

The Washington City Council met in a regular session on Monday, February 13, 2006 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; Fred Holscher, City Attorney; and Rita A. Thompson, City Clerk.

Also present were: Carol Williams, Finance Director; Jimmy Davis, Fire Chief; Bobby Roberson, Community Development Planning Director; Allen Lewis, Public Works Director; Susan Hodges, Human Resources Director; Steve Tanner, DWOV Director; and Mike Voss, of the Washington Daily News.

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

Councilman Gibson delivered the invocation.

AMENDMENTS TO AGENDA

Mayor Jennette added the following under VI.A. "Old Business":

5. Set Date for Vision Planning Meeting
6. Thoroughfare Plan Expansion
7. Extend Indemnification for Stewart Rumley for Airport
8. Order of Agenda – Comments from the Public

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

SWEARING IN OF THREE NEW FIREMEN

Mayor Jennette gave the oath of office to three new firemen, namely: Ashby Wade Tippett, Jr., Steven Lee Cox, and Michel Ward Stalls.

PRESENTATION OF RETIREMENT RESOLUTIONS ADOPTED BY THE NC LEAGUE OF MUNICIPALITIES

Mayor Jennette presented Retirement Resolutions adopted by the N. C. League of Municipalities to Garleen Woolard, Ronald Ray Godley, and Ernest Earl Parker, Jr. Larry Edward Rhem was not present to receive his.

PRESENTATION OF MEMORIAL RESOLUTION ADOPTED BY THE NC LEAGUE OF MUNICIPALITIES

Mayor Jennette presented a Memorial Resolution adopted by the N. C. League of Municipalities in memory of Seth Edward Paul, to his mother, Doris Bonner.

CONSENT AGENDA

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

- A. Adopt - Budget Ordinance Amendment for McConnell Sports complex (\$30,000) **PULLED FOR DISCUSSION LATER**
- B. Award - a Contract for Switchboard Panel for the new Eastern Substation

**CITY OF WASHINGTON, NORTH CAROLINA
BID TABULATION
EASTERN SUBSTATION SWITCHBOARD PANEL**

BID OPENING – 1 FEBRUARY 2006, 2:30 P.M. EST

<u>Bidder</u>	<u>Total</u>
Carter & Crawley	\$24,974.00
Electrical Power Products	23,546.00
KEMCO Industries, LLC	22,675.00
Keystone Electrical Manufacturing Co.	19,106.44

- C. Adopt - Budget Ordinance Amendment decreasing the Industrial Park Water and Sewer Line Extension Capital Project Fund (\$595,000)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2005-2006**

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

Section 1. That the Estimated Revenues in the Industrial Park Water & Sewer Line Extension Capital Project Fund be decreased in the amount of \$595,000 in the account County CDBG Grant Funds, account number 68-90-3471-3000.

Section 2. That the following accounts in the Industrial Park Water & Sewer Line Extension Capital Project Phase III be decreased in the amounts shown:

68-90-8010-4500	Water Line Construction	\$238,783
68-90-8010-4501	Sewer Line Construction	\$256,408
68-90-8010-9900	Contingency	<u>\$99,809</u>
		\$595,000

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 13th day of February, 2006

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

ATTEST:

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



Accept - NCIRMA Safety Grant and Adopt Budget Ordinance
Amendment for Electric Substation Division in the Electric Fund (\$1,128)

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2005-2006**

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

Section 1. That the Estimated Revenues in the Electric Fund be increased in the amount of \$1,128 in the account NCLM Safety Grant, account number 35-90-3500-3600.

Section 2. That account number 35-90-8370-7400, Capital Outlay, Electric Substation portion of the Electric Fund appropriations budget be increased in the amount of \$1,128 to provide funds for power heat AED.

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 13th day of February, 2006

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:

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

- E. Declare - Surplus/Authorize Electronic Auction of Vehicles and Equipment through GovDeals **PULLED FOR DISCUSSION LATER**
- F. Accept - a grant of \$2,000 for the cost of equipping the Fire Safety House with a Honda generator to support our Fire & Life Safety Education Programs, and adopt a budget ordinance amendment for the Department of Fire-Rescue-EMS Services

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2005-2006**

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 \$2,000 in the account Public Education Grant-Fire, account number 10-10-3434-3301.

Section 2. That account number 10-10-4340-7400, Capital Outlay, Fire Department portion of the General Fund appropriations budget be increased in the amount of \$2,000 to provide funds for generator for fire safety house.

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 13th day of February, 2006

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:

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

- G. Adopt - Offer to sell property being ½ of a closed alley adjacent to lot 6A, under the upset bid procedure, in accordance with General Statutes 160A-269 **PULLED FOR DISCUSSION LATER**
- H. Award - Disposal parcel 6A and ½ of a closed alley to Jay M. Hodges III., under the up set bid proceedings
- I. Adopt - Resolution fixing a date for a public hearing on the non-contiguous annexation of the Cayton Furniture Co. property located at 4525 Hwy 264 West under G.S. 160A-58.1

CETTIFICATE OF SUFFICIENCY

To the City Council of the City of Washington, North Carolina:

I, Rita A. Thompson, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I hereunto set my hand and affixed the seal of the City of Washington, this 13th day of February, 2006.

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-58.2**

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

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

WHEREAS, certification by the City Clerk as the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein 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, March 13, 2006.

Section 2. The area proposed for annexation is described as follows:

Lying and being in Washington Township, Beaufort County, North Carolina, more particularly described as follows:

BEGINNING at an iron pipe in the intersection of the Southerly right-of-way line of US Highway 264 with the Easterly right-of-way line of Maple Branch

Avenue, the said iron pipe is South 73 degrees 23 minutes 20 seconds East 97.86 feet with the said US 264 right-of-way line from a North Carolina Department of Transportation concrete right-of-way monument; thence from the said beginning iron pipe a curve to the right having an arc length of 389.44 feet, a radius of 3778.96 feet, a chord bearing South 69 degrees 41 minutes 41 seconds East 389.27 feet to an iron pipe; thence the following four calls to points in a ditch, South 21 degrees 14 minutes 58 seconds West 30.03 feet, South 15 degrees 08 minutes 56 seconds West 161.64 feet, South 13 degrees 45 minutes 17 seconds West 187.18 feet, and South 13 degrees 25 minutes 19 seconds West 94.77 feet; thence the following three calls with the William L. Cayton line to iron pipes, North 70 degrees 08 minutes 59 seconds West 332.26 feet, South 19 degrees 51 minutes 01 seconds West 79.00 feet and North 70 degrees 08 minutes 59 seconds West 100.00 feet; thence North 19 degrees 51 minutes 01 seconds East 553.50 feet with the said Easterly right-of-way line of Maple Branch Avenue and the City of Washington Limit line to the BEGINNING: containing 4.64 acres according to a survey prepared by Hood L. Richardson, PLS, dated September 7, 2005 and being the same lot described in Deed Book 1005 at page 215 Beaufort County Register of Deeds.

Section 3. Notice of the public hearing shall be published once in the Washington Daily News, a newspaper having general circulation in the City of Washington, at least ten (10) days prior to the date of the public hearing.

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:

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

Annexation #05-A-06
Cayton Furniture Co. Property

- J. Adopt - Amended Audit Contract for FY 2004-2005 with Dixon- Hughes
- K. Approval - To raise capitalization threshold for tangible capital assets to 5,000 & with more than 2 yrs. of useful life for financial reporting purposes

**MR. TOM BRUNK, DIXON-HUGHES - PRESENTATION OF AUDIT REPORT
FOR FY 04-05**

Mr. Tom Brunk, with Dixon-Hughes, Auditor, made comments on the FY 04-05 Audit Report, as follows:

- Cash and investments on all funds increased by 3.9%
- Debt liabilities increased 43.5%
- General Fund available balance decreased by 55.6% (funds pulled for Public Safety Complex project, and the amounts allocated for FY 05-06 budget and combining of two Enterprise funds (Aquatic Center and Civic Center) into the General Fund. Minimal is 8%, LGC doesn't like it when you get down to 15%, City is at 14%.
- Non major fund balance increased 13%
- Percentage of expenditures of Fund Balance is 14% (last year 34%)

- Electric Fund net assets decreased by 2.7%
- Water Fund net assets increased by 1.5%
- Sewer Fund net assets increased by 11.5%
- Non major enterprise fund net assets decreased by 4.2%
- Uncollected property taxes receivable net decreased by 15%
- Percentage of current year levy collected was 94% from 93%

Councilman Gibson asked what is a good percentage for the collection of taxes?
Mr. Brunk did not know but will find out.

On motion of Mayor Pro tem Woolard, seconded by Councilman Gibson, Council unanimously accepted the audit report for FY 04-05.

MR. LINDSAY GRIFFIN - NO FEEDING OF BIRDS ON WATERFRONT

Mr. Lindsay Griffin stated he has been a permanent slip renter for three years and commented highly on staff (Police and dock keepers). He passed out a Petition requesting Council to post "No feeding of birds on the waterfront." The birds make a mess with droppings at the docks.

Staff will look into this and report at the next meeting.

MR. JOHN WEHRENBURG - PARTICIPATION IN TREE SHADE

Mr. John Wehrenberg stated he is back asking for participation in the construction of Phase II of Treeshade Subdivision. (He passed out maps). He stated that the City participated in Phase I for him by voluntarily annexing that phase. The City paid 40% of the cost of the roads, \$58,000 with a max of \$65,000. The City got \$400,000 of real estate to tax which has increased to between \$600,000 and \$700,000 (a house to be completed in June). They are putting sidewalks in now, everything else is in except cable TV and paving the road. He is asking for the City to participate in Phase 11, estimated cost of the road is \$153,600, the City's participation being \$61,440 with a max of \$70,000. He would voluntarily annex the property. There are 13 lots in Phase 1 and 22 lots in Phase 11. With the minimum prices on the home sites, there is \$1million in taxable property that would be brought in immediately. Any new houses would be another \$200,000 to \$300,000 a piece at least. Phase 1 will be finished before starting Phase 11.

Mayor Jennette stated that we need to look at Powell Bill funds before deciding, and Council can discuss it at the Vision Session. Also, Council needs to look at a policy for participation in developments. Councilman Gibson stated that all developments are not a like. Mayor Jennette stated that other developers are looking at what the City is doing for Mr. Wehrenberg.

Mr. Wehrenberg stated that it would have been difficult for him to even start Phase 1 without thinking that he would get help on Phase II, that this is not a new project. Councilman Gahagan stated that we did commit to it when he came back, that Council listened to him. He stated the deeper question is, "Where is Washington now and are we at the point that we don't need to give these type of incentives to a developer?" The way the town is growing, Council needs to think about it.

MR. JOHN VOGT - TURNAGE THEATER BUILDING REUSE AND RESTORATION GRANT (\$250,000)

Mr. John Vogt, Director of Turnage Theater, appeared before Council to request the City apply for a grant for the Turnage Theater in the amount of \$250,000. It's a development grant from the N. C Rural Center for Building Reuse and Restoration Grant. They would like to use the existing \$450,000 pledge from the City as a portion of their match for the program.

Councilman Jennings asked about the City's prior commitment of \$450,000. Mr. Vogt stated it is \$100,000 a year for four years, and \$50,000 on the fifth year. About 20% of staff time will be needed to comply with state and federal items and drawdowns.

On motion of Councilman Gahagan, seconded by Mayor Pro tem Woolard, Council unanimously authorized the Mayor to sign a grant application and direct that the match be taken from already committed funds for the Turnage Theater.

MR. TOM THOMPSON - QUICK START NEW BUILDING #2

Mr. Tom Thompson, Director of Economic Development, appeared before Council to brief Council on the need for a Quick Start #2 building. The Quick Start #1 building is about complete and they have a lot of clients looking at it. He proposed that the City and County consider appropriating out of this year's budget a total of \$50,000 for the purpose of beginning the architectural, engineering and permitting of Quick Start #2. The plans will be ready if a company signs a letter of intent, they could almost immediately begin the bidding process on Quick Start #2 and save one of the other clients. (Four clients looking now).

Councilman Jennings questioned whether we already have any buildings of this type. Mr. Thompson stated clients need strong steel, high ceilings, stormwater storage, etc. Councilman Jennings asked if we could modify some of these existing buildings? Mr. Thompson stated most of these buildings are too outdated, low ceilings, light steel, etc.

Mr. Thompson will be back at the March meeting for approval.

REPORT - ECONOMIC DEVELOPMENT COMMISSION

Mr. Thompson called on Al Klemm, Chairman of Economic Development. Mr. Klemm passed out EDC's performance reports showing the following:

	Baseline	Total Employees	#	of	Employees
Added					
Camfill Farr	0	74			74
Impressions	117	136			19
Prettl Noma	0	32			32
Maxwell	0	10			10
					<hr/>
		Total Added			135

Mr. Thompson stated they are working with proposals on building airport hangars. He stated we need to get some jets out there. Mayor Jennette stated they are meeting on this next week.

REPORT - TOURISM DEVELOPMENT AUTHORITY

Mayor Jennette stated the Tourism Development Authority is continuing to develop their website which will do a lot for downtown. Numbers for hotels are up slightly. They are getting underway with the grant process, setting aside funds to fund projects for other groups in town.

REPORT - HUMAN RELATIONS COUNCIL

Mayor Jennette stated that the Pulpit Exchange went well and they are working with a homecoming event in the fall. The Department of Social Services will be speaking to the group at their next meeting.

REPORT - DOWNTOWN WASHINGTON ON THE WATERFRONT

Councilman Jennings stated that the quarterly board meeting was the day after he was appointed to serve. Councilman Jennings stated he would like to make one appearance before the executive committee and the City Manager attend with him. Mr. Steve Tanner stated that the DWOV is looking at boat docks, restroom issue, etc. They met with Mike Bradley, with N. C. Small Business and Technical Development Center, and discussed how other towns handle boat docks. They received some locations where there are other restroom facilities and boating facilities in conjunction with the restrooms. He will be attending a public art project that is being considered. They are looking at advertising for requests for qualifications for consultants. Saturday market will start in May which will take place every Saturday after Music in the Streets on Friday nights.

**APPOINTMENT - MID - EAST RURAL PLANNING ORGANIZATION -
ADOPT RESOLUTION AUTHORIZING MEMBERSHIP IN THE MID-
EAST (REGION Q) RURAL TRANSPORTATION PLANNING
ORGANIZATION**

On motion of Mayor Pro tem Woolard, seconded by Councilman Gibson, Council unanimously adopted a Resolution authorizing membership in the Mid-East (region Q) Rural Transportation Planning Organization, appointing Jim Smith, City Manager, as the City's representative for a two year term.

**RESOLUTION AUTHORIZING MEMBERSHIP IN THE MID-EAST
REGION (Q) RURAL TRANSPORTATION PLANNING ORGANIZATION**

WHEREAS, Title 23 Section 135, United States Code, provides that it is in the National Interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve all areas of the State of North Carolina efficiently and effectively; and

WHEREAS, North Carolina General Statutes §136-211 enacted July 6, 2000, provides for the creation of Rural Transportation Planning Organizations (RPOs) similar, in concept, to the Metropolitan Planning Organizations (MPOs) established for Transportation Planning in North Carolina's Urban Areas; and

WHEREAS, the establishment of a Rural Transportation Planning Organization (RPO), similar in concept to the Urban Metropolitan Transportation Planning Organizations (MPOs), would provide rural areas the opportunity to work in partnership with the North Carolina Department of Transportation toward development of sound, short and long-range Transportation Planning for Rural Areas; and

WHEREAS, the creation of a Rural Transportation Planning Organization for a portion of the Region Q Area (Beaufort, Martin, and Pitt Counties) would assist the North Carolina Department of Transportation in complying with the provisions of the Transportation Equity Act for the 21st officials and the public in the Transportation Planning Process; and

WHEREAS, it is the desire of these local governments and agencies to establish a Continuing, Comprehensive, Cooperative Transportation Planning Process with the establishment of a Rural Transportation Planning Organization for the Beaufort, Martin, and Pitt Counties (Mid-East RPO) Planning Area.

WHEREAS, Beaufort County, has entered into a certain Memorandum of Understanding with the Mid-East Commission Council of Governments (Region Q) to participate in a

Regional Rural Transportation Planning Organization (Memorandum incorporated by reference as though set forth herein at length).

WHEREAS, the Governing Body of the Town of Washington and hereby determines that it is in the best interest of the Citizens of Washington to participate as a member of Region Q sponsored Rural Transportation Planning Organization along with the Counties of Beaufort, Martin, and Pitt.

NOW, THEREFORE, be it resolved by the Governing Body of the Town of Washington that:

1. The Mayor be and hereby is authorized to execute any and all documents/instruments necessary to carry out the purposes aforesaid and the Clerk is authorized to attest to same and affix the official seal thereto.
2. That the Governing Body shall vote on all nominated municipal official representatives on the Rural Transportation Committee (RTTC) and that vote shall represent the vote for the Town of Washington.
3. That the Governing Body shall vote to elect one representative for the Town of Washington for membership on the Transportation Technical Committee (TTC) of the Rural Transportation Planning Organization.
4. That as a participating member, it will assist in the Transportation Planning Process by providing planning assistance, data and inventories in accordance with the Approved Prospectus of Rural Transportation Planning Organization.
5. Jim Smith, City Manager, be and hereby is designated as the Town of Washington Representative to the Rural Transportation Technical Committee (RTTC).

ADOPTED: This the 13th day of February, 2006.

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:

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

**APPOINTMENT - FIREMEN'S RELIEF - TO FILL EXPIRED TERM OF
RAYMOND WILLIAMS**

On motion of Council unanimously reappointed Raymond Williams to the Firemen's Relief for a new two year term, term to expire January, 2008.

Council took a break and returned at 6:05 p.m.

**PUBLIC HEARING - TO ZONE 28.49 ACRES OF LAND FOR THE
WASHINGTON MONTESSORI SCHOOL TO AN OFFICE AND
INSTITUTIONAL (O & I) ZONING CLASSIFICATION**

Mr. Steve Moler, Planning Board representative, stated that the Planning Board unanimously recommended that the 28.49 acres be zoned Office & Institutional (O&I) because of the existing land use adjacent to the school property. Examples are the Asbury Methodist Church, Hillside Funeral Home, and several single family dwellings in that area. This would serve as a traditional zoning classification between existing commercial and future development along 264 East.

Mayor Jennette stated this is a public hearing.

There was no one present to speak.

Mayor Jennette closed the public hearing.

On motion of Mayor Pro tem Woolard, seconded by Councilman Gibson, Council unanimously accepted the recommendation of the Planning Board and zoned 28.49 acres of property, owned by the Washington Montessori Schools, to an Office and Institutional (O&I) zoning classification.

**PUBLIC HEARING - REVOCATION OF JOHN AND ROSA LEE
NORFLEET CERTIFICATE OF CONVENIENCE AND
NECESSITY**

Carol Williams, Finance Director, stated that John and Rosa Lee Norfleet have gone out of business and Council needs to revoke the Certificate. It was more than they could handle.

Mayor Jennette stated this is a public hearing.

Mrs. Dot Moate asked if there are any regulations for them to provide services? Mayor Jenentte stated that has been a topic of discussion. Mrs. Moate stated that getting a cab is difficult even though there is a long list of taxicabs. She suggested Council come up with some rules and regulations about who can operate a cab within the City or even how they operate and some kind of process for citizens who cannot drive for whatever reason. Also, she asked Council to think about a "Dial a Ride" program. Mr. Smith stated that this sounds like a good project for a citizens committee to work on.

Mayor Jennette closed the public hearing.

On motion of Councilman Gahagan, seconded by Councilman Jennings, Council unanimously revoked the Certificate of Convenience and Necessity issued to John and Rosa Norfleet to operate two taxicabs in the City of Washington.

**PUBLIC HEARING - CONSIDER A GRANT APPLICATION UNDER
THE N.C. RURAL ECONOMIC DEVELOPMENT CENTER IN
THE AMOUNT OF \$40,000 UNDER THEIR CATEGORY OF
"BUILDING REUSE AND RESTORATION" FOR VACANT
STRUCTURES**

Mrs. Laura Scovill, representing Inner Banks Outfitters, requested Council to consider applying for a Building Reuse and Restoration grant. The building is the former Carver's Building at 1050 East Main Street. She owns the building and runs Blackwater Jacks. She wants to convert the property to Inner Banks Outfitters, a kayak and biking outfitting program, and also have an outdoor adventure program for special needs children. Rick Baines, with the Rural Center, has looked at the building and likes the building.

Mr. Smith stated that the Shakley Foundation assist with programs for handicapped children. (She will talk with Mr. Smith about that). Inner Banks Outfitters will pay the 2.5% required match.

Mrs. Scovill stated it will also have a bicycle repair shop and segway scooters. (Councilman Jennings asked if there were instructions for those because Jeff Rumley would be interested in that)

Mayor Jennette stated this is a public hearing.

There was no one present to speak.

On motion of Councilman Jennings, seconded by Councilman Gibson, Council unanimously authorized the Mayor to sign the grant application in the amount of \$40,000, provided the developers furnish the City of Washington a check in the amount of \$1,000 for the City's cash match, to be submitted to the N.C. Rural Economic

Development Center under the grant "Building Reuse and Restoration" category for the renovation of the building at 1050 East Main Street.

**COMMENTS FROM THE PUBLIC (IMMEDIATELY FOLLOWING
PUBLIC HEARINGS)**

Doug Mercer, appeared before Council to discuss the recent electric rate increase of 8.7%. Mr. Mercer passed out some information where he figured what an 8.7% increase would mean. The budget anticipates that the City was going to purchase \$20,700,000 worth of power. He divided in by 12 (to work with it easier) which gave an average monthly power bill. It comes out to an average of \$1.7 million. If you add a 10% increase on to that, purchase power would be approximately \$1,899,000 or a difference of \$172,000. Electric sales for the year are also in the budget for \$27,482,000 and the average sales projected are \$2,288,000 per month. The City will show a profit each month of \$562,134. If you take put an 8.7% increase on that value, the new selling price would \$2,487,000 and the value increases from \$562,134 to \$588,000, an increase of \$26,000 a month, a little over \$300,000 a year.

Mr. Mercer stated that he figured what it would take to make \$562,000 and it is 7.6%. It appears that the City could have increased the rate by 7.6% and made the same amount of difference that you would have made before. As an individual he figured it, putting in the 4.2% wholesale power adjustment, for 100 kw a bill would increase to \$18.88 from \$18.43. The point he made is, \$.45 is only 2.4% increase over the original cost, not 4%. The rate increase doesn't equal to 4.2% until you get down to 1300 kw. Using this table, when you multiply it by 12 it comes to \$25.00 to \$40 a year, where he and his wife could go out to dinner. If you look at 7.6% increase, it would be \$2.30 or \$3.44. He stated that increase varies from 2.4% to 4.44%. Winter rates are slightly cheaper than the summer rates. It varies from 2.4% to 4.9%, above 4.2%.

Mr. Mercer stated that the other thing is the usage times a factor that comes from the utility department at .00454 multiplied by \$1 per kw. Power adjustment cost is \$1 per kw, every other kw cost less than ten cents. A dollar per kw is too high. He rather see the factor be changed and charge a reasonable rate per kw. He asked Council to look at the numbers and realize there is some leeway to give the citizens some further reductions.

Mr. Smith asked Mr. Mercer if he only considered purchases of power, not distribution charges, etc.? Mr. Mercer stated his assumption is that in order for you to sell power you have to buy it so whatever you are proposing to use to buy power is the number he used. Mr. Smith stated that number doesn't look at base load, peak load, demand costs; it's just a lump sum number. Mr. Mercer stated, that in his opinion, the City will be making more money with the new rate than you were with the old rate and there is some leeway for the City to potentially reduce that rate.

Mr. Smith thanked Mr. Mercer for his work.

Councilman Jennings commented that Mr. Mercer is assuming that all other things are remaining equal.

Mayor Jennette thanked Mr. Mercer for his comments.

AMEND AGENDA

On motion of Councilman Jennings, seconded by Councilman Gibson, Council unanimously amended the agenda to include the W. K. Dickson Downtown Revitalization Plan next on the agenda and add a Closed Session under G.S. 143-318.11(a)(5) acquisition of real property.

**ADOPT - W. K. DICKSON DOWNTOWN REVITALIZATION
STRATEGY AS REQUESTED BY DWOW AND RECOMMENDED
BY PLANNING BOARD**

Mr. Kent Fulton presented a power point presentation on the W.K. Dickson downtown revitalization strategy as requested by DWOW and recommended by the Planning Board. Mr. Fulton's presentation included:

How Could Washington Look?

(Pictures were shown depicting the following:)

Stamped asphalt
Stamped concrete
Alleyways
Public spaces
Clocks
Amphitheaters
Walking paths
Bike paths
Interactive fountains
Public movie theater
Water overlook

Tangible benefits would be "Weddings on the Waterfront" which in turn would help the economy in years to come.

2006

- These 1979 design elements are still valid today
- We should take the necessary steps to make that vision a reality

DWOW is recommending:

- The establishment of a Vision for the future
- The adoption of a Strategy for getting there
- Execution via an Implementation Program

•Makeup of the Steering Committee

- City of Washington
 - Elected Officials
 - Staff (City Manager, Planning, Public Utilities, Electric, DWOW Executive Director)
 - As needed (Finance, Recreation, Police, Fire, City Attorney)
- County (As needed)
 - County Manager
 - Elected Official
 - Tax Assessor
 - Finance Director
- DWOW Board (2) & Citizen Appointed by Council

Steve Moler, a member of The Planning Board, stated that the Planning Board is recommending approval of the Plan. He stated that if we can't visualize, we can't build it. He stated he thinks we need to expand our vision beyond just the downtown area, we need to look at the whole town.

Councilman Jennings stated that we had discussions about taking an alternate route to the Steering Committee. If we form a Steering Committee, we are casting this off. The Downtown Development Commission owned that plan. The best charge for DWOW is to hang on to the plan. Mr. Fulton stated that he was one of the few that opposed disbanding the DWDC because they could still fill a role, and this could have

been that role. Councilman Gibson stated that he agreed with Councilman Jennings that it should come from DWOW, but with the cooperation of many other groups that need to be involved. Mr. Fulton stated that if we go with TIF (Tax Increment Financing), we need the right people with the right skills, we have to have an implementation group. Councilman Jennings stated that DWOW should be the core group.

After discussion, on motion of Councilman Gibson, seconded by Mayor Pro tem Woolard, Council unanimously supported the recommendation of the Planning Board that states: (1) a vision for City revitalization be established, (2) The core principles of the W.K. Dickson Revitalization Strategy be adopted as the foundation for this vision in the Central Business District, and (3) a steering committee from DWOW be established to implement this strategy. Also, a member of the Planning Board be appointed as a member of this Implementation Steering Committee.

CLOSED SESSION – ACQUISITION OF REAL PROPERTY

On motion of Councilman Gahagan, seconded by Councilman Jennings, Council unanimously agreed to go into closed session at 7:15 p.m. under G. S. 143-318.11(a)(5) Acquisition of real property.

On motion of Mayor Pro tem Woolard, seconded by Councilman Gibson, Council unanimously agreed to come out of closed session at 8:15 p.m.

RECREATION MASTER PLAN

Mr. Smith stated that the plan started out pretty conventional with the consultant looking at population and economic characteristics of the population and project what the City needs in terms of soccer fields, baseball fields, etc. Council was concerned, along with himself, that we should have a long hard look at where we are going financially with recreation services. Mr. Smith stated he met with the consultant and talked to him about adding an economic element to the Study, cost per unit for service for both operating expense and the capital expense and make some recommendations. Also, some other things we might could do that might be entrepreneurial, add just golf for instance, to basically sell. An addendum has been added but we don't have a cost on that yet. The \$28,000 fee proposed is about \$31,000 in the budget allocated for this study. He recommended either the Council authorize us to go forward, including the addendum, for a fee not to exceed the \$31,000 or that you table the matter until we get the proposal back next month.

Councilman Jennings stated we talked a lot about recreation in the Planning Session and there are a lot of things that could be moved on now. He asked if there would be room whether or not we use this consulting firm to make some moves ahead of that? Mr. Smith stated that we talked about the inefficiencies and the heating/air system that we need to move forward with and hope we can address those things in the budget. In terms of major expansion of recreational services, we need to wait until we have a plan in place. Mayor Jennette asked about transitioning some departments? Mr. Smith stated he sees no problem with that, and moving ahead with the Civic Center be turned over to the Tourism Authority. Mr. Smith stated that there has to be some issues dealt with before they take it on. Councilman Jennings stated he was thinking more in terms of structure...League partnership, varying degrees of compliance, understanding and communication through those. He would like to see it moved through the Advisory Committee to create some uniformity. We have a lot of room to make a move on things we feel and know is right and would hate to wait for a consultant to tell us what we already know. Mr. Smith stated that the plan deals with long term.

Councilman Gibson suggested that a time period be included. Mr. Smith stated you could put a time frame on the first draft of the Master Plan and then a time frame for delivery of the document. Councilman Jennings asked to also include a time frame on any changes that Council recommends.

Mr. Smith stated that we need some concurrence from them. This will be brought back at the next Planning Session.

**ADOPT - ORDINANCE TO AMEND CHAPTER 17 SUBDIVISION
AND CHAPTER 27 ZONING, OF THE CODE OF ORDINANCES**

Mr. Roberson stated that the information contained in the agenda package is verbatim except for one section that was rewritten pertaining to presale contracts. Mr. Smith stated that the Statute provides that if they do a presale there has to be a notice that this is only a preliminary plan approval and they are not assured that what they are buying is the same thing they contracted for. An amendment was added to Section 3. at the end of (5) stating "City shall provide notice which reads as follows:

CITY OF WASHINGTON, NORTH CAROLINA

**LEGAL NOTICE REGARDING PRESALE OR LEASE BY REFERENCE TO AN
APPROVED PRELIMINARY PLAT**

A FINAL PLAT HAS NOT BEEN APPROVED FOR THIS PROPERTY under the City of Washington Subdivision Ordinance. Changes between the Preliminary and Final Plat are possible. This contract does not obligate the City of Washington with respect to approval of a Final Plat.

A Copy of the Approved Preliminary Plat is attached hereto and a copy of the final recorded plat will be delivered to buyer prior to closing. This contract may be terminated by the buyer or lessee without breach if the final recorded Plat differs in any material respect from the Preliminary Plat.

If the approved and recorded Final Plat does not differ in any material respect from the Preliminary Plat attached hereto the buyer or lessee is not required to close this transaction any sooner than five days after delivery of a copy of the recorded Final Plat.

If the approved and recorded Final Plat does differ in any material respect from the Preliminary Plat attached hereto the buyer or lessee is not required to close this transaction any sooner than fifteen days after delivery of a copy of the recorded Final Plat, during which time the buyer or lessee may terminate this contract without breach or further obligation and will receive a full refund of all earnest money or prepaid purchase price.

No conveyance of land or improvements will occur and no contract to lease will become effective until after the Final Plat has been properly approved by the City of Washington and recorded with the Beaufort County Register of Deeds.

North Carolina General Statute 160A-375(b). City of Washington Ordinance _____

After discussion, on motion of Councilman Gahagan, seconded by Councilman Jennings, Council unanimously accepted the recommendation of the Planning Board and approved the Ordinance amending Chapter 17, entitled, "Subdivision" to comply with the 2005 Legislation, as amended.

Councilman Gahagan amended the motion to add a legal notice for a presale or lease by reference to an approved preliminary plat. Councilman Jennings seconded the amended motion which carried unanimously.

ORDINANCE

An Ordinance To Amend Chapter 17 Subdivision

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

Section 1. Amend Section 17-5 Definitions by deleting the term "Subdivision" in entirety and substituting the following:

"Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations.
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations. State law reference: G.S. 160A-376(a)

Section 2. Amend Section 17-26 General Procedures by adding a new section which is as follows:

f. Decisions on approval or denial of preliminary or final plats may be made only on the basis of standards explicitly set forth in the subdivision or unified development ordinance. Whenever the ordinance includes criteria for decision that require application of judgment, those criteria must provide adequate guiding standards for the entity charged with plat approval.

State law reference: G.S. 160A-371

Section 3. Amend Section 17-26 General Procedures by adding a new section which is as follows:

g. The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:

- (1) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
- (2) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
- (3) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
- (4) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract

without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

(5) The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds. The City of Washington shall provide notice which reads as follows:

**CITY OF WASHINGTON
LEGAL NOTICE REGARDING PRESALE BY REFERENCE TO AN
APPROVED PRELIMINARY PLAT**

A FINAL PLAT HAS NOT BEEN APPROVED FOR THIS PROPERTY under the City of Washington Subdivision Ordinance. Changes between the Preliminary and Final Plat are possible. This contract does not obligate the City of Washington with respect to approval of a Final Plat.

A Copy of the Approved Preliminary Plat is attached hereto and a copy of the final recorded plat will be delivered to buyer prior to closing. This contract may be terminated by the buyer or the lessee without breach if the final recorded Plat differs in any material respect from the Preliminary Plat.

If the approved and recorded Final Plat does not differ in any material respect from the Preliminary Plat attached hereto the buyer or lessee is not required to close this transaction any sooner than five days after delivery of a copy of the recorded Final Plat.

If the approved and recorded Final Plat does differ in any material respect from the Preliminary Plat attached hereto the buyer or lessee is not required to close this transaction any sooner than fifteen days after the delivery of a copy of the recorded Final Plat, during which time the buyer or lessee may terminate this contract without breach or further obligation and will receive a full refund of all earnest money or prepaid purchase price.

No conveyance of land or improvements will occur and no contract to lease will become effective until after the Final Plat has been properly approved by the City of Washington and recorded with the Beaufort County Register of Deeds.

North Carolina General Statute 160A-375(b). City of Washington Ordinance

State law reference: G.S. 160A-375(b)

Section 4. Amend Section 17-171 Penalties for Violation by adding a new section which is a follows:

e. When the subdivision of land is authorized herein, any person who, being the owner or agent of the owner of any land located within the jurisdiction of the city, thereafter subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The city may bring an action for injunction of any illegal subdivision, transfer, conveyance, or

sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to G.S. 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, a city may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct. State law reference: G. S. 160A-375(a)

Section 5. This Ordinance shall become effective upon adoption.

Section 6. All Ordinances or parts in conflict herewith are repealed.

Adopted this the 13th day of February, 2006

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

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

On motion of Councilman Gahagan, seconded by Councilman Jennings, Council unanimously accepted the recommendation of the Planning Board and approved the ordinance amending chapter 27 entitled "Zoning" to comply with the 2005 Legislation.

ORDINANCE

An Ordinance To Amend Chapter 27, Zoning, Article XX. Amendments

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

Section 1. That Chapter 27, Article XX be amended by adding a new section which is as follows:

Section 27-220(a)(1) Subsequent to initial adoption of the zoning ordinance, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may proceed in its consideration of the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board. State law reference: G.S. 160A-387

Section 2. That Chapter 27, Article XX be amended by adding a new section which is as follows:

Section 27-220(a)(2) Members of the planning board providing advice to the city council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. State law reference: G.S. 160A-381(d)

Section 3. That Chapter 27, Article XX be amended by adding the number (1) to the first and only paragraph and adding a new section which is as follows:

Section 27-220(b)(2) The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning

board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. State law reference: G.S. 160A-383

Section 4. That Chapter 27, Article XX be amended by adding a new section which is as follows:

Section 27-220(d)(5) The first class mail notice required under this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the city elects to use the expanded published notice provided for in this subsection. In this instance, a city may elect to either make the mailed notice provided for in this section or may as an alternative elect to publish notice of the hearing as required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a) of this section. State law reference: G.S. 160A-384(b)

Section 5. That Chapter 27, Article XX be amended by adding a new section which is as follows:

Section 27-220(d)(6) When a zoning map amendment is proposed, the city shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the city [county] shall post sufficient notices to provide reasonable notice to interested persons. State law reference: G.S. 160A-384 (c)

Section 6. That Chapter 27, Article XX be amended by deleting Section 27-220 Procedure, subsection (e) Protest Petitions in its entirety and substituting the following:

Section 27-220(e) Protest Petitions

- (1) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. State law reference: G.S. 160A-385(a)
- (2) For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered 'members of the council' for calculation of the requisite supermajority. State law reference: G.S. 160A-385(a)
- (3) To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the 'owners' of potentially qualifying areas. State law reference: G.S. 160A-385(a)
- (4) The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted

within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district. State law reference: G.S. 160A-385(a)

- (5) No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. 160A-385 unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the city clerk in sufficient time to allow the city at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The city council may by ordinance require that all protest petitions be on a form prescribed and furnished by the city, and such form may prescribe any reasonable information deemed necessary to permit the city to determine the sufficiency and accuracy of the petition. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards set forth in G.S. 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement. State law reference: G.S. 160A-385(a)

- (f) Governing board conflict of interest.

A city council member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. State law reference: G.S. 160A-75; G.S. 160A-381(d)

- (g) Conditional zoning

Such districts may include, but shall not be limited to, general use districts, in which a variety of uses are permissible in accordance with general standards; overlay districts, in which additional requirements are imposed on certain properties within one or more underlying general or special use districts; and special use districts or conditional use districts, in which uses are permitted only upon the issuance of a special use permit or a conditional use permit and conditional zoning districts, in which site plans and individualized development conditions are imposed.

State law reference G.S. 160A-382(a)

- (h) Conditions in CUD, SUD, Conditional zones

Property may be placed in a special use district, conditional use district, or conditional district only in response to a petition by the owners of all the property to be included. Specific conditions applicable to these districts may be proposed by the petitioner or the city or its agencies, but only those conditions mutually approved by the city and the petitioner may be incorporated into the zoning regulations or permit requirements. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to city ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. State law reference G.S. 160A-382(b)

- (i) Statement for small-scale rezonings

A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a rezoning to a special or conditional use district, or a conditional district, or other small-scale rezoning. State law reference G.S. 160A-382(b)

- (j) Governing board statement

Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. State law reference G.S. 160A-382(b)

Section 7. Amend Section 27-203 entitled, "Establishment, membership, appointment, and terms" by adding the letter (a) to the first and only paragraph and adding a new section which is as follows:

(b) The council may, in its discretion, appoint and provide compensation for alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. State law reference: G. S. 160A-388(a)

Section 8. Amend Section 27-215 entitled "Voting" by deleting this section in entirety and substituting the following:

Voting.

(a) Conflicts. A member of the board or any other body exercising the functions of a board of adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

State law reference: G.S. 160A-388 (e)

(b) Board of Adjustment voting. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members. State law reference: G.S. 160A-388(e)

(c) Special Use and Conditional Use Voting. No vote greater than a majority vote shall be required for the city council [board of county commissioners] or planning board to issue such permits. For the purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite majority. State law reference: G.S. 160A-381(c)

Section 9. Amend Section 27-213 "Powers and duties of the Board" by adding a new section which is as follows:

(d) Special and conditional uses permits. The regulations may also provide that the board of adjustment, the planning board, or the city council may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits. State law reference: G.S. 160A-381(c)

Section 10. Amend Section 27-213 "Powers and duties of the Board" by adding a new section which is as follows:

(e) Special use and conditional use procedures. When deciding special use permits or conditional use permits, the city council or planning board shall follow quasi-judicial procedures. State law reference: G.S. 160A-381(c)

Section 11. Amend Section 27-213 "Powers and duties of the Board" by adding a new section which is as follows:

(c)(7) When practical difficulties or unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall have the power to vary or modify any of the regulations or provisions of the ordinance so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. No change in permitted uses may be authorized by variance. Appropriate conditions, which must be reasonably related

to the condition or circumstance that gives rise to the need for a variance, may be imposed on any approval issued by the board. These regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained, provided no change in permitted uses may be authorized by variance. State law reference: G.S. 160A-381(c) & G.S. 160S-381(b1)

Section 12. Amend Section 27-6 “Land and Buildings Regulated” by adding the letter (a) to the first paragraph and adding a new subsection which is as follows:

(b) All of the provisions of this Part are hereby made applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions. No land owned by the State of North Carolina may be included within a conditional use district without approval of the Council of State or its designate. State law reference G.S. 160A-392

Section 13. Amend Section 27-166 “ Signs Excluded From Regulations” by adding a new subsection, which is as follows:

(m) Government flags.

(1) A county, city, consolidated city-county, or unified government shall not prohibit an official governmental flag from being flown or displayed if the official governmental flag is flown or displayed:

(aa) In accordance with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended; and

(bb) Upon private or public property with the consent of either the owner of the property or of any person having lawful control of the property.

(2) Notwithstanding subsection (a) of this section, for the purpose of protecting the public health, safety, and welfare, reasonable restrictions on flag size, number of flags, location, and height of flagpoles are not prohibited, provided that such restrictions shall not discriminate against any official governmental flag in any manner.

(3) For purposes of this section, an 'official governmental flag' shall mean any of the following:

(aa) The flag of the United States of America.

(bb) The flag of nations recognized by the United States of America.

(cc) The flag of the State of North Carolina.

(dd) The flag of any state or territory of the United States.

(ee) The flag of a political subdivision of any state or territory of the United States.

State law reference: G.S. 144-7.1

Section 14. Amend Section 27-61 “Special standards for certain permitted uses” by adding a new subsection which is as follows:

(r) Forest Regulations. A city shall not adopt or enforce any ordinance, rule, regulation, or resolution that regulates either:

(1) Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the General Statutes.

(2) Forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the General Statutes.

(3) This section shall not be construed to limit, expand, or otherwise alter the authority of a city to:

Regulate activity associated with development. A city may deny a building permit or refuse to approve a site or subdivision plan for either a period of up to:

- (a) Three years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under city regulations governing development from the tract of land for which the permit or approval is sought.
 - (b) Five years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under city regulations governing development from the tract of land for which the permit or approval is sought and the harvest was a willful violation of the city regulations.
 - (4) Regulate trees pursuant to any local act of the General Assembly.
 - (5) Adopt ordinances that are necessary to comply with any federal or State law, regulation, or rule.
 - (6) Exercise its planning or zoning authority under this Article.
 - (6) Regulate and protect streets under Article 15 of this Chapter
- State law reference: G.S. 160A-458.5

Section 15. Amend Article I. "General Provisions" by adding a new section which is as follows:

Section 27-11(A) Moratoria.

Cities may adopt temporary moratoria on any city development approval required by law. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the governing board shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 160A-364. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 160A-417 is outstanding, to any project for which a conditional use permit application or special use permit application has been accepted, to development set forth in a site-specific or phased development plan approved pursuant to G.S. 160A-385.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the city prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the city prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

- (1) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the city and why those alternative courses of action were not deemed adequate.
- (2) A clear statement of the development approvals subject to the moratorium and

how a moratorium on those approvals will address the problems or conditions

leading to imposition of the moratorium.

- (3) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- (4) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the city during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

No moratorium may be subsequently renewed or extended for any additional period unless the city shall have taken all reasonable and feasible steps proposed to be taken by

the city in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of this subsection, including what new facts or conditions warrant the extension.

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this section shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the city shall have the burden of showing compliance with the procedural requirements of this subsection. State law reference: G.S. 160A-381(d)

Section 16. Amend Article I, "General Provisions" by adding a new section which is as follows:

Section 27-11B. Unified development ordinances

A city may elect to combine any of the ordinances authorized by this Article into a unified ordinance. Unless expressly provided otherwise, a city may apply any of the definitions and procedures authorized by law to any or all aspects of the unified ordinance and may employ any organizational structure, board, commission, or staffing arrangement authorized by law to any or all aspects of the ordinance. State law reference G.S. 160A-363(d)

Section 17. This Ordinance shall become effective upon adoption.

Section 18. All Ordinances or parts in conflict herewith are repealed.

Adopted this the 13TH day of February, 2006

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:

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

UPDATE - SECOND FIRE STATION

Mr. Smith stated that The City was offered a parcel of land which proved to have soil problems. Subsequently we have had some negotiations with the landowner where he has offered us a parcel across the street. We have been looking at number of alternative sites. He asked Chief Davis to look at the long term...replacing the central station and later having to have a third station on the east end of town. He asked him to look at the implications for a future location of the central station and we could buy a number of years if the central station was moved towards the east. It appears if we move that station closer to 15th Street, not only would we get a near connection going south but we would get some overlap into the most developed area of the City. When a second station is built we could move it into the area of the hospital instead.

Chief Davis pointed out two criteria: (1) annexed property over five miles and (2) and Distribution Study of the Water system (placing hydrants). He showed a County map showing the station at 5th and Market and the second site located at Page Road and the mile and one-half around each station, two and a half miles, and five miles. The Page Road site is closer to the Pitt-Beaufort County line than it is to the core City limits.

Two and one-half miles from Page Road brings you back to Maryanna Trailer Park (before the 17 Bypass).

Chief Davis showed another map which shows the central station, station two at Page Road. There are 432 hydrants located within a mile and one-half of that station. If a station is put at Page Road, there's 45 hydrants within a mile and one-half of that station. The City currently has 650 hydrants. This means that if we put a station at Page Road and have the one at 5th and Market, based upon the Distribution Study, if the City adds 120 fire hydrants, you're looking at a required third station.

Chief Davis showed another map which showed the Industrial Pak two and one-half miles from the Fire Station so the insurance rate will not be affected. It is five miles from the 15th Street site to the County line. The City would have to add 300 fire hydrants to its water system before adding a third station.

Chief Davis stated any area around the hospital would be a good location for the main station. The chance on building a third station will hinge directly on the City annexing property more than five miles from anyone of these stations, or the City sees a substantial amount of growth.

Chief Davis referred to an email from the State Marshall's office stating that the 15th Street site is a better location than Page Road and it will allow opportunity to move the existing station to a better location. Councilman Jennings asked is there is any place cheaper to acquire the land from Page road to 15th Street?

Mayor Jennette stated she has talked with Representative Williams and it is not likely that DOT will build the road for us. Chief Davis stated that the other pieces along 264, (1) one is too small for the station (2) second one is no cheaper (3) \$25,000 to \$35,000 higher, (4) Mason Lumber Company has not responded, and (5) one parcel is \$400,000.

Chief Davis stated we can submit a letter to up the loan for the price of the land and chances would be good, but we can only up it for the price of the land. Doug Causey is recommending we do everything, determine the overruns and then ask him to up the loan for the price of the loan for the land and the overrun costs. The longer you wait, is the money going to be available, and is that going to hurt us in obtaining the additional funding.

Chief Davis figured the numbers, if you increase the price of the loan \$300,000 (\$250,000 for the land and \$50,000 fill) the annual payment would be increase by \$17,000 for thirty years. Widening of the driveway has been negotiated out.

Chief Davis stated that we need an option to buy, subject to conditions. He stated he cannot speak to the "new" free spot" because there has not been any testing done.

Councilman Gibson stated that it looks like we need to seriously think about location, and delaying the building of a third station. Councilman Jennings asked the Manager if we have done the due diligence we need to do. Mr. Smith stated that we need more information on the site before we can make a final decision. We have determined that a site further to the east as long as we are in the five mile radius of the County line. This site looks like it might be a workable site. Mayor Jennette stated that she weren't crazy about moving the location, but now looking at moving the main station we have to do it.

Mr. Holscher stated that with an option you forfeit the money if you decide not buy it. You also can structure a contract subject to conditions in case they don't work out. He suggested the Manager, Mayor and Chief meet with the property owner and see what kinds of terms and conditions there are and he can put this in a formal offer.

Mayor Jennette and Mr. Smith will check this out and bring it to the Planning Session.

SET VISION DATE

Council agreed to set Wednesday, February 22, 2006 at 5:30 p.m. at the Civic Center for the Vision Planning meeting.

THOROUGHFARE PLAN EXPANSION

Mr. Roberson stated that the Department of Transportation has been contacted to look at the Thoroughfare Plan expansion. Depending on the depth and length of the study, there will be some additional dollars set aside the update to include Brick Kiln Road extension and enterchanges at Whispering Pines and Double Diamond Sports Bar. We should receive an answer within the next two weeks. Mr. Smith asked doesn't DOT have to study those enterchanges in order to make their findings of no significant impact? Mr. Roberson answered yes. Mr. Roberson stated there have been some alternate changes based on that location and dead ending that street.

ORDER OF AGENDA – COMMENTS FROM THE PUBLIC

Mayor Jennette stated that Doug Mercer has asked us to consider changing the order of our agenda and listing "Comments From the Public" prior to the public hearings at 6:00 pm. so people will not have to wait so long. Mr. Smith suggested that Council limit the amount of time. City Clerk advised Council that it is their discretion on the times to hold public hearings whenever they want to, however, the public would have to get used to the new time. Mayor Pro tem Woolard and Councilman Gahagan stated that the time we have now has been working and is not that big a deal. Mayor Jennette pointed out that is why we scheduled public appearances.

After Council discussion, Council mutually agreed to leave the order of agenda as it is, since there has only been one request.

INDEMNIFICATION OF STEWART RUMLEY – AIRPORT

On motion of Councilman Gahagan, seconded by Councilman Jennings, Council unanimously extended the indemnification for Stewart Rumley as long as he assists the City on Warren Field Airport matters.

**RESOLUTION OF THE WASHINGTON CITY COUNCIL ESTABLISHING
CERTAIN PROTECTION AND INDEMNIFICATION FOR CERTAIN ACTIONS
AND ACTIVITIES UNDERGONE BY STEWART RUMLEY, FORMER
INTERIM CITY MANAGER**

WHEREAS, Stewart Rumley resigned from his position as Interim City Manager for the City of Washington effective December 31, 2005;

WHEREAS, subsequent to said resignation and during the period of managerial transition up to and including _____, the City of Washington called upon Mr. Rumley to provide certain advice, input, negotiation, contract, and other services and activities, including but not limited to, the following:

- 1) Contact and negotiation with potential tenants for corporate hangar at the Warren Field Airport,
- 2) Contact and consultation with the United States Department of Agriculture regarding a wildlife assessment for the Warren Field Airport property,
- 3) Contact and negotiation with a potential lessee for farming operations at the Warren Field Airport,
- 4) Contact and consultation with the Division of Aviation regarding airport compliance issues,
- 5) Contact with independent contractors as well as input and advice concerning requests for qualifications for an airport engineer/consultant,
- 6) Contact with individuals concerning the possibility of the creation and

- employment of an airport manager position,
- 7) Advice, input, and recommendations in preparation for and during certain planning sessions, and
 - 8) Contact and consultation with individuals and entities regarding other leases at and development of the Warren Field Airport; and

WHEREAS, the City of Washington feels obligated to provide Mr. Rumley with certain protection and indemnification against certain claims which might arise against Mr. Rumley as a result of his providing the aforementioned services and activities at the City's request.

NOW THEREFORE, BE IT RESOLVED, by the City Council for the City of Washington that, in recognition and in consideration of the foregoing, the City of Washington extends to Mr. Rumley the same protection afforded to the City's officers and employees, specifically defined to include volunteers, established under that Resolution of the Washington City Council Establishing Uniform Standard Under Which Claims or Civil Judgments Sought or Entered Against Officers and Employees Shall be Paid, effective February 13, 1995, for Mr. Rumley's aforementioned activities and services for the period established hereinabove.

ADOPTED, this 13th day of February, 2006 by the following vote:

Council members for: 5

Council members opposed: 0

s/Judy Jennette
JUDY JENNETTE
MAYOR

ATTEST:

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

**DECLARE - SURPLUS/AUTHORIZE ELECTRONIC AUCTION OF VEHICLES
AND EQUIPMENT THROUGH GOVDEALS**

Ms. Williams stated surplus equipment will be auctioned off through the internet and will no longer have local auctions. This will hopefully bring in more money.

On motion of Mayor Pro tem Woolard, seconded by Councilman Gibson, Council unanimously declared the below vehicles and equipment listed as surplus and authorized the sale of these items through electronic auction using GovDeals.

<u>Vehicle Odometer Reading</u>	<u>Make/Model Number</u>	<u>Serial Description</u>	<u>Number</u>
#659	1994 Ford Ranger Pick up, 2 Door	1FTCR10U6RTA35231	73,107
#135	1995 Chevrolet Caprice, 4 door	1G1BL52POSR150446	115,999
#132	1996 Ford Crown Victoria, 4 door	2FALP71WXTX156272	141,937
#131	1996 Ford Crown Victoria, 4 door	2FALP71W8TX156271	132,250
#137	1995 Chevrolet Caprice, 4 door	1G1BL52P1SR148978	146,442
#139	1996 Chevrolet Camaro Z-28	2G1FP22P3T2121449	84,352

#138	1997 Ford Crown Victoria, 4 door	2FALP71W7VX131087	115,510
#808	1993 John Deere Tractor w/attachments	LV0955D141269	

**ADOPT - BUDGET ORDINANCE AMENDMENT FOR MCCONNELL
SPORTS COMPLEX (\$30,000)**

Councilman Gibson asked if part of the \$30,000 could be used for something else. He stated that the men's dressing room at the Aquatic Center is cold and he feels strongly that something needs to be done about it. He also stated that it is harder to walk on the trail than anywhere on the walkway. Mr. Smith stated that the feeling was there would be more people walking on the walkway. Councilman Gibson commented that we need to do some advertising for the Sports Complex and take the advertising away from the Electric Department who already has a monopoly. He stated we need to quit giving away hot dogs, etc. and reduce the rates.

On motion of Mayor Pro tem Woolard, seconded by Councilman Jennings, Council adopt a budget ordinance amendment in the amount of \$30,000 for the Susiegray McConnell Sports Complex improvements in the General Fund.

**AN ORDINANCE TO AMEND THE BUDGET ORDINANCE
OF THE CITY OF WASHINGTON, N.C.
FOR THE FISCAL YEAR 2005-2006**

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 \$30,000 in the account Fund Balance Appropriated, account number 10-00-3991-9910.

Section 2. That account number 10-40-6130-7400, Capital Outlay, Parks & Grounds portion of the General Fund appropriations budget be increased in the amount of \$30,000 to provide funds for McConnell Contribution received in FY 04-05.

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 13th day of February, 2006

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:

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

**ADOPT - OFFER TO SELL PROPERTY BEING ½ OF A CLOSED ALLEY
ADJACENT TO LOT 6A, UNDER THE UPSET BID PROCEDURE, IN
ACCORDANCE WITH GENERAL STATUTES 160A-269**

Mr. Roberson stated that they found through Mr. Holscher's due diligence, there was a problem with the legal description and he is asking that to add in the motion, "subject to the legal description being approved by the City Attorney."

On motion of Councilman Jennings, seconded by Councilman Gibson, Council unanimously adopted the Resolution to begin the upset bid procedure to dispose of one-half of a closed alley adjacent to lot 6A, in compliance with G.S. 160A-269, subject to the legal description being approved by the City Attorney.

Resolution Authorizing Upset Bid Process

WHEREAS, the City of Washington owns property being ½ of a closed alley adjacent to lot 6A, which runs parallel to Water Street and is shown on a map prepared by Rivers and Associates being drawing number Z-2324 and described herein:

**6A ALLEY TRACT
CITY OF WASHINGTON**

Beginning at a set drill hole at the intersection of the centerline of an unopened alley and the northern Water Street right of way, said drill hole being located S 80°48'20" E, 949.11 feet from North Carolina Geodetic Monument Harvey having published N.A.D. 83 grid coordinates northing: 657,371.799 feet US, easting: 2,579,547.469 feet US; thence N 59° 42' 34" W 5.00 feet to a point; thence N 28° 22' 23" E 61.14 feet to a set iron pipe, the southeasterly corner of Parcel 6A and the northeasterly corner of the Jay M. Hodges, III and wife, Linda B. Hodges property recorded in Deed Book 925 Page 49; thence N 60° 15' 56" W 19.90 feet with the Hodges property to a set pk nail in the easterly property line of Lot 4, recorded in Map Book 1 Page 70; thence with the Lot 4 property line N 28° 22' 23" E 25.13 feet to an existing iron pipe located on the southerly line of an closed alley, said pipe being the northwesterly corner of the City of Washington property recorded in Deed Book 1168, page 478, the TRUE POINT OF BEGINNING; thence from the TRUE POINT OF BEGINNING N 28° 22' 23" E 5.00 feet to the center of the closed alley; thence S 60°24'04" E 19.90 feet to a point; thence S 28° 22' 23" W 11.44 feet to set iron pipe; thence N 15°58'37" W 9.20 to a set iron pipe; thence N 60°24'04" W 13.47 feet to an existing iron pipe, the TRUE POINT OF BEGINNING, containing 120.2 square feet more or less; and

WHEREAS, North Carolina General Statutes 160A-269 permits the city to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of \$350.00, submitted by Mac Hodges of Hodges Realty; and

WHEREAS, Mac Hodges has paid the required five percent (5%) deposit on his offer;

**THEREFORE, THE CITY COUNCIL OF THE CITY OF WASHINGTON
RESOLVES THAT:**

- I. The City Council authorizes the sale of the property described above through the upset bid procedure of North Carolina General Statute 160A-269.
- II. The city clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
- III. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the city clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the city clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
- IV. If a qualifying higher bid is received, the city clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.

- V. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
- VI. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The city will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The city will return the deposit of the final high bidder at closing.
- VII. The terms of the final sale are that
*the City Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
*the buyer must pay with cash at the time of closing.
- VIII. The city reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
- IX. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate city officials are authorized to execute the instruments necessary to convey the property to Mac Hodges.

ADOPTED this 13TH day of February, 2006

s/Judy M. Jennette
JUDY M. JENNETTE
MAYOR

ATTEST:

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

**AUTHORIZE - APPLICATION TO DIVISION OF COASTAL
MANAGEMENT FOR IMPROVEMENTS TO CITY PROPERTY
LOCATED ALONG US17 SOUTH (FORMERLY THE
SINGLETON PROPERTY) IN THE AMOUNT OF \$100,000**

Mr. Roberson stated that we are applying for a grant to put the improvements on the property the City purchased (Singleton tract).

On motion of Councilman Gibson, seconded by Councilman Brooks, Council unanimously authorized the City Manager to sign the application to the Division of Coastal Management in an amount not to exceed \$100,000 for improvements to the City property located along US 17 South.

APPROVE - BUDGET SCHEDULE FOR FY 2006-2007

On motion of Councilman Jennings, seconded by Councilman Brooks, Council unanimously approved the budget schedule for FY 06-07 Budget, as follows:

**FISCAL YEAR 2006-2007
BUDGET SCHEDULE**

January 9, 2006 **Public Forum at Regular Council Meeting** Monday – 6:00 pm
Council to receive public comment and input on projects for
FY 2006-2007 budget.

February 2 & 3, 2006 **Council Planning Session** Civic Center

- Thursday – 8:30 am – 5:00 pm and Friday 8:30 am – 5:00 pm
- February 20, 2006 **Budget files are open for Department Head input.**
- March 13, 2006 **Budget are submitted to Finance Director**
- March 17, 2006 **Finance Dept presents budget document to City Manager**
- March 20 to April 7 **City Manager reviews budget with Department Heads and balances budget**
- April 10 – 14, 2006 **Finance Department prepares budget book for Council Agenda**
- April 17, 2006 **Budget Book delivered to City Council Agenda**
- April 24, 2006 **Budget Workshop with City Council Monday
4:30 pm to 7:30 pm**
- May 1, 2006 **Budget Workshop with City Council Monday
4:30 pm to 7:30 pm**
- May 8, 2006 **Public Hearing on FY 06-07 Budget** Monday 6:00 pm
Council receives comments on proposed budget from public
- May 15, 2006 **Budget Workshop with City Council** 4:30 pm to 7:30 pm
- June 12, 2006 **Regular City Council Meeting** Monday – 4:30 pm
Council adopts budget ordinance for FY 06-07 and Sets Tax Rate; approve expiring contracts; and adopts any user fees changes for FY 2006-6007
- June 26, 2006 **Continued City Council Meeting** Monday – 4:30 pm
Adopt year end budget amendment for FY 05-06 and appoint new Board and Commission members

CONTINUE MEETING

On motion of Mayor Pro tem Woolard, seconded by Councilman Brooks, Council unanimously continued the meeting until Wednesday, February 22, 2006 at 5:30 p.m. at the Civic Center for the Visions Meeting.

Rita A. Thompson, CMC
City Clerk