

The Washington City Council met in a regular session on Monday, March 11, 2019 at 5:30pm in the City Council Chambers at the Municipal Building. Present: Mac Hodges, Mayor; Richard Brooks, Councilmember; Doug Mercer, Councilmember; Virginia Finnerty, Mayor Pro tem and Roland Wyman, Councilmember. Also present: Jonathan Russell, City Manager; Franz Holscher, City Attorney and Cynthia S. Bennett, City Clerk. William Pitt, Councilmember was absent and excused.

Councilmember Brooks led the Pledge of Allegiance and delivered the invocation.

**APPROVAL OF MINUTES:**

By motion of Mayor Pro tem Finnerty, seconded by Councilmember Brooks, Council approved the minutes of February 11 & 25, 2019 as presented.

**APPROVAL/AMENDMENTS TO AGENDA:**

- Add: Under Closed Session - (A)(6) Personnel
- Remove: Consent Item B - Approve – Purchase Order and Adopt Budget Ordinance Amendment for Civic Center Clerestory Windows

By motion of Councilmember Mercer, seconded by Mayor Pro tem Finnerty, Council approved the agenda as amended.

**CONSENT AGENDA:**

By motion of Councilmember Mercer, seconded by Mayor Pro tem Finnerty, Council approved the Consent Agenda as amended.

- A. Approve – 2019 General Records Retention and Disposition Schedule
- B. *Removed from Consent:* Approve – Purchase Order and Adopt Budget Ordinance Amendment for Civic Center Clerestory Windows
- C. Adopt – Workers Comp Budget Ordinance Amendment

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF WASHINGTON, N.C. FOR THE FISCAL YEAR 2018-2019**

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

Section 1. That the Estimated Revenues in the Worker’s Compensation Internal Service Fund be increased in the following accounts by the amounts shown:

85-60-3831-0000	Interest Earned	\$ 8,000
85-60-3991-9910	Fund Balance Appropriated	<u>112,000</u>
	Total	\$ 120,000

Section 2. That the following account numbers in the Worker’s Compensation Internal Service Fund be increased in the following accounts by the amounts shown:

85-60-4930-1000	WC Claims - General Fund	\$ 120,000
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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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 11<sup>th</sup> day of March, 2019.

ATTEST:

s/Cynthia S. Bennett  
City Clerk

s/Mac Hodges  
Mayor

- D. Authorize – NCRPA Promotes Play & Recreation Funding Initiative
- E. Approve – Cemetery & Library Trust Budget Ordinance Amendment

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AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF  
WASHINGTON, N.C. FOR THE FISCAL YEAR 2018-2019

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

Section 1. That the Estimated Revenues in the Cemetery Trust Fund be increased in the amount of \$7,700 in the account Interest Earned, account number 12-30-3831-0000.

Section 2. That account number 12-30-6400-9205, Admin Charges to Cemetery Fund portion of the Cemetery Trust Fund appropriations budget be increased in the amount of \$7,700 for the increase in interest earned on the Trust investment.

Section 3. That the Estimated Revenues in the Library Trust Fund be increased in the amount of \$2,000 in the account Interest Earned, account number 11-40-3831-0000.

Section 4. That account number 11-40-6300-9200, Admin Charges to General Fund portion of the Library Trust Fund appropriations budget be increased in the amount of \$2,000 for the increase in interest earned on the Trust investment.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This ordinance shall become effective upon its adoption.

Adopted this the 11th day of March, 2019.

ATTEST:  
s/Cynthia S. Bennett  
City Clerk

s/Mac Hodges  
Mayor

**COMMENTS FROM THE PUBLIC:** None

**PUBLIC HEARING 6:00PM - ZONING** None

**PUBLIC HEARING 6:00PM - OTHER:** None

**SCHEDULED PUBLIC APPEARANCES:** None

**CORRESPONDENCE AND SPECIAL REPORTS:**

**MEMO – JULY 4<sup>TH</sup> 2019 – (accepted as presented)**

*In March of 2012 City Council authorized the City Manager to sign the Release, Hold Harmless and Indemnification agreement with Bridge Harbor, LLC. City Council also authorized the City Manager to sign the Agreement with East Coast Pyrotechnics, INC. The Manager was authorized to sign these agreements for future years as long as the release or agreement did not change. There is, however, a change in the price. The cost of the fireworks went up \$500 from \$11,000 to \$11,500. The Release, Hold Harmless and Indemnification Agreement from the City to Bridge Harbor, LLC for the use of Bridge Harbor, LLC's property during the July 4, 2019 has been executed. The Agreement with East Coast Pyrotechnics has also been executed. The City will, again, partner with the Washington Harbor District Alliance for the July 4<sup>th</sup> festivities.*

**MEMO – BUDGET TRANSFERS – (accepted as presented)**

The Budget Officer transferred funds between the Miscellaneous and Warehouse departments of the General Fund appropriations budget for replacement of the warehouse roof. NC GS 159-15 states that this shall be reported to the Council at its next regular meeting and be entered in the minutes. Additional funds to replace the warehouse roof.

From: 10-00-4400-5701	Misc. Expense	\$1,550
To: 10-00-4131-7000	Non Cap Purchases	\$1,550

**REPORTS FROM BOARDS, COMMISSIONS AND COMMITTEES**

**HUMAN RELATIONS COUNCIL – (accepted as presented)**



**HUMAN RELATIONS COUNCIL**

Human Relations Council (HRC) report for the month of February  
Monday, March 11, 2019 City Council Meeting

**MISSION STATEMENT**

- To promote social and economic equality in the community, working with Local Government and other resources
- To appreciate the cultural and ethnic diversity of the citizens of Washington and Beaufort County
- To encourage citizens to live and work together in harmony and mutual respect

**SCHEDULED PUBLIC APPEARANCES:** NONE

**OLD BUSINESS:**

**UPDATES – ED PEED COMMEMORATION DISCUSSION:**

Chairperson Taylor reviewed the proposed menu, set-up and program. Menu tweaked a little but no other changes were required.

**UPDATE – FAIR HOUSING PROJECT ~ TENTATIVELY SCHEDULED FOR THURSDAY, APRIL 11, 2019:**

The Fair Housing sub-committee provided updates. The recommendations are listed below:

- Keynote Speaker: Brenda Dixon
- Backup Speaker: Legal Aid of NC
- Simplified Menu
- Breakout Sessions
- Alternate dates, time and venue

**Sponsorships:**

- Habitat for Humanity
- NAACP
- Amexcan
- Board of Realtors

**Forms of Contribution**

- Presenting in breakout session
- Lending their name to advertising
- Monetary

**DISCUSSION – Z. SMITH REYNOLDS PROJECT IN SUPPORT OF ARTS OF THE PAMLICO:**

Chairperson Taylor voiced updates would not be available tonight and the Board approved removing this project and sponsoring the Civil Rights Touring Exhibit for FY2020.

**NEW BUSINESS:** NONE

**OTHER BUSINESS:**

**FYI ~ ITEMS:**

All FYI items were discussed inclusive of the January 8, 2019 report submitted to City Council, proclamation picture and the financial report.

**APPOINTMENTS:** None

**OLD BUSINESS:**

**ADOPT – CAPITAL PROJECT ORDINANCE AMENDMENT, AUTHORIZE MANAGER TO EXECUTE UTILITY RELOCATION AGREEMENT WITH NCDOT AND ENGINEERING AGREEMENT AMENDMENT WITH RIVERS & ASSOCIATES AND APPROVE PURCHASE ORDER TO RIVERS & ASSOCIATES**

*Background and Findings: The NCDOT will be performing work on the US 17 overhead pass between Washington and Chocowinity. The City has two sewer force main lines and one potable water line that are required to be relocated as a result of this work. As per the Utility Relocation Agreement, NCDOT will reimburse the City for the engineering charges, construction and permitting associated with this work.*

By motion of Councilmember Mercer, seconded by Mayor Pro tem Finnerty, Council adopted the Capital Project Ordinance amendment for DOT Bridge #3 Pipeline Relocation, Authorized the City Manager to execute the Utility Relocation Agreement with NCDOT and the Engineering Agreement Amendment with Rivers and Associates and approved purchase order to Rivers and Associates in the amount of \$99,697.32.

**AN ORDINANCE TO AMEND THE CAPITAL PROJECT ORDINANCE FOR DOT BRIDGE #3 PIPELINE RELOCATION CITY OF WASHINGTON, N.C. FOR THE FISCAL YEAR 2018-2019**

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

Section 1. That the Estimated Revenues in the DOT Bridge #3 Pipeline Relocation Capital Project Fund be increased or decreased in the following accounts and amounts:

50-60-3470-0000      DOT Reimbursement      \$ 2,159,194

Section 2. That the following appropriation accounts in the DOT Bridge #3 Pipeline Relocation Capital Project Fund be increased or decreased by the following amounts to fund the construction phase of the project:

50-60-4930-0400	Professional Services	\$ 109,608
50-60-4930-4500	Construction	<u>2,049,586</u>
	Total	\$ 2,159,194

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 11<sup>th</sup> day of March, 2019.

ATTEST:  
s/Cynthia S. Bennett  
City Clerk

s/Mac Hodges  
Mayor

**APPROVE – WAREHOUSE ROOF BID**

*Background and Findings: \$20,100 was budgeted for this project split between the warehouse, meter services and T&D departments. Funds for the budget shortfall have been transferred within the existing budget appropriation.*

By motion of Councilmember Mercer, seconded by Councilmember Brooks, Council awarded the bid to replace the warehouse roof to Stanley R. Edwards in the amount of \$29,400 and approved the corresponding purchase order.

<b>CITY OF WASHINGTON BID TABULATION</b>			
<b>BID FOR:</b> Roof Replacement For Warehouse, Meter Shop, Electric Department Building			
<b>DATE + TIME OPENED:</b> February 01, 2019 2:00PM			
<b>VENDOR</b>	<b>OPTION A (SHINGLE ROOF)</b>	<b>OPTION B (METAL ROOF)</b>	
STANLEY R EDWARDS DBA MEL'S MAINTENCE	\$29,400.00	NO BID	
DLT ROOFING INC	\$29,800.00	\$35,820.00	
<b>RECOMMENDATION:</b>	STANLEY R EDWARDS DBA MEL'S MAINTENCE		
<b>SIGNED:</b>	JENNIFER NELSON PURCHASING AGENT		

**ADOPT – RZEDB AND STORM WATER CAPITAL PROJECT ORDINANCE AMENDMENTS**

*Background and Findings: Transfers the remaining balance of \$96,386 from the RZEDB- Storm Water Project to the Storm Water Capital Project Fund. The Storm Water Capital Project Fund was established for ongoing storm water improvement projects. Matt Rauschenbach, CFO explained this step closes the project.*

By motion of Councilmember Mercer, seconded by Mayor Pro tem Finnerty, Council adopted the Capital Project Ordinance Amendments for the RZEDB Storm Water and the Storm Water Capital Project Funds.

**AN ORDINANCE TO AMEND THE CAPITAL PROJECT ORDINANCE FOR THE RZEDB- STORM WATER PROJECT CITY OF WASHINGTON, N.C. FOR THE FISCAL YEAR 2018-2019**

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

Section 1. That the Estimated Revenues in the RZEDB- Storm Water Capital Project be increased or decreased in the following accounts and amounts:

58-90-3831-0000	Interest Earned	\$ 1,979
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Section 2. That the following appropriation accounts in the RZEDB- Storm Water Capital Project Fund be increased or decreased by the following amounts to transfer the remaining fund balance to the Storm Water Capital Project Fund:

58-90-5710-9276	Transfer to CPF	\$ 96,386
58-90-5710-4500	Construction	(94,407)
	Total	\$ 1,979

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 11<sup>th</sup> day of March, 2019.

ATTEST:

s/Cynthia S. Bennett  
City Clerk

s/Mac Hodges  
Mayor

**AN ORDINANCE TO AMEND THE CAPITAL PROJECT ORDINANCE FOR THE STORM  
WATER CAPITAL PROJECT FUND CITY OF WASHINGTON, N.C.  
FOR THE FISCAL YEAR 2018-2019**

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

Section 1. That the Estimated Revenues in the Storm Water Capital Project Fund be increased or decreased in the following accounts and amounts:

75-90-3980-5800	Transfer from CPF	\$ 96,386
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Section 2. That the following appropriation accounts in the Storm Water Capital Project Fund be increased or decreased by the following amounts to transfer the remaining fund balance of the RZEDB- Storm Water CPF to the Storm Water Capital Project Fund:

75-90-4750-4500	Construction	\$ 96,386
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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 11<sup>th</sup> day of March, 2019.

ATTEST:

s/Cynthia S. Bennett  
City Clerk

s/Mac Hodges  
Mayor

**NEW BUSINESS:**

**ACCEPT – RECOMMENDATION TO AMEND THE DESIGN GUIDELINES FOR THE  
HISTORIC PRESERVATION COMMISSION**

*Background and Findings: The purpose of this Council Action is to update the Historic Preservation Commission Design Guidelines to permit property owners to plant new, replacement trees at an appropriate time to allow the new tree to flourish. The current guidelines require property owners to replace their trees within sixty (60) days, regardless of the season. Trees planted in warmer months are less likely to survive than trees planted during the cooler months. This will allow property owners to plant replacement trees at a time when the tree will be more likely to thrive. The new guidelines state the tree replacement must occur within one year of removal, between the months of September 1<sup>st</sup> and March 1<sup>st</sup> of the following year.*

*Section 4.1.9 If a diseased, storm damaged or safety hazard tree is removed, it should be replaced by a suitable species, as designated in an approved landscaping plan. The tree replacement must occur within one (1) year of removal, between the months of September 1st and March 1st of the following year.*

Councilmember Mercer expressed concern with making the tree planning mandatory during the months of September – March, this should be a recommendation, but not mandatory. Councilmember Wyman noted it is the homeowner’s responsibility to replace the tree, not the City. Councilmember Mercer said the current guidelines read that once the homeowner replaces the tree one time, they have satisfied the guidelines, even if the tree dies. Council suggested the guidelines should also read that the tree be replaced until it lives as well as making it a recommendation that the tree is replaced during the months of September – March.

Council tabled this item and sent the request back to the Historic Preservation Commission for additional review.

**ADOPT – ORDINANCE TO AMEND THE BUDGET ORDINANCE AND APPROVE  
PURCHASE ORDER TO ATLANTIC POWER SYSTEMS OF NC, INC**

City Manager, Jonathan Russell presented the request to Council. *Background and Findings: There was a major, unexpected failure to the RWTP generator. Although funds were budgeted for these purchases, the unexpected expenditures caused funds to be appropriated towards the replacement of the generator. Therefore, the account balance was depleted prior to being able to make these necessary purchases. However, an insurance claim was filed on the damaged RWTP generator where a settlement in the amount of \$180,183 was received in May 2018. Those funds were placed in the Miscellaneous Revenue account for the Electric Department. The Electric Department would now like to use the monies from the insurance claim to make the necessary repairs to the other generators within the department. The Camfil Farr generator is showing signs of metal shavings in the oil.*

Councilmember Mercer asked for and received additional information regarding the request, including but not limited to the age and size of the generator. Council members discussed the cost of repairs versus the cost of a new generator and suggested it may be more cost effective to purchase a new generator for Camfil Farr.

Alston Tankard, Electric Operations Superintendent reviewed the quote for the Industrial Park generator and stated this is for radiator and engine repair, this generator is out of service at the moment.

A motion was made by Councilmember Mercer to continue this request until next month. Motion dies for lack of a second.

By motion of Councilmember Brooks, seconded by Mayor Pro tem Finnerty, Council instructed staff to the finish work on the Industrial Park generator and bring the request for the other generator back next month. Council adopted the revised Budget Ordinance Amendment and approved the revised purchase order to Atlantic Power Systems of NC, Inc. in the amount of \$35,400.

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE  
OF THE CITY OF WASHINGTON, N.C. FOR THE FISCAL YEAR 2018-2019**

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

Section 1. That the following accounts of the Electric Fund revenue budget be increased or decreased by the respective amounts indicated:

35-90-3991-9910	Fund Balance Appropriated	\$	35,400
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Section 2. That the following accounts of the Electric Fund appropriations budget be increased or decreased by the respective amounts indicated to rebuild the Industrial Park generator:

35-90-8375-1600	Maint/Repair Equipment	\$	35,400
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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 11th day of March, 2019.

ATTEST:

s/Cynthia S. Bennett  
City Clerk

s/Mac Hodges  
Mayor

**ANY OTHER ITEMS FROM CITY MANAGER:**

The City Manager stated he has had several conversations with NCDOT representative Jeff Cabaniss. Mr. Cabaniss hopes to make a presentation to City Council within the next few months.

The City Manager noted Jason Thigpen, ElectriCities is currently working on an analysis of the Electric Department and hopes to have that item completed in the next month.

The City Manager also noted the Historic Preservation Commission wants to have a work session with City Council.

**ANY OTHER BUSINESS FROM THE MAYOR OR OTHER MEMBERS OF COUNCIL:** None

**CLOSED SESSION:**

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

By motion of Councilmember Mercer, seconded by Councilmember Brooks, Council entered into closed session at 5:55 pm under NCGS§143-318.11 (A)(3) Attorney/Client Privilege and (A)(6) Personnel.

By motion of Mayor Pro tem Finnerty, seconded by Councilmember Brooks, Council agreed to come out of closed session at 7:05pm.

**ADJOURN:**

By motion of Mayor Pro tem Finnerty, seconded by Councilmember Brooks, Council adjourned the meeting at 7:05pm until April 8, 2019 at 5:30pm in the Council Chambers.

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Cynthia S. Bennett, MMC  
City Clerk