City of Washington
NORTH CAROLINA

Council Agenda
April 12, 2021 ~ 5:30pm

**Attendance inside the City Council Chambers will be limited due to the order from Governor Cooper restricting indoor gatherings. *Masks are required.*

Opening of Meeting

Pledge of Allegiance

Invocation

Roll Call

Approval of minutes from March 8 & 17, 2021 **(page 3)**

Approval/Amendments to Agenda

I. Consent Agenda:
   A. Adopt – Budget Ordinance Amendment and Approve PO to Cella Ford for replacement of vehicle #416 **(page 52)**

II. Comments from the Public:

III. Public Hearing 6:00pm - Zoning:
   A. Adopt – An Ordinance Amending the City Of Washington 2013-2023 Comprehensive Plan Future Land Use Plan **(page 54)**

IV. Public Hearing 6:00pm- Other:

V. Scheduled Public Appearances:

VI. Correspondence and Special Reports:
   A. Memo – Budget Transfers **(page 59)**
   B. Memo – PO's > $50,000 **(page 63)**

VII. Reports from Boards, Commissions and Committees:
   A. Report – Washington-Warren Airport Advisory Board **(page 64)**
   B. Report – Anthony Tyre, Human Relations Council
   C. Report – Vanessa Dunn, Washington Housing Authority **(page 65)**

VIII. Appointments:
   A. Appointment – Washington-Warren Airport Advisory Board **(page 67)**
   B. Appointment – Washington Housing Authority **(page 71)**

City of Washington
NORTH CAROLINA

Council Agenda
April 12, 2021 ~ 5:30pm

IX. Old Business:

A. Adopt – Resolution to lease property off Water Street and Adjoining the old "McQuay" Building to Friedman-Ravenwood, LLC and Authorize City Manager to execute a lease agreement with Friedman-Ravenwood, LLC **(page 73)**

B. Adopt – Grant Project Ordinance and Budget Ordinance Amendment for the Water Treatment Plant Emergency Generator Project **(page 86)**

C. Adopt – Grant Project Ordinance and Budget Ordinance Amendment for the Runyon Creek Sewer Rehab and Short Drive Pump Station Flood Proofing Project **(page 94)**

D. Discussion – Charter Updates: Terms of Office

X. New Business:

A. Approve – Eighteen (18) lot Preliminary Subdivision Plat for Powell Place on parcel #5686-50-6934 **(page 100)**

B. Approve – Fifty-one (51) lot Preliminary Subdivision Plat for Moss East on parcel #5685-06-6420 **(page 107)**

C. Discussion – 4th of July Fireworks **(page 116)**

D. Discussion – Recycling Grant **(page 117)**

E. Presentation – FY 2021/22 Budget

XI. Any other items from City Manager:

XII. Any other business from the Mayor or other Members of Council:

XIII. Closed Session: Under NCGS§143-318.11 (A)(3) Attorney/Client Privilege and NCGS 143-318.11(a)(1) Disclosure of Confidential Information, NCGS 143-318.10(e) Public Records Act

XIV. Adjourn: Until April 26, 2021 at 3:00pm in the City Council Chambers
*Budget Workshops begin April 26 at 3:00pm
*Budget Public Hearing – April 26 at 4:00pm

The Washington City Council met in a regular session on Monday, March 8, 2021 at 5:30pm as a virtual meeting. Present: Donald Sadler, Mayor; Richard Brooks, Mayor Pro tem; Virginia Finnerty, Councilmember; Betsy Kane, Councilmember; William Pitt, Councilmember and Mike Renn, Councilmember. Also present: Jonathan Russell, City Manager, Franz Holscher, City Attorney and Cynthia S. Bennett, City Clerk. **The meeting was held as a virtual meeting all Council members and staff accessed the meeting remotely.*

Mayor Sadler called the meeting to order. Mayor Pro tem Brooks led the Pledge of Allegiance and delivered the invocation.

Mayor Sadler noted today is International Women's Day and thanked Councilmember Kane and Councilmember Finnerty for their dedicated service to Washington.

APPROVAL OF MINUTES:

By motion of Councilmember Pitt, seconded by Councilmember Kane, Council approved the minutes of February 8, 2021 as presented.

VOTE: minutes	**YES**	**NO**
Mayor Pro tem Brooks	**x**	
Councilmember Finnerty	**x**	
Councilmember Kane	**x**	
Councilmember Pitt	**x**	
Councilmember Renn	**x**	

APPROVAL/AMENDMENTS TO AGENDA:

By motion of Councilmember Renn, seconded by Mayor Pro tem Brooks, Council approved the agenda as presented.

VOTE: agenda	**YES**	**NO**
Mayor Pro tem Brooks	**x**	
Councilmember Finnerty	**x**	
Councilmember Kane	**x**	
Councilmember Pitt	**x**	
Councilmember Renn	**x**	

CONSENT AGENDA:

By motion of Councilmember Pitt, seconded by Councilmember Kane, Council approved the Consent Agenda as presented.

VOTE: consent agenda	**YES**	**NO**
Mayor Pro tem Brooks	**x**	
Councilmember Finnerty	**x**	
Councilmember Kane	**x**	
Councilmember Pitt	**x**	
Councilmember Renn	**x**	

A. Authorize – Manager to sign pre-application for the Public Access Grant to Washington Wetlands Boardwalk Reconstruction Phase II **(copy attached)**

B. Approve – Audit Contract for Fiscal Year 2021 **(copy attached)**

C. Adopt – Ordinance to Amend the Grant Project Ordinance for DEQ Wetlands Boardwalk Reconstruction Phase I Grant #8084 in the amount of $82,000. **(copy attached)**

D. Adopt – Ordinance to Amend the Grant Project Ordinance for Kayak Access Launch **(copy attached)**

COMMENTS FROM THE PUBLIC:

Scott Campbell spoke to Council regarding the Carter house and noted in his professional opinion, the property is appropriately priced. The property at 738 West Main sold for $75,000 and, 756 w. 2nd Street sold for $65,000, both were dilapidated houses. Both lots are twice the size of 415 W. 2nd Street.

Don Stroud 127 E. 2nd Street and president of WAHF, asked Council to please consider selling the Carter House. This would preserve the streetscape and the contributing structure.

SCHEDULED PUBLIC APPEARANCES:

CYCLE NC

Jonathan Russell, City Manager noted the April Cycle NC dates are postponed until November 5-7, due to the current constraints relating to COVID. Council, by consensus agreed to moving the event to November 5-7 assuming that conditions continue to improve with COVID and as long as the event stays within the guidelines issued by the Governor at that time.

The City Manager will forward a letter of support to Cycle NC advising them that Council is in agreement with moving the dates to November 5, 6, 7.

CORRESPONDENCE AND SPECIAL REPORTS:

MEMO – PO'S > $50,000

(accepted as presented)

The following budgeted purchase orders that are in excess of $50,000 have been issued for the month:

Amount	Vendor	Description
$75,000.00	Stantec Consulting Services	15th Street Corridor Project Manager
$95,000.00	TJ's Marine Construction	Waterfront Dock Addition

DRAFT

MEMO – BUDGET TRANSFERS
(accepted as presented)

	Department	Account Number	Object Classification	Amount
FROM:	010-4650	4501	Economic Development	2,500
TO:	010-6124	7400	Capital Outlay	2,500

For the purpose of: Bid for dock expansion higher than budget due to lumber prices.

	Department	Account Number	Object Classification	Amount
FROM:	010-6130 010-6130	7400 7400	Capital Outlay Capital Outlay	10,200 82,000
TO:	010-4400 010-4400	9203 9203	Transfer to Grants Transfer to Grants	10,200 82,000

For the purpose of: Transfer from Recreation Capital to grant projects: $10,200 Kayak Access Grant, $82,000 DEQ Wetlands Boardwalk

	Department	Account Number	Object Classification	Amount
FROM:	010	4400	5701	6330.00
TO:	010 010	4111 4120	7000 7000	2110.00 4220.00

For the purpose of: To cover cost of computers not previously budgeted.

REPORTS FROM BOARDS, COMMISSIONS AND COMMITTEES:
REPORT – BROWN LIBRARY ANNUAL REPORT *(accepted as presented)*

Brown Library will celebrate their 110-year anniversary on March 17. Council thanked the library staff for their extraordinary efforts during the pandemic.

DRAFT

GEORGE H. & LAURA E. BROWN LIBRARY WASHINGTON, N.C.

The wave of your future...

122 Van Norden St.
Washington, N.C. 27889
(252) 946-4300

MONDAY - SATURDAY
9:00 AM - 6:00 PM
SUNDAY
Closed

2020 Annual Report

The George H. & Laura E. Brown Library provides resources and information to broaden educational and personal horizons to strengthen the community.

https://washington-nc.libguides.com/home

Library Board of Trustees

Steve Moler, Chairman
Mara Graves, Secretary
Laura Toth, Trustee
Barbara Grimes, Trustee
Rick Gagliano, Vice Chairman
Joanna Rieg, Trustee
Leesa Jones, Trustee
Betsy Kane, City Council Liaison

Library Staff

Sandra Silvey, Library Director
Kimberly Davenport, Technical Services Supervisor
Teresa Patti, Circulation Supervisor
Jennifer Mills, Technical Services Assistant
Rhianna Clipperton, Circulation Assistant
Terry Rollins, Youth Services Supervisor
Stephen Farrell, Reference Specialist/Genealogy
Elizabeth Tankard, Technical Services Specialist
Sharon Alligood, Circulation Assistant
Perry Harper, Custodian

Year in Review 2020

The George H. and Laura E. Brown Library is the heart of our community and its staff and Trustees are firm in the belief that the library is **the** place for all the citizens of Washington and Beaufort County to meet and learn. Our library has served Washington, North Carolina, and surrounding communities since 1911. We strive every year to improve our services and resources. This past year has been challenging in so many ways. 2020 not only changed the conduct of everyday life in the community but affected the delivery of all library services. On March 13, 2020 at 5pm, the library closed to the public. Most of the staff started working remotely. The public was notified to keep its items until we got new procedures in place to safely return them. We had to establish new procedures for providing services to the public and, at the same time, for keeping our staff safe. We immediately started working on ways to reach our community without any contact. We increased our online presence by offering online story times and activities to engage our customers. The online presence also offered an opportunity to see the staff's faces and let the community know we were still here offering services. On May 11th we reopened our book drop and put out a call to have all items returned. Quarantine and disinfectant protocols were adopted and strictly followed. On June 8th curbside pickup and craft bags began. Demand for our curbside service and kits has increased each month.

Year in Review 2020

The Friends of the Brown Library are supporters of the George H. and Laura E. Brown Public Library. They provide volunteers, advocacy, furnishings, materials, and supplemental funds for projects that are beyond the library's budget. The revenue gained from the Friends Annual Book Sale increased again this year. In 2020 some of the projects that were funded:

- Children's and Teen's summer reading programs and Harry Potter Day
- New e-books and CD's and other materials
- Licenses to use special computer programs, including Ancestry.com
- Materials for the preservation of items in the history room
- Additional funds for 65" JTouch Mondopad system for video conferencing
- Heavy Duty Paper trimmer for History Room

Brown Library by the numbers: 2020
The Pandemic Pivot

15,510
Patrons served in the building
January 1 - March 13

80,404
Circulation of all materials

346%
Increase in usage of Streaming Services

75.8%
Increase in Facebook Engagement

28.5%
Increase in Website Traffic

142.9%
Increase in Instagram Engagement

1700%
Increase in NC Live Database Usage

The library pivoted to a phone and digital environment on March 14th to ensure the staff's and community's safety. The library's online resources were available to patrons 24/7.

On June 8th, the library began curbside service, which was well-received by the community.

Online programming and curbside pick-up kits for all ages were very successful. Statistics confirmed that all services provided are in great demand by our community.

Brown Library in action 2020

Connected @ Home Summer Library Program

Digital Escape Room

Curbside Kits for Kids

Curbside Craft Kits for Teens

A Harry Potter Halloween Drive-Thru

New Tech: Playaway Launchpads

Virtual Cookbook Club

Virtual Story Times & Crafts

Looking Ahead

2021 Goals

- Provide Adult and Youth programming, and resources that meet the needs of our community. To reassess programming needs post pandemic.
- Reestablish community partnerships that have been dormant during the pandemic. Build new partnerships in our community.
- Acquire software to digitize and make accessible to the public the History Room's collection.
- Continue to refine library expansion and fundraising plans to accommodate our community's evolving technology, collection, and programming needs.

Steve Moler, Chairman

Mara Graves, Secretary

Laura Toth, Trustee

Barbara Grimes, Trustee

Leesa Jones, Trustee

Joanna Rieg, Trustee

Rick Gagliano, Vice Chairman

Betsy Kane,
City Council Liaison
Sworn in 12-9-2019

REPORT – WASHINGTON-WARREN AIRPORT ADVISORY BOARD

(accepted as presented)

Washington-Warren Airport Advisory Board Meeting

February 9, 2021

The meeting was called to order at 10:01 by Board Chairman Roy Whichard. In attendance was Roy Whichard, Wayne Woolard, Trent Tetterton (Zoom) Jessica Green, Roland Wyman (Zoom), Earl Malpass, and Jonathan Russell. Eric Mitchell and Bill Plaster (both tenants of the Airport) where guests. Agenda and previous meeting minutes were approved. Trent Tetterton requested a closed session to discuss potential board new board member(s). Roy Whichard recommended doing that during Informal Discussion time of the Agenda. All agreed.

Roland Wyman gave an update on the subcommittee's progress, which involved what information the members have gathered, stage of completion of certain sections, and stated that Councilman Renn, City Manager, and Earl Malpass are in discussion regarding the how best to align the Airport's reporting, Financial, Operations, structure to be incorporated into the Long Term Strategic Business Plan. Mr.

Wyman turned it over to Councilman Renn, who explained these meetings were exploring the concept of a "virtual business." Although not a perfect match, WTDA was referred to as an example which could be considered.
Two tenants were introduced to the committee, Bill Plaster and Eric Mitchell.
Jonathan Russell gave the budget report. No red flags, and budget is on track, considering being 50% through the FY. He also commented that he would be meeting with Councilman Renn and Earl Malpass this week to discuss potential plans for structure and future marketing and growth.
*Earl Malpass gave the monthly operations report via PowerPoint. Fuel sales are trending up and January's sales surpassed the previous two years. He reported Talbert & Bright, Inc was selected to be the Airport's Engineering Consultant was approved by the Council. Earl informed the Board that Grady-White Boats announced they would not be moving their aviation department to OCW. The decision was based on facts that OCW has no control over. *The timber appraisal was received, reviewed, and Earl passed his recommendation on to the City Manager and was given approval to move forward. Earl Malpass stated Doug Boyd had passed on the property owner's contact info regarding harvesting trees off the approach end of 17.*
*Unfinished business: Hangar A lease to Mission Air Care still in progress. *OCW Long Term Strategic Business Plan still in progress.*
Informal discussion included interview potential candidates of Board, and the need to amend the Board's Bylaws.
Meeting was adjourned at 12:05.
Respectfully submitted,
Earl Malpass

REPORT – ANTHONY TYRE, HUMAN RELATIONS COUNCIL

(absent)

REPORT – VANESSA DUNN, WASHINGTON HOUSING AUTHORITY

January 28, 2021 -2020 Annual Report
Executive Summary
To the Washington Housing Authority Board of Commissioners:

It is with pleasure I submit the Annual Report of the Washington Housing Authority (WHA) for 2020.

During the past year, Washington Housing Authority (WHA) was faced with an unprecedented situation…how to operate efficiently and effectively during a worldwide pandemic. Seemingly overnight, tried, and true day to day processes and procedures were tested. Suddenly, the need for personal protective equipment (PPE) was critical. Hand sanitizer was in high demand and low supply. Face to face interactions were no longer a safe option to interact with our residents. Trainings and seminars were cancelled as the world around us began to shut down.

However, WHA adjusted, and began to implement new processes and procedures to ensure we continued to serve our residents. WHA's Board adopted an official electronic meetings procedure to ensure we were able to continue the business of the organization without interruption.

WHA continued to make physical improvements to its various housing communities as more clearly noted in the Capital Fund section of this report. This work continues and more is scheduled in the upcoming year.

DRAFT

As a result of the pandemic, WHA received additional funding from Congress through the CARES Act. These funds allowed the agency to invest in the children in our communities as well as much needed technological upgrades in the agency and PPE for our staff.

WHA adopted a new Five-Year Plan in accordance with the Department of Housing and Urban Development (HUD) regulations. This plan will be the compass to guide WHA over the next five years as we continue to make physical improvements to our properties. WHA received written approval from HUD December 28, 2020.

WHA paid the City of Washington $44,171.99 in 2020 as payment in lieu of taxes (PILOT). The WHA received a score of 96% for the Section Eight Management Assessment Program (SEMAP), which is a "High Performer". Due to the coronavirus outbreak, HUD did not issue a PHAS score for FY 2020; therefore, the agency remains designated as a "High Performer" in the public housing program.

WHA applied for the renewal of the Family Self-Sufficiency (FSS) grant and was awarded with continued funding for the next calendar year in the amount of $45,000.00. Additionally, WHA applied for the Resident Opportunity and Self Sufficiency grant (ROSS), which would allow WHA to expand the resident services department in a more meaningful and impactful way.

The ROSS grant requires WHA to partner with various community agencies. WHA received partnership commitments from the following agencies:

- *Beaufort County Public Health Department*
- *Beaufort County Department of Social Services*
- *Beaufort County Community College*
- *Literacy Volunteers of Beaufort County*

As we embark on our 60th year of service to the City of Washington and Beaufort County...the WHA has upcoming challenges, however, I believe WHA will not only overcome those challenges but will emerge as a better well-managed organization. With the Board of Commissioners continued support and a well-trained dedicated staff, the future is truly bright for us as an organization. I am grateful to be a part of it.

Respectfully Submitted,

Vanessa L. Dunn, MPA
Executive Director

APPOINTMENT: BROWN LIBRARY BOARD OF TRUSTEES

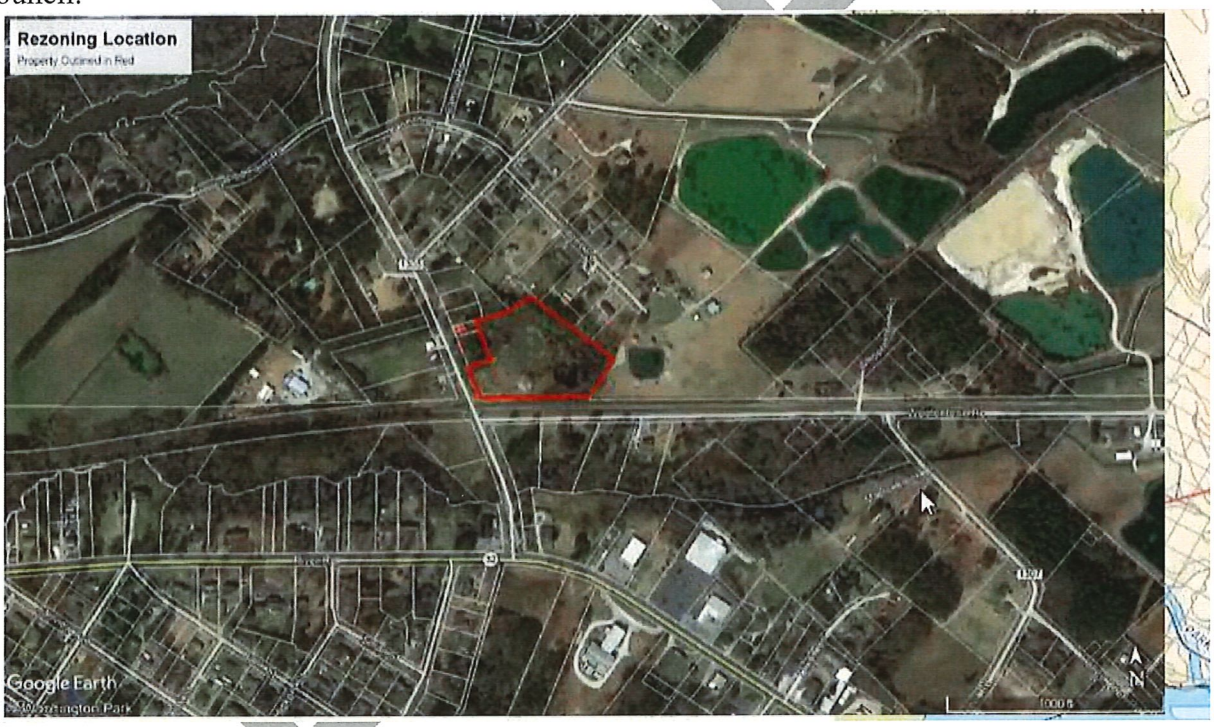
By motion of Councilmember Kane, seconded by Mayor Pro tem Brooks, Council appointed Ray Midgett to the Library Board of Trustees to fill the un-expired term of Rick Gagliano, term to expire June 30, 2021.

VOTE: Library Appointment	YES	NO
Mayor Pro tem Brooks	x	
Councilmember Finnerty	x	
Councilmember Kane	x	

Councilmember Pitt	**x**	
Councilmember Renn	**x**	

PUBLIC HEARING 6:00PM - ZONING:
REQUEST – BY STEVE FUCHS TO REZONE 4.98 ACRES (PARCEL #5685-76-7123) FROM RA20 (RESIDENTIAL AGRICULTURE) TO O&I (OFFICE & INSTITUTIONAL)

Mayor Sadler opened the public hearing at this time and Jonathan Russell, City Manager provided background and findings on the request. A request by Steve Fuchs to rezone a 4.98 acre parcel of land on Brick Kiln Road, just northeast of its intersection with Whootentown Road. The property is identified by the Beaufort County Tax Office as parcel #5685-76-7123 and is currently zoned RA20 (Residential Agricultural). The proposed zoning requested is O&I (Office & Institutional). The future land use map recommends office and institutional and medium density residential development for this area. In Staff's opinion the requested zoning is compatible with the existing land uses in the area and meets the intent of the Comprehensive Plan and Future Land Use Map. On February 23, 2021, the Planning Board held a public hearing on the request. After the hearing and discussion, the Board voted 2-3 on a motion to approve the request and the motion failed, then the Board voted 4-1 on a motion to deny the rezoning request. Based on this vote the Planning Board recommends denial of the rezoning request to City Council.



City of Washington NORTH CAROLINA

Rezoning Request Staff Report

Development Services, Planning & Zoning Division

Request: Rezoning – Steve Fuchs

Parcel #: 5685-76-7123

Lot Size: 4.98 acres

Existing Zoning: RA20 (Residential Agricultural)

Proposed Zoning: O&I (Office & Institutional)

Required Notices:

Adjoining property owner notices were mailed and a notice sign was placed on the property on February 26, 2021. The public hearing notice advertisement dates were February 24, 2021 and March 6, 2021.

Surrounding Land Uses and Zoning:

The land uses within the subject property's area are primarily residential with some mixed use commercial areas just to the south along River Road. The adjacent properties to the east and west are zoned RA20, the property to the north is zoned R15S (Residential) and the properties to the south are zoned RA20 and O&I. Just to the south in the mixed use area there are some tracts zoned O&I and B-2.

Development Notes:

This parcel was the subject of two rezoning request that were heard and denied by City Council in April and July of 2020. The first request was for R15S zoning and the second was for O&I zoning.

The subject property is located in the City Limits and is outside of any flood zone.

Water and Sewer are available to the subject property.

Comprehensive Plan:

The future land use map recommends office and institutional and medium density residential development for this area. There is a mixed use area just to the south of the subject property with areas of O&I and B-2 zoning districts. In Staff's opinion the requested zoning meets the intent of the Comprehensive Plan's Future Land Use Map.

Planning Board Action:

On February 23th, 2021, the Planning Board held a public hearing on the request. After the hearing and discussion, the Board made the following motion:

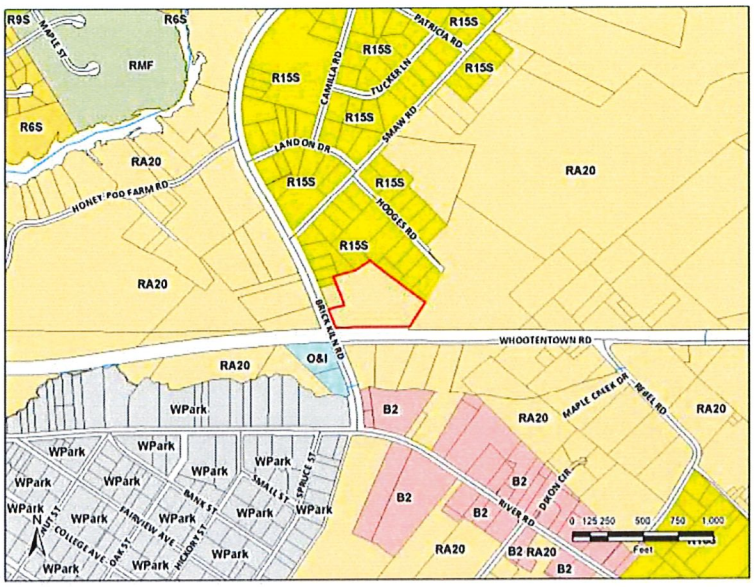
Motion to recommend approval of the proposed rezoning request, to advise that it is consistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters

The Planning Board voted 2 to 3 and the motion failed.

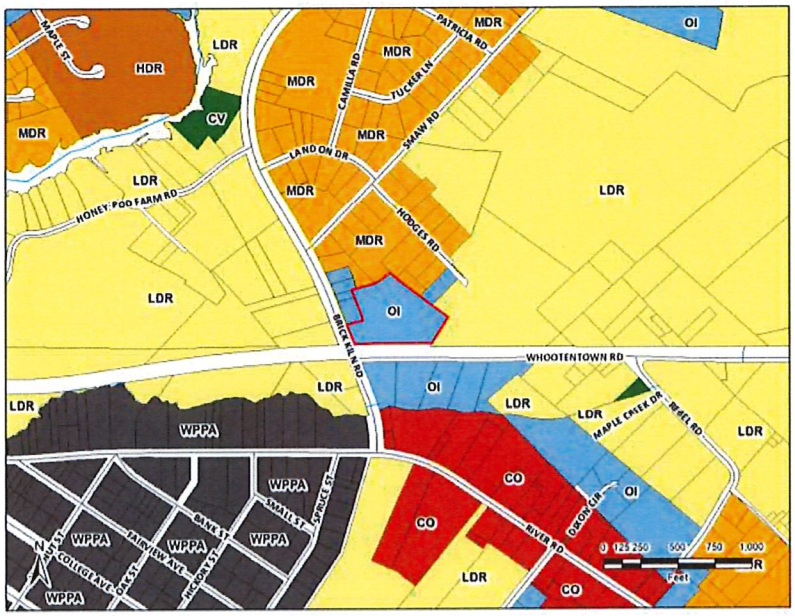
The Board also made the following motion:

"Motion to deny the proposed rezoning request"

The Planning Board voted 4 to 1 to recommend denial of the Rezoning Request.



Zoning Map – Steve Fuchs



Future Land Use Map – Steve Fuchs

City of Washington NORTH CAROLINA

DEPARTMENT OF PLANNING AND DEVELOPMENT

RA20 RESIDENTIAL AGRICUTURAL DISTRICT

RA20 ZONING DISTRICT		
Permitted Uses	**Permitted Use Subject to Specific Developmental Standards**	**Special Uses**
Accessory Uses & Structures	Agricultural Production (livestock)	Cemeteries/Mauseleoms
Agricultural Production (crops)	Animal Feeder/Breeder	Civic, Trade, or Business Org.
Auto Park Lots, Grade Level	Animal Services (livestock)	Clubs or Lodges
Churches	Animal Services (other)	Country Clubs/Golf Courses
Common Area Recreation	Athletic Fields	Elementary or Secondary Schools
Fish Hatcheries	Daycare Centers, Adult (5 or less)	Flowers, Nursery Stock, Supplies
Forestry	Daycare Centers, Child (5 or less)	Golf Courses
Gardens	Family Care Homes (6 or less)	Golf Course, Miniature
Horticultural Specialities	Fire Stations	Golf Driving Ranges
Pump Stations	Home Occupation	Logging & wood, Raw Materials
Retreat Centers	Kennels or Pet Grooming	Migrant Labor Housing
SF Detached Dwellings	Police Stations	Orphanages
Shelters, Emergency	Public Parks	Recreation Facilities (other)
Utility Lines & Appurtenances	Public Recreation Facilities	RV Parks or Campsites
Utility Substations	Riding Stables	School Admin. Facilities
Veterinary Services	Satellite Dishes/TV/Radio Antennas	Sports Instructional Schools
Veterinary Services (livestock)	Swimming Pools	Swim and Tennis Clubs
Wayside Stand, Farm Produce	Temporary Events	Telecommunication Towers
		Theaters, outdoors
		Tourist Homes, B & B

O AND I OFFICE AND INSTITUTIONAL DISTRICT

O&I		
Permitted Uses	**Developmental Standards**	**Special Use Permits**
Acc. Dwelling Units, Attached	Athletic Fields	Care Taker Dwellings
Accessory Uses and Structures	Board & Room Houses (4 or less)	Dare Care Centers, Adult (6 or more)
Account, Audit or Bookkeeping	Dare Care Centers, Adult (5 or less)	Day Care Centers, Child (6 or more)
Ad Agencies or Representatives	Day Care Centers, Child (5 or less)	Drug Stores
Admin or Management Services	Elementary or Secondary Schools	Fraternities or Sororities
Ambulance Services	Family Care Homes (6 or less)	Musical Instrument Sales
Auto Park Lots,Grade Level	Government Offices	Restaurants, Conventional
Banks, Savings or Credit Unions	Home Occupation	Restaurants, Fast Food
Barber Shops	Kennels or Pet Grooming Facilities	Telecommunication Towers
Beauty Shops	Libraries	
Churches	Public Parks	
Clubs or Lodges	Public Recreation Facilities	
Comm or Broadcasting Facilities	Satellite Dishes/T.V. & Radio Ant.	
Common Area Recreation	Swimming Pools	
Computer Services	Temporary Events	
Congregate Care Facility		
Courier Service Substations		
Econ, Soci, Educ. Research		
Employment Agencies		
Engineer, Architect, or Survey		
Finance or Loan Offices		
Fire Stations		
Funeral Homes or Crematoriums		
Gardens		
Group Care Facilities		
Hospitals		
Hotels or Motels		
Insurance Agencies (no on site)		
Insurance Agencies (on site)		
Internal Service Facilities		
Law Offices		
Medical or Dental Labs		
Medical, Dental, or Related Off		
Multi-Family Dwellings		
Museums or Art Galleries		
Noncommercial Research Org.		
Nursing & Convalescent Homes		
Office Uses Not Classified		
Optical Goods Sales		
Orphanages		
Photocopying & Dupl Services		
Photography Studios		
Photography, Commercial		
Physical Fitness Centers		
Police Stations		
Post Offices		
Psychiatric Hospitals		
Pump Stations		
Real Estate Offices		

O AND I OFFICE AND INSTITUTIONAL DISTRICT

	O&I	
Permitted Uses		
Rehab. Or Counseling Services		
School Admin. Facilities		
Shelter, Emergency		
Single Family Dwellings		
Specialty Hospitals		
Stock, Sec, or Comm Brokers		
Swim and Tennis Clubs		
Tanning Salons		
Tourist Homes, B&B		
Travel Agencies		
Utility Company Offices		
Utility Lines and Appurtenances		
Utility Substations		
Veterinary Services		
Video Tape Rental & Sales		
Voca, Busi, or Secre. Schools		

SumrellSugg
ATTORNEYS AT LAW

Aaron D. Arnette
aarnette@nclawyers.com

February 22, 2021

Mr. Franz Holscher, Esq.
320 North Market Street
Washington, NC 27889

RE: Steven Fuchs Rezoning Petition
Our File No. 100651.02

Dear Mr. Holscher:

This firm represents Mr. Steven Fuchs with regard to issues that have arisen from Mr. Fuchs' attempts to rezone property located at the intersection of Brick Kiln Road and Whootentown Road (hereinafter "Subject Parcel"). The Subject Parcel is approximately 4.98 acres and bears tax identification number 5685-76-7123. Specifically, the record of the proceedings following Mr. Fuchs' rezoning requests demonstrates that the City of Washington (hereinafter "City") violated Mr. Fuchs' right to equal protection under the law as provided by the North Carolina and United States Constitutions. Mr. Fuchs was treated in a discriminatory manner compared to similarly situated property owners when his rezoning requests were arbitrarily and capriciously denied without any connection to, or consideration of, legitimate governmental interests.

The Subject Parcel is currently zoned RA20 (Residential Agricultural). However, the City 2013-2023 Comprehensive Land Use Plan provides for an eventual rezoning of the Subject Parcel to the O&I (Office and Institutional) classification. On February 25, 2020, Mr. Fuchs brought a request to rezone the Subject Parcel to R15S (Residential) before the City Planning Board. Seven parcels of land adjacent to the Subject Parcel are zoned R15S. The Planning Board unanimously recommended approval of the rezoning to the City Council. At the March 9, 2020 City Council meeting, City staff opined that the requested rezoning was compatible with the existing land uses in the area and that the requested rezoning generally meets the intent of the Comprehensive Plan and Future Land Use Map.

However, the City Council immediately indicated opposition to Mr. Fuchs' request without giving the request due consideration and without stating a legitimate basis for the City Council's opposition. Mayor Pro Tem Sadler asked Mr. Fuchs what his plans were for the property, demonstrating that Mr. Sadler had concerns about certain specific land uses allowed under the R15S zoning classification rather than considering all of the permitted uses in the R15S zoning classification. That evening, the City Council did not vote on the rezoning request and tabled the matter until the April 13, 2020 meeting.

416 Pollock Street
P.O. Drawer 889
New Bern, NC 28563
252-633-3131 (Office)
800-272-6369 (Toll Free)
252-633-3507 (Fax)
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P.O. Box 1555
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Sumrell Sugg, P.A.
www.nclawyers.com

At the beginning of the City Council's discussion at the April 13, 2020 meeting, the councilmembers made comments that proved their decisions on the rezoning request that evening were made on arbitrary and capricious bases without consideration of legitimate governmental interests. Councilwoman Finnerty stated that the City Council should simply listen to the neighbors, noting the opposition of some neighboring property owners due to the possibility that multi-family dwellings could be constructed on an R15S-zoned property with a special use permit. Councilwoman Finnerty noted that the key difference between the two zoning classifications was the ability to construct multi-family dwellings, stating that that must be the reason Mr. Fuchs requested the rezoning. Clearly, Councilwoman Finnerty did not consider all of the potential land uses permitted on R15S-zoned properties. Councilman Pitt also voiced his opposition to the rezoning request on the basis that neighboring property owners opposed the rezoning request.

Councilman Brooks went even further, indicating his experience on the Planning Board made him categorically opposed to rezoning once zoning is in place because the neighborhood "has already been set up." The City Council voted to deny the rezoning request, with councilmembers concluding that they should "listen to the citizens." Presumably, this includes the citizen who vocally spoke out against the rezoning and stated as part of her reasoning that Mr. Fuchs would control the Board of Adjustment's decision on any future special use permit even if he recused himself. In voting to deny the rezoning request, the City Council did not consider the Comprehensive Land Use Plan, nor did the City Council explain why the Subject Parcel should be treated differently from the eight adjoining parcels which are currently zoned R15S.

As permitted under the Zoning Ordinance, Mr. Fuchs, through his agent and option-holder Mike Weaver, subsequently submitted a second rezoning request which was heard by the Planning Board on June 23, 2020. This time, the request was for the property to be rezoned from RA20 to O&I, consistent with the Comprehensive Plan and Future Land Use Map. This request was also consistent with parcels bearing tax identification numbers 5685-75-4533 and 5685-75-3711, directly across the intersection of Brick Kiln Road and Whootentown Road from the Subject Parcel, and for which a rezoning request to O&I was granted by the City Council in 2003. Mr. Weaver gave a detailed presentation and the Planning Board once again unanimously recommended that the City Council approve the rezoning request.

However, at the July 13, 2020 City Council meeting, the City Council again failed to impartially preside over a fair hearing. After hearing from a few citizens in favor of the rezoning and a few citizens voicing vague, generalized concerns about traffic and drainage, the City Council voted to deny the rezoning request, despite the fact that the requested rezoning is consistent with the City's Comprehensive Land Use Plan.

Similar to the March and April City Council meetings, the City Council did not provide any bases for its decision that were connected to legitimate governmental interests and made

comments demonstrating arbitrary and capricious reasons for denying Mr. Fuchs' request. At one point, a councilmember discussed an anecdote of a developer walking around his neighborhood improperly lobbying children to increase support for a proposed project. Later in the meeting, a councilmember discussed his personal experience of hiring a lawyer to oppose rezoning in the councilmember's neighborhood. One councilmember surveyed the audience to see where the citizens in opposition to the rezoning request reside. Yet another councilmember acknowledged that the rezoning request was consistent with the City's Comprehensive Land Use Plan, but said, "There is nothing unusual about a City Council revisiting such things." It is my understanding that, to date, the City has not amended its Comprehensive Land Use Plan.

Ultimately, it was clear that the denial of the rezoning request was the result of personal biases against rezoning and of extreme deference to a handful of citizens who opposed the rezoning request. The deference to the opposing citizens was so extreme that the motion to deny the rezoning request was "due to the reasons expressed by the neighboring citizens." The City Council as a whole even recognized in the motion to deny the rezoning request that the rezoning request was consistent with the Comprehensive Land Use Plan. Interestingly, the motion to deny the rezoning request articulated no specific basis to support the denial.

To summarize, the conduct of the City Council in the March, April, and July regular meetings resulted in the denial of Mr. Fuchs' constitutional right to equal protection under the law. More specifically, members of the City Council:

1. Voted to deny both rezoning requests, despite unanimous approval from the Planning Board and the fact that the rezoning requests were consistent with City's Comprehensive Land Use Plan.
2. Although the motion to deny the rezoning requests specifically noted that Mr. Fuchs' requests were consistent with the City's Comprehensive Land Use Plan, the motions failed to articulate any reasoning or rational basis for denying Mr. Fuchs' requests.
3. Failed to provide any justification for treating Mr. Fuchs differently from the adjacent and similarly situated property owners whose properties are zoned R15S and those who received a rezoning of their property to O&I in 2003.
4. Demonstrated on numerous occasions that its members have personal biases against specific uses permitted in the zoning classifications requested by Mr. Fuchs.
5. Expressed opposition to rezoning in general.
6. Cast their votes on the basis of the generalized, vague, and evidence-lacking assertions of a few neighboring property owners without performing a proper analysis of the rezoning request in the context of governmental interests.
7. Acted arbitrarily and capriciously in disregarding the City's Comprehensive Land Use Plan.

I believe that the City Council's actions as described above will support a claim for equal protection violations, as well as claims that the Council's decisions to deny the rezoning requests were arbitrary and capricious, and I further believe that both of these claims will support an award of attorney fees, which I doubt would be covered by insurance.

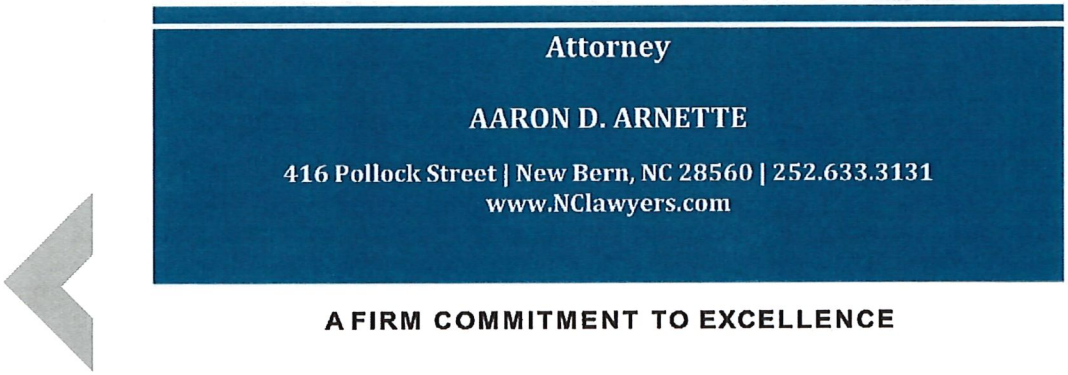
I respectfully request that you contact me at your earliest convenience to discuss possible solutions to this matter. I look forward to hearing from you.

Sincerely,

Aaron D. Arnette

Aaron Arnette, SumrellSugg Attorneys at Law, spoke to Council on behalf of Steve Fuchs and reviewed the following exhibits. All Council members acknowledged receiving the following exhibits from the City Clerk.

Steven Fuchs
Rezoning Request



Introduction

Mr. Steven Fuchs owns a parcel of real property located at the intersection of Brick Kiln Road and Whootentown Road (hereinafter "Subject Parcel"). The Subject Parcel contains approximately 4.98 acres and bears tax identification number 5685-76-7123. Currently, the Subject Parcel is zoned RA20. Nine parcels adjacent to the Subject Parcel are zoned R15S. Two parcels adjacent to the Subject Parcel are zoned RA20. Directly across the intersection of Brick Kiln Road and Whootentown Road are two parcels which were originally zoned RA20, but which contain portions that were rezoned to O&I in 2003. Mr. Fuchs is requesting that the Subject Parcel be rezoned to O&I, consistent with the City's Comprehensive Land Use Plan and Future Zoning Map.

History

Mr. Fuchs purchased the Subject Parcel on June 12, 2018. When Mr. Fuchs purchased the Subject Parcel, the Subject Parcel was in a state of disrepair and dilapidation. The Subject Parcel was the former site of Wiley's Lumber Mill. Vestiges of the lumber mill, trash, and a decaying mobile home remained on the property. Immediately upon purchasing the Subject Parcel, Mr. Fuchs invested time and financial resources to clean up the property.

In February, 2020, Mr. Fuchs submitted a Rezoning Request Application in which Mr. Fuchs requested that the City Council rezone the Subject Parcel from RA20 to R15S. While the uses permitted in each of the two zoning classifications are similar in many ways, the permitted uses in RA20 zoning are limited by other City ordinances. R15S zoning would allow Mr. Fuchs a greater number of permitted uses for the Subject Parcel. At the February 25, 2020 Planning Board meeting, the Planning Board found that the proposed rezoning from RA20 to R15S was consistent with the City's Comprehensive Land Use Plan and unanimously recommended that the City Council approve Mr. Fuchs' rezoning request.

At the March 9, 2020 City Council meeting, City staff informed the City Council that staff found the rezoning request to be in conformance with the City's Comprehensive Land Use Plan. However, the City Council denied the rezoning request at the April 13, 2020 City Council meeting. After waiting the required amount of time, Mr. Fuchs, through his agent and option-holder, Mike Weaver, filed an additional Rezoning Request Application. This time, Mr. Fuchs requested that the Subject Parcel be rezoned to O&I.

At the June 23, 2020 Planning Board meeting, City Staff once again informed the Planning Board that the requested rezoning was consistent with the Comprehensive Land Use Plan and Future Land Use Map. After the Planning Board unanimously recommended that the City Council approve the rezoning request, the City Council once again denied Mr. Fuchs' request to rezone the property at the City Council's July 13, 2020 meeting.

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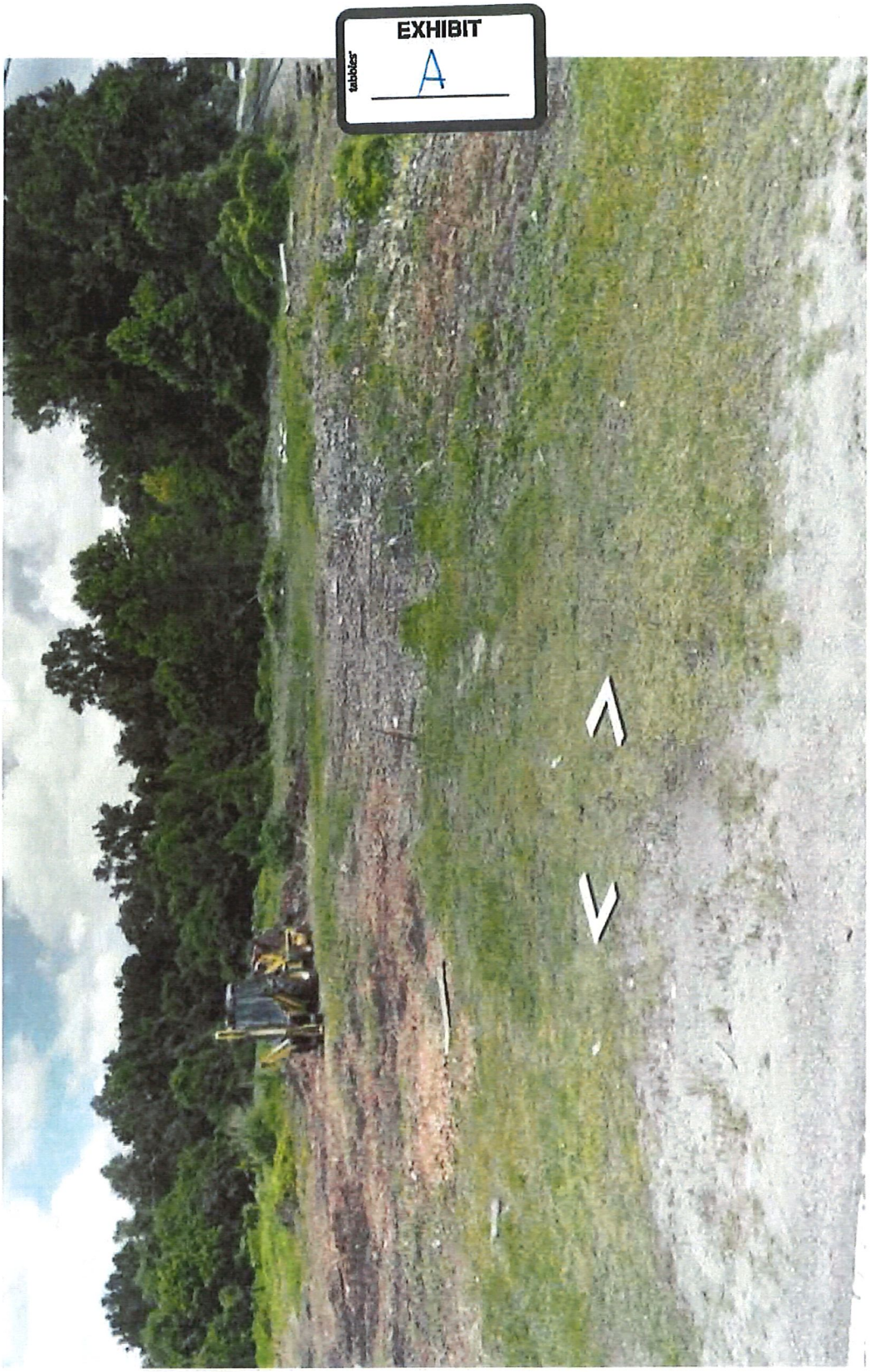
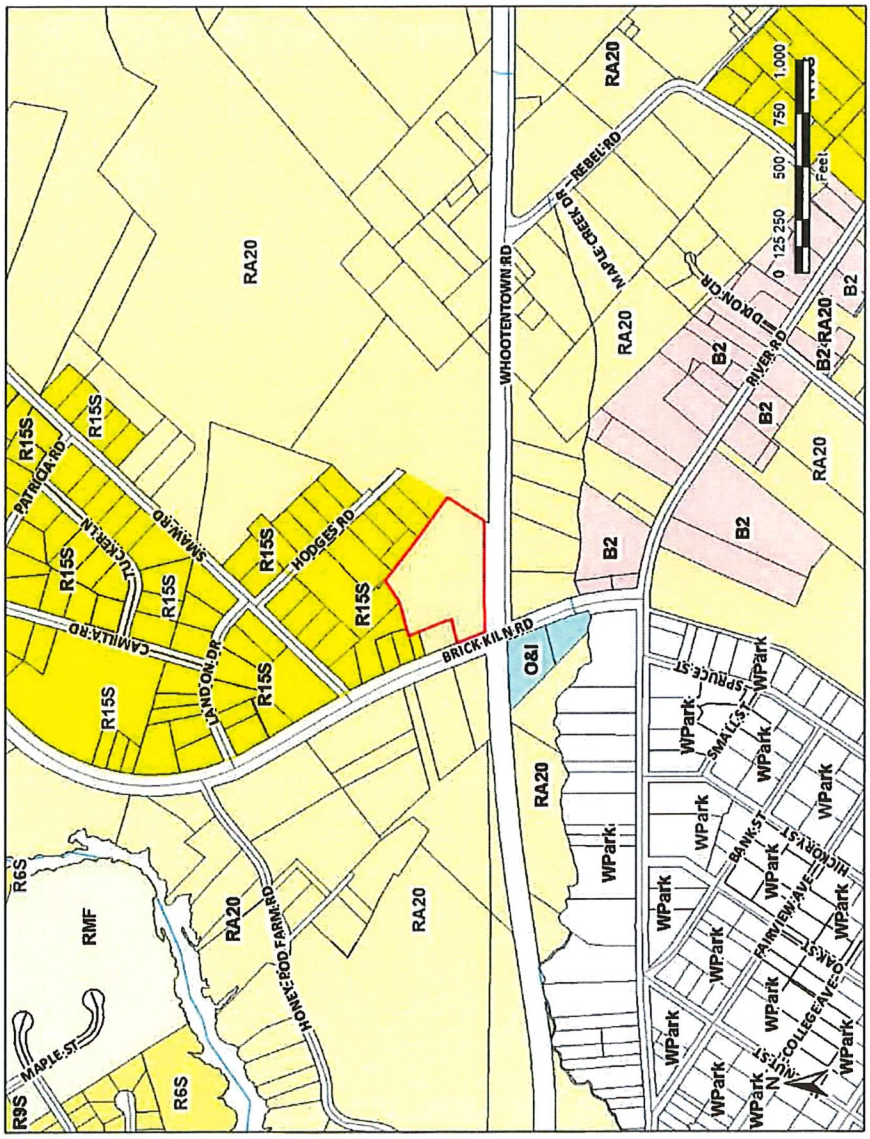


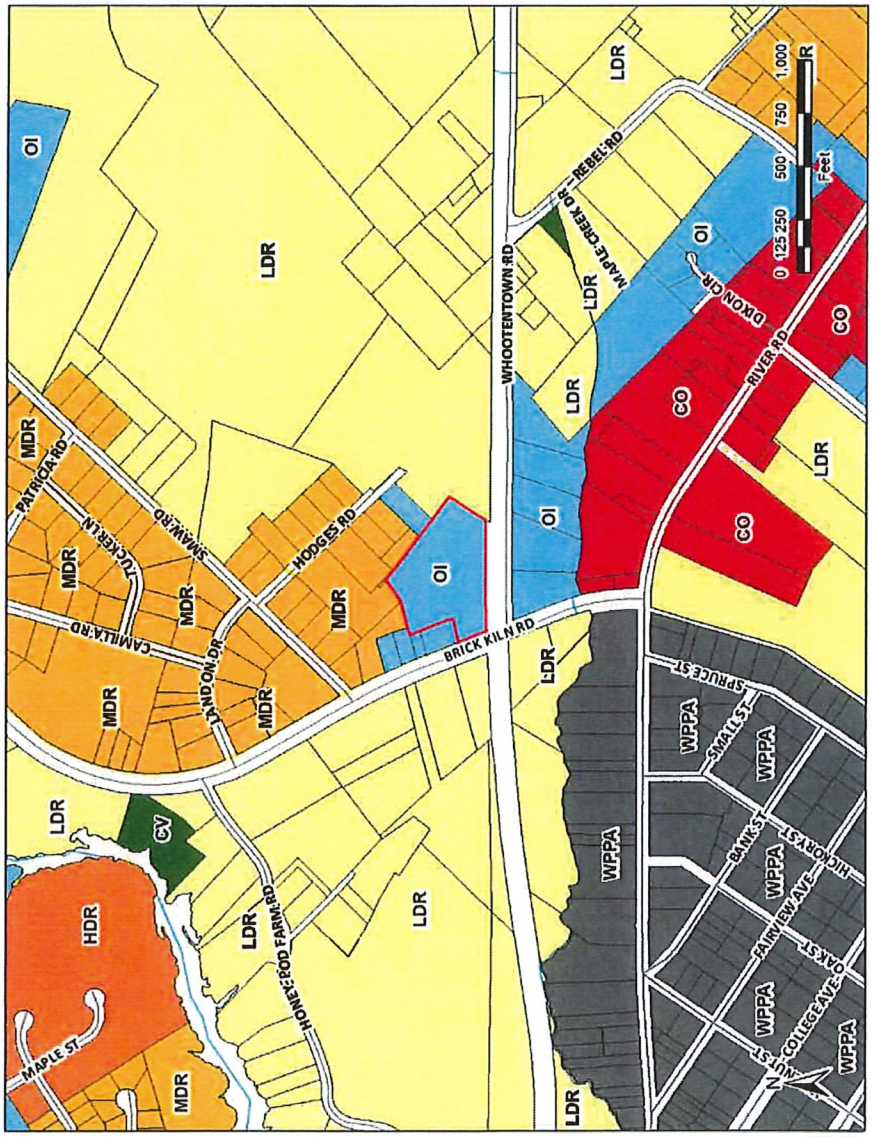
EXHIBIT
A

EXHIBIT
B

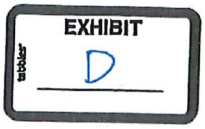


Zoning Map – Steve Fuchs

EXHIBIT
C



Future Land Use Map – Steve Fuchs



Mayor Donald Sadler
City of Washington
Washington, NC 27889

February 26, 2021

Mayor Sadler,

My name is Jean Ferguson and I live at 113 Hodges Rd., Washington, NC. My deceased Husband Joe and I build our house on Hodges Rd in the 1960s and I have been a lifelong resident of this community. Being a lifelong resident I believe gives me the right to express my thoughts about the rezoning of the Wiley Mill property which is directly behind my house.

The Wiley lumber mill has not been in operation for the past 25 years. I was pleased when Mr. Fuchs bought the property and started cleaning it up. The look of the land has greatly improved. Many years ago when Mr. Wiley operated the lumber mill he dug the small pond on the property and moved some the land around which created a drainage and standing water problem behind several houses in the neighborhood. That moving around of the land caused water to stand behind many homes, especially Ms. Nellie Moores house and the old McCullough Heirs house too. Those areas were already very low and now have a standing water problem when it rains heavily.

I believe that if the property could be rezoned to allow for development then those issues could be fixed and the whole area's look would be greatly improved. There is alot of land there and I feel surely that there is enough land to develop without there ever being a problem with any neighbors property. There also would not be an increased traffic problem on Hodges Road because there is no access to Hodges Road from the Wiley Mill.

Having lived on Hodges Road most of my life, I am in favor of granting the rezoning to Mr. Fuchs. Everyone who owns property on Hodges Road knew that the day would come when the Wiley Mill land would be bought and developed by someone. I think Mr. Fuchs should be given the chance to develop the land and be treated fairly, the same as all of us on Hodges Road would wish to be treated.

I will not be attending the City Council meeting on March 8, 2021 but I give my Grandson, Bryan Hill, permission to speak on my behalf.

Thank You,

Jean H. Ferguson

Jean Ferguson

EXHIBIT
E

February 19, 2021

Dear Honorable Mayor Sadler,

I am writing this letter **In Support** of the rezoning request of the Wiley Mill Property made my Mr. Steven Fuchs.

For too long this property was abandoned, trashed, overgrown, and contained an unsightly old single wide mobile home. Mr Fuchs has done a great job so far to clean up the property and make the neighborhood look alot better.

I believe that if the City Council would be progressive enough to rezone the property then it could be properly developed which would include additional cleaning up and leveling of the property, bringing in needed fill material, which would fix any drainage problems, and provide needed landscaping and fencing . All this would be a great benefit to the community. Since the property contains 5 acres, it appears to me that leaves plenty of space for development without adversely affecting any neighbors property.

As an **Adjoining** property owner who has **Standing** in this rezoning request, I am totally **In Favor** of changing the zoning from RA 20 to O&I.

I can be reached at 252-940-8527 if there are any questions.

Thank You,

Tony W. Keech

Tony W. Keech Sr.

3482 River Rd.

Washington, NC 27889

Mr. Arnette reviewed the history of the previous rezoning requests as well as previous comments made by Council members and citizens. He said Mr. Fuchs is asking Council to follow the City's Land Use Plan and approve his rezoning request. If Council denies his request again, Mr. Fuchs would have no other option but to consider asserting claims against the city for the violation of his equal protection rights.

Franz Holscher, City Attorney referred to the exhibits that Mr. Arnette previously reviewed with Council. Mr. Holscher reviewed the claim from Mr. Arnette regarding "equal protection rights".

Public hearing comments in favor:

Dot Moate, Planning Board member stated she was unable to attend the last Planning Board meeting. She noted the request does meet the intent of the comprehensive plan and sees no reason why this should not be approved. Just because the neighbors do not like the idea, this is no reason to deny the request.

Mr. Arnette reviewed two letters of support in his exhibit.

Public hearing comments opposed:

Earnest Moore and his mother, Nellie Moore are opposed to the request as they want to live in a quiet single-family dwelling neighborhood. His family has lived in that area for eight generations.

Dorrian Miller spoke in opposition of the rezoning request. Everything around the property is RA20 or R15 single-family homes. There are drainage issues in this area. Mr. Fuchs purchased the property knowing what it was zoned, he has plenty of options under RA20 to develop his property. She said no one is trying to stop him from developing his property, they just do not want it rezoned. They do not want extra pavement that would increase drainage problems. She is respectfully asking Council to deny the rezoning request.

Jason Regal stated he and his neighbors are against the request. They have invested money, sweat, time, etc. into this community. This community was chosen by the residents for its population density and single-family homes. He says "no" to the rezoning request. He discussed a previous presentation by Mr. Weaver last year regarding the prior rezoning request. The property owners do not want any of the proposed uses in O&I. He said a comment was made by Mr. Fuchs that he would just put a pig pen on the property if the rezoning request was not approved.

There were no additional questions from Council at this time.

Aaron Arnette stated he appreciated all the comments and concerns. He stated Earnest Moore's opposition is based on personal animosity or disputes with Mr. Fuchs. He continued by saying Ms. Miller's concerns are in regard to drainage, but any drainage issues were not caused by Mr. Fuchs, but were caused by the previous owner of the mill. He said Ms. Miller also noted only single family homes are around the property. All the individuals surrounding Mr. Fuchs property are zoned R15S and it seems unfair that they would oppose his previous request of R15S when that is what their property is zoned. Mr. Arnette commented that if Mr. Regal purchased his property after 2013 then the comprehensive plan shows this area as O&I. In regard to the statement that Mr. Fuchs said he would put hogs on this

property, he would not do that even though he could be permitted under the RA20 zoning, he is not that kind of neighbor.

Dorrian Miller spoke again and acknowledged Mr. Fuchs did clean up the property and it looks 200% better, but he pushed debris into the ditch, which causes drainage issues.

There being no additional comments, the public hearing was closed at this time.

By motion of Councilmember Renn, seconded by Councilmember Finnerty, Council made the following motion: Upon due consideration of the 2013 Comprehensive Plan as well as the Future Land Use Map, the recommendation of the Planning Board, information submitted by staff as well as the applicant, and any comments received during the public hearing for and against the rezoning requests, I move that Council deny the request to rezone the 4.98 acre tract located at the intersection of Brick Kiln Road and Whootentown Road from RA20 to O&I and adopt the following statement. Although the request is generally compatible with the City's current Comprehensive Plan and Future Land Use Map, the proposed rezoning and its permissible uses would be detrimental to the landowners and community surrounding as well as nearby the tract. In making this determination, we have considered, among other things, the following factors: the size, physical conditions, and other attributes of the tract; the likelihood of increased traffic and overall commerce within a primarily single-family residential area; the relationship the possible incompatible O&I development would have on the tract and adjoining areas to the current actual and permissible uses of the tract and surrounding property; and the public interest in maintaining the safety, welfare and character of the single-family residential community within the area.

In light of this decision and previous decisions concerning this tract as well as nearby properties, the City is in the process of initiating a revision of its Comprehensive Plan and Future Land Use Map to conform them to this decision and the previous decisions made regarding this tract and surrounding properties.

The motion carried 4-1 with Council members Renn, Finnerty, Brooks and Kane voting for the motion and Councilmember Pitt voting against.
**Following the 24-hour required period after the public hearing, no written comments were received; therefore, the motion became effective 3-8-21.*

VOTE: Fuchs Rezoning	**YES**	**NO**
Mayor Pro tem Brooks	**x**	
Councilmember Finnerty	**x**	
Councilmember Kane	**x**	
Councilmember Pitt		**x**
Councilmember Renn	**x**	

<u>REQUEST</u> – BY WILLIAM PAGE TO REZONE 9.76 ACRES (PARCEL #5676-07-3128) FROM R15S (RESIDENTIAL) TO O&I (OFFICE & INSTITUTIONAL) AND TO REZONE 35.54 ACRES (PARCEL # 5666-96-0374) FROM R15S (RESIDENTIAL) TO RA20 (RESIDENTIAL)

Mayor Sadler opened the public hearing at this time and Mike Dail presented the following request to Council. A request by Mr. William Page to rezone 9.76 acres from RISS (Residential) to O&I (Office & Institutional) and to rezone 35.54 acres from RISS (Residential) to RA20 (Residential). The

DRAFT

subject property is located on the south side of US Highway 264 and east of Cherry Run and is identified by the Beaufort County Tax Office as parcel #'s 5676-07-3128 and 5666-96-0374.
The Future Land Use Map recommends light industrial development for this area and office and institutional development along the US Highway 264 corridor. In Staffs opinion the requested zoning is compatible with the existing land uses and zoning designations in the area even though the request is not in specific compliance with the Future Land Use Map. On February 23, 2021, the Planning Board held a public hearing on the request. After the hearing and discussion, the Board voted unanimously to recommend approval of the rezoning request to City Council.

City of Washington
NORTH CAROLINA

Rezoning Request
Staff Report

Development Services,
Planning & Zoning Division

Request: Rezoning – Mason Lumber

Parcel #: 5676-07-3128 and 5666-96-0374

Lot Size: 45.3 acres total

Existing Zoning: R15S (Residential) and O&I (Office & Institutional)

Proposed Zoning:

9.76 acres rezoned from R15S (Residential) to O&I (Office & Institutional) and 35.54 acres rezoned from R15S (Residential) to RA20 (Residential)

Required Notices:

Adjoining property owner notices were mailed and a notice sign was placed on the property on February 26, 2021. The public hearing notice advertisement dates were February 24, 2021 and March 6, 2021.

Surrounding Land Uses and Zoning:

The subject property is currently undeveloped. Single-family residential, multi-family residential, commercial, office and industrial uses exist around the property and along US 264 near the property. The adjacent property to the north is zoned I-2 (Light Industrial) and B-2 (Business Commercial). The adjacent property to the east is zoned O&I (Office & Institutional). The adjacent property to the south is zoned I-1 (Heavy Industrial).

Development Notes:

The subject property is located in the City Limits.

A large portion of the property is located within the 100-year flood plain of Cherry Run which boarders the property along the north.

Water and Sewer are available to the subject property.

Comprehensive Plan:

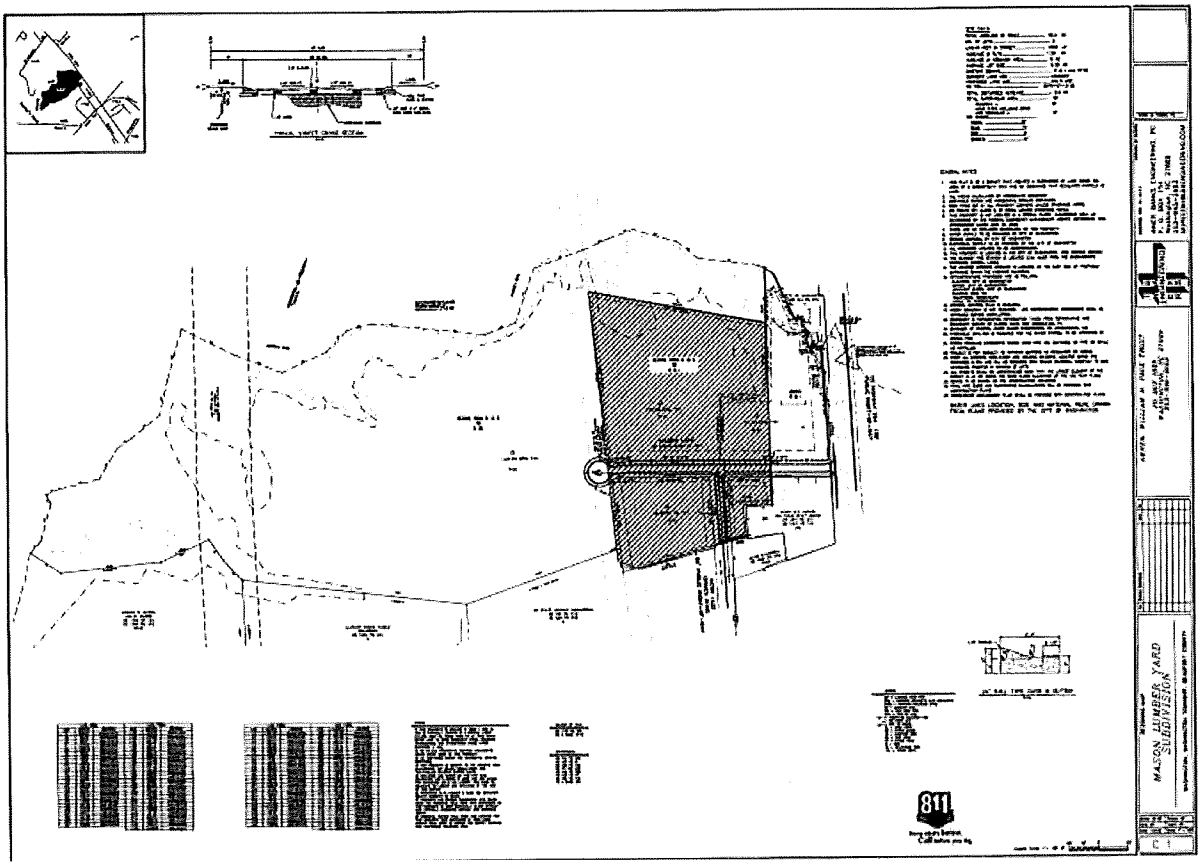
The Future Land Use Map recommends light industrial development for this area and office and institutional development along the US Highway 264 corridor. In Staff's opinion the requested zoning is compatible with the existing land uses and zoning designations in the area even though the request is not in specific compliance with the Future Land Use Map.

Planning Board Action:

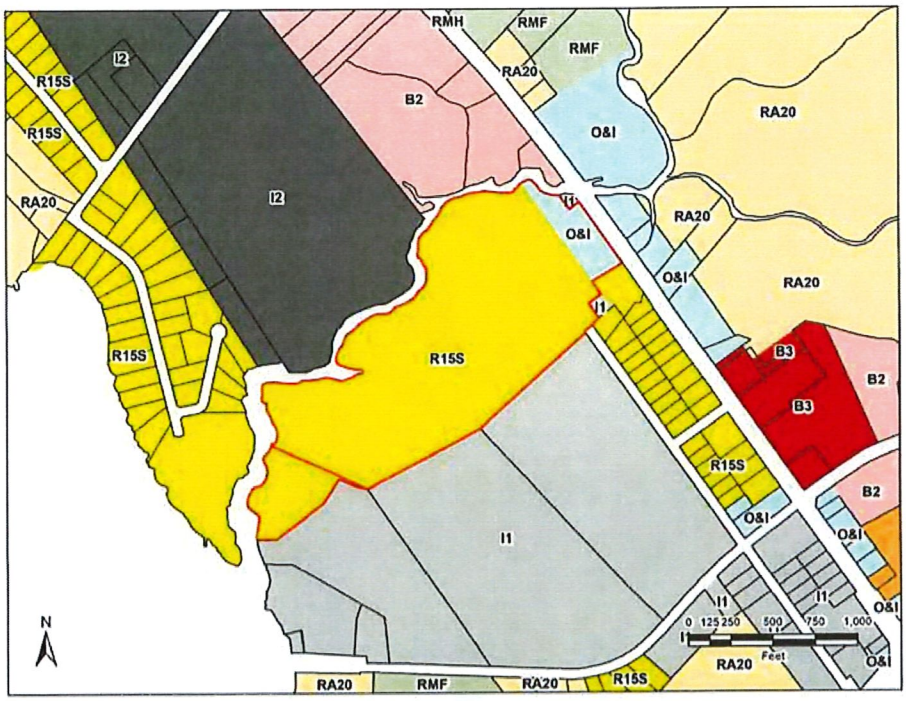
On February 23th, 2021, the Planning Board held a public hearing on the request. After the hearing and discussion, the Board made the following motion:

"Motion to recommend approval of the proposed rezoning request, to advise that although it the request is not specifically consistent with the comprehensive plan, the request is generally acceptable and compatible with existing uses and zoning designations in the area."

The Planning Board voted to recommend approval of the Rezoning Request.

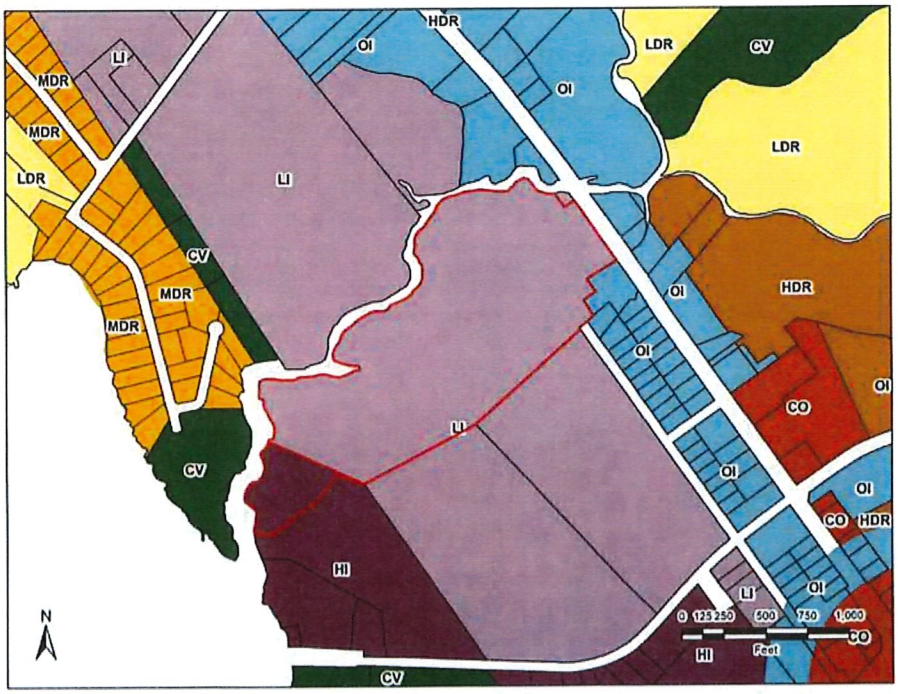


Location Map - Mason Lumber



Zoning Map - Mason Lumber

Floodplain Map - Mason Lumber



Future Land Use Map – Mason Lumber

City of Washington NORTH CAROLINA

DEPARTMENT OF PLANNING AND DEVELOPMENT

RA20 RESIDENTIAL AGRICUTURAL DISTRICT

RA20 ZONING DISTRICT		
Permitted Uses	**Permitted Use Subject to Specific Developmental Standards**	**Special Uses**
Accessory Uses & Structures	Agricultural Production (livestock)	Cemeteries/Mauseleoms
Agricultural Production (crops)	Animal Feeder/Breeder	Civic, Trade, or Business Org.
Auto Park Lots, Grade Level	Animal Services (livestock)	Clubs or Lodges
Churches	Animal Services (other)	Country Clubs/Golf Courses
Common Area Recreation	Athletic Fields	Elementary or Secondary Schools
Fish Hatcheries	Daycare Centers, Adult (5 or less)	Flowers, Nursery Stock, Supplies
Forestry	Daycare Centers, Child (5 or less)	Golf Courses
Gardens	Family Care Homes (6 or less)	Golf Course, Miniature
Horticultural Specialities	Fire Stations	Golf Driving Ranges
Pump Stations	Home Occupation	Logging & wood, Raw Materials
Retreat Centers	Kennels or Pet Grooming	Migrant Labor Housing
SF Detached Dwellings	Police Stations	Orphanages
Shelters, Emergency	Public Parks	Recreation Facilities (other)
Utility Lines & Appurtenances	Public Recreation Facilities	RV Parks or Campsites
Utility Substations	Riding Stables	School Admin. Facilities
Veterinary Services	Satellite Dishes/TV/Radio Antennas	Sports Instructional Schools
Veterinary Services (livestock)	Swimming Pools	Swim and Tennis Clubs
Wayside Stand, Farm Produce	Temporary Events	Telecommunication Towers
		Theaters, outdoors
		Tourist Homes, B & B

R15S ZONING DISTRICT		
Permitted Uses	**Permitted Use Subject to Specific Developmental Standards**	**Special Uses**
Accessory Uses & Structures	Athletic Fields	Cemeteries/Mausoleums
Agricultural Production (crops)	Day Care Centers, Adult (5 or less)	Churches
Auto Park Lots, Grade Level	Day Care Centers, Child (5 or less)	Country Clubs/Golf Courses
Common Area Recreation	Family Care Homes (6 or less)	Elementary or Secondary Schools
Gardens	Fire Stations	Golf Courses
Pump Stations	Home Occupation	Golf Driving Ranges
SF Detached Dwellings	Police Stations	Multifamily Dwellings
Shelters, Emergency	Public Parks	Swim and Tennis Clubs
Utility Sustations	Public Recreation Facilities	Telecommunication Towers
Utitlity Lines & Appurtenances	Satellite Dishes/TV/Radio Antennas	Two Family Dwell (twin & dup.)
	Swimming Pools	
	Temporary Events	

O AND I OFFICE AND INSTITUTIONAL DISTRICT

O&I		
Permitted Uses	**Developmental Standards**	**Special Use Permits**
Acc. Dwelling Units, Attached	Athletic Fields	Care Taker Dwellings
Accessory Uses and Structures	Board & Room Houses (4 or less)	Dare Care Centers, Adult (6 or more)
Account, Audit or Bookkeeping	Dare Care Centers, Adult (5 or less)	Day Care Centers, Child (6 or more)
Ad Agencies or Representatives	Day Care Centers, Child (5 or less)	Drug Stores
Admin or Management Services	Elementary or Secondary Schools	Fraternities or Sororities
Ambulance Services	Family Care Homes (6 or less)	Musical Instrument Sales
Auto Park Lots,Grade Level	Government Offices	Restaurants, Conventional
Banks, Savings or Credit Unions	Home Occupation	Restaurants, Fast Food
Barber Shops	Kennels or Pet Grooming Facilities	Telecommunication Towers
Beauty Shops	Libraries	
Churches	Public Parks	
Clubs or Lodges	Public Recreation Facilities	
Comm or Broadcasting Facilities	Satellite Dishes/T.V. & Radio Ant.	
Common Area Recreation	Swimming Pools	
Computer Services	Temporary Events	
Congregate Care Facility		
Courier Service Substations		
Econ, Soci, Educ. Research		
Employment Agencies		
Engineer, Architect, or Survey		
Finance or Loan Offices		
Fire Stations		
Funeral Homes or Crematoriums		
Gardens		
Group Care Facilities		
Hospitals		
Hotels or Motels		
Insurance Agencies (no on site)		
Insurance Agencies (on site)		
Internal Service Facilities		
Law Offices		
Medical or Dental Labs		
Medical, Dental, or Related Off		
Multi-Family Dwellings		
Museums or Art Galleries		
Noncommercial Research Org.		
Nursing & Convalescent Homes		
Office Uses Not Classified		
Optical Goods Sales		
Orphanages		
Photocopying & Dupl Services		
Photography Studios		
Photography, Commercial		
Physical Fitness Centers		
Police Stations		
Post Offices		
Psychiatric Hospitals		
Pump Stations		
Real Estate Offices		

	O&I	
Permitted Uses		
Rehab. Or Counseling Services		
School Admin. Facilities		
Shelter, Emergency		
Single Family Dwellings		
Specialty Hospitals		
Stock, Sec, or Comm Brokers		
Swim and Tennis Clubs		
Tanning Salons		
Tourist Homes, B&B		
Travel Agencies		
Utility Company Offices		
Utility Lines and Appurtenances		
Utility Substations		
Veterinary Services		
Video Tape Rental & Sales		
Voca, Busi, or Secre. Schools		

Mayor Sadler opened the floor for comments at this time. No one was present to speak on Mr. Page's behalf. There being no comments from the public, Mayor Sadler closed the public hearing at this time.

By motion of Mayor Pro tem Brooks, seconded by Councilmember Renn, Council made the following motion: Upon due consideration of the 2013 Comprehensive Plan as well as the Future Land Use Map, the unanimous recommendation of the Planning Board, information submitted by staff as well as the applicant, and any comments received during the public hearing for and against the rezoning requests, I move that Council approve the request to rezone 9.76 acres from R15S to O & I and to rezone 35.54 acres from R15S to RA20 and adopt the following statement. Although the request is generally inconsistent with the City's current Comprehensive Plan and Future Land Use Map, the proposed rezonings and related permissible uses are more compatible with, and beneficial to, the land owners, community surrounding as well as nearby the subject property, and the existing land uses as well as zoning designations in the area. In making this determination, we have considered, among the above and other things, the following factors: the size, physical conditions, and other attributes of the tract as well as the public interest in maintaining the welfare and character of the adjacent properties as well as community within the area.

Councilmember Kane expressed concerned that the applicant was not present to review the request with Council. She asked if the request is inconsistent with the land use map, why would the Planning Board approve the rezoning. Mr. Russell noted the request is consistent with the surrounding developments.

All voted in favor and the motion carried.

**Following the 24-hour required period after the public hearing, no written comments were received, therefore the motion became effective 3-8-21.*

VOTE: Page Rezoning	**YES**	**NO**
Mayor Pro tem Brooks	**x**	
Councilmember Finnerty	**x**	
Councilmember Kane	**x**	
Councilmember Pitt	**x**	
Councilmember Renn	**x**	

DRAFT

RESOLUTION OF THE CITY OF WASHINGTON
FOR A PROPOSED ZONING MAP AMENDMENT

WHEREAS, The City of Washington received a request to rezone 9.76 acres from R15S (Residential) to O&I (Office & Institutional) and 35.54 acres from R15S (Residential) to RA20 (Residential) on the south side of US Highway 264 and east of Cherry Run. The property is identified by the Beaufort County Tax Office as parcel numbers 5676-07-3128 and 5666-96-0374 and is further described in Deed Book 1739, Page 356 of the Beaufort County Register of Deeds; and

WHEREAS, effective January 1, 2006, North Carolina General Statute 160A-383 requires that "prior to adopting or rejecting any zoning amendment" each local governing board "shall adopt a statement describing whether its action is consistent with an adopted comprehensive land use plan and explaining why the board considers the action taken to be reasonable and in the public interest"; and

WHEREAS, this zoning request was duly advertised and was the subject of a public hearing by the Council of the City of Washington on March 8, 2021; and

WHEREAS, following said public hearing, the City Council of the City of Washington hereby finds that the proposed rezoning request is consistent with the comprehensive plan or any other officially adopted plan that is applicable and is both reasonable as well as in the public interest because it is designed to promote the public health, safety and/or general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Washington, North Carolina that, the proposed rezoning of the subject parcel presented by the Planning Board be approved.

Adopted this 8th day of March 2021.

ATTEST:
s/Cynthia S. Bennett
City Clerk

s/Donald R. Sadler
Mayor

PUBLIC HEARING 6:00PM- OTHER:
APPROVE – AMENDMENTS TO THE SIDEWALK USAGE SECTION OF THE WASHINGTON HISTORIC DISTRICT DESIGN GUIDELINES

The City Manager reviewed the request with Council. With the completion of the Streetscape Improvement Project of Main Street, there is increased opportunity for use of the widened sidewalks by pedestrians and commercial businesses. There have been a number of inquiries into the utility of the widened sidewalks for outdoor dining and the display of merchandise. Staff was directed by Council to review and amend the Sidewalk Usage Guidelines to concur with the completion of the Streetscape Improvement Project. Proposed amendments were reviewed by the HPC at their January and February meetings. There was also the opportunity for public comment on the proposed amendments during these HPC meetings. At the February 2, 2021 HPC meeting the Commission voted unanimously to recommend City Council approve the proposed amendments to the design Guidelines.

Domini Cunningham, Preservation Planner reviewed the proposals with Council.

WASHINGTON, NC – HISTORIC DISTRICT DESIGN GUIDELINES

Existing Guidelines

Sidewalk Furniture Guidelines

4.8.1 Outdoor display of merchandise is permitted provided:

- It is directly in front of the business with which it is associated.
- It does not extend more than four (4) feet past the front building wall.
- There is five (5) feet of space for the clear passage of pedestrians between the street and display
- It does not block ingress or egress into any building
- Merchandise on display is related and also for sale inside the principal use.
- A permit is obtained from the Planning Office.

4.8.2 Sidewalk dining is permitted within the downtown commercial district provided that the business owner has obtained a permit from the Planning Office stating that it meets all codes related to sidewalks, and:

- The placement of tables, chairs and other furnishings must be done in such a manner that at least five (5) feet of unobstructed space (as measured from the street-side edge of the sidewalk) remains on the sidewalk or pedestrian way for the passage of pedestrians.
- No fire exits or lanes may be blocked.
- The sidewalk dining area is associated with and located directly in front its associated use.
- The placement of street furnishings does not extend past the side property lines of the associated building.
- It meets all other codes related to sidewalk dining.

4.8.3 Any sidewalk furniture being placed by a private property owner must be approved by the Historic Preservation Commission.

4.8.4 Sidewalk furniture should enhance the streetscape and the site on which they are located. Appropriate materials include wood and metal. Plastic, vinyl, or contemporary styled elements detract from the historic quality of the streetscape and should not be used. Avoid any highly ornate design that would misrepresent the history of the area.

4.8.5 Benches and garbage receptacles must meet all city requirements and be similar in design to existing furniture.

Proposed Guidelines

Sidewalk Usage Guidelines

4.8.1 Outdoor furniture and the display of merchandise is permitted within the downtown commercial district provided:

- It is directly in front of the business with which it is associated and does not extend past the side walls of the of the business.
- It does not extend more than four (4) feet past the front building wall.
- There is a minimum of five (5) feet of space for the clear passage of pedestrians on all sides between the back of the curb facing the establishment or any other encumbrances (tree pits, benches, garbage receptacle, light poles, utility boxes, etc.) and the merchandise being display displayed. Additional clearance from handicap ramps may be required. This standard may reduce the four (4) foot display area width allowed.
- No fire exits or lanes may be blocked.
- It does not block ingress or egress into any building, a minimum of four (4) feet width between merchandise displays must be maintained to allow for ingress and egress into any building and/or business.
- Merchandise on display is associated with and also for sale inside the principal use.
- The outdoor furniture and/or merchandise must be removed from the sidewalk at the close of business each day.
- Sandwich board signs or any other sign shall not be placed in the five (5) foot clearance area reserved for the passage of pedestrians.

4.8.2 Outdoor dining is permitted on the sidewalk within the downtown commercial district provided that the business owner has obtained an encroachment agreement from the City delineating the area to be used and COA approval for any furniture and/or temporary barriers installed. An ABC Permit is also required for the outdoor dining area if alcohol is to be served in this area. Outdoor dining is subject to the following:

- There is a minimum of five (5) feet of space on the sidewalk and/or passageway for the clear passage of pedestrians on all sides between the back of the curb facing the establishment or any other encumbrances (tree pits, benches, garbage receptacles, light poles, utility boxes etc.) and the placement of tables, chairs, other furnishings and temporary barriers. Additional clearances from handicap ramps maybe required.
- In some instances, it may be appropriate to orient the outdoor dining area nearest the curb based on existing conditions present in front of the business. A five (5) foot clearance area must remain in order for the safe passage of pedestrians. This determination will be made by staff prior to issuing an encroachment agreement to the business owner and will be on a case by case basis.
- No fire exits or lanes may be blocked.

Proposed Guidelines

- It does not block the ingress or egress for any building, a minimum of four (4) feet width between placement of tables, chairs, other furnishings and temporary barriers must be maintained to allow ingress and egress for any building and/or business.
- The sidewalk dining area is associated with and located directly in front its associated use.
- The placement of street furnishings or temporary barriers does not extend past the side walls of the associated business.
- It meets all ABC codes related to the outdoor serving of alcohol.
- Furnishings and temporary barriers must be easily removable and shall not be permanently attached to the sidewalk.
- Sandwich board signs or any other sign shall not be placed in the five (5) foot clearance area reserved for the safe passage of pedestrians.
- Business owners shall be responsible for the removal of any trash or debris within the outdoor dining area and the immediate vicinity prior to the close of business each day.

4.8.3 Any sidewalk furniture being placed by a private property owner must meet the requirements of the Design Guidelines. Sidewalk furniture is defined as tables, umbrellas associated with tables, chairs, and heating lamps.

4.8.4 Sidewalk furniture should enhance the streetscape and the site on which they are located. Appropriate materials include wood, metal, and plastic lumber (trex, polywood, etc.). Avoid any highly ornate design that would misrepresent the history of the area.

4.8.5 Benches and garbage receptacles must meet all city requirements and be similar in design to existing furniture.

WASHINGTON, NC - HISTORIC DISTRICT DESIGN GUIDELINES

APPENDIX A.2 MINOR / MAJOR WORKS

Commission Approval (Major Work)	Staff Approval (Minor Work)	No COA Required (Routine Maintenance)
▪ New Construction or additions to primary building ▪ Exterior alternations to principal elevations of buildings ▪ Demolition of any structure ▪ Relocation of any structure ▪ Removal of accessory structures of historical significance ▪ Construction of new accessory structures ▪ Construction or removal of chimneys when made of brick ▪ Alteration, addition or removal of existing deck ▪ Construction of new decks ▪ Construction of new driveways ▪ Removal of live trees greater than 6" in diameter ▪ New or expanded parking areas ▪ Construction, addition, or removal of porches or steps ▪ Changes to historic roof features ▪ Construction, addition or removal of swimming pools ▪ Installation of new windows and doors ▪ Alteration of exterior surfaces ▪ Substantial changes to COA ▪ Renewal of expired COA on projects of substantial proportion ▪ Installation of outdoor furniture associated with outdoor dining	▪ Addition, or repair of existing accessory structures ▪ Replacement of synthetic siding ▪ Addition, or repair of existing awning & shutters ▪ Installation of new awnings and shutters when appropriate ▪ Repair or replace existing siding, windows, doors, (no change) ▪ Construction of appropriate fences, walls or hedges ▪ Repair or replacement of exposed foundations (no change) ▪ Installation or replacement of gutters ▪ Emergency removal of dead diseased, or dangerous trees ▪ Removal of deteriorated accessory buildings (non-contributing) ▪ Repair of existing masonry ▪ Installation or removal of HVAC or mech. equipment (rear yard) ▪ Repair or replacement of existing porches (no change) ▪ Installation or appropriate signs ▪ Installation of satellite dishes & TV antennas (rear yard) ▪ Repair of existing stairs and steps ▪ Repair, replacement, or construction of walkways ▪ Installation of storm windows and doors ▪ Replacement of existing roof coverings (no change) ▪ Installation of outdoor furniture not associated with outdoor dining ▪ Outdoor furniture associated with a business to remain outside over night	▪ Painting ▪ Repair or replacement of existing driveways & walks (no change) ▪ Repair or replacement of existing fences or walls (no change) ▪ Repair or replacement of existing gutters or downspouts (no change) ▪ Minor plantings or clearing of overgrown bushes & shrubs ▪ Tree removal (less than 6" in diameter) ▪ Repair or replacement of exterior lighting fixtures (no change) ▪ Repairs, including repointing, to existing masonry ▪ Repair or replacement of existing parking lots (no change) ▪ Repair or existing roof coverings (no change) ▪ Repair or replacement of existing signs (no change) ▪ Repair to existing swimming pools ▪ Construction of wooden trellises in rear yard ▪ Repair or replacement of existing sidewalks ▪ Window air conditioners at rear elevations. ▪ Outdoor merchandise or furniture to be removed at the end of each business day

Mr. Cunningham noted a survey was provided to the business owners and the results were neutral.

Mayor Sadler opened the public hearing.

Scott Campbell spoke concerning this item noting it was fairly well vetted by the merchants and urges Council to accept the recommended changes.

There being no additional comments from the public, Mayor Sadler closed the public hearing at this time.

By motion of Councilmember Pitt, seconded by Councilmember Finnerty, Council accepted the recommendation of the Historic Preservation Commission and approved the amendments to the sidewalk usage section of the City of Washington Historic District Design Guidelines.

**Following the 24-hour required period after the public hearing, no written comments were received, therefore the motion became effective 3-8-21.*

VOTE: HPC Guidelines	**YES**	**NO**
Mayor Pro tem Brooks	**x**	
Councilmember Finnerty	**x**	
Councilmember Kane	**x**	
Councilmember Pitt	**x**	
Councilmember Renn	**x**	

OLD BUSINESS:

ADOPT – RESOLUTION AND AUTHORIZE MAYOR TO EXECUTE CIVIC CENTER LEASE

BACKGROUND AND FINDINGS: Current one-year lease expires June 30, 2021. The proposed lease is for a one-year term, fixes the City subsidy at $35,000/year, and includes a 50/50 profit sharing provision between the two entities based on the change in net assets as reported in the independent auditors report.

By motion of Mayor Pro tem Brooks, seconded by Councilmember Kane, Council adopted the resolution, which authorizes the Mayor to execute the lease agreement for the Civic Center with the TDA.

(copy attached)

VOTE: Civic Center lease	**YES**	**NO**
Mayor Pro tem Brooks	**x**	
Councilmember Finnerty	**x**	
Councilmember Kane	**x**	
Councilmember Pitt	**x**	
Councilmember Renn	**x**	

AUTHORIZE – CITY MANAGER TO EXECUTE THE WASHINGTON POLICE DEPARTMENT LEASE RENEWAL AGREEMENT OF 1385 JOHN SMALL AVENUE

BACKGROUND AND FINDINGS: The Washington Police Department received flooding during Hurricane Florence and has been temporarily moved to 1385 John Small Avenue. The proposed lease renewal has an expiration date of March 24, 2023.

By motion of Mayor Pro tem Brooks, seconded by Councilmember Finnerty, Council approved and authorized the City Manager to execute the Washington Police Department lease renewal agreement of 1385 John Small Avenue.

(copy attached)

VOTE: PD lease	**YES**	**NO**
Mayor Pro tem Brooks	**x**	
Councilmember Finnerty	**x**	
Councilmember Kane	**x**	
Councilmember Pitt	**x**	

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Councilmember Renn	**x**	

NEW BUSINESS:

APPROVE – REQUEST FROM WILLIAM PAGE FOR THE 5 LOT PRELIMINARY SUBDIVISION ON PARCEL #5676-07-3128 AND #5666-96-0374

BACKGROUND AND FINDINGS: A request by Mr. William Page to create a 5 lot subdivision with an internal drive on the south side of US Highway 264 and east of Cherry Run. The property is identified by the Beaufort County Tax Office as parcel #'s 5676-07-3128 and 5666-96-0374. The subject property is currently undeveloped. Single-family residential, multi-family residential, commercial, office and industrial uses exist around the property and along US 264 near the property. The adjacent property to the north is zoned 1-2 (Light Industrial) and B-2 (Business Commercial). The adjacent property to the east is zoned O&I (Office & Institutional). The adjacent property to the south is zoned I-1 (Heavy Industrial). On February 23, 2021, the Planning Board held a public hearing on the request. After the hearing and discussion, the Board voted unanimously to recommend approval of the preliminary subdivision to City Council

Marie Peaden joined the meeting at this time and reviewed the preliminary subdivision plat request with Council.

By motion of Mayor Pro tem Brooks, seconded by Councilmember Finnerty, Council accepted the recommendation of the Planning Board and approved the request from Mr. William Page for the 5 lot preliminary subdivision on parcel #'s 5676-07-3128 and 5666-96-0374.

VOTE: Page Preliminary Plat	**YES**	**NO**
Mayor Pro tem Brooks	**x**	
Councilmember Finnerty	**x**	
Councilmember Kane	**x**	
Councilmember Pitt	**x**	
Councilmember Renn	**x**	

ADOPT – ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE XI, HUMAN RELATIONS COUNCIL, SECTION 2-285 MEMBERSHIP

BACKGROUND AND FINDINGS: The Washington/Beaufort County Human Relations Council at a regular meeting held on Tuesday November 10, 2020 discussed updating and amending the board By-Laws. A sub-committee was formed to review the current By-Laws. At a regular meeting held Tuesday December 8, 2020 the sub-committee presented their proposed draft, which include a change in the composed membership. The board reviewed the revision and unanimously voted to approve the amended By-Laws. The Human Relations Council approves of the proposed changes to the membership as shown in the ordinance amendment.

By motion of Councilmember Pitt, seconded by Mayor Pro tem Brooks, Council adopted t an ordinance to amend Article XI. Human Relations Council, Section 2-285, Created: members: (a) *Composition, appointment, term.*

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE XI, HUMAN RELATIONS COUNCIL,

DRAFT

SECTION 2-285 OF THE WASHINGTON CITY CODE

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

Section 1. That **Chapter 2. Article XI, Human Relations Council, Section 2-285. Created: members,** be amended by changing:

(a) *Composition, appointment, term.* The City Council may, at its discretion, create a Human Relations Council. The Council shall be composed of ~~no less than seven (7) and no more than twelve (12) members~~ nine (9) members appointed by the City Council in accordance with the provisions of section 2-531(a), with the option of appointing three (3) non-voting Emeritus members who will serve by invitation and at their pleasure. The City Manager shall serve as ex officio member of the Council. The ex officio member shall not be a voting member of the Council. Members of the Council shall be appointed to reflect various groups which are present in the community. Members shall reflect different ages, races, occupations, sexes and income levels. Members shall be appointed for a term of office for three (3) years. Terms shall begin on July 1 and end on June 30.

Section 2. All Ordinances in conflict with this ordinance are hereby repealed.

Section 3. This Ordinance shall become effective March 9, 2021.

Adopted this the 8th day of March, 2021.

ATTEST:

s/Cynthia S. Bennett
City Clerk

s/Donald R. Sadler
Mayor

VOTE: HRC ordinance	YES	NO
Mayor Pro tem Brooks	x	
Councilmember Finnerty	x	
Councilmember Kane	x	
Councilmember Pitt	x	
Councilmember Renn	x	

ADOPT – ORDINANCE TO AMEND ARTICLE XXII, WASHINGTON-WARREN AIRPORT, SECTION 2-587 COMPOSITION

BACKGROUND AND FINDINGS: The Airport Advisory Board discussed the composition of the board at their February 9, 2021 meeting. The Board suggested amending the membership number to six (6) members and adding one (1) emeritus members. The Advisory Board approves of the proposed changes as shown in the attached ordinance amendment.

By motion of Councilmember Pitt, seconded by Mayor Pro tem Brooks, Council adopted an ordinance to amend A1iicle XXII, Washington-Warren Airport, Section 2-587. Composition, to change the membership to six (6) members and one (1) emeritus member.

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE XXII, WASHINGTON-WARREN AIRPORT ADVISORY BOARD, SECTION 2-587 OF THE WASHINGTON CITY CODE

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

Section 1. That **Chapter 2. Article XXII, Washington-Warren Airport Advisory Board , Section 2-587. - Composition,** be amended by changing:

(a)Membership, appointment, qualifications and term. The Board shall be composed of ~~five (5) members~~ six (6) members and one (1) emeritus member appointed by the City Council. At least one (1) member shall be a resident of the city. Members shall be appointed by the City Council to serve for three-year staggered terms. Members shall be eligible for appointment, be appointed, serve, attend meetings of the Board, and be subject to removal in accordance with the provisions of section 2-531. Members of the Board shall be citizens of recognized ability and good judgment as well as standing, who, in the opinion of the City Council, can and will perform their official duties to the best interest of the city, the Washington-Warren Airport, and the users thereof. In addition, members should be actively engaged in an aeronautical business or aeronautical activities or have recognized aeronautical experience and qualifications or have demonstrated a desire to see the airport developed.

Section 2. All Ordinances in conflict with this ordinance are hereby repealed.

Section 3. This Ordinance shall become effective March 9, 2021.

Adopted this the 8th day of March, 2021.

ATTEST:
s/Cynthia S. Bennett
City Clerk

s/Donald R. Sadler
Mayor

VOTE: airport board ordinance	**YES**	**NO**
Mayor Pro tem Brooks	**x**	
Councilmember Finnerty	**x**	
Councilmember Kane	**x**	
Councilmember Pitt	**x**	
Councilmember Renn	**x**	

CONSIDER/DECLINE - CARTER HOUSE OFFER TO PURCHASE

BACKGROUND AND FINDINGS: Mindy and William Carr have amended their purchase offer for the Carter House to $50,000 in cash. If the City Council decides to take this offer, the City will move forward with a bid pursuant to legal bidding requirements.

DRAFT

February 12, 2021

Dear Jonathan,

After the council meeting and careful consideration, we would like to amend our offer for the Carter House to $50,000 cash, as is. This offer is based on the seller (City of Washington) paying any and all closing costs. We feel this would be more acceptable to the city and Preservation NC. We would hope this would expedite the time frame. If accepted, we realize this property must be publicly listed for a certain time frame. However, we would appreciate being able to close by the first of April in order to line up contractors for the immediate work needed for the summer. This is a sincere offer to present to the City Council when you meet again on March 8th.

Thank you for your assistance,

Mindy and William Carr

Mindy and William Carr

The City Manager explained the current zoning is B1H, not residential, the Carr's would like to reside in the property. Preservation NC may be adding some conditions on the sale of the property.

Council members discussed the desire to place restrictions on the property as well as allowing the city first right of refusal if the new owners ever decided to sell. Council also discussed that Ms. Carr be responsible for the closing cost.

By motion of Councilmember Finnerty, seconded by Councilmember Kane, Council accepted the offer from Ms. Carr. Council requested that any subsequent conveyance of the property shall be subject to: house will never be torn down, city has first right of refusal, purchaser be responsible for the closing cost. Other language will be reviewed and possibly applied to be in keeping with Preservation NC.

Ms. Carr was agreeable to the suggestions.

VOTE: Carter House	**YES**	**NO**
Mayor Pro tem Brooks	**x**	
Councilmember Finnerty	**x**	
Councilmember Kane	**x**	
Councilmember Pitt	**x**	
Councilmember Renn	**x**	

ANY OTHER ITEMS FROM CITY MANAGER:

NCDOT is interested in adding a pedestrian ferry. If Washington was chosen as the location, we could dock the ferry near the Estuarium. Council, by consensus was in support of the pedestrian ferry and authorized the City Manager to forward a letter of support regarding the matter.

ANY OTHER BUSINESS FROM THE MAYOR OR OTHER MEMBERS OF COUNCIL: DISCUSSION – LITTER REDUCTION TASKFORCE (COUNCILMEMBER KANE)

Councilmember Kane reviewed the following with Council. "I have seen people chuck entire fast-food bags right out of their car into our city parks. I have come across thousands of plastic "rose petals" dumped on the boardwalk in front of the Estuarium as part of a photo shoot. I have seen mylar

balloons released over our waterfront that will become deadly ocean waste to choke wildlife or trash the Pamlico Sound. I have seen people empty their car ashtray full of cig butts into our city parking lots. I have picked up fishing line, styrofoam cups, plastic bottles, and other junk. I have removed it from our parks, our street drains, my yard, the boardwalk, playgrounds, and our sidewalks across the city."

Litter Prevention Task Force. This task force would examine how we can improve city ordinances and enforcement, and prevent litter. Four members of the public, parks and rec, public works and police chief, loop attorney in just in case we need changes to ordinance or legal matters and council liaison (kane). 90 days to put head together to advise council on what actions they should take to prevent litter.

The task force would consist of city department heads from relevant departments, plus members of the public who have been interested and/or have been working on our litter problem and could commit to researching and advising on "best practices" for litter prevention.

The Task Force would look at how other cities and towns have successfully tackled this challenge, and how we could adapt those success stories here. The Task Force would then advise the City Council with recommendations for actions to take: These recommendations could include upgrading and strengthening our anti-litter ordinance; increased enforcement efforts; litter reduction at the source; potential adjustments to waste collection; education; and more.

Council, by consensus was in agreement with the establishment of a Litter Prevention Task Force. Mr. Russell noted a formal vote was not needed and explained Berekia Divangia could assist with the logistics.

The City Council establishes a Litter Prevention Task Force, with the following composition and mission:

1. COMPOSITION.

The Litter Prevention Task Force shall be composed of city staff and members of the public, as follows:

a. The Director of Public Works, the Chief of Police, the Director of Parks and Recreation, or their designees;

b. Four members of the public who have a demonstrated interest in the subject (Sheri Dean, Meredith Loughlin, Sarah Baker, and Dawn Dolson)

c. The City Attorney, to advise on any legal matters; and

d. A City Council liaison.

2. MISSION.

The mission of the Task Force shall be to identify and recommend actions that City Council should take to prevent litter, by:

a. gathering data to understand of the sources and causes of Washington's litter problems;

b. researching and reviewing potential actions to prevent litter, such as but not limited to:
- best practices or successful actions that other communities have taken;
- how the City's existing litter ordinance might be amended to make it more effective;
- updating event-permitting policies to ensure appropriate responsibility and cleanup;
- model practices or ordinances for litter reduction and prevention;
and

c. making recommendations to City Council of specific and realistic actions that Council should take, suitable to Washington, to prevent littering.

The Public Works Department shall be the lead department to facilitate the work of the Task Force. The Task Force shall convene and plan its work and shall advise the Mayor and City Council in writing of its findings and recommendations within 90 days after its appointment.

DISCUSSION: COUNCIL TERM – TWO YEAR/FOUR YEAR

Councilmember Pitt asked if any of the Council members were interested in moving from a two-year term to a four-year term. Mayor Sadler directed staff to look into this item and bring it back to Council with the required steps to move forward. The City Attorney explained this would require a local act by legislature to change the Charter. If there is anything else in the Charter that needs to be changed, we could change it all at one time.

DISCUSSION: FIREWORKS

The City Manager explained will need to monitor COVID and determine if we are able to hold a July 4 fireworks display.

ADJOURN

By motion of Councilmember Kane, seconded by Brooks, Council adjourned the meeting at 7:45pm until April 12, 2021 at 5:30pm.

(subject to approval of City Council)

s/Cynthia S. Bennett, MMC
City Clerk

DRAFT

The Washington City Council met in a special session on Monday, March 17, 2021 at 9:00am as a virtual meeting. Present: Donald Sadler, Mayor; Virginia Finnerty, Councilmember; Betsy Kane, Councilmember; William Pitt, Councilmember and Mike Renn, Councilmember. Also present: Jonathan Russell, City Manager, Franz Holscher, City Attorney and Cynthia S. Bennett, City Clerk.

** Councilmember Kane and staff members joined the meeting remotely. Mayor Pro tem Brooks was absent and excused.*

Mayor Sadler called the meeting to order. Councilmember Pitt led the Pledge of Allegiance and delivered the invocation.

ADOPT: RESOLUTION AUTHORIZING ADVERTISEMENT OF OFFER TO PURCHASE CERTAIN SURPLUS REAL PROPERTY

The resolution begins the process for accepting Mindy Carr's offer of $50,000 to purchase the property located at 415 W. Second Street.

By motion of Councilmember Pitt, seconded by Councilmember Kane, Council adopted the resolution authorizing the advertisement of an offer to purchase certain real property generally located at 415 W. 2nd Street, Washington, North Carolina for the sum of $50,000.

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN OFFER TO PURCHASE CERTAIN REAL PROPERTY

WHEREAS, the City Council of the City of Washington ("City") desires to dispose of certain real property owned by the City.

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

1. The following described real property, having an address of 415 W. 2nd Street (commonly known as the Carter House), is hereby declared to be surplus to the needs of the City.

2. The City Council has received an offer to purchase the property described above for the sum of fifty-thousand dollars ($50,000.00). Said offer, including additional terms, is available for public inspection in the office of the Purchasing Agent, 203 Grimes Road, Washington, NC 27889.

3. Any person desiring to submit an upset bid shall submit an upset bid within ten (10) days of the date the public notice provided for herein is published. Any such upset bid shall raise the offer by not less than ten percent (10%) of the first one thousand dollars ($1,000.00) and five percent (5%) of the remainder of said offer or any subsequent upset bid. Any person making an upset bid and any subsequent upset bid must deposit with the Purchasing Agent a sum equal to five percent (5%) of the upset bid or any subsequent upset bid by cash or check.

4. The City Council proposes to accept said offer, subject to the conditions stated herein, unless a qualifying upset bid shall be made.

5. The Purchasing Agent shall cause a public notice of such offer, subject to the conditions stated herein, to be published in accordance with North Carolina General Statute § 160A-269.

6. If a qualifying upset bid is received, the Purchasing Agent is directed to re-advertise the offer at the increased upset bid amount and to continue with this process until a ten (10) day period has passed without receipt of a subsequent qualifying upset bid.

7. Any subsequent conveyance of the property described above shall be subject to the following.

   a. The structure currently located on the property shall not be demolished unless said demolition is in accordance with North Carolina Law and the City Code, including those regulations related to Historic Districts and historic properties. If the property owner applies for a certificate of appropriateness for demolition, the reversionary clause described herein maybe exercised by the City, in the City's sole discretion.

   b. The City shall retain a first right of refusal for any bona fide offer to purchase the property owner receives.

   c. The purchaser shall be responsible for any and all closing costs, including those closing costs customarily born buy a seller and any taxes that are due or may become due.

   d. The City shall prepare, and have final approval in its sole discretion of the form and substance of, the deed conveying the property to the purchaser. The deed shall contain certain restrictions, covenants, and conditions, in the City's sole discretion, including but not limited to the following.

      i) The purchaser shall restore ("Restoration"), and put to use, the structure located on the property within forty-eight (48) months.

      ii) Among other things, the purchaser shall comply with the Zoning Ordinance for the City of Washington, North Carolina, including but not limited to those provisions governing the Historic District and Commission, and the Historic Preservation Commission design guidelines, as the same may be amended.

      iii) The purchaser shall submit an application for a Certificate of Appropriateness for the Restoration to the Historic Preservation Commission within six (6) months of the date the deed is recorded.

      iv) The purchaser shall submit an application for a building permit and an application for any other approval or permit required for the Restoration within three (3) months of the date the Certificate of Appropriateness is approved.

      v) The purchaser shall begin the Restoration within six (6) months of the date the building permit is approved.

      vi) The purchaser shall complete the Restoration and all work authorized by the Certificate of Appropriateness, building permit, and any other approval or permit required for the Restoration within twenty-four (24) months of the date said work was

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begun.

vii) During the timeframe outlined above, and until the Restoration is complete and a certificate of occupancy is issued, the purchaser shall not permit, suffer, or allow any mortgage, loan or other lien whatsoever to be held by any mortgagee or other lienholder against the property and will not enter or be a party to any type of financing, transaction, or other relationship that would result in a lien against the property except for a construction loan approved by the City Manager that allows periodic withdrawals based upon completion of the work in furtherance of the Restoration as well as the Certificate of Appropriateness, building permit and any other approval or permit required for the Restoration.

viii) A reversionary clause that allows the City, in its sole discretion, to compel the purchaser to sell the property back to the City if the purchaser fails to satisfy and comply with any restriction, covenant, or condition of the deed. If the City exercises the reversionary clause and elects to repurchase the property, the repurchase price shall be the original purchase price paid by the purchaser to the City plus any verified and documented amount that has been drawn down by the purchaser on any construction loan authorized by the City Manager and utilized in furtherance of the Restoration.

8. Notwithstanding anything herein to the contrary, the City, in its discretion and without recourse from any individual making an offer or any subsequent qualifying upset bid (new offer), reserves the right to reject any and all offers as well as upset bids and to cancel this upset bid process at any time.

Adopted this 17th day of March 2021.

ATTEST:

s/Cynthia S. Bennett,
City Clerk

s/Donald R. Sadler,
Mayor

VOTE: 415 W. 2nd	**YES**	**NO**
Mayor Pro tem Brooks	**Absent**	**Absent**
Councilmember Finnerty	**x**	
Councilmember Kane	**x**	
Councilmember Pitt	**x**	
Councilmember Renn	**x**	

DISCUSSION: EMS

Jonathan Russell, City Manager provided Council with an update on EMS. He noted this item will be discussed again during the budget workshops.

DISCUSSION: CHARTER AMENDMENTS

Jonathan Russell, City Manager provided Council with updates on amending the City Charter. Several Council members had expressed interest in moving the terms from two-year terms to four-year terms. Representative Keith D. Kidwell is willing to put forth a local bill that would present the change

to the General Assembly. It would be prudent for Council to review the entire Charter to determine if there are other amendments that need to be made at that same time. The City Attorney explained Council would need to have unanimous support for the change.

Councilmember Kane stated she had not heard from any citizen that desired a four-year term for the Council. She is not in favor of four-year terms, she is confident in the voters electing those who need to be re-elected. She continued saying Council lacks an overarching strategic direction and there needs to be a stronger comprehensive/strategic plan.

Mayor Sadler is in support of four-year terms. Councilmember Finnerty is also in support of four-year terms, but agrees there is a need for a stronger comprehensive/strategic plan. Councilmember Pitt noted the trend in municipal government is four-year, non-staggered terms.

Councilmember Renn agrees there should be a stronger comprehensive/strategic plan, but feels four-year terms make more sense.

Mr. Russell will follow up with Representative Kidwell. A copy of the City Charter will be forwarded to Council for their review.

ADJOURN

By motion of Councilmember Pitt, seconded by Councilmember Finnerty, Council adjourned the meeting at 9:55am until April 12, 2021 at 5:30pm.

(subject to approval of City Council)

s/Cynthia S. Bennett, MMC
City Clerk

DRAFT

City of Washington
NORTH CAROLINA

REQUEST FOR CITY COUNCIL ACTION

To:	**Mayor Sadler & Members of the City Council**
From:	**Adam Waters, Public Works Director**
Date:	**04/12/2021**
Subject:	**Amend Water Fund budget and approve P.O. to Cella Ford**
Applicant Presentation:	**N/A**
Staff Presentation:	**Adam Waters**

RECOMMENDATION:

I move that City Council amend the Water Fund budget to transfer $24,475 from Miscellaneous Revenue (030-3350-8901) and $5,891 from the Water fund balance (030-3991-9910) to Water Fund Capital Outlay (030-8140-7400), and approve subsequent P.O.

BACKGROUND AND FINDINGS:

Vehicle 416 was involved in a two 2-vehicle accident in 2020. The vehicle was declared a total loss. Settlement payment was received in the amount $24,475. Public Works is proposing to replace the vehicle with a 2021 Ford F-150 pickup truck. The Purchasing Department received4 quotes for vehicle replacement, they are as follows:

Cella Ford----------**$30,365.28**
Capital Ford--------**$30,437.00**
Pecheles Ford------**$33,269.00**
Feyer Ford----------**$33,487.28**

PREVIOUS LEGISLATIVE ACTION

FISCAL IMPACT

___ Currently Budgeted (Account___) _X_ Requires additional appropriation
___ No Fiscal Impact

SUPPORTING DOCUMENTS

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF WASHINGTON, N.C. FOR THE FISCAL YEAR 2020-2021

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

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

030-3350-8901	Miscellaneous Revenue	$ 24,475
030-3991-9910	Fund Balance Appropriated	5,891
	Total	$ 30,366

Section 2. That the following accounts of the Water Fund appropriations budget be increased or decreased by the respective amounts to appropriate funds for the replacement of a water maintenance vehicle net of insurance proceeds:

030-8140-7400	Capital Outlay	$ 30,366

Adopted this the 12th day of April, 2021.

MAYOR

ATTEST:

CITY CLERK

City of Washington
NORTH CAROLINA

REQUEST FOR CITY COUNCIL ACTION

To:	**Mayor Sadler & Members of the City Council**
From:	**Glen Moore, Planning Administrator**
Date:	**April 5, 2021**
Subject:	**Public Hearing – Comprehensive Future Land Use Map Amendment**
Applicant Presentation:	**NA**
Staff Presentation:	**Mike Dail, Director Community & Cultural Services**

RECOMMENDATION:

I move that City Council accept the recommendation of the Planning Board and deny the Comprehensive Plan Future Land Use Map amendment request as presented, from the Office & Institutional designation to the Low Density Residential designation.

-OR-

I move that City Council deny the recommendation of the Planning Board and approve the Comprehensive Plan Future Land Use Map amendment request as presented, from the Office & Institutional designation to the Low Density Residential designation.

BACKGROUND AND FINDINGS:

This parcel was the subject of three rezoning requests that were heard and denied by City Council in April and July of 2020 and March of 2021. The first request was for R15S zoning and the second and third were for O&I zoning.

The Washington City Council has expressed by the way of previous action on the rezoning requests for the subject property that the area would be more suited for low density residential purposes in the future rather than office and intuitional uses. Given the character of the surrounding neighborhood as low density single family development, the City Council wishes to amend the Comprehensive Plan Future Land Use Map to identify this area as LDR (Low Density Residential).

On March 23, 2021, the Planning Board held a public meeting on the request. After the hearing and discussion, the Board voted unanimously to recommend denial of the Comprehensive Plan Future Land Use Map amendment request.

FISCAL IMPACT

_____Currently Budgeted (Account _____) _____Requires additional appropriation__X__ No Fiscal Impact

SUPPORTING DOCUMENTS

Ordinance, Staff Report, Land Use Map

ORDINANCE NO. 21-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WASHINGTON AMENDING THE CITY OF WASHINGTON 2013-2023 COMPREHENSIVE PLAN FUTURE LAND USE PLAN

WHEREAS, the City Council of the City of Washington, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Washington Daily News setting forth that the City Council would, on the 12th day of April, 2021 at 6:00 p.m. in the City Council Chambers of the Municipal Building in the City of Washington, NC, conduct a public hearing on the adoption of an ordinance amending the Future Land Use Plan for the following described territory;

WHEREAS, the City of Washington 2013-2023 Comprehensive Plan and associated Future Land Use Plan was adopted on February 11, 2013 by the Washington City Council; and

WHEREAS, the City of Washington 2013-2023 Comprehensive Plan will from time to time be amended and portions of its text clarified by the City Council; and

WHEREAS, Future Land Use Plans are to be prepared to expand and clarify portions of the City of Washington 2013-2023 Comprehensive Plan; and

WHEREAS, the Planning Board and the City Council have reviewed the Future Land Use Plan Map and a public hearing has been held to solicit public comment.

THE CITY COUNCIL OF THE CITY OF WASHINGTON, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1. The Future Land Use Plan Map is hereby amended by re-designating an "Office & Institutional" category to a "Low Density Residential" category for the area described as being located at the northeast corner of the intersection of Brick Kiln and Whootentown Roads specifically being Beaufort County Tax Parcels 5685-76-3453, 5685-76-3385, 5685-76-4209, 5685-76-4129, 5685-76-7123 and 5685-86-0313.

Section 3. That the Director of Development Services is directed to amend the Future Land Use Plan of the City of Washington in accordance with this ordinance.

Section 4. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5. That this ordinance shall become effective upon its adoption.

ADOPTED this 12th day of April, 2021.

_____

Donald Sadler, Mayor

ATTEST:

_____

Cynthia Bennett, City Clerk

City of Washington
NORTH CAROLINA

Future Land Use Map Amendment Request Staff Report

Development Services, Planning & Zoning Division

Request: The Washington City Council requests to amend the Comprehensive Plan Future Land Use Map for the area shown as future office and institutional development located at the northeast corner of Brick Kiln Road and Whootentown Road to be designated as low density residential for future development.

Existing Future Land Use Designation: O&I (Office & Institutional)

Proposed Future Land Use Designation: LDR (Low Density Residential)

Required Notices:

Property owner notices and adjoining property owner notices were mailed on April 1, 2021. The public meeting notice advertisement date was March 31, 2021 and April 10, 2021.

Surrounding Land Uses and Zoning:

The land uses within the subject property's area are primarily single family residential with some mixed use commercial areas just to the south along River Road. The adjacent properties to the east and west are zoned RA20, the property to the north is zoned R15S and the properties to the south are zoned RA20 and O&I. Just to the south in the mixed use area there are some tracts zoned O&I and B2.

Development Notes:

This parcel was the subject of three rezoning requests that were heard and denied by City Council in April and July of 2020 and March of 2021. The first request was for R15S zoning and the second and third were for O&I zoning.

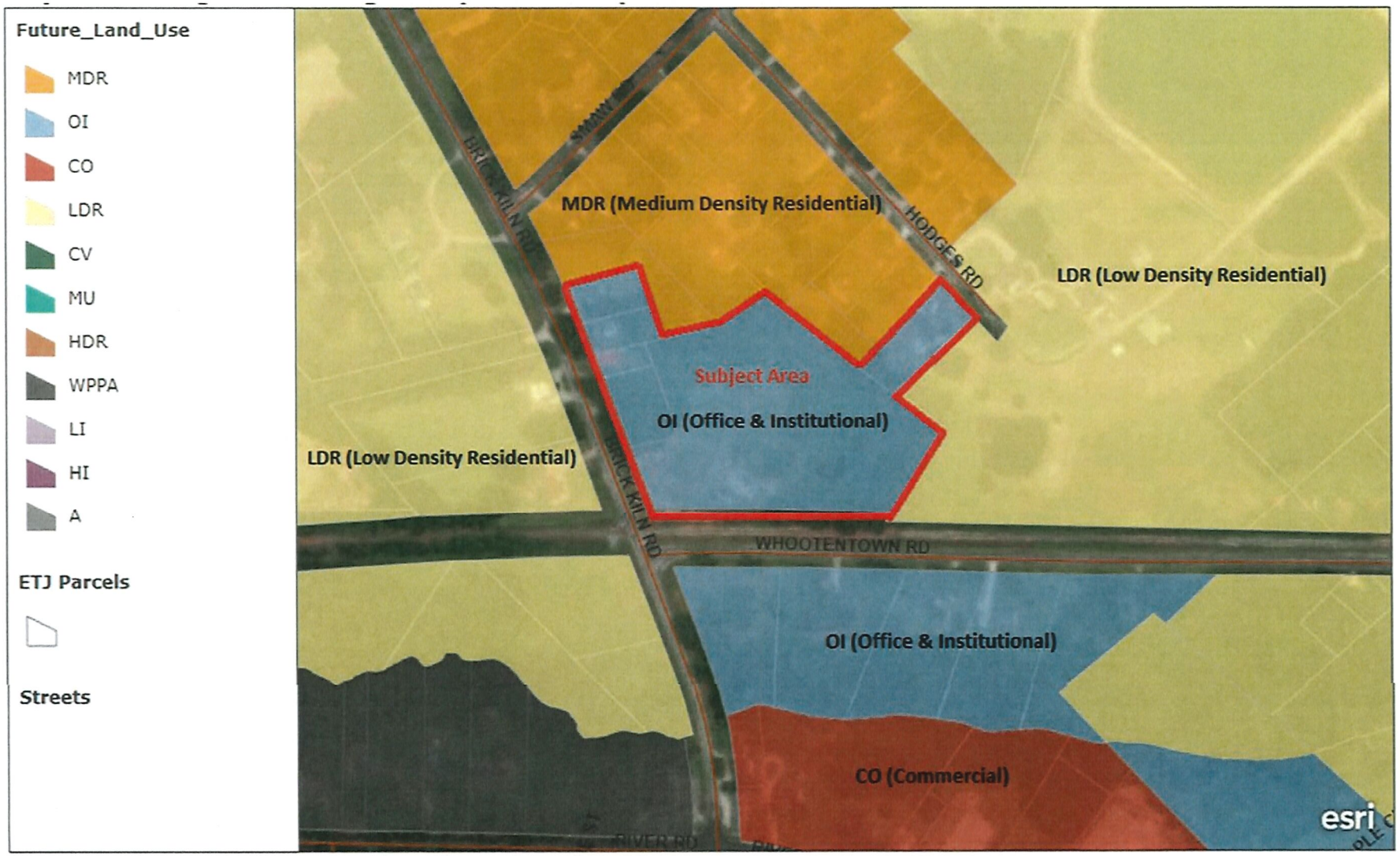
Comprehensive Plan:

The Washington City Council has expressed by the way of previous action on the rezoning requests for the subject property that the area would be more suited for low density residential purposes in the future rather than office and intuitional uses. Given the character of the surrounding neighborhood as low density single family development, the City Council wishes to amend the Comprehensive Plan Future Land Use Map to identify this area as LDR (Low Density Residential).

Planning Board Action:

On March 23, 2021, the Planning Board voted unanimously to recommend denial of the Comprehensive Plan Future Land Use Plan amendment request as presented, from the Office & Institutional designation to the Low Density Residential designation.

Comprehensive Plan Future Land Use Map



Mayor
Donald R. Sadler

City Manager
Jonathan Russell

City of Washington
NORTH CAROLINA

Washington City Council
Richard Brooks
Virginia Finnerty
Elizabeth A. Kane
William Pitt
Mike Renn

To: **Mayor Sadler & Members of the City Council**
From: **Matt Rauschenbach, C.F.O.**
Date: **March 31, 2021**
Subject: **Budget Transfers**

The Budget Officer reallocated appropriations among various departmental totals of expenditures within authorized funds.

NC GS 159-15 states that this shall be reported to the Council at its next regular meeting and be entered in the minutes.

See Attached

102 East Second Street, Washington, North Carolina 27889
(252) 975-9300
www.washingtonnc.gov

Request for Transfer of Funds

Date: 3/1/2021

TO: City Manager or Finance Director

FROM: Matt Rauschenbach

SUBJECT: REQUEST FOR TRANSFER OF FUNDS

I hereby request the transfer of funds as set forth below from one account to another, all within the same appropriation fund account, as permitted and authorized by the General Statutes of North Carolina.

	Department	Account Number	Object Classification	Amount
FROM:	010-6130 010-6130	7400 7400	Capital Outlay Capital Outlay	10,200 82,000
TO:	010-4400 010-4400	9203 9203	Transfer to Grants Transfer to Grants	10,200 82,000

For the purpose of: Transfer from Recreation Capital to grant projects: $10,200 Kayak Access Grant, $82,000 DEQ Wetlands Boardwalk

Supervisor

Matt Rauschenbach
Department Head

ACTION OF CITY MANAGER OR FINANCE DIRECTOR

Approved: ☒

Disapproved: ☐

* Request for Transfer of Funds from Department to Department require City Manager's approval.

** Request for Intradepartmental Transfer of Funds require Finance Director approval.

City Manager or Finance Director

3/2/21

Request for Transfer of Funds

Date: 03/12/2021

TO: City Manager or Finance Director

FROM: Finance

SUBJECT: REQUEST FOR TRANSFER OF FUNDS

I hereby request the transfer of funds as set forth below from one account to another, all within the same appropriation fund account, as permitted and authorized by the General Statutes of North Carolina.

	Department	Account Number	Object Classification	Amount
FROM:	010	4400	5701	24686
TO:	010	6130	0200	16640
			0500	1275
			0700	1701
			0701	800
			0600	3540
			3600	400
			3601	330

For the purpose of: To increase budget for 2 rec maintenance worker positions.

Supervisor

Department Head

ACTION OF CITY MANAGER OR FINANCE DIRECTOR

Approved: ☑

Disapproved: ☐

* Request for Transfer of Funds from Department to Department require City Manager's approval.

** Request for Intradepartmental Transfer of Funds require Finance Director approval.

City Manager or Finance Director

3/19/21

Date

Request for Transfer of Funds

Date: 03/12/2021

TO: City Manager or Finance Director

FROM: Finance

SUBJECT: REQUEST FOR TRANSFER OF FUNDS

I hereby request the transfer of funds as set forth below from one account to another, all within the same appropriation fund account, as permitted and authorized by the General Statutes of North Carolina.

	Department	Account Number	Object Classification	Amount
FROM:	010	4400	5701	15175
TO:	010	4135	0200 0500 0700 0701 0600	10500 800 1075 500 2300

For the purpose of: To increase budget for facility attendant position.

Supervisor

Department Head

ACTION OF CITY MANAGER OR FINANCE DIRECTOR

Approved: ☑

Disapproved: ☐

* Request for Transfer of Funds from Department to Department require City Manager's approval.
** Request for Intradepartmental Transfer of Funds require Finance Director approval.

City Manager or Finance Director

3/19/21
Date

Mayor
Donald R. Sadler

City Manager
Jonathan Russell

City of Washington
NORTH CAROLINA

Washington City Council
Richard Brooks
Virginia Finnerty
Elizabeth A. Kane
William Pitt
Mike Renn

To: **Mayor Sadler & Members of the City Council**
From: **Matt Rauschenbach, C.F.O.**
Date: **March 31, 2021**
Subject: **PO's > $50,000**

The following budgeted purchase orders that are in excess of $50,000 have been issued for the month:

Amount	Vendor	Description
$260,293.00	Altec Industries	TRUCK NUMBER 602 ALTEC MODEL DC47
$63,110.00	Tarheel Electrical	27,500 FT WIRE 1/0 SOLID ALUMINUM and 1,000 FT 350 U/G TRIPLEX for SMALLWOOD PHASE 2 + 3 PROJECT

Washington-Warren Airport Advisory Board Meeting

March 9, 2021

The meeting was called to order at 10:01 by Board Chairman Roy Whichard. In attendance was Roy Whichard, Wayne Woolard, Trent Tetterson (Zoom) Jessica Green, Roland Wyman (Zoom), Earl Malpass, and Jonathan Russell. Bill Plaster was a guest.

Agenda and previous meeting minutes were approved.

Roland Wyman gave an update on the subcommittee's progress, which involved what information the members have gathered, stage of completion of certain sections. Focus has been on creating job description for an Airport Manager position and reviewed efforts made determining how best to align the Airport's reporting, Financial, Operations, structure to be incorporated into the Long Term Strategic Business Plan.

The Board was advised that the City Council had voted to approve the amendment to the Charter to the Advisory Board, and the number of Board members increase from 5 to 6 was approved. This had to be accomplished before the addition of Bill Plaster and Eric Mitchell. The Board was advised to submit the two applications for Council's approval prior to next Council meeting for vote.

Jonathan Russell gave the budget report. No red flags, and budget is on track, considering being 70% through the FY. He also commented that he budget time was coming and said there were going to be City wide cuts in budget.

Earl Malpass gave the monthly operations report via PowerPoint. Fuel sales dropped drastically in February. Poor weather and Mr. Harry Smith had not been flying were the two main reasons given. Earl informed the Aerospace firm who was considering moving to OCW at this point in time. The reason had nothing to do with OCW, and that they might reconsider once they get some things in order on their side, and that the decision was based on facts that OCW has no control over. It board was informed that Earl was in meetings with Mr. Harry Smith, and BCED, Martyn Johnson, and Mr. Smith had stated that if the City follows through with their prior commitment, and continues to invest in the Airport, he would agree to build a new hangar to keep a bigger jet he plans on purchasing. Earl said the timber appraisal was received, reviewed, and Earl suggested that the timber be cut sooner than later, based on timber prices. Earl Malpass stated he and Doug Boyd are working with the property owner regarding harvesting trees off the approach end of 17.

Lastly, Earl reiterated he is still in talks with a team who is trying to help OCW fund some needed projects. These men believe, based on news from Raleigh, there's a strong chance a line item could be created in the appropriation funding to help a needy County. They stated the City's recent commitment to improvement to the Airport and desire to bring Economic Development to the County, as key strengths to the proposal. The list of needy projects Earl gave them is all Economic Development based.

Meeting was adjourned at 11:55.

Respectfully submitted, Earl Malpass

THE WASHINGTON INITIATIVE TO SUPPORT HOMEOWNERSHIP

WISH... Making homeownership a reality.

ABSTRACT

This document will describe the goals and objectives of the WISH program operated in partnership with the Washington Housing Authority and the City of Washington.

Vanessa Dunn & Jonathan Russell

Executive Director & City Manager

Background

The Washington Housing Authority (WHA) has been serving the City of Washington and Beaufort County for the last sixty years. WHA serves over 1000 residents in the City of Washington and Beaufort County ensuring the most vulnerable among us has access to safe, decent, sanitary, and affordable housing. These residents reside in our Low-Income Public Housing (LIPH) and participate in the Housing Choice Voucher (HCV) program. As one of the largest providers of low-income affordable housing in the area, the WHA is seeking a viable partnership with the City of Washington to expand homeownership within the City of Washington and Beaufort County.

The Washington Initiative to Support Homeownership (W.I.S.H)

Homeownership has been the vehicle used to build wealth in our country since its inception. However, there are groups of people that have been historically unable to gain access to the dream of homeownership. WHA is seeking to change this narrative for the families we serve. It is our sincere hope the City of Washington would join us in this endeavor to make homeownership a reality for the families we serve.

Benefits of Homeownership

The benefits of homeownership for the families that we serve are listed below:

1. Breaking the cycle of poverty; provides a pathway out of poverty.
2. Building generational wealth
3. Creates a sense of pride within the family and in the communities in which they live.

The benefits of homeownership for the City of Washington are listed below:

1. Expands existing tax base.
2. A tangible investment into promoting affordable housing for the most vulnerable population in the City of Washington.

Funding

WHA remits annually Payment In-Lieu of Taxes (PILOT) in the amount of 40,000-50,000.00. WHA is asking the City of Washington to match these funds annually to assist with the funding of the WISH program. WHA would request the match to be remitted to the agency annually in January.

W.I.S.H.

The WISH program would assist families that participate in the WHA Housing Choice Voucher program and Low-Income Public Housing Program with the following:

- Credit repair
- Down payment assistance
- Rehabilitation
- Home repairs for existing homeowners on the HCV program (to keep families living in safe and decent housing)

Agenda Date: April 12, 2021

City of Washington
NORTH CAROLINA

REQUEST FOR CITY COUNCIL ACTION

To:	**Mayor Sadler & Members of the City Council**
From:	**Cynthia S. Bennett, City Clerk**
Date:	**April 12, 2021**
Subject:	**Appointments to Washington-Warren Airport Advisory Board**
Applicant Presentation:	**N/A**
Staff Presentation:	**N/A**

RECOMMENDATION:
(Mike Renn – Liaison)
I move that the City Council appoint _____ to the Washington-Warren Airport Advisory Board to fill a vacant position, term to expire June 30, 2024.

I move that the City Council appoint _____ to the Washington-Warren Airport Advisory Board to fill a vacant position, term to expire June 30, 2024.

BACKGROUND AND FINDINGS:
On March 8, 2021 City Council amended the composition of the Washington-Warren Airport Advisory Board. The Board shall be made up of six members and one emeritus member.

PREVIOUS LEGISLATIVE ACTION
N/A

FISCAL IMPACT
___ Currently Budgeted (Account _____) ___ Requires additional appropriation X No Fiscal Impact

SUPPORTING DOCUMENTS
Board Applications

Requested Board Washington-Warren Airport

CANDIDATES REQUEST FOR APPOINTMENT TO BOARDS, COMMISSIONS, AND/OR AUTHORITY OF THE CITY OF WASHINGTON

NAME William L. Plaster

ADDRESS 146 Riverboat Dr.

PHONE (WORK) Cell - 252-833-2484 (HOME) 252-946-4219

E-MAIL ADDRESS oldgoofy@aol.com

DO YOU LIVE WITHIN THE CORPORATE LIMITS OF WASHINGTON? YES ( ) NO (✓)

HOW LONG HAVE YOU BEEN A RESIDENT OF BEAUFORT COUNTY? 21 YEARS

YEARS OF EDUCATION 4 Year Degree - Business Administration - ECU

HAVE YOU SERVED ON A BOARD/COMMISSION OF THE CITY? YES ( ) NO (✓)

IF YES, PLEASE INDICATE

DO YOU ANTICIPATE A CONFLICT OF INTEREST BY SERVING AS A MEMBER OF A BOARD/COMMISSION? No IF YES, EXPLAIN

STATE REASONS WHY YOU FEEL QUALIFIED FOR THIS APPOINTMENT (s) (OPTIONAL): *Use back of sheet if additional space is needed.*

I've been a pilot for over 43 years. My 12,000 hours of flight time includes time as a Certified Flight Instructor, freight pilot, airline pilot, NASCAR team pilot and corporate pilot in piston single and multi engine aircraft, as well as turbo prop and jet aircraft.

NOTE: This information will be used by the City Council in making appointments to Boards and Commissions AND, in the event you are appointed, it may be used as a news release to identify you to the community.

March 3, 2021 — Date

William L. Plaster — Signature

NOTE: Application will remain on file for six (6) months. Expiration Date:

Requested Board Washington Warren Airport Advisory Committee

CANDIDATES REQUEST FOR APPOINTMENT TO BOARDS, COMMISSIONS, AND/OR AUTHORITY OF THE CITY OF WASHINGTON

NAME Eric Mitchell

ADDRESS 921 Potomac Drive , Chocowinity NC 27817

PHONE (WORK) 410.402.0088 **(HOME)** Same

E-MAIL ADDRESS ericmitchell67@gmail.com

DO YOU LIVE WITHIN THE CORPORATE LIMITS OF WASHINGTON? YES ( ) NO (✔)

HOW LONG HAVE YOU BEEN A RESIDENT OF BEAUFORT COUNTY? 7 **YEARS**

YEARS OF EDUCATION 16

HAVE YOU SERVED ON A BOARD/COMMISSION OF THE CITY? YES ( ) NO (✔)

IF YES, PLEASE INDICATE _____

DO YOU ANTICIPATE A CONFLICT OF INTEREST BY SERVING AS A MEMBER OF A BOARD/COMMISSION? No **IF YES, EXPLAIN** _____

STATE REASONS WHY YOU FEEL QUALIFIED FOR THIS APPOINTMENT (s) (OPTIONAL): *Use back of sheet if additional space is needed.*

See back of sheet

NOTE: This information will be used by the City Council in making appointments to Boards and Commissions AND, in the event you are appointed, it may be used as a news release to identify you to the community.

3/4/2021

Date

Signature

NOTE: Application will remain on file for six (6) months. Expiration Date: _____

Retired from the Federal Government as the senior agency security advisor. Before entering government service, I started and ran a mid sized engineering company in the Washington DC area, specializing in safety equipment for nuclear power plants, building automation and control, security and monitoring equipment. I have experience in developing budgets, procurements, audits, project management, interfacing and communicating with government agencies at both the local,state, and federal level.

As a business owner I understand how to identify and provide services to local communities. From a government perspective I have learned the importance of creating opportunities to provide growth for the local communities. Having worked in both the private and government sectors, I have a good understanding of the roles that are played and by whom.

Over my lifetime I have enjoyed being a pilot and have used aircraft to support my business. I currently keep an airplane at the Washington Airport. I feel aviation is an important transportation service that needs to be nurtured, utilized and kept alive.

Agenda Date: April 12, 2021

City of Washington
NORTH CAROLINA

REQUEST FOR CITY COUNCIL ACTION

To:	**Members of the City Council**
From:	**Donald R. Sadler, Mayor**
Date:	**April 12, 2021**
Subject:	**Appointment to Washington Housing Authority**
Applicant Presentation:	**N/A**
Staff Presentation:	**N/A**

RECOMMENDATION:
(Mayor Sadler)
As Mayor, I hereby appoint _____ to the Washington Housing Authority to fill the un-expired term of Mark Everett, term to expire June 30, 2023.

BACKGROUND AND FINDINGS:
Pursuant to state law, the Mayor makes appointments to the Washington Housing Authority.

PREVIOUS LEGISLATIVE ACTION

FISCAL IMPACT
___ Currently Budgeted (Account_____) ___ Requires additional appropriation ___ No Fiscal Impact

SUPPORTING DOCUMENTS

Requested Board Washington Housing Authority

CANDIDATES REQUEST FOR APPOINTMENT TO BOARDS, COMMISSIONS, AND/OR AUTHORITY OF THE CITY OF WASHINGTON

NAME Butch Strickland

ADDRESS 705 East Main Street, Washington, NC

PHONE (WORK) 919-612-3397 (HOME) N/A

E-MAIL ADDRESS butchstrickland1@gmail.com

DO YOU LIVE WITHIN THE CORPORATE LIMITS OF WASHINGTON? YES (✓) NO ( )

HOW LONG HAVE YOU BEEN A RESIDENT OF BEAUFORT COUNTY? 1 1/2 YEARS

YEARS OF EDUCATION 18

HAVE YOU SERVED ON A BOARD/COMMISSION OF THE CITY? YES ( ) NO (✓)

IF YES, PLEASE INDICATE _____

DO YOU ANTICIPATE A CONFLICT OF INTEREST BY SERVING AS A MEMBER OF A BOARD/COMMISSION? No IF YES, EXPLAIN _____

STATE REASONS WHY YOU FEEL QUALIFIED FOR THIS APPOINTMENT (s) (OPTIONAL): *Use back of sheet if additional space is needed.*

NOTE: This information will be used by the City Council in making appointments to Boards and Commissions AND, in the event you are appointed, it may be used as a news release to identify you to the community.

04/07/2021
Date

Signature

NOTE: Application will remain on file for six (6) months. Expiration Date: _____

Agenda Date: April 12, 2021

City of Washington
NORTH CAROLINA

REQUEST FOR CITY COUNCIL ACTION

To:	**Mayor Sadler & Members of the City Council**
From:	**Jonathan Russell, City Manager**
Date:	**April 12, 2021**
Subject:	**Adopt Resolution to lease property off Water Street and Adjoining the old "McQuay" Building to Friedman-Ravenwood, LLC and Authorize City Manager to execute a lease agreement with Friedman-Ravenwood, LLC**
Applicant Presentation:	**N/A**
Staff Presentation:	**Jonathan Russell, City Manager**

RECOMMENDATION:

I move that the City Council adopt a Resolution to lease property off Water Street and adjoining the old "McQuay" Building to Friedman-Ravenwood, LLC and Authorize City Manager to execute a lease agreement with Friedman-Ravenwood, LLC

BACKGROUND AND FINDINGS:

The proposed lease renewal has an expiration date of April 11, 2031.

PREVIOUS LEGISLATIVE ACTION

FISCAL IMPACT

___ Currently Budgeted (Account _____) ___ Requires additional appropriation _____ No Fiscal Impact

SUPPORTING DOCUMENTS

Lease & Resolution

Affidavit of Publication

STATE OF NORTH CAROLINA
BEAUFORT & HYDE COUNTIES

Ashley Vansant, being duly sworn, says:
That he is Publisher of the Washington Daily News, a daily newspaper of general circulation, printed and published in Washington, Beaufort & Hyde Counties, North Carolina; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

03/06/21

That said newspaper was regularly issued and circulated on those dates.

The sum charged by the Newspaper for said publication does not exceed the lowest rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper in which the public notice appeared.

There are no agreements between the Washington Daily News and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney.

SIGNED:

Ashley Vansant, Publisher

Subscribed and sworn to before me this
6th Day of March, 2021

Mary Jo Eskridge

MARY JO ESKRIDGE NOTARY PUBLIC STATE AT LARGE – ALABAMA

Mary Jo Eskridge, Notary Public
State of Alabama at Large
My commission expires 03-05-2022

Account # 227041
Ad # 1202419

CITY OF WASHINGTON CLERK
PO BOX 1988
WASHINGTON NC 27889

PUBLIC NOTICE

The public will take notice that the City Council of the City of Washington will consider a resolution authorizing the lease or rental of the real property of the City of Washington described below to Friedman-Ravenwood, LLC and/or NAS 2, LLC at its regular meeting to be held at 5:30 p.m. on the 12th day of April, 2021.

That certain tract or parcel of land lying and being in the City of Washington, Beaufort County, North Carolina, more particularly described as follows:

BEING all of that tract labeled "Patio and Grease Trap Ground Lease" as shown on that survey for Pirates Pub and Grill, LLC by Hood Richardson, P.A. dated May 29, 2009 and revised July 30, 2009, to which survey reference is herein made for a more complete and adequate description.

The proposed annual rental or lease payment for the real property of the City of Washington described above is ten dollars ($10.00).

CYNTHIA BENNETT
City Clerk

Washington Daily News:
Mar. 6, 2021
FRIEDMAN-RAVENWOOD

RESOLUTION TO LEASE PROPERTY
OFF WATER STREET AND ADJOINING THE OLD "McQUAY" BUILDING
TO FRIEDMAN-RAVENWOOD, LLC

WHEREAS, the City of Washington ("City") owns property located at the intersection of Market and Water streets, including that certain property labeled "Patio & Grease Trap Ground Lease" as more specifically shown on Exhibit "A" attached hereto and incorporated herein by reference ("Premises"), which Premises the City finds it does not currently have a use for.

WHEREAS, the City Council therefore finds the Premises is currently surplus to the City's needs and will not be needed by the City for the term of the lease proposed hereby.

WHEREAS, Friedman-Ravenwood, LLC ("Lessee") desires to lease said Premises from the City in order that the same may be utilized in conjunction with a potential business to be operated on the property adjacent to the Premises.

WHEREAS, the City desires to lease said Premises to Lessee in an effort to boost the local economy, including but not limited to downtown business and tourism.

WHEREAS, North Carolina General Statute §160A-272 authorizes the City to enter into leases of up to 10 years upon a resolution of the City Council adopted at a regular meeting after 30 days public notice.

WHEREAS, the required public notice has been published and the City Council is convened in a regular meeting.

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

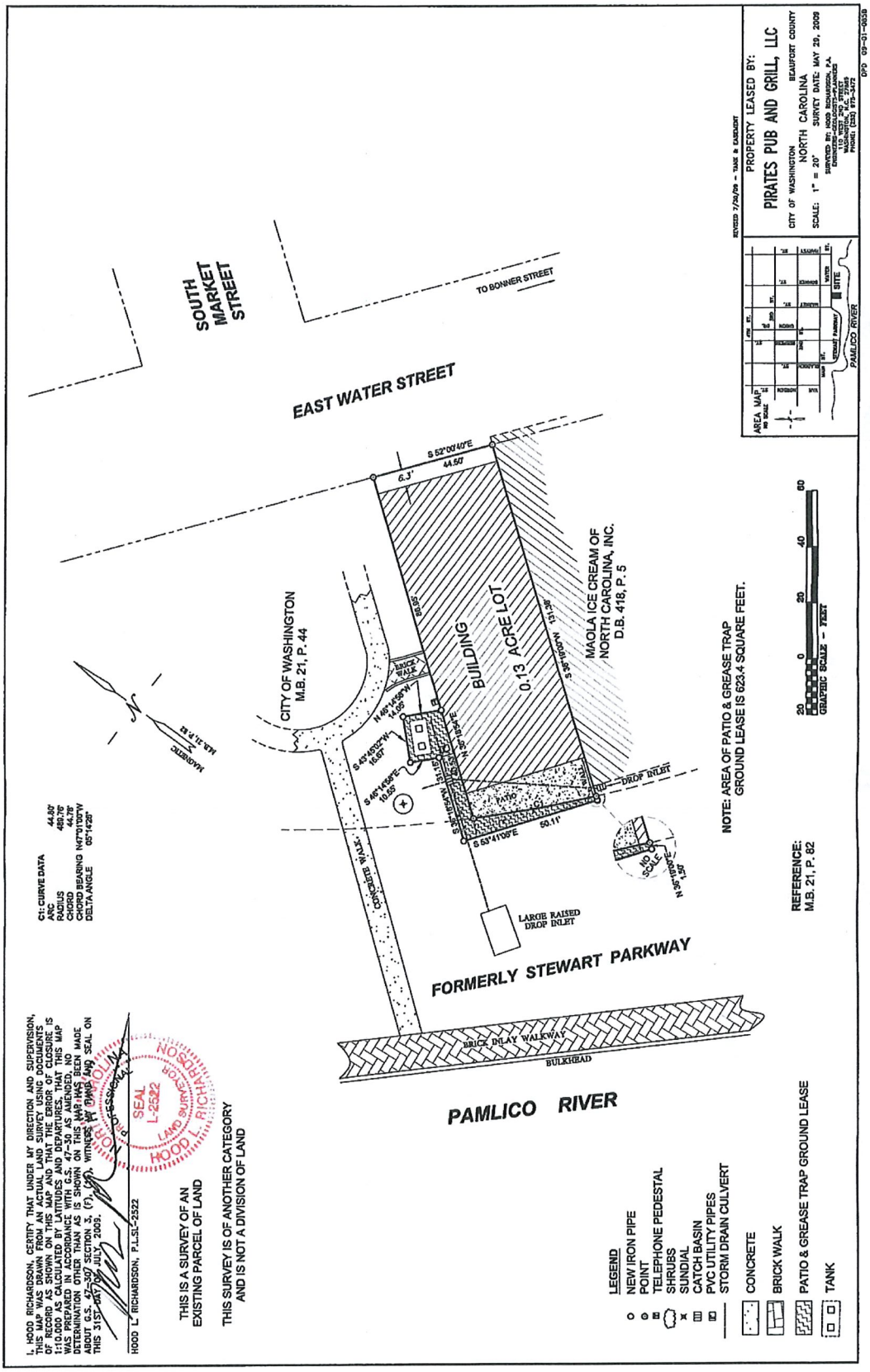
The City Council hereby approves the proposed lease of said Premises owned by the City to Lessee for a term of ten (10) years as well as for an annual rental payment of ten dollars ($10.00) and authorizes the City Manager to further negotiate, if necessary, and execute said lease.

Adopted this 12th day of April, 2021.

ATTEST:

Cynthia S. Bennett City Clerk	Donald R. Sadler Mayor

EXHIBIT "A"


PROPERTY LEASED BY:
PIRATES PUB AND GRILL, LLC
CITY OF WASHINGTON
BEAUFORT COUNTY
NORTH CAROLINA
SCALE: 1" = 20'
SURVEY DATE: MAY 29, 2009
SOUTH MARKET STREET
TO BONNER STREET
EAST WATER STREET
CITY OF WASHINGTON
M.B. 21, P. 44
BUILDING
0.13 ACRE LOT
MAOLA ICE CREAM OF
NORTH CAROLINA, INC.
D.B. 418, P. 5
DROP INLET
LARGE RAISED
DROP INLET
FORMERLY STEWART PARKWAY
BRICK DELAY WALKWAY
BULKHEAD
PAMLICO RIVER
NOTE: AREA OF PATIO & GREASE TRAP
GROUND LEASE IS 623.4 SQUARE FEET.
REFERENCE:
M.B. 21, P. 62
GRAPHIC SCALE - FEET
LEGEND
NEW IRON PIPE
POINT
TELEPHONE PEDESTAL
SHRUBS
SUNDIAL
CATCH BASIN
PVC UTILITY PIPES
STORM DRAIN CULVERT
CONCRETE
BRICK WALK
PATIO & GREASE TRAP GROUND LEASE
TANK
THIS IS A SURVEY OF AN
EXISTING PARCEL OF LAND
THIS SURVEY IS OF ANOTHER CATEGORY
AND IS NOT A DIVISION OF LAND
HOOD L. RICHARDSON, P.L.S.L-2322
SEAL
L-2322
HOOD L. RICHARDSON
LAND SURVEYOR
NORTH CAROLINA
PROFESSIONAL

STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT

LEASE AGREEMENT

THIS LEASE AGREEMENT (hereinafter referred to as "Agreement") is made and entered into as of the 12th day of April, 2021, by and between the **CITY OF WASHINGTON**, North Carolina, a municipal corporation of the State of North Carolina (hereinafter referred to as "Lessor") and **FRIEDMAN-RAVENWOOD, LLC**, a North Carolina Limited Liability Company having an address of 401 Moss Landing, Suite 301, Washington, North Carolina (hereinafter referred to as "Lessee").

W I T N E S S E T H

WHEREAS, Lessor owns that certain property labeled Area of Patio & Grease Trap Ground Lease as more specifically shown on Exhibit "A" attached hereto and incorporated herein by reference (hereinafter referred to as "Premises").

WHEREAS, Lessor has found said Premises to be surplus to its current needs.

WHEREAS, Lessee desires to lease said Premises from Lessor in order to utilize the same for an outdoor patio and grease trap in conjunction with a restaurant to be operated on the property adjacent to the Premises (hereinafter may be referred to as "Restaurant").

WHEREAS, Lessor desires to lease said Premises to Lessee in an effort to boost the local economy, including but not limited to downtown business and tourism.

WHEREAS, after proper, legal notice, the City Council passed a Resolution authorizing this Agreement.

NOW, THEREFORE, subject to the terms and conditions hereinafter set forth, Lessor does hereby lease and let unto Lessee and Lessee hereby takes and accepts, together with all privileges and appurtenances thereto, the Premises. In consideration of the mutual promises and covenants herein contained, the benefits to Lessor and Lessee, and for One Dollar ($1.00) and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties do hereby agree as follows.

1. **Premises.** The Premises are as defined hereinabove.

2. **Condition of Premises.** Lessee's taking possession of the Premises shall be conclusive evidence as against Lessee that Lessee has accepted said Premises AS IS and that Lessor is under no duty to repair anything, furnish any services for, or otherwise improve in any way the Premises.

3. **Term.** The term of this Agreement shall be for ten (10) years and shall commence as of the 12th day of April, 2021, and shall expire on the 11th day of April, 2031. This Agreement may be terminated prior to the expiration of the term upon mutual consent of the parties. In order to

effectuate said early termination by mutual consent, either party must give the other party written notice of its desire to terminate this Agreement at least sixty (60) days prior to any such termination; in which case, this Agreement shall terminate on the date contained in said notice if the other party provides written consent to such termination within the applicable time period. Notwithstanding the above or anything herein to the contrary, Lessor, in its sole discretion and without incurring any expense therefor, may unilaterally terminate this Agreement at any time by giving Lessee at least one hundred twenty (120) days written notice of such termination. Lessee shall have and make no claim, for damages or otherwise, upon Lessor should Lessor elect to exercise its right to early, unilateral termination hereunder.

4. **Rent.** Rent shall be Ten Dollars ($10.00) per year and shall be payable in advance on April 12th of each year.

5. **Assignment.**

a. Lessee may assign and/or sublease the Premises to a third party so long as Lessee enters into, and provides Lessor a fully executed copy of, a written agreement with the assignee and/or sublessee that obligates the assignee and/or sublessee to be responsible for performing Lessee's obligations hereunder, including but not limited to the insurance requirements and use restrictions more specifically provided for herein. No assignment or subletting by Lessee shall absolve Lessee of its contractual obligations hereunder and Lessee shall remain legally responsible to Lessor for performing its contractual obligations hereunder regardless of any such assignment or subletting.

b. This Agreement may be assigned to NAS Real Estate Holdings, LLC, NAS 2, LLC, or any subsidiary or affiliate of the same so long as

i) the assignee is duly authorized to conduct business in the State of North Carolina and
ii) the assignee enters an agreement with Lessor that is substantially the same as this Agreement.

6. **Use of Premises.** Lessee shall use the Premises during the term of this Agreement for the purposes specified herein and none other. The Premises described herein may be used by Lessee only for purposes that are in furtherance of and consistent with Lessee's use of the adjacent property as a Restaurant. Lessor expressly authorizes Lessee to provide such access to the Premises as is necessary to and for third parties to patronize the Restaurant. Lessee shall not make any unlawful or offensive use of the Premises and agrees to keep the same in good maintenance and aesthetically pleasing appearance.

7. **Care and Maintenance.** Lessor shall not be responsible for any maintenance of the Premises and Lessee agrees, at Lessee's own expense as additional consideration for this Agreement, to maintain the Premises in an attractive manner, including but not limited to keeping the patio; grease trap; and any and all grass, bushes, shrubs, and trees in an aesthetically pleasing appearance and in compliance with any and all ordinances of the City of Washington, including but not limited to zoning and public nuisance ordinances. Lessee shall adequately secure the Premises when Lessee is not utilizing the same in order to prevent unsupervised

access by the public. Lessee shall cause and pay for the repair of any and all damages to the Premises caused by Lessee, its agents, employees, invitees, guests, customers, assigns, sublessees or their respective successors and assigns or any of them.

8. **Improvements and Alterations.** The parties recognize that Lessee has made and must make certain improvements and alterations to the Premises in order to use the Premises as herein provided. In addition to any other permitting or approval process that may be required, Lessee shall submit a written plan, including sketch, for all such improvements and alterations to and receive approval thereof from the City Manager. Lessee shall continually modify any existing improvements and alterations to the Premises as may be necessary to conform with such approval. It is expressly understood that such approval is subject to modification, in the discretion of the City Manager, and that, if such approval is modified, Lessee shall modify its improvements and alterations as may be necessary to comply with such modified approval. Any alteration or improvement that is made by Lessee without written consent from Lessor or that is inconsistent, in Lessor's sole discretion, with Lessor's written consent shall constitute default hereunder. All such improvements and alterations made with Lessor's consent shall be properly maintained by Lessee, in Lessor's sole discretion.

9. **Inspections and Access.** Lessee does hereby agree that Lessor shall be allowed to inspect the Premises at any time. Lessee shall provide Lessor with such reasonable access over and across the Premises as may be necessary to enable and assist Lessor in the use, care, maintenance and improvement of Lessor's adjacent properties.

10. **Insurance.** Lessee, assignee, or sublessee, as the case may be, shall, at its expense, obtain and maintain the following insurance coverages for any period during which the Restaurant contemplated hereby is in operation or during which the Premises are otherwise open to the public.

a. Statutory Workers' Compensation Insurance in amounts required by law and, unless exempted by applicable law, Employer's Liability Insurance at a minimum of $100,000.00 for bodily injury by accident each employee and $100,000.00 for bodily injury by disease each employee, with a policy limit of $500,000.00 bodily injury by disease.

b. Commercial General Liability Insurance, including contractual liability, personal and bodily injury, property damage, advertising injury, premises, and operations coverage at a minimum of $1,000,000.00 per occurrence and $1,000,000.00 aggregate.

c. Liquor Liability Insurance at a minimum of $1,000,000.00 per occurrence and $1,000,000.00 aggregate, if applicable.

The Commercial General Liability and Liquor Liability Insurance policies shall list Lessor as additional insured and provide that they are not subject to cancellation or reduction in coverage except after thirty (30) days following notice to Lessor. Lessee shall deliver to Lessor certificates of insurance for all insurance policies required hereunder. Lessee shall, within a reasonable period of time prior to the expiration of any such policy, furnish Lessor with certificates of insurance evidencing renewal thereof. Lessor may, in its sole discretion, require Lessee to

expand the form and/or increase the amounts of all such insurance.

11. **Taxes and Assessments.** Lessee shall be responsible for and promptly pay before default any and all real and personal property taxes or special assessments, if any, that may be levied or assessed against the Premises or any improvements or other property situated thereon, it being the mutual intention of the parties that Lessor shall not be required to pay any taxes on either real or personal property by reason of permitting Lessee to use the Premises as herein described. Lessee also agrees to indemnify Lessor against any loss or liability resulting from any and all claims or liens in connection with such taxes and assessments.

12. **Utilities.** The provision of utilities, including water, sewer, and electricity, if any, shall be covered under a separate agreement; however, Lessee shall be responsible for all applicable charges, including but not limited to "hook-up" and customary monthly charges for the same. Notwithstanding the foregoing, it is expressly understood by the parties that Lessee shall be responsible for installing, in the manner required by Lessor, and paying for any additional lighting that may be required.

13. **Release, Waiver of Claims and Indemnity.** Lessee shall occupy the Premises at Lessee's own risk. Lessee for itself, its invitees, customers, guests, assigns, sublessees and their respective joint venturers, partners, parents, subsidiaries, affiliates, predecessors in interest, successors in interest, assigns and each of their respective officers, directors, employees, shareholders, agents, accountants, attorneys, insurance carriers, sureties, representatives, consultants and advisors, both past and present, hereby shall unconditionally waive, release, hold free and harmless, indemnify and defend Lessor and its present and former employees, officials, and elected officials in both their respective individual and official capacities, agents, personal representatives, attorneys, insurers, heirs, successors and assigns, and each of them, respectively, of, from, and for all and any manner of action or actions, cause and causes of action, claims, demands, costs, loss of services, expenses, attorney's fees, compensation and all consequential, compensatory, general, special and/or punitive damages or liabilities, known or unknown, which may result directly or indirectly from or be in any way related to, connected with or growing out of this Agreement, Lessee's occupancy as well as use of said Premises, including use by invitees, customers, guests, assigns, or sublessees of Lessee as well as patrons of and those served by the Restaurant. This provision shall survive the termination of this Agreement and shall be in full force and effect beyond the term or termination of this Agreement, however terminated.

14. **Adherence to Regulations.** Lessee shall comply with all laws, statutes, codes, acts, ordinances, orders, judgments, decrees, injunctions, rules, regulations, permits, licenses, authorizations, directions and requirements of and agreements with all governments, departments, commissions, boards, Courts, authorities, agents, officials, officers and other parties, foreseen or unforeseen, ordinary or extraordinary, which now or at any time hereafter may be applicable to Lessee, Lessee's operation of the Restaurant contemplated hereby, and Lessee's use of the Premises. Further, Lessee shall comply with any and all local, state, federal or other rules and regulations as well as all applicable environmental rules and regulations, including but not limited to such rules and regulations regulating hazardous or similar substances or conditions, their storage or disposal. Lessee shall not intentionally or knowingly use the Premises for any purpose or in any manner in violation of any law, ordinance, rule, or regulation adopted or imposed by any federal, state, county, municipal body, or other governmental agency.

Lessee further agrees to indemnify and hold Lessor harmless for any and all damage of any kind arising from Lessee's failure to comply with the aforementioned rules and regulations, including, but not limited to, the cost of clean-up, restoration fees, mitigation costs, and attorney's fees caused or occasioned by Lessee.

15. **Reports.** If requested by the City Manager, Lessee shall provide a report of such matters involving the Premises or the Restaurant as may be required by the City Manager.

16. **Relationship of Parties.** In carrying out the terms and conditions of this Agreement, Lessee is an independent party from Lessor and is not an agent or employee of Lessor. Nothing contained in this Agreement shall create or be construed as creating a partnership, joint venture, or employee relationship between Lessor and Lessee.

17. **Waiver.** No waiver of any condition, covenant or restriction of this Agreement by either party shall be deemed to imply or constitute a further waiver of the same or any other condition, covenant or restriction of this Agreement.

18. **Surrender of Possession and Holding Over.** Upon the expiration or any other termination of this Agreement, Lessee shall quit and surrender the Premises to Lessor. Within ninety (90) days of any such expiration or any other termination of this Agreement, Lessee shall retain ownership of and shall remove any items of personal property and shall, upon notice from Lessor, remove any and all improvements and alterations described in such notice, including fixtures, made or placed on or about the Premises by Lessee and, consistent with such notice, return the Premises to its condition prior to any installation or placement of such item(s) or making of any such improvements or alterations thereon. Failure by Lessee to perform the obligations contained in this numbered paragraph 18 within said ninety (90) day period shall entitle Lessor to remove and dispose of said personal property, improvements, and alterations, including fixtures, and recover all of its costs and expenses in doing so from Lessee. If Lessee shall remain in possession of the Premises or any part thereof after the expiration of the term of this Agreement, either with or without Lessor's acquiescence, Lessee shall be deemed a tenant at will, and such holding over by Lessee shall in no way constitute a renewal of this Agreement.

19. **Lessee's Default.** Any default by Lessee in the performance of any of the promises, duties, or obligations herein agreed to by Lessee or imposed upon Lessee by law shall, at Lessor's option, constitute a material breach of this Agreement, giving Lessor, in addition to all other rights and remedies as provided herein and provided by law, the right without notice or demand at the option of the Lessor immediately to a) terminate this Agreement; b) reenter, without liability to anyone for trespass or otherwise, the Premises; and c) collect from Lessee any damages resulting from default, including the cost of repairing the Premises, returning the Premises to its original condition, and any reasonable attorney's fees incurred as a result of default. Upon any reentry pursuant to this paragraph, Lessor may, without liability to anyone, remove any personal property and fixtures located on or about the Premises, whether belonging to Lessee or otherwise, and dispose of the personal property and fixtures as Lessor deems proper or to store such property and fixtures at Lessee's expense. Lessor is further authorized to sell or cause to be sold any such personal property and fixtures so removed, the proceeds from which may be used to pay any storage charges against the property or to satisfy any deliquent rental or other obligation due Lessor by Lessee.

a. **Event of Default.** It is expressly understood by the parties that the following will constitute an event of default: should Lessee be unable to demonstrate, to Lessor's sole discretion and satisfaction, that Lessee has a legally enforceable interest in the adjacent property sufficient to authorize Lessee to operate the Restaurant on the adjacent property for a period of time equal to the term of this Agreement.

20. **Notices.** Any notices which Lessor or Lessee is required or desires to give to the other hereunder shall be deemed sufficiently given or rendered if, in writing, they are delivered personally, or sent by certified or registered mail, postage prepaid, to the following addresses.

If to Lessor:
ATTN: City Manager
City of Washington
P.O. Box 1988
Washington, N.C. 27889

If to Lessee:
ATTN: Mr. Stanley Friedman
401 Moss Landing, Suite 301
Washington, N.C. 27889

Any notice so given to either party hereunder shall be conclusively deemed to have been received upon delivery, in the case of personal delivery, or, in the case of proper mailing, on the third business day following the proper mailing thereof. Each party shall give written notice to the other of any change of address at least thirty (30) days in advance of the date such change is to become effective, whereupon the address so given shall control.

21. **Illegal Provisions and Governing Law.** If any provision of this Agreement shall be declared illegal, void, or unenforceable, the other provisions shall not be affected, but shall remain in full force and effect. This Agreement shall be governed by and construed in accordance with the laws of North Carolina.

22. **Miscellaneous.**

a. The headings of the paragraphs in this Agreement are for convenience of reference only and shall not be used to construe the meaning of the contents of such paragraphs.

b. Should Lessor or Lessee institute any legal proceedings against the other related to this Agreement, the prevailing party in such action shall, in addition to any other recovery, be entitled to recover its costs and expenses from the losing party including its reasonable attorney's fees.

c. This Agreement shall be binding upon the respective parties hereto and upon their heirs, successors and, if expressly permitted as provided for herein, assigns and sublessees.

d. This Agreement was negotiated by the parties and each party had input into the terms and provisions of this Agreement. The provisions of this Agreement shall not be construed against the party who drafted the Agreement as a result of that party's drafting of the Agreement.

e. The parties agree that this Agreement shall not be recorded. Upon demand by Lessor

or Lessee, the other party agrees to execute a memorandum of this Agreement suitable for recording in the Office of the Register of Deeds of Beaufort County. The party requesting the recordation of the memorandum of this Agreement shall be responsible for the costs of the preparation thereof and the recording of the same. In the event of the recording of any memorandum of this Agreement, upon termination of the Agreement, the parties agree to execute and record a memorandum of termination of agreement.

f. The singular shall include the plural, and the masculine or neuter include the other.

23. **Survival of Terms.** If any provision herein contained which by its nature and effect is required to be observed, kept or performed after the expiration or other termination of this Agreement, it shall survive the expiration or other termination of this Agreement and remain binding upon and for the benefit of the parties hereto until fully observed, kept or performed. The parties expressly acknowledge that this survival of terms provision shall pertain to all applicable provisions of this Agreement including but not limited to the provisions of this Agreement which require Lessee to remove the personal property and fixtures made or placed on or about the Premises by Lessee.

24. **Entire Agreement.** This Agreement contains the entire agreement between the parties hereto with respect to Lessee's use and occupancy of said Premises and all prior and contemporaneous agreements are merged herein, and this instrument shall not be altered or modified except in writing signed by all parties hereto.

IN WITNESS WHEREOF, after due authority given, the parties hereto have executed this Agreement as of the date first above written.

PRE-AUDIT CERTIFICATE

This Agreement has been pre-audited per North Carolina General Statute § 159-28 in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Matt Rauschenbach, Chief Financial Officer
City of Washington

(Signatures On Next Page)

ATTEST:

LESSOR:
CITY OF WASHINGTON

_____
Cynthia S. Bennett, City Clerk
City of Washington

By: _____
Jonathan Russell, City Manager
City of Washington

LESSEE:
FRIEDMAN-RAVENWOOD, LLC

By: _____
Stanley Friedman, Manager
Friedman-Ravenwood, LLC

STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT

I, _____, a Notary Public of the State and County aforesaid, certify that **CYNTHIA S. BENNETT**, personally appeared before me this day and acknowledged that she is City Clerk of the **CITY OF WASHINGTON,** a North Carolina municipal corporation, and as the act of the corporation, the foregoing instrument was signed in its name by **JONATHAN RUSSELL**, its City Manager, sealed with its corporate seal and attested by herself as its City Clerk.

Witness my hand and official seal, this the _____ day of _____, 20__.

_____
NOTARY PUBLIC

My Commission expires: _____

STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT

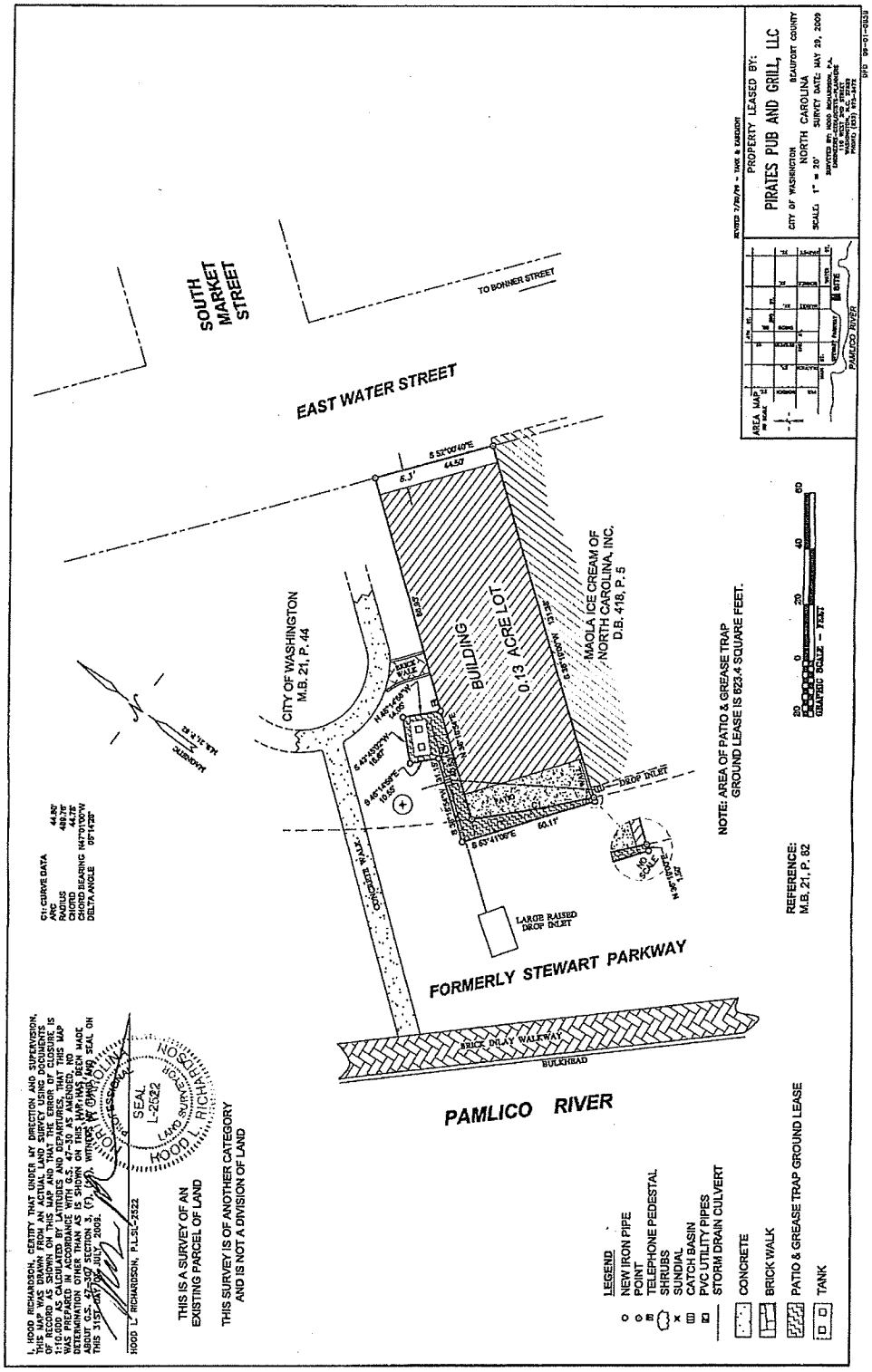
Before me, a Notary Public in and for the County and State aforesaid, this day personally appeared **STANLEY FRIEDMAN** and acknowledged that he is Manager of **FRIEDMAN-RAVENWOOD, LLC**, and acknowledged the due execution by him of the foregoing instrument for the purposes therein expressed.

Witness my hand and official seal, this the _____ day of _____, 20__.

_____
NOTARY PUBLIC

My Commission expires: _____

EXHIBIT "A"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LARGE RAISED DROP INLET
FORMERLY STEWART PARKWAY
BRICK INLAY WALKWAY
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BEAUFORT COUNTY
NORTH CAROLINA
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SURVEY DATE: MAY 20, 2009
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PATIO & GREASE TRAP GROUND LEASE
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THIS IS A SURVEY OF AN EXISTING PARCEL OF LAND
THIS SURVEY IS OF ANOTHER CATEGORY AND IS NOT A DIVISION OF LAND
SEAL L-2532
HOOD L. RICHARDSON, P.L.S.L-2532

Agenda Date: April 12, 2021

City of Washington
NORTH CAROLINA

REQUEST FOR CITY COUNCIL ACTION

To:	**Mayor Sadler & Members of the City Council**
From:	**Adam Waters, Public Works Director**
Date:	**April 12, 2021**
Subject:	**Amend Water Fund Budget**
Staff Presentation:	**Adam Waters, Public Works Director**

RECOMMENDATION:

I move that City Council approve the Grant Project Ordinance and Budget Ordinance for the Water Treatment Plant Emergency Generator Project

BACKGROUND AND FINDINGS:

City Council approved a Resolution at the April 13, 2020 City Council Meeting, to pursue funding from the North Carolina Division of Water Infrastructure (DWI) and the State Water Infrastructure Authority and Additional Supplemental Appropriations for Disaster Relief Act of 2019 (ASADRA) to purchase a new generator for the City's Water Treatment Plant.

A Letter of Intent dated August 3, 2020 notified the City of Washington of the approval to fund this project with a $409,160 loan, 25% of which will be principle forgiven. This Action Item sets up the proposed budget for this project and appropriates $8,184 in loan fees.

FISCAL IMPACT

_____Currently Budgeted (Account _____) ___X___Requires additional appropriation_____ No Fiscal Impact

SUPPORTING DOCUMENTS

Letter of Intent to Fund dated August 3, 2020
Funding Deadline Extension dated February 26, 2021

A GRANT PROJECT ORDINANCE FOR
DRINKING WATER ASADRA WTP EMERGENCY GENERATOR
Project No. WIF-2009
CITY OF WASHINGTON, N.C.
FOR FISCAL YEAR 2020-2021

BE IT ORDAINED, by the City Council of the City of Washington, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project is hereby established:

Section 1. The project authorized is for the Drinking Water ASADRA water treatment plant emergency generator principal forgiveness and loan, project No. WIF-2009.

Section 2. The officers of this unit are hereby directed to proceed with the project within the terms of the grant agreements.

Section 3. The following amounts are appropriated for the project:

206-8244-0401	Administration & Legal	$15,000
206-8244-0403	Engineering	25,000
206-8244-4502	Construction	369,160
	Total	$409,160

Section 4. The following revenue is anticipated to be available to complete this project:

206-3480-0508	NCDEQ Grant Funds	$409,160

Section 5. The Finance Director is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grant agreements.

Section 6. Funds may be advanced by the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grant agencies in an orderly and timely manner.

Section 7. The Finance Director is directed to report, on a monthly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detail analysis of past and future costs and revenues on this grant project in every budget submission made to the City Council.

Section 9. Copies of this grant project ordinance shall be furnished to the City Clerk, and to the Budget Officer, and to the Finance Director for direction in carrying out this project.

Section 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11. This ordinance shall become effective upon its adoption.

This the 12th day of April, 2021.

_____
Mayor

Attest:

_____
City Clerk

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF WASHINGTON, N.C. FOR THE FISCAL YEAR 2020-2021

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

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

030-3991-9910	Fund Balance Appropriated	$ 8,184

Section 2. That the following accounts of the Water Fund appropriations budget be increased or decreased by the respective amounts to appropriate funds for the loan fee related to NC DEQ Project No. WIF-2009 (water plant generator):

030-8100-0400	Professional Services	$ 8,184

Adopted this the 12th day of April, 2021.

MAYOR

ATTEST:

CITY CLERK

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
Kim H. Colson
Director

NORTH CAROLINA
Environmental Quality

February 26, 2021

Mr. Jonathan Russell, City Manager
City of Washington
102 E. Second Street
Washington, NC 27889

Subject: Funding Deadline Extension
City of Washington
WTP Emergency Generator
Project No. WIF-2009

Dear Mr. Russell:

The Division has received your request for an extension to the project milestone deadlines. Based upon our review of your request, we have modified the project milestone deadlines as follows:

Milestone	Old Deadline	New Deadline
Engineering Report Submittal	December 1, 2020	July 1, 2021
Engineering Report Approval	May 3, 2021	December 1, 2021
Bid and Design Package Submittal	November 1, 2021	June 1, 2022
Bid and Design Package Approval	March 1, 2022	October 3, 2022
Advertise Project, Receive Bids, Submit Bid Information, and Receive Authority to Award	July 1, 2022	February 1, 2023
Execute Construction Contract(s)	August 1, 2022	March 1, 2023

All other funding requirements remain unchanged. **Failure to meet these new deadlines will result in your forfeiture of funding in accordance with NCGS §159G-41.**

If you have any questions, please contact Antonio V. Evans, PE by phone at (919) 707-9168 or by email at tony.evans@ncdenr.gov.

Sincerely,

Jon Risgaard

Jon Risgaard, Chief
State Revolving Fund Section

cc: Seth Robertson, PE, WithersRavenel, Raleigh
Jessica Leggett, PE, WithersRavenel, Raleigh
Mark Hubbard, PE (via email)
Vincent Jude Tomaino, PE (via email)
Antonio V. Evans, PE (via email)
SRF (COM/FDE)

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
Kim H. Colson
Director

NORTH CAROLINA
Environmental Quality

August 3, 2020

Mr. Jonathan Russell, City Manager
City of Washington
102 E. Second Street
Washington, NC 27889

Subject: Letter of Intent to Fund
WTP Emergency Generator
Spring 2020 Application Cycle
Project No.: 2009

Dear Mr. Russell:

The Division of Water Infrastructure has reviewed your application, and the State Water Infrastructure Authority has approved your project as eligible to receive an Additional Supplemental Appropriations for Disaster Relief Act of 2019 (ASADRA) loan of $409,160. Twenty-five percent of the loan (up to a maximum of $102,290) will be forgiven, and the remainder will be repayable at a maximum interest rate of 0.18%. A loan fee of 2% will be invoiced after bids have been received.

Please note that this intent to fund is contingent on approval of the loan through the Local Government Commission and on meeting **all** of the following milestones:

Milestone	**Date**
Engineering Report Submittal	December 1, 2020
Engineering Report Approval	May 3, 2021
Bid and Design Package Submittal	November 1, 2021
Bid and Design Package Approval	March 1, 2022
Advertise Project, Receive Bids, Submit Bid Information, and Receive Authority To Award	July 1, 2022
Execute Construction Contract(s)	August 1, 2022

The first milestone is the submittal of an Engineering Report by close of business on December 1, 2020. The Engineering Report must be developed using the guidance found on our website (https://deq.nc.gov/about/divisions/water-infrastructure/i-have-funding/engineering-reportenvironmental-information). **Failure to meet any milestone may result in the forfeiture of funding for the proposed project.**

North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

Upon detailed review of the project during the funding process, it may be determined that portions of your project are not eligible for funding and the total funding amount may be reduced. Additionally, changes in the scope or priority points awarded – based on additional information that becomes apparent during project review – may also result in changes to the total funding amount and loan terms.

ASADRA Requirements

The Additional Supplemental Appropriations for Disaster Relief Act of 2019 (ASADRA) requires that the Engineering Report describe how the project accomplishes one (or more) of the following:

- Enable the facility to prepare for, adapt to or recover from natural disasters
- Reduce the likelihood of damage to the facility
- Reduce the facility's susceptibility to physical damage or ancillary impacts caused by floods, earthquakes, or fires
- Prepare for, adapt to, or recover from a sudden unplanned change in the amount of and movement of water near the facility

Davis-Bacon Requirements and American Iron and Steel Provisions

Projects funded through the State Revolving Fund (SRF) programs (including ASADRA) must comply with Davis-Bacon wage requirements and American Iron and Steel provisions. You can find standard specifications covering these requirements on our website.

Joint Legislative Committee on Local Government Notification Requirements

In accordance with G.S. 120-157.2, local government units with projects that require debt to be issued greater than $1,000,000 **must** submit a letter to Committee Chairs, Committee Assistant, and the Fiscal Research Division of the General Assembly at least 45 days prior to presentation before the Local Government Commission. You are responsible for submitting that letter and providing a copy to the Division.

If you have any questions, please contact Antonio V. Evans, PE by phone at (919) 707-9168 or by email at tony.evans@ncdenr.gov.

Sincerely,

Jon Risgaard

Jon Risgaard, Chief
State Revolving Fund Section

CC: Seth Robertson, PE, WithersRavenel, Raleigh
Vincent Jude Tomaino, PE
Mark Hubbard, PE
Project File (**COM_LOIF**)

Agenda Date: April 12, 2021

City of Washington
NORTH CAROLINA

REQUEST FOR CITY COUNCIL ACTION

To:	**Mayor Sadler & Members of the City Council**
From:	**Adam Waters, Public Works Director**
Date:	**April 12, 2021**
Subject:	**Amend Sewer Fund Budget**
Staff Presentation:	**Adam Waters, Public Works Director**

RECOMMENDATION:

I move that City Council approve(the Grant Project Ordinance and Budget Ordinance for the Runyon Creek Sewer Rehab and Short Drive Pump Station Flood Proofing Project.

BACKGROUND AND FINDINGS:

City Council approved a Resolution at the April 13, 2020 City Council Meeting, to pursue funding from the North Carolina Division of Water Infrastructure (DWI) State Revolving Fund to; flood proof a pump station on Short Drive and fund the Runyon Creek outfall sewer rehab project.

A Letter of Intent dated March 1, 2021 notified the City of Washington of the approval to fund this project with a $2,500,000 loan. This Action Item sets up the proposed budget for this project and appropriates $50,000 in loan fees.

FISCAL IMPACT

_____Currently Budgeted (Account _____) ___X___Requires additional appropriation_____ No Fiscal Impact

SUPPORTING DOCUMENTS

Letter of Intent to Fund dated March 1, 2021

A GRANT PROJECT ORDINANCE FOR
PS FLOOD PROTECTION AND SEWER REHAB
PROJECT # SRP-W-0199
CITY OF WASHINGTON, N.C.
FOR FISCAL YEAR 2020-2021

BE IT ORDAINED, by the City Council of the City of Washington, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project is hereby established:

Section 1. The project authorized is for the Clean Water State Revolving Fund (CWSRF) $2,500,000 low interest rate loan for sewer rehab.

Section 2. The officers of this unit are hereby directed to proceed with the project within the terms of the grant agreements.

Section 3. The following amounts are appropriated for the project:

305-8250-0401	Administration & Legal	$54,000
305-8250-0403	Engineering	268,000
305-8250-4502	Construction	2,178,000
	Total	$2,500,000

Section 4. The following revenue is anticipated to be available to complete this project:

305-3480-0508	NCDEQ Grant Funds	$2,500,000

Section 5. The Finance Director is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grant agreements.

Section 6. Funds may be advanced by the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grant agencies in an orderly and timely manner.

Section 7. The Finance Director is directed to report, on a monthly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detail analysis of past and future costs and revenues on this grant project in every budget submission made to the City Council.

Section 9. Copies of this grant project ordinance shall be furnished to the City Clerk, and to the Budget Officer, and to the Finance Director for direction in carrying out this project.

Section 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11. This ordinance shall become effective upon its adoption.

This the 12th day of April, 2021.

_____
Mayor

Attest:

_____
City Clerk

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE CITY OF WASHINGTON, N.C. FOR THE FISCAL YEAR 2020-2021

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

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

032-3991-9910	Fund Balance Appropriated	$ 50,000

Section 2. That the following accounts of the Sewer Fund appropriations budget be increased or decreased by the respective amounts to appropriate funds for the loan fee related to NC DEQ Project No. SRP-W-1099 (sewer rehab)):

032-8200-0400	Professional Services	$ 50,000

Adopted this the 12th day of April, 2021.

_____
MAYOR

ATTEST:

_____
CITY CLERK

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
Kim H. Colson
Director

NORTH CAROLINA
Environmental Quality

March 1, 2021

The Honorable Donald Sadler, Mayor
City of Washington
102 East Second Street
Washington, NC 27889

Subject: Letter of Intent to Fund
Pump Station Flood Protection & Sewer Rehab
Fall 2020 Application Cycle
Project No.: SRP-W-0199

Dear Mayor Sadler:

The Division of Water Infrastructure has reviewed your application, and the State Water Infrastructure Authority has approved your project as eligible to receive funding. The State Reserve Project Loan will be $2,500,000 at a maximum interest rate of 0.10%. A loan fee of 2% will be invoiced after bids have been received.

Please note that this intent to fund is contingent on approval of the loan through the Local Government Commission and on meeting **all** of the following milestones:

Milestone	**Date**
Engineering Report Submittal	July 1, 2021
Engineering Report Approval	December 1, 2021
Bid and Design Package Submittal	June 1, 2022
Bid and Design Package Approval	October 3, 2022
Advertise Project, Receive Bids, Submit Bid Information, and Receive Authority To Award	February 1, 2023
Execute Construction Contract(s)	March 1, 2023

The first milestone is the submittal of an Engineering Report by close of business on July 1, 2021. The Engineering Report must be developed using the guidance found on our website (https://deq.nc.gov/about/divisions/water-infrastructure/i-have-funding/engineering-reportenvironmental-information). **Failure to meet any milestone may result in the forfeiture of funding for the proposed project.**

The State Environmental Policy Act exempts projects funded by the State Reserve (such as this project) from state-mandated environmental review. Federal requirements may still apply. [NCGS 113A-12(2)h.]

Upon detailed review of the project during the funding process, it may be determined that portions of your project are not eligible for funding and the total funding amount may be reduced. Additionally, changes in the scope or priority points awarded – based on additional information that becomes apparent during project review – may also result in changes to the total funding amount and loan terms.

Joint Legislative Committee on Local Government Notification Requirements
In accordance with G.S. 120-157.2, local government units with projects that require debt to be issued greater than $1,000,000 **must** submit a letter to Committee Chairs, Committee Assistant, and the Fiscal Research Division of the General Assembly at least 45 days prior to presentation before the Local Government Commission. You are responsible for submitting that letter and providing a copy to the Division.

Extended Term Loan
Projects that qualify for a targeted interest rate and demonstrate in the Engineering Report a weighted average design life for the major components of the project greater than 20 years are eligible for an extended loan term up to the calculated weighted average design life, but not to exceed 30 years. Request an extended term on the Engineering Report Submittal Checklist (https://deq.nc.gov/about/divisions/water-infrastructure/i-have-funding/engineering-reportenvironmental-information) and provide the necessary calculation.

If you have questions, please contact me at (919) 807-6458, by email at jon.risgaard@ncdenr.gov, or Antonio V. Evans, PE by phone at (919) 707-9168, by email at tony.evans@ncdenr.gov.

Sincerely,

Jon Risgaard

Jon Risgaard, Chief
State Revolving Fund Section

CC: B. Seth Robertson, WithersRavenel, Raleigh
Catherine Renbarger, WithersRavenel, Raleigh
Mark Hubbard, PE
Project File (**COM_LOIF**)

City of Washington
NORTH CAROLINA

REQUEST FOR CITY COUNCIL ACTION

To:	**Mayor Sadler & Members of the City Council**
From:	**Glen Moore, Planning Administrator**
Date:	**April 5, 2021**
Subject:	**Preliminary Subdivision Plat - Powell Place**
Applicant Presentation:	**Marie Peaden**
Staff Presentation:	**Mike Dail, Director Community & Cultural Services**

RECOMMENDATION:

I move that City Council accept the recommendation of the Planning Board and approve the request for the 18 lot preliminary subdivision plat on parcel # 5686-50-6934.

-OR-

I move that City Council deny the recommendation of the Planning Board and deny the request for the 18 lot preliminary subdivision plat on parcel # 5686-50-6934.

BACKGROUND AND FINDINGS:

This is a request to create an 18 lot single family residential subdivision at the southeast corner of the intersection of Avon Avenue and Atkins Drive. The property is identified by the Beaufort County Tax Office as parcel # 5686-50-6934 and is currently zoned O&I (Office & Institutional) and R15S (Residential).

The subject property is currently The Racquet Club of Washington. The applicant wishes to redevelop the property as an 18 lot single-family residential subdivision. The property is surrounded by single-family development. There is also multi-family development and commercial and office uses along Avon Avenue. The adjacent property to the north, south and east is zoned O&I (Office & Institutional) and R15S (Residential). The adjacent property to the west is zoned RMF (Residential Multi-family).

On March 23, 2021, the Planning Board held a public hearing on the request. After the hearing and discussion, the Board voted 5 to 1 to recommend approval of the preliminary subdivision plat to City Council.

FISCAL IMPACT

_____Currently Budgeted (Account _____) _____Requires additional appropriation__X__ No Fiscal Impact

SUPPORTING DOCUMENTS

Staff Report, Preliminary Subdivision Plat, Location Map, Zoning Map

City of Washington
NORTH CAROLINA

Preliminary Subdivision Plat Staff Report

Development Services, Planning & Zoning Division

Request: Preliminary Subdivision Plat – Powell Place

Parcel #: 5686-50-6934

Parcel Size: 5.37 acres

Proposed Number of Lots: 18

Existing Zoning: O&I (Office & Institutional) and R15S (Residential)

Proposed Land Use: Single Family Residential

Required Notices: Adjoining property owner notices were mailed on April 1, 2021.

Surrounding Land Uses and Zoning:

The subject property is currently The Racquet Club of Washington. The applicant wishes to redevelop the property as an 18 lot single-family subdivision. The property is surrounded by single-family development. There is also multi-family development and commercial and office uses along Avon Avenue. The adjacent property to the north, south and east is zoned O&I (Office & Institutional) and R15S (Residential). The adjacent property to the west is zoned RMF (Residential Multi-family).

Development Notes:

The subject property is located in the City Limits and is not located within the 100-year flood plain per current FEMA flood zone maps.

Water and sewer are available to the subject property.

Dimensional Standards:

Minimum Lot Size: 7,500 square feet

Minimum Lot Width: 60'

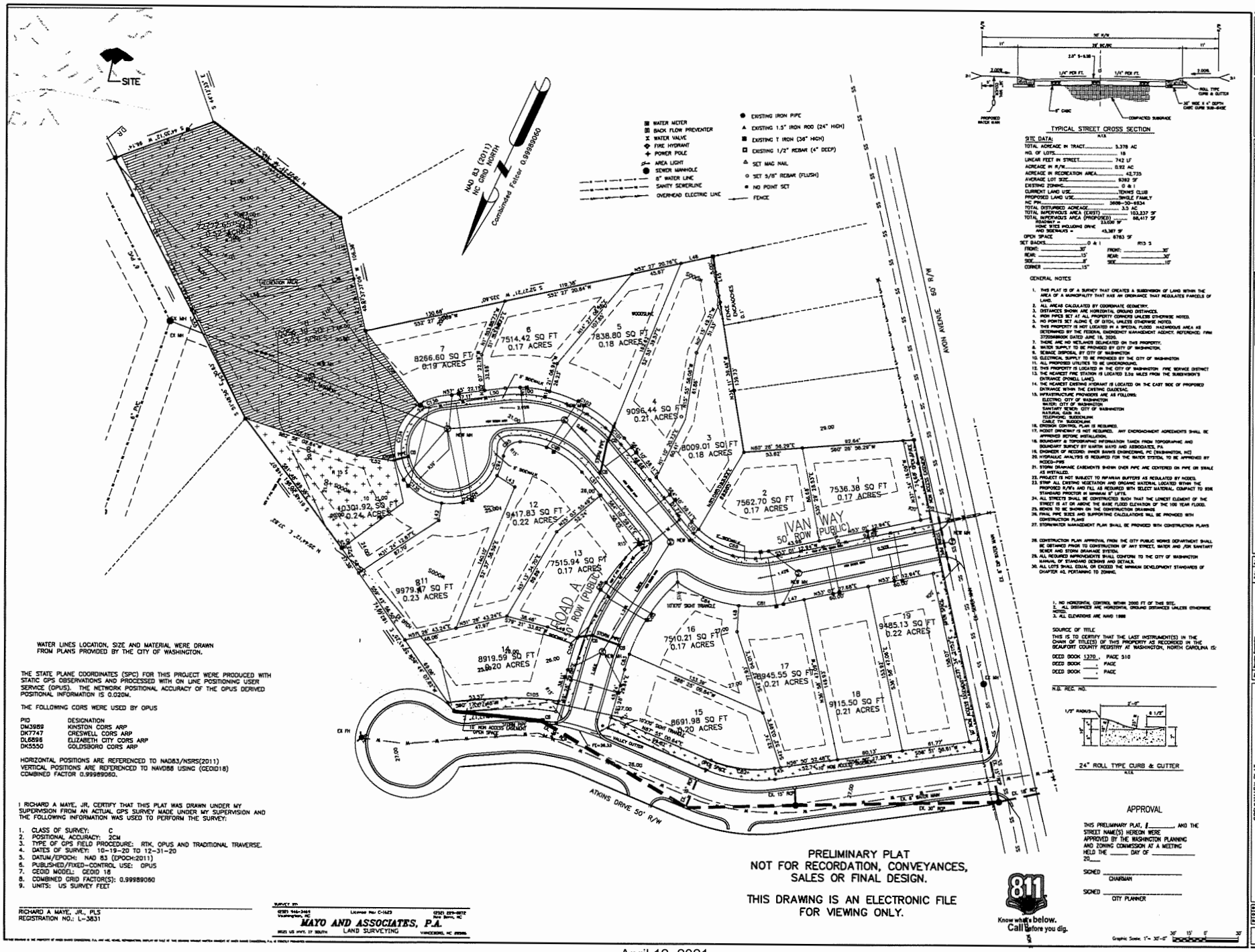
Principle Structure Setbacks: 30' Front, 8' Side & 15' Rear

TRC Comments:

The preliminary plat meets all the technical requirements of the City Code and has been approved by the City of Washington Technical Review Committee.

Planning Board Action:

On March 23, 2021, the Planning Board voted 5 to 1 to recommend approval of the 18 lot preliminary subdivision plat.



WATER LINES LOCATION, SIZE AND MATERIAL WERE DRAWN FROM PLANS PROVIDED BY THE CITY OF WASHINGTON.

THE STATE PLANE COORDINATES (SPC) FOR THIS PROJECT WERE PRODUCED WITH STATIC GPS OBSERVATIONS AND PROCESSED WITH ON LINE POSITIONING USER SERVICE (OPUS). THE NETWORK POSITIONAL ACCURACY OF THE OPUS DERIVED POSITIONAL INFORMATION IS 0.020M.

THE FOLLOWING CORS WERE USED BY OPUS

PID	DESIGNATION
DM3989	KINSTON CORS ARP
DK7747	CRESWELL CORS ARP
DL6896	ELIZABETH CITY CORS ARP
DK5550	GOLDSBORO CORS ARP

HORIZONTAL POSITIONS ARE REFERENCED TO NAD83/NSRS(2011)
VERTICAL POSITIONS ARE REFERENCED TO NAVD88 USING (GEOID18)
COMBINED FACTOR 0.99989060.

I RICHARD A MAYE, JR. CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

1. CLASS OF SURVEY: C
2. POSITIONAL ACCURACY: 2CM
3. TYPE OF GPS FIELD PROCEDURE: RTK, OPUS AND TRADITIONAL TRAVERSE.
4. DATES OF SURVEY: 10-19-20 TO 12-31-20
5. DATUM/EPOCH: NAD 83 (EPOCH:2011)
6. PUBLISHED/FIXED-CONTROL USE: OPUS
7. GEOID MODEL: GEOID 18
8. COMBINED GRID FACTOR(S): 0.99989060
9. UNITS: US SURVEY FEET

RICHARD A MAYE, JR., PLS
REGISTRATION NO.: L-3831

SURVEY BY:
(252) 946-3463 Washington, NC
License No: C-1443
(252) 329-9872 New Bern, NC
MAYO AND ASSOCIATES, P.A.
LAND SURVEYING
3523 US HWY. 17 SOUTH VANCEBORO, NC 28586

PRELIMINARY PLAT
NOT FOR RECORDATION, CONVEYANCES, SALES OR FINAL DESIGN.

THIS DRAWING IS AN ELECTRONIC FILE FOR VIEWING ONLY.

SITE DATA:

TOTAL ACREAGE IN TRACT	5.378 AC
NO. OF LOTS	19
LINEAR FEET IN STREET	742 LF
ACREAGE IN R/W	0.92 AC
ACREAGE IN RECREATION AREA	42,735
AVERAGE LOT SIZE	8382 SF
EXISTING ZONING	O & I
CURRENT LAND USE	TENNIS CLUB
PROPOSED LAND USE	SINGLE FAMILY
NC PIN	5699-30-6934
TOTAL DISTURBED ACREAGE	3.3 AC
TOTAL IMPERVIOUS AREA (EXIST)	103,237 SF
TOTAL IMPERVIOUS AREA (PROPOSED)	86,417 SF
ROADWAY =	33,030 SF
HOME SITES INCLUDING DRIVE AND SIDEWALKS =	43,387 SF
OPEN SPACE	8783 SF

SET BACKS:

O & I		R15 S	
FRONT:	30'	FRONT:	30'
REAR:	15'	REAR:	30'
SIDE:	8'	SIDE:	10'
CORNER	15'		

GENERAL NOTES

1. THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
2. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
3. DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
4. IRON PIPES SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
5. NO POINTS SET ALONG E OF DITCH, UNLESS OTHERWISE NOTED.
6. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. REFERENCE: FIRM 3720896900K DATED JUNE 18, 2004.
7. THERE ARE NO WETLANDS DELINEATED ON THIS PROPERTY.
8. WATER SUPPLY TO BE PROVIDED BY CITY OF WASHINGTON.
9. SEWAGE DISPOSAL BY CITY OF WASHINGTON
10. ELECTRICAL SUPPLY TO BE PROVIDED BY THE CITY OF WASHINGTON
11. ALL PROPOSED UTILITIES TO BE UNDERGROUND.
12. THIS PROPERTY IS LOCATED IN THE CITY OF WASHINGTON FIRE SERVICE DISTRICT
13. THE NEAREST FIRE STATION IS LOCATED 3.5± MILES FROM THE SUBDIVISION'S ENTRANCE (POWELL LANE).
14. THE NEAREST EXISTING HYDRANT IS LOCATED ON THE EAST SIDE OF PROPOSED ENTRANCE WITHIN THE EXISTING CULDESAC.
15. INFRASTRUCTURE PROVIDERS ARE AS FOLLOWS:
    ELECTRIC: CITY OF WASHINGTON
    WATER: CITY OF WASHINGTON
    SANITARY SEWER: CITY OF WASHINGTON
    NATURAL GAS: NA
    TELEPHONE: SUDDENLINK
    CABLE TV: SUDDENLINK
16. EROSION CONTROL PLAN IS REQUIRED.
17. HOSTS DRIVEWAY IS NOT REQUIRED. ANY ENCROACHMENT AGREEMENTS SHALL BE APPROVED BEFORE INSTALLATION.
18. BOUNDARY & TOPOGRAPHIC INFORMATION TAKEN FROM TOPOGRAPHIC AND BOUNDARY SURVEY BY MARTIN MAYO AND ASSOCIATES, PA.
19. ENGINEER OF RECORD: INNER BANKS ENGINEERING, PC (WASHINGTON, NC)
20. HYDRAULIC ANALYSIS IS REQUIRED FOR THE WATER SYSTEM, TO BE APPROVED BY NCDEQ-PWS
21. STORM DRAINAGE EASEMENTS SHOWN OVER PIPE ARE CENTERED ON PIPE OR SWALE AS INSTALLED.
22. PROJECT IS NOT SUBJECT TO RIPARIAN BUFFERS AS REGULATED BY NCDEQ.
23. STRIP ALL EXISTING VEGETATION AND ORGANIC MATERIAL LOCATED WITHIN THE PROPOSED R/W AND FILL AS REQUIRED WITH SELECT MATERIAL COMPACT TO 95% STANDARD PROCTOR IN MINIMUM 6" LIFTS.
24. ALL STREETS SHALL BE CONSTRUCTED SUCH THAT THE LOWEST ELEMENT OF THE STREET IS AT OR ABOVE THE BASE FLOOD ELEVATION OF THE 100 YEAR FLOOD.
25. BENDS TO BE SHOWN ON THE CONSTRUCTION DRAWINGS
26. FINAL PIPE SIZES AND SUPPORTING CALCULATIONS WILL BE PROVIDED WITH CONSTRUCTION PLANS
27. STORMWATER MANAGEMENT PLAN SHALL BE PROVIDED WITH CONSTRUCTION PLANS
28. CONSTRUCTION PLAN APPROVAL FROM THE CITY PUBLIC WORKS DEPARTMENT SHALL BE OBTAINED PRIOR TO CONSTRUCTION OF ANY STREET, WATER AND /OR SANITARY SEWER AND STORM DRAINAGE SYSTEM.
29. ALL REQUIRED IMPROVEMENTS SHALL CONFORM TO THE CITY OF WASHINGTON MANUAL OF STANDARD DESIGNS AND DETAILS.
30. ALL LOTS SHALL EQUAL OR EXCEED THE MINIMUM DEVELOPMENT STANDARDS OF CHAPTER 40, PERTAINING TO ZONING.

1. NO HORIZONTAL CONTROL WITHIN 2000 FT OF THIS SITE.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
3. ALL ELEVATIONS ARE NAVD 1988

SOURCE OF TITLE

THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE BEAUFORT COUNTY REGISTRY AT WASHINGTON, NORTH CAROLINA IS:

DEED BOOK 1370 , PAGE 510
DEED BOOK ____ , PAGE
DEED BOOK ____ , PAGE

R.B. REC. NO.

APPROVAL

THIS PRELIMINARY PLAT, # _____, AND THE STREET NAME(S) HEREON WERE APPROVED BY THE WASHINGTON PLANNING AND ZONING COMMISSION AT A MEETING HELD THE _____ DAY OF _____ 20___

SIGNED _____
CHAIRMAN

SIGNED _____
CITY PLANNER

RAMIE G. PEEDIN, PE

LICENSE NO. C-1111

INNER BANKS ENGINEERING, PC
P. O. BOX 154
Washington, NC 27889
252-975-0555
MJPEEDIN@IBENGINEERING.COM

IBE ENGINEERING

OWNER:
MARBEN, LLC
130 AVON AVE
WASHINGTON, NC 27889
252-943-8080

No.	By	Date
1	RG	12/21/20
2	RG	3/29/21

PRELIMINARY PLAT
POWELL PLACE
WASHINGTON, WASHINGTON TOWNSHIP, BEAUFORT COUNTY

Drawn: MP/RG
Checked: MP
Date: 12/21/20
Scale: 1"=30'

C2.0

Parcel Line Table		
Line #	Length	Direction
L47	18.38	S52° 57' 21.83"W
L41	3.33	N04° 30' 47.70"E
L48	23.94	S21° 28' 32.63"E
L49	28.83	S82° 38' 23.78"W
L51	27.39	N64° 10' 38.11"W
L38	31.70	S53° 33' 00.65"W
L40	98.14	N44° 33' 12.38"E
L50	18.87	N37° 48' 11.32"E

Curve Table					
Curve #	Length	Radius	Delta	Bearing	Chord Length
C81	40.97	125.00	18.7807	S82° 24' 35"W	40.78
C82	58.03	112.37	30.1003	N71° 53' 48"E	58.38
C83	14.78	179.29	4.7222	S7° 04' 39"E	14.77
C85	80.27	180.26	28.4852	N8° 28' 50"E	79.44
C84	60.60	125.00	27.7786	N65° 41' 25"E	60.01
C106	21.90	287.43	4.6912	S8° 02' 11"E	21.89
C105	48.38	197.67	14.0825	S68° 00' 46"W	48.48
C88	104.98	225.00	26.7346	S7° 53' 48"W	104.03
C94	19.21	50.00	22.0130	S7° 18' 30"E	19.09
C95	22.11	15.00	84.4875	S23° 57' 07"W	20.16
C96	84.97	75.00	49.8312	N88° 58' 35"W	82.95
C135	80.30	49.98	89.1287	N72° 36' 41"W	36.71
C136	23.02	58.89	23.9913	N45° 25' 04"E	24.84
C101	14.36	125.00	6.5912	S87° 28' 43"E	14.37
C102	87.86	125.00	31.0243	N88° 17' 11"W	86.86
C103	9.37	75.00	7.1591	S87° 43' 48"E	27.25
C104	60.30	30.00	69.1063	S38° 18' 35"W	36.71
C134	47.22	48.88	34.1393	N11° 01' 08"W	43.49
C100	41.17	112.87	20.8362	N85° 49' 38"E	40.94
C86	72.43	74.94	33.8848	S86° 30' 20"W	70.00

THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF MARBEN, LLC.

_____
BY: MARBEN, LLC

NORTH CAROLINA, _____ COUNTY

I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY, THAT MARBEN, LLC, DEVELOPER, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS _____ DAY OF _____, 2021.

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES

APPROVAL

THIS FINAL PLAT WAS APPROVED BY THE WASHINGTON CITY PLANNER THIS _____ DAY OF _____, 2021.

SIGNED _____

CITY PLANNER _____

SOURCE OF TITLE
THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE BEAUFORT COUNTY REGISTRY AT WASHINGTON, NORTH CAROLINA IS:

DEED BOOK 1370 , PAGE 510
DEED BOOK ____, PAGE ___
DEED BOOK ____, PAGE ___

_____
N.B. REG. NO.

NOTES

1. THIS PROPERTY DOES LIE WITHIN THE FLOOD ZONE X (MINIMAL FLOOD RISK) AS SHOWN ON THE FLOOD INSURANCE RATE MAP OF BEAUFORT COUNTY 3720568600K, DATED JUNE 19, 2020
2. THE TOTAL AREA OF THIS SUBDIVISION IS 5.378 ACRES.
3. THE TOTAL NUMBER OF LOTS – 18
4. THE TOTAL LINEAL FEET OF NEW STREET 742 LN. FEET MEASURED AT CENTERLINE.
5. UTILITY AND DRAINAGE EASEMENTS SHALL BE:
   (A) 10' ALONG ROAD R/W.
   (B) 10' CENTERED ON ALL PROPERTY LINES
6. SETBACKS: O&I
   (A) FRONT SETBACK – 30'
   (B) SIDE SETBACK – 8'
   (C) REAR SETBACK – 15'
   (D) SIDE STREET – 15'
7. LOTS IN THIS SUBDIVISION WILL BE SERVED BY CITY OF WASHINGTON FOR WATER AND SEWER.
8. ELECTRICAL SERVICE BY THE CITY OF WASHINGTON.
9. ALL ROADS IN SUBDIVISION ARE PUBLIC.
10. ZONED O AND I.
11. CITY OF WASHINGTON HAS BEEN GRANTED AN UTILITY EASEMENT FOR THE PURPOSE OF CONSTRUCTION OF WATER, SEWER, AND ELECTRICAL UTILITIES.
12. ALL SITE ELEVATIONS REFERENCED TO NAVD 88.

I, RICHARD ALLEN MAYE, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY DIRECTION AND SUPERVISION FROM AN ACTUAL SURVEY (A DEED DESCRIPTION RECORDED IN BOOK 1370, PAGE 510); THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLATTED FROM INFORMATION FOUND IN BOOK _____, PAGE _____; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE TO G.S. 47-30, AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 13 DAY JANUARY, A.D. 2021.

_____
RICHARD ALLEN MAYE, JR., PLS
REGISTRATION NO.: L-3831

THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

_____
RICHARD ALLEN MAYE, JR., PLS
REGISTRATION NO.: L-3831

I RICHARD A MAYE, JR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

1. CLASS OF SURVEY: C
2. POSITIONAL ACCURACY: 2CM
3. TYPE OF GPS FIELD PROCEDURE: RTK, OPUS AND TRADITIONAL TRAVERSE.
4. DATES OF SURVEY: 10-19-20 TO 12-31-20
5. DATUM/EPOCH: NAD 83 (EPOCH:2011)
6. PUBLISHED/FIXED-CONTROL USE: OPUS
7. GEOID MODEL: GEOID 18
8. COMBINED GRID FACTOR(S): 0.99989060
9. UNITS: US SURVEY FEET

_____
RICHARD A MAYE, JR., PLS
REGISTRATION NO.: L-3831

THE STATE PLANE COORDINATES (SPC) FOR THIS PROJECT WERE PRODUCED WITH STATIC GPS OBSERVATIONS AND PROCESSED WITH ON LINE POSITIONING USER SERVICE (OPUS). THE NETWORK POSITIONAL ACCURACY OF THE OPUS DERIVED POSITIONAL INFORMATION IS 0.020M.

THE FOLLOWING CORS WERE USED BY OPUS

PID	DESIGNATION
DM3989	KINSTON CORS ARP
DK7747	CRESWELL CORS ARP
DL6896	ELIZABETH CITY CORS ARP
DK5550	GOLDSBORO CORS ARP

HORIZONTAL POSITIONS ARE REFERENCED TO NAD83/NSRS(2011)
VERTICAL POSITIONS ARE REFERENCED TO NAVD88 USING (GEOID18)
COMBINED FACTOR 0.99989060.

1. NO HORIZONTAL CONTROL WITHIN 2000 FT OF THIS SITE.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
3. ALL ELEVATIONS ARE NAVD 1988

STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT

THIS MAP/PLAT WAS PRESENTED FOR REGISTRATION AND RECORDED IN THIS OFFICE IN PLAT CABINET _____, SLIDE _____ THIS _____ DAY OF _____, 2021 AT _____. M.

JENNIFER LEGGETT WHITEHURST
REGISTER OF DEEDS

BY: _____
ASST/DEPTY

REVIEW OFFICER
STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT

I, _____ REVIEW OFFICER OF BEAUFORT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

_____
REVIEW OFFICER DATE

PRELIMINARY PLAT
NOT FOR RECORDATION, CONVEYANCES, SALES OR FINAL DESIGN.

THIS DRAWING IS AN ELECTRONIC FILE FOR VIEWING ONLY.

SURVEY BY:
(252) 946-3449 Washington, NC
License No: C-1423
(252) 257-0072 New Bern, NC
MAYO AND ASSOCIATES, P.A.
LAND SURVEYING
1591 US HWY. 17 SOUTH VANCEBORO, NC 28586

NAME: L. PEDDA, PE
LICENSE NO. C-4111
DIRECTOR OF RECORD
INNER BANKS ENGINEERING, PC
P. O. BOX 154
Washington, NC 27889
252-945-5083
MAIL@EDWARDBANKSENGINEERING.COM

INNER BANKS ENGINEERING
EDWARD BANKS
REG.

OWNER:
MARBEN, LLC
130 AVON AVE
WASHINGTON, NC 27889
252-943-8060

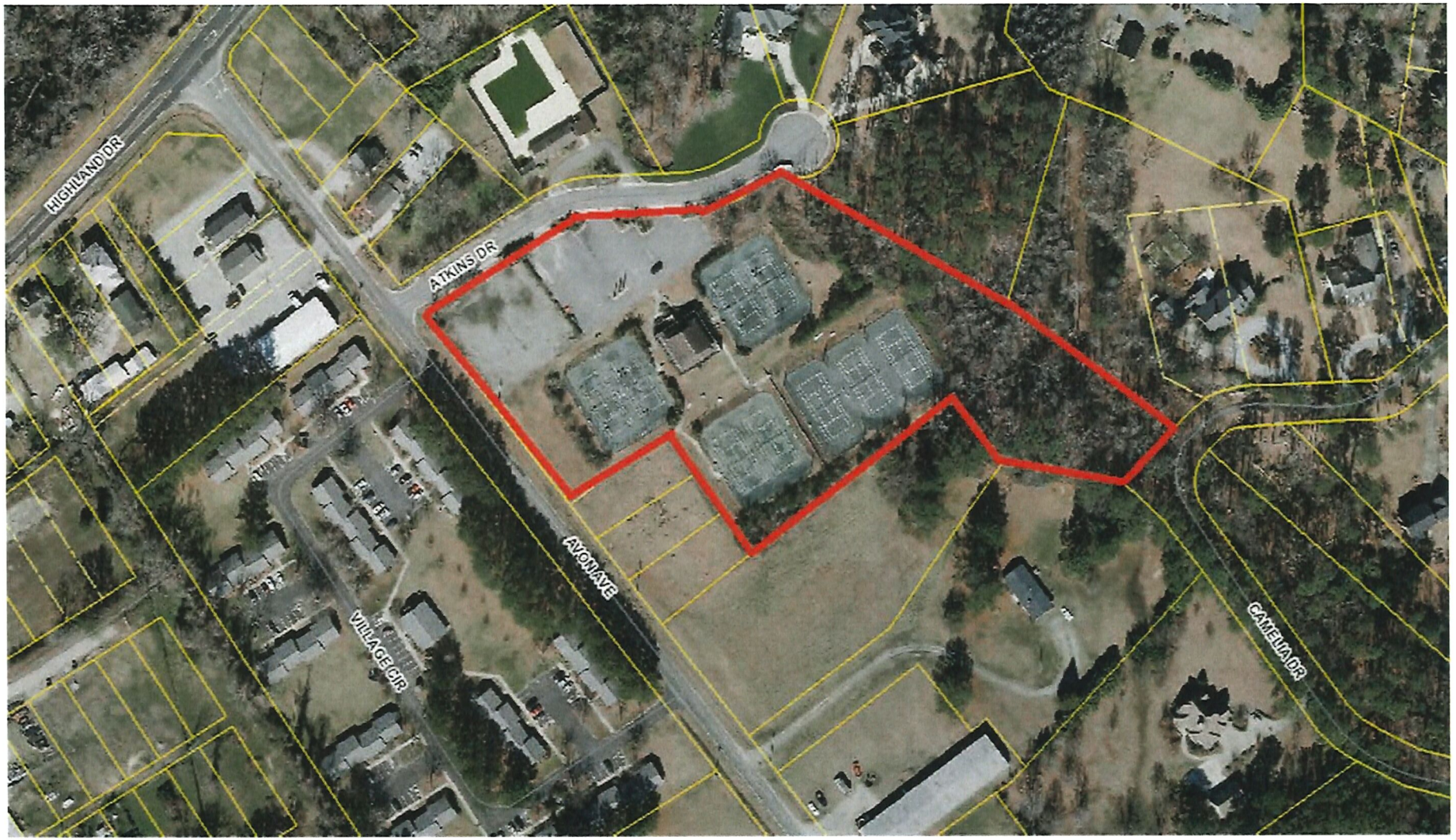
No.	Revision Description	Date	By
1	PLANNING COMMENTS AS NOTED	3/2/21	
2	NC COUNTY'S 3/26/21		

PRELIMINARY PLAT
POWELL PLACE
WASHINGTON, WASHINGTON TOWNSHIP, BEAUFORT COUNTY

Drawn: MP/MB Checked: MP
Check: MP Apprv'd: MP
Date: 1/13/21 Scale: 1" = 30'

C2.1

Location Map



Zoning Map

RA20
HIGHLAND DR
ATKINS DR
R15S
O&I
AVON AVE
RMF
VILLAGE CIR
CAMELIA DR
CHESTNUT ST
B4

City of Washington
NORTH CAROLINA

REQUEST FOR CITY COUNCIL ACTION

To:	**Mayor Sadler & Members of the City Council**
From:	**Jonathan Russell, City Manager**
Date:	**April 7, 2021**
Subject:	**Preliminary Subdivision Plat – Moss East**
Applicant Presentation:	**Jim Wiley**
Staff Presentation:	**Jonathan Russell, City Manager**

RECOMMENDATION:

I move that City Council accept the recommendation of the Planning Board and approve the request for the 51 lot preliminary subdivision plat on parcel # 5685-06-6420.

-OR-

I move that City Council deny the recommendation of the Planning Board and deny the request for the 51 lot preliminary subdivision plat on parcel # 5685-06-6420.

BACKGROUND AND FINDINGS:

A 51 lot preliminary subdivision plat has been submitted by Jim Wiley for Moss East, a 6.8 acre parcel of land located at 515 E. Water Street in Washington. The property is identified by the Beaufort County Tax Office as parcel number 5685-06-6420. City Council approved the preliminary plat variance request at their January 6, 2021 meeting.

The plat is currently under review by the TRC and has not been approved.

FISCAL IMPACT

_____Currently Budgeted (Account _____) _____Requires additional appropriation__X__ No Fiscal Impact

SUPPORTING DOCUMENTS

Preliminary Subdivision Plat

"MOSS EAST"

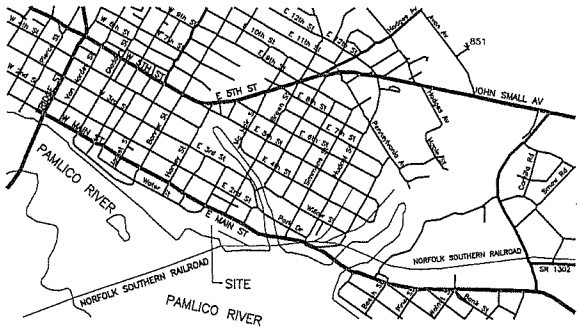
LOT 1 THRU LOT 51

City of WASHINGTON

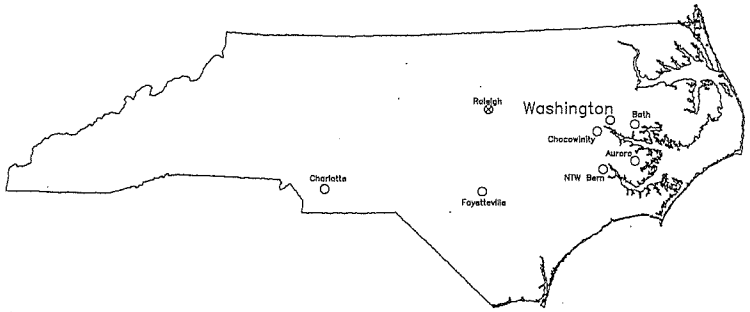
BEAUFORT COUNTY

OWNER / DEVELOPER:
BEACON STREET MOSS EAST, LLC
PO BOX 6474
RALEIGH, NC 27628
C/O JIM K. WILEY MANAGER
PHONE: 1-919-785-1445

NORTH CAROLINA

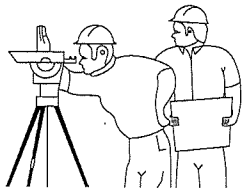


VICINITY MAP
NOT TO SCALE



NORTH CAROLINA

NORTH CAROLINA PROFESSIONAL SEAL L-1546 LAND SURVEYOR NORWOOD MARTIN MAYO



(252) 946-3469
Washington, NC

(252) 229-0872
NTW Bern, NC

MAYO AND ASSOCIATES, P.A.

10121 US HWY 17 South

LAND SURVEYING

VANCEBORO, NC 28586

SHEET 1 OF 7
2020-154

OWNER'S STATEMENT

THIS IS EVIDENCE THAT THIS SUBDIVISION IS MADE AT THE REQUEST OF BEACON STREET MOSS EAST, LLC.

_____
BY: Beacon Street Development Company, Inc., Manager

NORTH CAROLINA, _____ COUNTY

I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY, THAT BEACON STREET DEVELOPMENT COMPANY, INC., DEVELOPER, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS _____ DAY OF _____, 2021.

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES

APPROVAL

THIS FINAL PLAT WAS APPROVED BY THE WASHINGTON CITY PLANNER THIS _____ DAY OF _____, 2021.

SIGNED _____
CITY OF WASHINGTON MAYOR

SIGNED _____
CITY OF WASHINGTON PLANNER

SOURCE OF TITLE

THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE BEAUFORT COUNTY REGISTRY AT WASHINGTON, NORTH CAROLINA IS:

DEED BOOK 2033 , PAGE 803
DEED BOOK ____, PAGE ____
DEED BOOK ____, PAGE ____

_____
N.B. REG. NO.

STATEMENT OF NEED FOR SUBDIVISION ORDINANCE VARIANCES

MOSS EAST IS DESIGNED TO EXTEND THE FRABIC AND CHARACTER OF THE HISTORIC NEIGHBORHOOD SURROUNDING THE DOWNTOWN CORE OF THE CITY OF WASHINGTON. INTERCONNECTED STREETS AND SIDEWALKS ARE PLANNED AND DESIGNED IN A WAY THAT ALL PEDESTRIANS OF WASHINGTON ARE INVITED TO WALK THROUGH THE MOSS EAST NEIGHBORHOOD IN A SEAMLESS FASHION. DUE TO THE GEOMETRIC CONSTRAINTS OF THE SITE, ITS WATERFRONT SHORELINE AND THE NEED TO PROVIDE VISUAL CONNECTIVITY TO THE WATER WHILE PRESERVING PRIVATE PROPERTY VALUES, THE FOLLOWING VARIANCES TO THE SUBDIVISION AND MANUAL OF STANDARD DESIGN ARE REQUESTED.

Proposed Subdivision Ordinance Variances

Code Reference: Subdivision Ordinance - Article III Sec. 34-91 - Street Design Standards and 34-105 Block Requirements as specified in the Manual of Standard Design and Details

	Code Requirement	Proposed Standards
1. Minimum Street Intersection Spacing	150'	90' (CL-CL as shown)
2. Minimum Block Size	300'	200' +/- (CL-CL as shown)
3. Minimum Centerline Radius	100'	50'
4. Minimum Centerline Offset	150'	70'
5. Minimum Tangent for Reverse Curves	100'	50'
6. Minimum BOC Radii at R/W	23' BOC/15' at R/W	15' BOC/1' off BOC or Sidewalk
7. Street Sections:		
Two-way street w/ (2) 4' sidewalks	24' b-b / 40' R/W	25'-27' b-b / 40'-42' R/W
Two-way street w/ (1) 4' sidewalk	24' b-b / 40' R/W	25' b-b / 33.5' R/W
8. Alley Lot Fronting (more than 3 lots)	not allowed	20' oop-oop/22' easement
9. 18" Wide Curb & Gutter Vertical Profile	not allowed	allowed

10. Sidewalk May Be Shifted to Flush with BOC and 2.5' Reduction in R/W Width.
11. Sec. 34-107 Lots shall be allowed to front on a 'Private Alley' as shown (Reference Alley 'A').
12. Sec. 34-112 Recreation Space with public access proposed 27,450 sf (.63 ac) subject to Community Park Rules & Regulations Includes: Walkways and Neighborhood Pocket Park, etc. 22,720 sf (.52 ac) and Charlotte St. Park & Lookout 4,730 sf (.11 ac).
13. Loading areas may coexist within private parking aisles and/or stalls where property management provides for restricted hours of delivery and where emergency access is not impeded.
14. Limited parking backing movement along Edna Lane shall be permitted as shown.
15. Developer shall reserve the right to make final interior lot width adjustments with Manager's approval prior to final plat recording while maintaining minimum lot widths and not exceeding maximum lot counts.
16. Flexibility to eliminate Alley 'D' and add sidewalk to the north side of Charlotte St. based on final home designs.

NOTES

1. PORTIONS OF THIS PROPERTY DOES LIE WITHIN THE FLOOD BOUNDARY AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAP OF BEAUFORT COUNTY 370017 5685 K, DATED JUNE 19, 2020, ZONE AE BASE FLOOD ELEV. 6.0'.
2. THE TOTAL AREA OF THIS SUBDIVISION IS 6.842 ACRES.
3. THE TOTAL NUMBER OF LOTS - 51.
4. THE TOTAL LINEAL FEET OF STREET 1975.66 LN. FEET. THE TOTAL LINEAL FEET OF ALLEY WAY 629.31 LN. FEET. CITY HAS OPTION TO TAKE OVER STREETS.
5. UTILITY AND DRAINAGE EASEMENTS SHALL BE: (A) SEE MAP. SEWER AND WATER WILL BE STREET R/W.
6. SETBACKS: PER B1H ZONING
7. LOTS IN THIS SUBDIVISION WILL BE SERVED BY CITY OF WASHINGTON FOR WATER AND PRIVATE SEWER LINE CONNECTED TO CITY OF WASHINGTON SEWER.
8. SINGLE PHASE ELECTRICAL SERVICE BY THE CITY OF WASHINGTON.
9. OWNERSHIP AND MAINTENANCE - ALL ROADS IN SUBDIVISION ARE PRIVATE UNLESS ADOPTED BY THE CITY OF WASHINGTON. ALL PRIVATE AREAS SHALL BE OWNED AND MAINTAINED BY THE MOSS EAST HOMEOWNERS ASSOCIATION.
10. ALL OF THIS PROPERTY DOES NOT LIE WITHIN THE CITY, STATE & FEDERAL HISTORIC DISTRICT.
11. ZONED B1 H.
12. CITY OF WASHINGTON HAS BEEN GRANTED A UTILITY EASEMENT WITHIN THE PROPOSED STREETS AND ALLEYS FOR THE PURPOSE OF CONSTRUCTION OF WATER, SEWER, AND ELECTRICAL UTILITIES.
13. THE DEVELOPER RESERVES THE RIGHT TO RECONFIGURE LOT LINES TO MEET HOUSE DESIGN AND MAY REDUCE THE NUMBER OF LOTS IN SUBDIVISION.
14. THE DEVELOPER RESERVES THE RIGHT TO IMPROVE THE COMMON AREAS FOR PARK / RECREATION USE INCLUDING STRUCTURES FOR PROPERTY OWNERS USE.
15. ALL SITE ELEVATIONS REFERENCED TO NAVD 88.
16. HAVENS GARDEN PARK LOCATED 0.7 MILE EAST OF SITE. FESTIVAL PARK LOCATED 500 FEET WEST OF SITE.
17. COMMON/RECREATION AREA: 0.63 ACRE (INCLUDING .158 AC DAY PARK, .236 +/- ACRE AREA WITHN WETLAND AND A MINIMUM OF .236 ACRES OF SIDEWALK AND LANDSCAPE STRIP ALONG PRIVATE STREETS). PUBLIC USE OF RECREATION SHALL BE SUBJECT TO COMMUNITY PARK RULES & REGULATIONS.
18. THE PROPOSED ADJACENT MARINE FACILITIES ARE FOR PRIVATE USE ONLY AND DO NOT SERVE AS A COMMERCIAL MARINA. NO PARKING FACILITIES ARE PROPOSED FOR THE PRIVATE MARINE FACILITIES.
19. PRIVATE STREETS AS PROPOSED WILL BE CONSTRUCTED WITH EQUAL OR BETTER PAVEMENT SECTION AS THAT REQUIRED BY THE CITY OF WASHINGTON. ALL STREETS WILL REMAIN PRIVATE AND MAINTAINED BY THE MOSS EAST HOMEOWNER'S ASSOCIATION UNLESS AGREED UPON WITH THE CITY OF WASHINGTON TO ACCEPT THEM AS CITY STREETS.
20. SITE TRIANGLES (10' X 70') SHALL BE MEASURED FROM THE OUTER LIMITS OF THE TRAVEL-WAY OR EDGE OF PAVEMENT.
21. ALLEY "D" IS OPTIONAL AND LOTS 21 THROUGH 28 MAY FRONT ON CHARLOTTE STREET.
22. DEVELOPER DOES NOT INTEND TO INCREASE IMPERVIOUS SURFACE AREA (ISA). UNLESS AN INCREASE OF ISA IS REQUIRED THEN CITY WILL NOT IMPOSE ANY ADDITIONAL STORMWATER MANAGEMENT REQUIREMENTS.
23. WASTE COLLECTION SHALL BE PROVIDED BY INDIVIDUAL ROLL-OUT CONTAINERS AND CURBSIDE PICK-UP BY THE CITY OF WASHINGTON. WASTE/RECYCLE CONTAINERS FOR LOT 51 SHALL BE SCREENED FROM VIEW OTHER THAN COLLECTION DAYS.
24. PROPOSED DEVELOPMENT MUST MEET ALL CAMA AND NCDENR REQUIREMENTS.
25. CONSTRUCTION PLAN APPROVAL FROM CITY PUBLIC WORKS DEPARTMENT SHALL BE OBTAINED PRIOR TO THE CONSTRUCTION OF ANY STREET, WATER AND/OR SANITARY SEWER AND STORM DRAINAGE SYSTEM.
26. ALL REQUIRED IMPROVEMENTS SHALL CONFORM TO CITY OF WASHINGTON MANUAL OF STANDARD DESIGNS AND DETAILS UNLESS VARIED BY CITY COUNCIL.
27. ALL LOTS SHALL EQUAL OR EXCEED THE MINIMUM DEVELOPMENT STANDARDS OF CHAPTER 40 PERTAINING TO ZONING.NOTHING HEREIN SURRENDERS RIGHTS TO DEVELOP UNDER CURRENT ZONING.
28. SITE PLAN APPROVAL FOR ANY MULTI-FAMILY OR COMMERCIAL DEVELOPMENT, APPROVAL OF PRELIMINARY PLAT DOES NOT CONSTITUTE APPROVAL.

I, NORWOOD MARTIN MAYO, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER BY SUPERVISION DEED DESCRIPTION RECORDED INDEED BOOK 2033, PAGE 803 AND P.C. J, SLIDE 19-2; BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN PLAT CABINET ____, PAGE ____ AND PLAT CABINET ____, PAGE ____; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATION WERE PREFORMED TO THE GEO SPATIAL POSITION ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE 2CM ACCURACY CLASSIFICATION (95% CONFIDENCE) USING REAL TIME KINEMATICS, OPUS, AND TRADITIONAL REVERSE. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED THAT THIS PLAT MEETS THE REQUIREMENTS OF G.S. 47-30 SECTION F-11-C. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 16 DAY OF NOVEMBER, 2020.

Norwood Martin Mayo
NORWOOD MARTIN MAYO, PLS
REGISTRATION NO.: L-1546

THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

Norwood Martin Mayo
NORWOOD MARTIN MAYO, PLS
REGISTRATION NO.: L-1546

NORTH CAROLINA PROFESSIONAL SEAL L-1546 LAND SURVEYOR NORWOOD MARTIN MAYO

I NORWOOD MARTIN MAYO, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

1. CLASS OF SURVEY: C
2. POSITIONAL ACCURACY: 2CM
3. TYPE OF GPS FIELD PROCEDURE: RTK, OPUS AND TRADITIONAL TRAVERSE.
4. DATES OF SURVEY: 05-07-2020 TO 11-16-2020
5. DATUM/EPOCH: NAD_83(2011)(EPOCH:2010.0000)
6. PUBLISHED/FIXED-CONTROL USE: OPUS
7. GEOID MODEL: GEOID 18
8. COMBINED GRID FACTOR(S): 0.99989041
9. UNITS: US SURVEY FEET

NORWOOD MARTIN MAYO, PLS
REGISTRATION NO.: L-1546

THE STATE PLANE COORDINATES (SPC) FOR THIS PROJECT WERE PRODUCED WITH STATIC GPS OBSERVATIONS AND PROCESSED WITH ON LINE POSITIONING USER SERVICE (OPUS). THE NETWORK POSITIONAL ACCURACY OF THE OPUS DERIVED POSITIONAL INFORMATION IS 0.020M.

THE FOLLOWING CORS WERE USED BY OPUS

PID	DESIGNATION
DW3989	NCKI KINSTON CORS ARP
DN8741	NCWM WILLIAMSTON 2 CORS ARP
DL7337	NCEC GREENVILLE CORS ARP

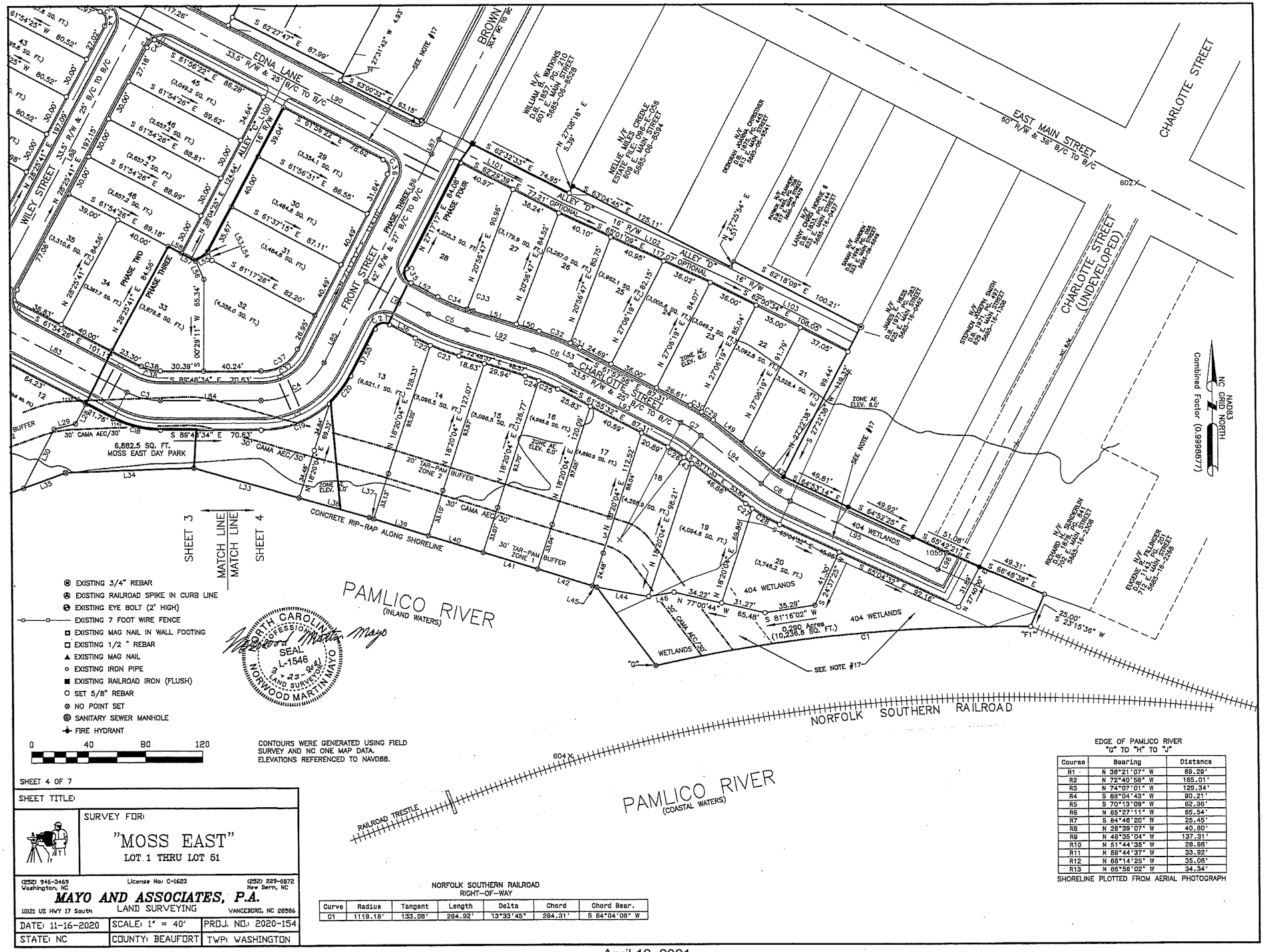
HORIZONTAL POSITIONS ARE REFERENCED TO NAD_83(2011)(EPOCH:2010.0000)
VERTICAL POSITIONS ARE REFERENCED TO NAVD88 USING (GEOID 18)
COMBINED FACTOR 0.99989041.

SHEET TITLE: GENERAL NOTES — SHEET 2 OF 7

SURVEY FOR:
"MOSS EAST"
LOT 1 THRU LOT 51

(252) 946-3469 Washington, NC — License No: C-1623 — (252) 229-0872 NTW Berm, NC
MAYO AND ASSOCIATES, P.A.
10121 US HWY 17 South — LAND SURVEYING — VANCEBORO, NC 28586

DATE: 11-16-2020	SCALE: N/A	PROJECT NO.: 2020-154
STATE: NC	COUNTY: BEAUFORT	TWP: WASHINGTON



CONTOURS WERE GENERATED USING FIELD SURVEY AND NC ONE MAP DATA. ELEVATIONS REFERENCED TO NAVD88.

SHEET 4 OF 7

SHEET TITLE:

SURVEY FOR:

"MOSS EAST"

LOT 1 THRU LOT 51

(252) 946-3469 Washington, NC
License No: C-1623
(252) 229-0872 New Bern, NC

MAYO AND ASSOCIATES, P.A.

10121 US HWY 17 South
LAND SURVEYING
VANCEBORO, NC 28586

DATE: 11-16-2020	SCALE: 1" = 40'	PROJ. NO.: 2020-154
STATE: NC	COUNTY: BEAUFORT	TWP: WASHINGTON

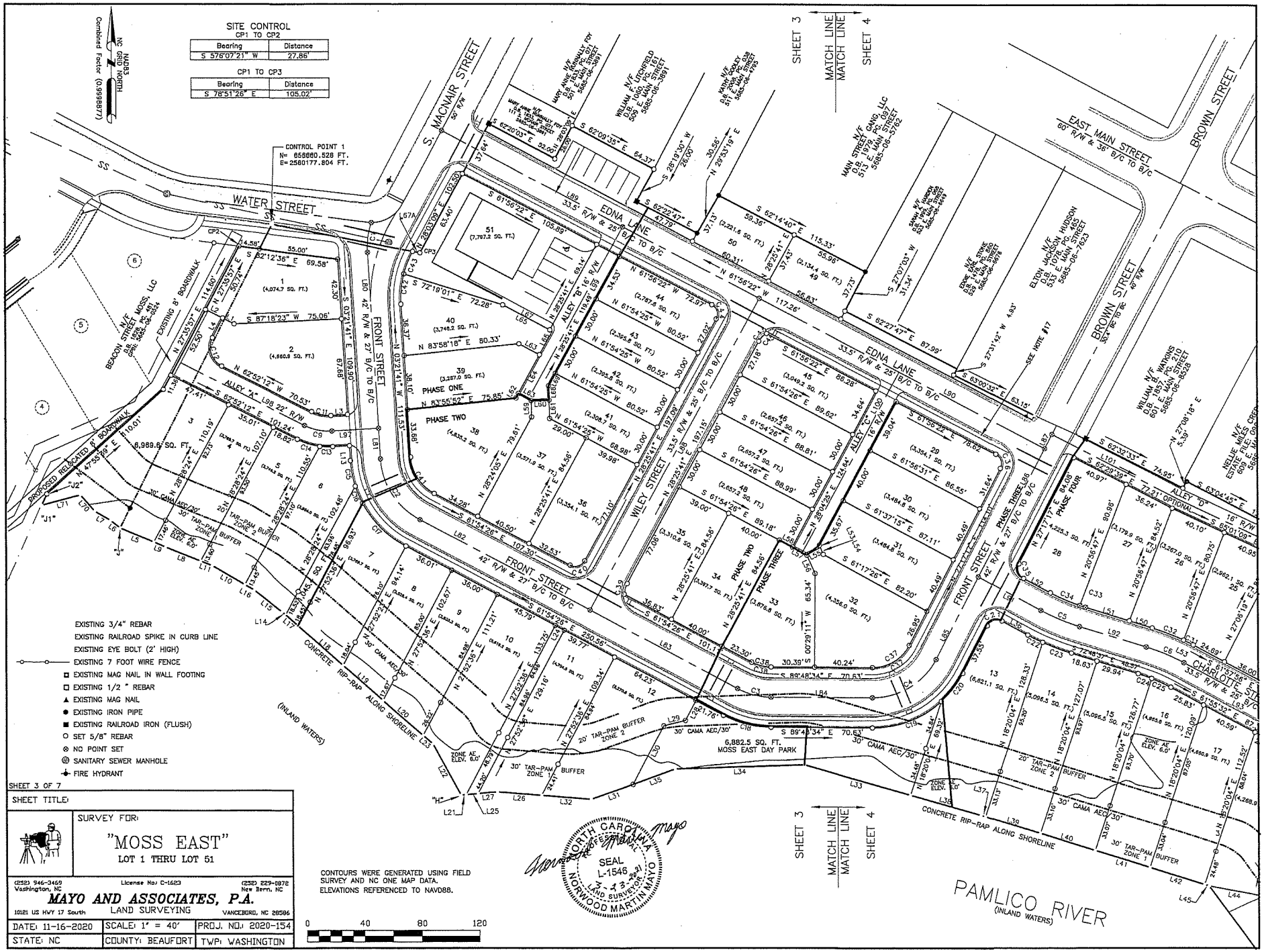
NORFOLK SOUTHERN RAILROAD
RIGHT-OF-WAY

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C1	1119.18'	133.08'	264.92'	13°33'45"	264.31'	S 84°04'08" W

EDGE OF PAMLICO RIVER
"G" TO "H" TO "J"

Course	Bearing	Distance
R1	N 38°21'07" W	89.29'
R2	N 72°40'58" W	165.01'
R3	N 74°07'01" W	129.34'
R4	S 88°04'43" W	90.21'
R5	S 70°13'09" W	62.36'
R6	N 85°27'11" W	85.54'
R7	S 84°48'20" W	25.45'
R8	N 28°39'07" W	40.80'
R9	N 48°35'04" W	137.31'
R10	N 51°44'35" W	28.96'
R11	N 59°44'37" W	33.92'
R12	N 68°14'25" W	35.08'
R13	N 66°58'02" W	34.34'

SHORELINE PLOTTED FROM AERIAL PHOTOGRAPH


SITE CONTROL
CP1 TO CP2
Bearing | Distance
S 57°07'21" W | 27.86'
CP1 TO CP3
Bearing | Distance
S 78°51'26" E | 105.02'
NAD83 NC GRID NORTH
Combined Factor (0.9998877)
CONTROL POINT 1
N= 658660.528 FT.
E=2580177.804 FT.
WATER STREET
S. MACNAIR STREET
EAST MAIN STREET
60' R/W & 38' B/C TO B/C
BROWN STREET
EDNA LANE
33.5' R/W & 25' B/C TO B/C
FRONT STREET
42' R/W & 27' B/C TO B/C
WILEY STREET
33.5' R/W & 25' B/C TO B/C
ALLEY "A" 16' R/W
ALLEY "B" 16' R/W
ALLEY "C" 16' R/W
ALLEY "D" 16' R/W
CHARLOTTE ST.
33.5' R/W & 25' B/C TO B/C
PHASE ONE
PHASE TWO
PHASE THREE
PHASE FOUR
6,882.5 SQ. FT.
MOSS EAST DAY PARK
(INLAND WATERS)
PAMLICO RIVER
(INLAND WATERS)
CONCRETE RIP-RAP ALONG SHORELINE
30' CAMA AEC/30'
20' TAR-PAM ZONE 2 BUFFER
30' TAR-PAM ZONE 1 BUFFER
ZONE AE ELEV. 6.0'
SHEET 3
MATCH LINE
SHEET 4
EXISTING 3/4" REBAR
EXISTING RAILROAD SPIKE IN CURB LINE
EXISTING EYE BOLT (2' HIGH)
EXISTING 7 FOOT WIRE FENCE
EXISTING MAG NAIL IN WALL FOOTING
EXISTING 1/2 " REBAR
EXISTING MAG NAIL
EXISTING IRON PIPE
EXISTING RAILROAD IRON (FLUSH)
SET 5/8" REBAR
NO POINT SET
SANITARY SEWER MANHOLE
FIRE HYDRANT
SHEET 3 OF 7
SHEET TITLE:
SURVEY FOR:
"MOSS EAST"
LOT 1 THRU LOT 51
(252) 946-3469 Washington, NC
License No: C-1623
(252) 229-0072 New Bern, NC
MAYO AND ASSOCIATES, P.A.
10121 US HWY 17 South
LAND SURVEYING
VANCEBORO, NC 28586
DATE: 11-16-2020
SCALE: 1" = 40'
PROJ. NO.: 2020-154
STATE: NC
COUNTY: BEAUFORT
TWP: WASHINGTON
CONTOURS WERE GENERATED USING FIELD SURVEY AND NC ONE MAP DATA.
ELEVATIONS REFERENCED TO NAVD88.
NORTH CAROLINA PROFESSIONAL SEAL L-1546 LAND SURVEYOR NORWOOD MARTIN MAYO
0 40 80 120

LOT DATA

LOT 1

Course	Bearing	Distance
L1	N 62°52'12" W	9.00'
L2	N 62°52'12" W	15.50'

LOT 2

Course	Bearing	Distance
L3	S 86°36'45" W	11.63'
L4	N 27°39'57" E	15.36'
L1	S 82°52'12" E	9.00'

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C11	26.00'	7.09'	13.84'	30°30'14"	13.68'	N 78°07'19" W
C12	15.00'	15.00'	23.56'	89°59'51"	21.21'	N 17°19'54" W

LOT 3

Course	Bearing	Distance
L5	N 66°56'02" W	25.41'
L6	N 51°54'10" W	8.48'
L7	N 59°30'21" W	12.90'
L70	N 41°25'07" W	15.16'
L71	S 74°59'55" W	27.88'
L72	N 24°00'07" E	36.43'

LOT 4

Course	Bearing	Distance
L8	N 68°14'25" W	26.30'
L9	N 66°56'02" W	8.92'

LOT 5

Course	Bearing	Distance
L10	N 59°44'37" W	26.31'
L11	N 68°14'25" W	8.76'

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C14	48.00'	8.38'	16.58'	19°47'45"	16.50'	N 72°46'26" W

LOT 6

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C13	48.00'	4.50'	8.98'	10°42'49"	8.98'	S 88°01'22" E
C15	73.00'	9.22'	18.34'	14°23'33"	18.29'	S 10°33'16" E

Course	Bearing	Distance
L12	N 86°38'45" E	11.62'
L13	S 03°21'41" E	10.60'
L14	N 48°35'04" W	0.84'
L15	N 51°44'35" W	28.96'
L16	N 59°44'37" W	7.61'

ACCESS

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C16	73.00'	6.52'	13.01'	10°12'37"	12.99'	S 22°51'24" E

Course	Bearing	Distance
L17	N 48°35'04" W	11.44'

LOT 7

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C17	73.00'	22.28'	43.25'	33°56'43"	42.62'	N 44°58'10" W

Course	Bearing	Distance
L18	N 48°35'04" W	41.89'

LOT 8

Course	Bearing	Distance
L19	N 48°35'04" W	37.03'

0 40 80 120

SHEET 5 OF 7

SHEET TITLE:

SURVEY FOR:

"MOSS EAST"

LOT 1 THRU LOT 51

(252) 946-3469 Washington, NC
License No: C-1623
(252) 229-0872 New Bern, NC
MAYO AND ASSOCIATES, P.A.
10121 US HWY 17 South
LAND SURVEYING
VANCEBORO, NC 28586

DATE: 11-16-2020	SCALE: 1"= 40'	PROJ. NO.: 2020-154
STATE: NC	COUNTY: BEAUFORT	TWP: WASHINGTON

NORTH CAROLINA PROFESSIONAL SEAL L-1546 LAND SURVEYOR NORWOOD MARTIN MAYO 3-23-2021

LOT DATA

LOT 9

Course	Bearing	Distance
L20	N 48°35'04" W	37.03'

LOT 10

Course	Bearing	Distance
L21	S 84°46'20" W	3.49'
L22	N 28°39'07" W	40.80'
L23	N 48°35'04" W	9.08'

ACCESS

Course	Bearing	Distance
L24	S 61°54'26" E	7.00'
L25	S 84°46'20" W	8.38'

LOT 11

Course	Bearing	Distance
L26	N 85°27'11" W	30.90'
L27	S 84°46'20" W	13.60'

LOT 12

Course	Bearing	Distance
L28	S 27°52'36" W	15.68'
L29	S 75°44'01" W	15.57'
L30	S 27°52'36" W	48.34'
L31	S 70°13'09" W	31.01'
L32	N 85°27'11" W	34.63'

DAY PARK

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C18	71.00'	17.84'	34.57'	27°54'02"	34.23'	S 75°51'30" E
C19	71.00'	27.72'	52.85'	42°39'13"	51.64'	N 68°51'34" E

Course	Bearing	Distance
L33	N 74°07'01" W	76.74'
L34	S 88°04'43" W	90.21'
L35	S 70°13'09" W	31.35'
L30	N 27°52'36" E	46.34'
L29	N 75°44'01" E	15.57'
L28	N 27°52'36" E	15.68'

LOT 13

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C20	71.00'	12.47'	24.70'	19°55'44"	24.57'	N 37°34'24" E
C21	7.50'	7.80'	11.88'	90°46'21"	10.68'	N 72°58'28" E
C22	169.50'	5.85'	11.69'	3°57'04"	11.69'	S 63°35'57" E

Course	Bearing	Distance
L36	S 61°37'13" E	20.34'
L37	N 72°40'58" W	1.69'
L38	N 74°07'01" W	52.61'

LOT 14

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C23	169.50'	10.72'	21.41'	7°14'08"	21.39'	S 69°11'25" E

Course	Bearing	Distance
L39	N 72°40'58" W	40.01'

LOT 15

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C24	130.50'	5.04'	10.07'	4°25'20"	10.07'	S 70°38'02" E

Course	Bearing	Distance
L40	N 72°40'58" W	40.01'

LOT 16

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C25	130.50'	7.32'	14.63'	6°25'26"	14.62'	S 65°10'35" E

Course	Bearing	Distance
L41	N 72°40'58" W	40.01'

LOT 17

Course	Bearing	Distance
L42	N 72°40'58" W	40.01'

LOT DATA

LOT 18

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C26	73.00'	6.64'	13.25'	10°24'08"	13.24'	S 56°45'55" E

Course	Bearing	Distance
L43	S 53°11'33" E	6.98'
L44	N 79°34'39" W	37.06'
L45	N 72°40'58" W	3.28'

LOT 19

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C27	117.97'	2.93'	5.86'	2°50'53"	5.86'	S 52°59'41" E

Course	Bearing	Distance
L46	S 80°24'17" W	18.03'

LOT 20

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C28	117.99'	11.00'	21.94'	10°39'24"	21.91'	S 59°40'09" E

LOT 21

Course	Bearing	Distance
L48	N 51°01'50" W	37.37'

LOT 22

Course	Bearing	Distance
L49	N 51°01'50" W	25.74'

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C29	106.50'	4.97'	9.92'	5°20'20"	9.92'	N 54°13'59" W

LOT 23

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C30	106.50'	4.71'	9.41'	5°03'48"	9.41'	N 59°26'09" W

LOT 25

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C31	164.00'	3.79'	7.57'	2°38'39"	7.57'	N 63°17'07" W

LOT 26

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C32	164.00'	11.76'	23.48'	8°12'06"	23.46'	N 68°42'39" W

Course	Bearing	Distance
L50	N 72°48'34" W	18.58'

LOT 27

Course	Bearing	Distance
L51	N 72°48'34" W	31.99'

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C33	138.00'	2.04'	4.08'	1°43'14"	4.08'	N 71°57'00" W

LOT 28

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C34	138.00'	11.26'	22.47'	9°27'58"	22.44'	N 86°21'24" W
C35	7.50'	7.36'	11.64'	88°54'31"	10.51'	N 17°09'58" W

Course	Bearing	Distance
L52	N 61°37'13" W	21.28'

LOT 29

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C36	7.50'	7.40'	11.68'	89°13'40"	10.53'	S 17°19'32" E

LOT 31

Course	Bearing	Distance
L53	S 23°18'01" E	1.88'
L54	S 23°18'01" E	5.31'

LOT DATA

LOT 32

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C37	29.00'	17.63'	31.68'	62°34'57"	30.12'	S 58°53'55" W

Course	Bearing	Distance
L56	N 23°52'37" W	14.22'
L55	N 60°04'40" E	10.84'
L54	S 23°18'01" E	5.31'

LOT 33

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C38	29.00'	7.20'	14.12'	27°53'53"	13.98'	N 75°51'30" W

Course	Bearing	Distance
L58	S 61°54'28" E	10.18'
L57	S 60°22'20" E	11.58'
L56	S 23°52'37" E	14.22'

LOT 35

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C39	14.00'	4.06'	7.90'	32°19'51"	7.80'	N 12°15'45" E

LOT 36

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C40	7.50'	7.46'	11.74'	89°39'53"	10.58'	S 73°15'38" W

LOT 37

Course	Bearing	Distance
L59	N 01°38'28" W	11.54'
L60	N 88°20'38" E	12.50'
L61	S 01°38'28" E	12.98'

LOT 38

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C41	31.00'	17.38'	31.88'	58°32'53"	30.32'	N 32°38'08" W

Course	Bearing	Distance
L62	N 28°25'45" E	3.54'
L63	S 61°37'29" E	10.22'
L59	S 01°38'28" E	11.54'

LOT 39

Course	Bearing	Distance
L63	S 61°33'36" E	16.35'
L64	S 28°25'45" W	31.33'
L62	S 28°25'45" W	3.54'

LOT 40

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C42	71.05'	10.96'	21.74'	17°32'03"	21.66'	N 05°24'21" E

Course	Bearing	Distance
L65	S 61°37'13" E	39.20'
L66	S 28°25'45" W	18.91'
L63	N 61°33'36" W	16.35'

LOT 41

Course	Bearing	Distance
L61	N 01°38'28" W	12.98'
L68	N 01°38'28" W	10.05'
L69	N 28°25'41" E	10.00'

LOT 44

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C44	7.50'	7.55'	11.83'	90°22'03"	10.64'	S 16°45'20" E

LOT 45

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C45	14.00'	4.02'	7.82'	32°01'26"	7.72'	N 44°26'24" E

LOT 51

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C43	71.05'	8.65'	17.21'	13°52'42"	17.17'	N 21°08'46" E

Course	Bearing	Distance
L67	S 61°37'13" E	39.20'
L67A	S 78°51'26" E	5.16'

STREET DATA

CENTER LINE EAST WATER STREET

Course	Bearing	Distance
L80	S 03°21'41" E	124.68'
L81	S 03°21'41" E	21.61'
L82	S 61°54'28" E	134.14'
L83	S 61°54'28" E	116.42'
L84	S 89°48'34" E	70.63'
L85	N 27°17'18" E	54.95'
L86	N 27°17'18" E	101.38'
L87	N 27°17'18" E	18.35'

CENTER LINE WILEY STREET

Course	Bearing	Distance
L88	N 28°25'41" E	249.64'

CENTER LINE EDNA STREET

Course	Bearing	Distance
L89	S 61°56'22" E	250.92'
L90	S 61°56'22" E	225.04'

CENTER LINE CHARLOTTE STREET

Course	Bearing	Distance
L91	S 61°37'13" E	48.38'
L92	S 72°49'37" E	48.57'
L93	S 61°57'56" E	87.31'
L94	S 51°33'50" E	53.82'
L95	S 85°04'32" E	113.94'
L96	N 27°40'00" E	13.38'

CENTER LINE ALLEY "A"

Course	Bearing	Distance
L97	S 86°16'43" W	32.83'
L98	N 62°52'12" W	97.03'

CENTER LINE ALLEY "B"

Course	Bearing	Distance
L99	N 28°25'41" E	138.94'

CENTER LINE ALLEY "C"

Course	Bearing	Distance
L100	N 28°04'25" E	144.14'

CENTER LINE ALLEY "D"

Course	Bearing	Distance
L101	S 82°31'25" E	98.49'
L102	S 85°01'09" E	124.81'
L103	S 82°39'53" E	100.03'

CENTER LINE MAIN ROAD CURVE DATA
EAST WATER STREET AND CHARLOTTE STREET

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C1	56.00'	10.78'	21.31'	21°48'05"	21.18'	S 07°32'21" W
C2	52.00'	29.15'	53.14'	58°32'53"	50.88'	S 32°38'03" E
C3	50.00'	12.42'	24.35'	27°53'58"	24.11'	S 75°51'30" E
C4	50.00'	30.39'	54.61'	62°34'57"	51.94'	N 58°53'49" E
C5	150.00'	14.69'	29.29'	11°11'12"	29.24'	S 67°12'55" E
C6	150.00'	14.24'	28.39'	10°50'46"	28.35'	S 67°23'17" E
C7	92.52'	8.42'	16.79'	10°24'01"	16.77'	S 58°45'58" E
C8	100.00'	11.84'	23.57'	13°30'17"	23.52'	S 58°19'14" E

CENTER LINE ALLEY "A" CURVE DATA

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C9	37.00'	10.09'	19.70'	30°30'27"	19.47'	N 78°07'43" W

0 40 80 120

SHEET 6 OF 7

SHEET TITLE:

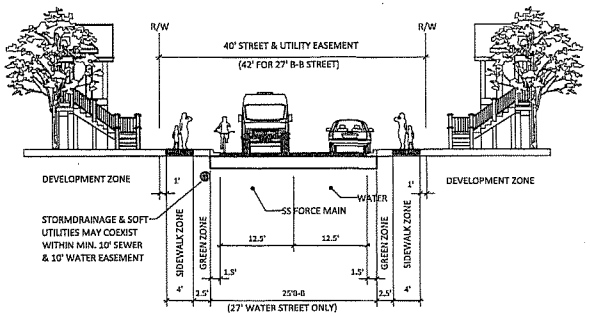
SURVEY FOR:

"MOSS EAST"
LOT 1 THRU LOT 51

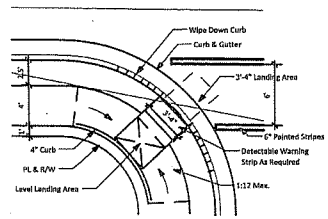
NORTH CAROLINA PROFESSIONAL SEAL L-1546 LAND SURVEYOR NORWOOD MARTIN MAYO 3-23-2021

(252) 946-3469 Washington, NC
License No: C-1623
(252) 229-0872 New Bern, NC
MAYO AND ASSOCIATES, P.A.
10121 US HWY 17 South
LAND SURVEYING
VANCEBORO, NC 28586

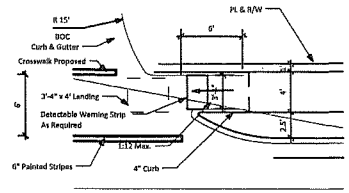
DATE: 11-16-2020	SCALE: 1"= 40'	PROJ. NO.: 2020-154
STATE: NC	COUNTY: BEAUFORT	TWP: WASHINGTON

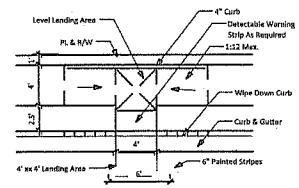


27' & 25' B-B Sidewalk Both Sides
NOT TO SCALE

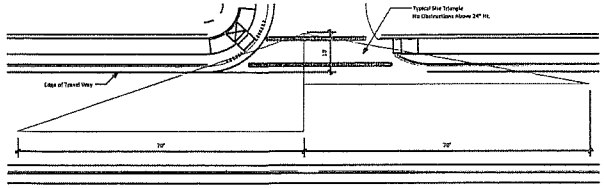


General Notes
1. All Accessible Ramps Shall Meet Current ADA, State and Local Guidelines
2. Designated Landing Areas Are Shown For Clarity And Are Not Painted Or Delineated In The Field. Landing Areas May Slope Up To 2% Cross Slope.
3. Slope Arrows Designate Down Slope

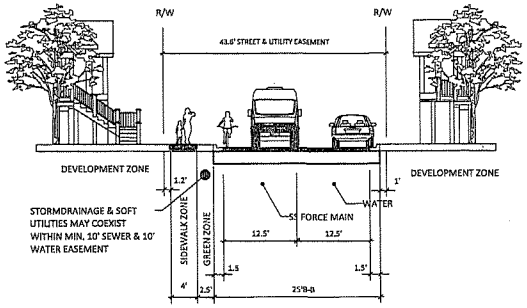




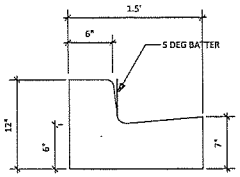
Accessible Ramp Details
NOT TO SCALE



Typical Site Triangle
NOT TO SCALE

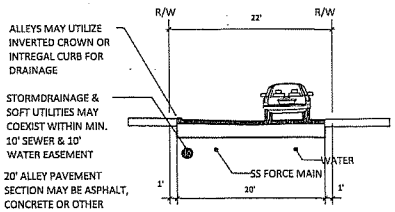


25' B-B Sidewalk One Side
NOT TO SCALE

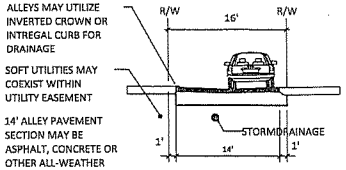


CONCRETE SPECIFICATIONS SHALL OTHERWISE CONFORM TO CITY OR WASHINGTON MANUAL OF STANDARD DESIGN AND DETAILS

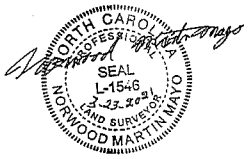
18" Vertical Curb
NOT TO SCALE



22' Alley & Utility Easement
NOT TO SCALE



14' Alley & Utility Easement
NOT TO SCALE



SHEET 7 OF 7

SHEET TITLE:

SURVEY FOR:

"MOSS EAST"

LOT 1 THRU LOT 51

(252) 946-3469 Washington, NC | License No: C-1623 | (252) 229-0872 New Bern, NC

MAYO AND ASSOCIATES, P.A.

10121 US HWY 17 South | LAND SURVEYING | VANCEBORO, NC 28586

DATE: 11-16-2020	SCALE: 1' = 40'	PROJ. NO.: 2020-154
STATE: NC	COUNTY: BEAUFORT	TWP: WASHINGTON

(252) 213-0601 | NC License No: 491

SCOTT MURRAY LAND PLANNING, INC.

Landscape Architecture.Land Planning

274 BOTETOURT CT. | BOYDTON, VA 23917

For Preliminary Plat Approval Only
Not for Construction

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PROJECT MANAGER: JWF
DESIGNED: SRS
DRAWN BY: SRS
CHECKED: JWF
SCALE: 1" = 40'
DATE: 04/05/2021

ARENDELL ENGINEERS
CIVIL • COASTAL • ENVIRONMENTAL
1004 Arendell Street
Morehead City, NC 28557
(252) 622-4338
Fax: (252) 622-4505
www.arendellengineers.com
North Carolina Certification No. C-1509

OWNER:
BEACON STREET MOSS EAST, LLC
P.O. BOX 6474
RALEIGH, NC 27628
C/O JIM WILEY MANAGER
PHONE 1-919-785-1445

PROJECT:
MOSS LANDING EAST
WASHINGTON, BEAUFORT COUNTY, NC

BEAUFORT COUNTY, NC

DRAWING:
SITE PLAN

NORTH CAROLINA PROFESSIONAL SEAL 10733 ENGINEER
4/5/2021

NO.	REVISION	BY	DATE

SHEET NO: C2
OF: 27
JOB NO. 20055

City of Washington
NORTH CAROLINA

Office of Parks & Recreation

Memo:

DATE: April 7, 2021
TO: Mayor and City Council
FROM: Teresa Hamilton, Parks & Recreation
RE: July 4th 2021

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.

This year, due to COVID protocols, East Coast Pyrotechnics is requiring a contract by April 15, 2021 in order to reserve a spot for July 4th. In addition, we are still working to obtain permission for access on the (former) Bridge Harbor, LLC site. The property has been sold.

We are actively working towards obtaining permission for access, upon approval to move forward with a contract with East Coast Pyrotechnics by Thursday, April 15.

City of Washington
NORTH CAROLINA

MEMORANDUM

PUBLIC WORKS DEPARTMENT

MEMORANDUM

DATE: April 7, 2021

TO: Jonathan Russell
City Manager

FROM: Adam Waters
Public Works Director

RE: Recycling Grant

At a previous Council Meeting, Council asked the Public Works Office to research an alternative to recycle glass in response to recent decision by the City's current recycling vendor to stop accepting glass. After researching options, two avenues that would be considered were evaluated.

The first option was a recycling vendor that would accept the entire City's recycling, including glass, however; the nearest location for this vendor was located in Jacksonville, NC and would require our recycling truck making a 3-hour round trip daily to off-load. This option was not deemed practical as it would not allow adequate time during the day to service the route and would significantly increase operational cost in fuel and maintenance on the equipment.

The second option involved a vendor that would purchase glass only from the city. The vendor is located in Wilson, NC, making it a more practical option, however; issue with this option is how to collect single stream recycling. Staff considered different methods and the best option included $22,200 in capital cost and approximately $2,000 per month in salaries and fuel. This option, while most feasible, would strain current resources, as the Solid Waste Division is already leaning on the other divisions for assistance when employees are on vacation or out sick.

Staff looked into ways to reduce the burden this program would create and have been notified the City preliminarily has been awarded a grant from The North Carolina Division of Environmental Assistance and Customer Service (NC DEACS) for $18,500 that can be used to offset the capital cost for this program. This grant requires a $3,800 match from the City. Operational cost will still be the City's responsibility. The NC DEACS unit has requested a response from the City by Tuesday 4/13/2021 as to whether or not it intends to peruse this funding opportunity.

I will be available to discuss this further as needed (252)-975-9332.