300,000 budget transfer for the first phase of an accelerated load management initiative. Funds shall not be spent until Council has approved the purchases.

MEMO – WASHINGTON POLICE DEPARTMENT UPDATES

Bianca Gentile, Special Projects Coordinator reviewed the steps taken by staff in regards to the Washington Police Department

- Step 1: Evaluated the merits of adapting Fire Station #1 as a Police Department. Included is a summary from ADG Architects effectively eliminating FI as a potential site for the new Police Department.
- Step 2: Space Needs Assessment: Included is a memo from Chief Reed to James C. Smith, City Manager regarding the amount of redundant, outdated, deficient and newly identified needs generated by the shift in organizational procedures and philosophy.
- Step 3: Met with USDA: James C. Smith and staff met with USDA's Area Director, Doug Causey on April 21, 2010. USDA advised us to move forward with the environmental scoping for the "Market Street Site". Staff submitted paperwork to the State Clearinghouse to conduct an environmental review. This document is extensive and available upon request.
- Step 4: Letter from USDA in response to meeting- allows City to submit a revised project scope/location by May 21, 2010 ("Market Street" Feasibility Report for USDA by May 21, 2010. ADG has been contacted and project roles and responsibilities assigned) and cautions that limited remaining funds must be obligated expeditiously.

Ms. Gentile stated they are requesting approval to proceed with the feasibility study in order to keep the financing terms open. Councilman Mercer stated we will continue to work on this project during our budget discussions. Councilman Mercer discussed the possibility of a municipal complex which would include a new City Hall and Police Department/training facility. Council asked Ms. Gentile to coordinate with the architect to prepare a cost proposal for a municipal complex consisting of City Hall and the Police Department. Ms. Gentile stated the architect's report came back with an

estimate for the Police Department of \$175 sq/ft, construction cost of \$2.7million and 14,483 sq. ft. built space and 1200 sq. ft. shell space.

Councilman Moultrie inquired as to when we would finalize the site location. Mr. Smith stated Council has agreed to the site at the corner of Airport Road and Market Street. The guidelines for site locations basically ruled out all other site locations but the Airport Road property.

By motion of Councilman Moultrie, seconded by Councilman Pitt, Council authorized staff to proceed with the feasibility study in order to keep the financing terms open.

MEMO – CONTRACTS FOR WATER AND WASTEWATER TREATMENT CHEMICALS

Vendor	Cost Per Unit	Estimated Total
(A) Amerochem		
Potassium Permanganate	\$2.25/lb	\$47,250.00
Hydroflousilicic Acid	\$0.345/lb	\$12,075.00
Anhydrous Ammonia	\$0.72/lb	\$6,840.00
Sulfur Dioxide	\$0.78/lb	\$3,705.00
Sodium Dosulate	\$2.18/gal	\$34,880.00
Liquid Aluminum Sulfate	\$345/ton	\$29,325.00
Sodium Hypochlorite	\$0.88/gal	\$18,480.00
(B) Cargill Salt		
Sodium Chloride	\$98.80/ton	\$147,750.00
(C) Jones Chemical		
Liquid Chlorine-Ton Cylinders	\$640.00/ton	\$16,640.00
(D) Sterling Water		
Sodium Hexametaphosphate	\$1.269/lb	\$15,989.40
TOTAL		\$332,934.40

By motion of Councilman Mercer, seconded by Councilman Pitt, Council approved the award of the water and wasterwater treatment chemical contracts as presented.

APPROVE AND AUTHORIZE – CITY MANAGER TO EXECUTE THE ENGINEERING CONTRACT WITH BAY DESIGN GROUP AND SIGN A LETTER OF TERMINATION OF CONTRACT WITH COASTAL SCIENCE AND ENGINEERING

Jim Smith, City Manager stated on March 12, 2010, Coastal Science and Engineering suspended operations in their Morehead City office, citing economic reasons. On March 31, we received a letter from them requesting the City of Washington to release them from their contract with us (project 2251), so that we could resume the work on the BIG-P Grant, with Bill Forman, the Engineer in charge of the project.

We have received copies of all files and have paid all invoices from Coastal Science and Engineering. On April 15, Bill Forman, PE, submitted a proposal from Bay Design Group, the company taking over his office, to finish the BIG-P project. The balance of the contract with Coastal Design is the same amount for the new contract with Bay Design Group. Mr. Holscher noted Coastal Science has released us from any obligation we may have in the contract and that has been completed. The City will also add a sentence in our letter of release requesting that Coastal Science formally give us permission to use their instruments of service. One of the changes in the contract is a correction of the Grant Deadline to January 31, 2011, not January 1st. Mr. Holscher noted that the corrections to the contract are typographical corrections and does not change the context of the contract.

By motion of Councilman Davis, seconded by Councilman Moultrie, Council approved and authorized the City Manager to execute the Engineering Contract with Bay Design Group and sign a letter of Termination of Contract with Coastal Science and Engineering with the proposed changes made by the City Attorney.

AMEND – CHAPTER 18, SECTION 18-129 – TWO-HOUR PARKING AREAS AND CREATE SECTION 18-129.1 – THREE HOUR PARKING AREAS

Allen Lewis, Public Works Director reviewed a letter from Beth Byrd, Washington Harbor District Alliance. (Begin letter) The Merchants of Downtown Washington are now operating as a committee under the Washington Harbor District Alliance organization. Chief Mick Reed of the Washington Police Department met with the downtown merchants at the merchants meeting on February 9, 2010. The parking situation downtown was discussed. Some merchants felt that the two hour parking restriction does not allow enough time for consumers to stay downtown to eat and shop. Different scenarios were discussed concerning this situation.

The large number of merchants attending unanimously voted in favor of changing the two hour parking restrictions to three hours. The merchants asked WHDA, as a representative of the

merchants, to present their recommendation to City Council. WHDA requests that the Mayor and Council Members consider changing the two hour parking restrictions on Market Street and Main Street to three hour parking restrictions. There are 23 parking signs that would need to be adapted. (end letter)

Mr. Lewis reviewed the ordinance amendment which changes the two hour parking to three are parking in the requested parking areas.

By motion of Mayor Pro tem Roberson, seconded by Councilman Moultrie, Council approved the ordinance to amend Chapter 18, Section 18-129: Two-hour parking and create Section 18-129.1: Three-Hour parking areas to include portions of Main Street between Gladden Street to just east of Market Street and Market Street from Water Street to Second Street.

**AN ORDINANCE TO AMEND CHAPTER 18,
SECTION 18-129: TWO-HOUR PARKING AREAS AND
CREATE SECTION 18-129.1: THREE-HOUR PARKING AREAS,
OF THE WASHINGTON CITY CODE**

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

Section 1. That Chapter 18 Section 18-129 – Two-hour parking areas, be amended to remove the following:

Sec. 18-129 (b)

East Main Street (north side), from Market Street to 116 East Main Street, 8:00 a.m. to 5:00 p.m., Mondays through Saturdays

East Main Street (south side), from Market Street to 139 East Main Street, 8:00 a.m. to 5:00 p.m., Mondays through Saturdays

Market Street (both sides), between 2nd Street and Water Street, 8:00 a.m. to 5:00 p.m., Mondays through Saturdays

West Main Street (both sides), between Gladden Street and Market Street, 8:00 a.m. to 5:00 p.m., Mondays through Saturdays

Section 2. That Chapter 18 Section 18-129.1 – Three-hour parking areas, be created to add the following:

Sec. 18-129.1

(a) Areas designated as three-hour parking areas shall be properly marked by adequate signs. Unless otherwise stated below, no person shall park a vehicle for longer than three (3) hours between 8:00 a.m. and 5:00 p.m., except on Sundays and public holidays, upon any of the streets or areas designated in this section. The changing of the position of a vehicle from one (1) point directly to another point in the same block shall be deemed one (1) continuous parking period.

(b) East Main Street (north side), from Market Street to 116 East Main Street

East Main Street (south side), from Market Street to 139 East Main Street

Market Street (both sides), between 2nd Street and Water Street

West Main Street (both sides), between Gladden Street and Market Street

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall become effective June 1, 2010.

This the 10th day of May 2010.

ATTEST
s/Cynthia S. Bennett
City Clerk

s/N. Archie Jennings, III
Mayor

APPROVE AND AUTHORIZE – CITY MANAGER TO ENTER INTO A ONE YEAR EMERGENCY MEDICAL SERVICES (EMS) AGREEMENT WITH BEAUFORT COUNTY

Matt Rauschenbach, Chief Financial Officer noted this is a continuation of the current agreement with the County. The major change is the agreement is for one year, where prior agreements of have been for five years. The change in terms would allow for the opportunity to negotiate longer extensions and to identify a future agreed-upon cost of service basis. Mr. Smith stated the proposed contract represents an approximate 2% increase over the previous five-year contract. We had hoped for a five-year extension with a built in annual CPI inflator or actual cost inflator. Mr. Smith stated the County did not agree to our original proposal but did agree to the 2% increase. The proposed 2010/2011 budget reflects \$148,510 and will be adjusted to \$126,944 during the budget process.

By motion of Mayor Pro tem Roberson, seconded by Councilman Mercer, Council approved and authorized the City Manager to enter into a one year Emergency Medical Services Agreement with Beaufort County subject to final revisions of the City's budget.

MEMO – NOTICE OF CONTINGENT AWARD OF RECOVERY ZONE BONDS CAPACITY

Mr. Rauschenbach reviewed the contingent award of Recovery Zone Bonds. We have 90 days from the issuance of the award letter to actually issue the bonds. The deadline is July 18, 2010. Mr. Rauschenbach reviewed the email below from the Bond Counsel

(being email)

Matt: I will outline the steps to be taken to take advantage of the RZEDB allocation the City received from TRAC. The financing will be a fairly straight forward installment financing under Section 160A-20 of the North Carolina General Statutes. The interest rate on that loan will be taxable, and the City will give a security interest or mortgage on some or all of the property financed, all in accordance with NC law. When the loan closes, you will file the necessary forms with the IRS to designate the loan as a "recovery zone economic development bond". Thereafter, the City will need to file a form at least 45 days before each interest payment date (the 8038-CP) in order to receive payment from the federal government of the amount owed to you, which will be equal to 45% of the interest payable on that payment date.

Here are the steps in NC:

- 1. Contact the North Carolina LGC for a preapplication conference regarding the projects to be financed and the financing process. Sometimes they will want to do this in person, but often will do it on the phone. At that point the LGC will send you the application.*
- 2. The City Council will adopt a resolution authorizing the filing of an application with the LGC, and making certain findings required by the LGC. The application has the form of that resolution in it, or we can help you draft it.*
- 3. Because real property is involved, the City Council will need to hold a public hearing regarding the financing, after 10 days' notice in the paper. That hearing can be done at the same time as either the preliminary or final resolution.*
- 4. The City will send requests for proposals out to the banks relating to the financing. The LGC will work with you on this, and will provide the form.*
- 5. The City selects the winning bid, and document preparation begins. Documents include an installment financing contract and deed of trust, as well as various closing certificates.*
- 6. The City adopts a final resolution approving the financing and the bank, and authorizing the appropriate officers of the City to sign documents.*
- 7. The LGC approves the financing.*

Note that the LGC will approve before the final resolution if the timing works out that way, but you must have the public hearing before the LGC will approve.

The LGC will require that bids be in hand for at least some portion of the projects; that will be an important point to discuss with them since there are multiple projects. It is important to note that you must require your contractors to comply with the Davis Bacon laws (relating to payment of prevailing wages) for any contract that is funded with the proceeds of RZEDBs.

At the closing we will sign all the documents and record them; the funds will likely be held in an escrow account and used to pay project costs as needed.

Please let me know if there is additional information that would be helpful.

Mary Nash K. Rusher

Hunton & Williams LLP

(919) 899-3066 (end email)

Mr. Rauschenbach stated the LGC meets again on July 6th in order to meet the July 18th deadline. We will need to have our application into the LGC by the first week of June. Council will continue the Recovery Zone Bond discussion during the budget workshops.

ADOPT – RESOLUTIONS FOR ECB AND FIRST CITIZENS BANK

Mr. Rauschenbach stated the purpose of this Council Action is to adopt two Corporate Banking Resolutions, one with First Citizens Bank and the other with East Carolina Bank. This will allow the City Manager, CFO, Assistant Finance Director, and City Accountant to maintain accounts at these banks for investment of idle City funds.

By motion of Councilman Davis, seconded by Councilman Pitt, Council adopted two Corporate Banking Resolutions for the purpose of maintaining accounts at First Citizens Bank and East Carolina Bank so that idle City funds may be invested to maximize interest earnings.

DECLARE AND AUTHORIZE – SURPLUS SALE OF VEHICLE #431 FROM FIRE DEPARTMENT

Chief Robbie Rose stated this is the second time this vehicle has been on the surplus list; some of the equipment that was transported by this vehicle has been rearranged and will be transported by truck #1.

By motion of Councilman Mercer, seconded by Councilman Pitt, Council declared the surplus of Fire Department Vehicle # 431.

#431	Ford E350	1FDKE3OM6RHE63857	66007
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DECLARE AND AUTHORIZE – SURPLUS SALE OF VEHICLE #161 TO BEAUFORT COUNTY COMMUNITY COLLEGE AT A PRICE OF \$1.00

Councilman Mercer inquired if #161 was the better of the three surplus vehicles. Chief Reed stated vehicle #161 is the better of the three.

By motion of Councilman Mercer, seconded by Mayor Pro tem Roberson, Council declared surplus and authorized the sale of vehicle #161 to Beaufort County Community College at a price of \$1.00 to be utilized in their Basic Law Enforcement Training Program.

#161	2001 Ford Crown Vic	2FABP71W01X76606	112,233
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DECLARE AND AUTHORIZE – THE SALE OF VEHICLES THROUGH ELECTRONIC AUCTION USING GOVDEALS

Mr. Rauschenbach stated the purpose of this Council Action is to declare surplus the following city vehicles and authorize the sale of these vehicles through electronic auction using GovDeals.

#135	2000 Ford Crown Vic	2FAFP71W5YX101622	107,906
#144	2002 Chevrolet Impala	2G1 WF55K629308940	74,247
#136	2003 Ford Crown Vic	2FAHP71W23X144221	70,343
#145	2000 Jeep Cherokee	1J4FT48S8YL178614	80,140
#552	2002 Ford Ranger	1FTYR10U42PA94623	108,201

Councilman Mercer asked about vehicle #145 and #144. Chief Reed stated the jeep was actually scheduled to be replaced two years ago and the vehicle is completely worn out, vehicle #144 is completely worn out as well. Mayor Jennings inquired about the possibility of a courtesy vehicle. Staff will look into this possibility. Vehicle #144 will not be surplus at this time.

By motion of Mayor Pro tem Roberson, seconded by Councilman Mercer, Council authorized the surplus and sale of vehicles: #135, #136, #145 and #552.

PRIVILEGE LICENSE – INTERNET SWEEPSTAKES MACHINES

Councilman Davis stated this item was discussed earlier in regards to internet sweepstakes café's. Councilman Davis made a motion to impose a privilege license fee of \$250 for each internet sweepstakes machine effective today's date, Mayor Pro tem Roberson seconded the motion. Councilman Mercer inquired about the fee structure/schedule and thought this should be discussed during the budget workshops. Mr. Holscher voiced concern over imposing a privilege license fee if

we are sending a letter notifying them they are operating a non-permitted use. Councilman Davis withdrew the motion to allow this item to be discussed during the budget workshop to synchronize the dates with the current privilege license schedule.

507 WEST SECOND STREET

Mayor Jennings updated Council on the property located at 507 West Second Street, which was the property behind Tattoo Rich and was deemed to need repair by "demolition by neglect". The City has obtained that property via negotiations by "demolition by neglect". The Miracle Mile Committee is interested in that property and desires to tear it down. Mayor Jennings stated the Miracle Mile Committee, Washington Area Historic Foundation and Council(Mayor)should join forces and appear before the Historic Preservation Commission to save the building. Council, by consensus authorized the Mayor to appear before the Historic Preservation Commission to work with them to possibly save the structure.

COASTAL RESOURCES COMMISSION VACANCY

Mayor Jennings advised Council there is a vacancy on the Coastal Resources Commission and asked them to be considering nominations for this position. Each municipality may nominate one appointee, while the County may nominate four appointees.

CLOSED SESSION – UNDER NCGS 143-318.11(A)(1) DISCLOSURE OF CONFIDENTIAL INFORMATION AND NCGS 143-318.10(E) THE PUBLIC RECORDS ACT, NCGS 143-318.11(A)(6) PERSONNEL AND NCGS 143-318.11(A)(6)ATTORNEY CLIENT PRIVILEGE AND NCGS 143-318.11 (A)5 & (A)(3) POTENTIAL ACQUISITION OF THE REVCO PROPERTY LOCATED BESIDE THE MUNICIPAL BUIDLING AND OWNED BY JIMMY FORTESCUE FOR ADMINISTRATIVE AND GENERAL USE AND NCGS 143-318.11 (A)(3) ATTORNEY CLIENT PRIVILEGE TO DISCUSS TRIPP VS. CITY, 09-CVS-1298.

By motion of Mayor Pro tem Mercer, seconded by Councilman Moultrie, Council agreed to go into Closed Session at 9:40pm under NCGS 143-318.11(A)(1)Disclosure of Confidential Information and NCGS 143-318.10(E) the Public Records Act; NCGS 143-318.11(A)(6) Personnel; NCGS 143-318.11(A)(6)Attorney Client Privilege and NCGS 143-318.11 NCGS 143-318.11 (A)(5) & (A)(3) Potential Acquisition of the Revco property located beside the Municipal Building and owned by Jimmy Fortescue for administrative and general use; NCGS 143-318.11 (A)(3) Attorney Client Privilege to discuss Tripp vs. City, 09-CVS-1298.

By motion of Councilman Davis, seconded by Councilman Pitt, Council agreed to come out of closed session at 10:15pm.

ADJOURN

By motion of Councilman Davis, seconded by Councilman Pitt, Council adjourned the meeting at 10:20pm until May 17, 2010 at 4:30pm at the Municipal Building.

Cynthia S. Bennett
City Clerk