

The Washington City Council met in a regular session on Monday, September 13, 2021 at 5:30pm in the Council Chambers at the Municipal Building. Present: Donald Sadler, Mayor; Virginia Finnerty, Councilmember; Richard Brooks, Mayor Pro tem; William Pitt, Councilmember; Betsy Kane, Councilmember and Mike Renn, Councilmember. Also present: Jonathan Russell, City Manager; Franz Holscher, City Attorney and Cynthia S. Bennett, City Clerk.

Mayor Sadler called the meeting to order and Councilmember Pitt led the Pledge of Allegiance and delivered the invocation. Moment of silence in remembrance of 9-11-01.

APPROVAL OF MINUTES:

By motion of Councilmember Renn, seconded by Mayor Pro tem Brooks, Council approved the minutes of August 9, 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:

- Add: Discussion on re-districting(Pitt)
- Add: Discussion on tree protection (Kane)

By motion of Councilmember Pitt, seconded by Councilmember Kane, Council approved the agenda as amended.

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

CONSENT AGENDA: None

COMMENTS FROM THE PUBLIC: *(three minutes)*

Sarah Ninan – expressed concern and opposition to the proposed Bridge Harbor Marina as presented.

David Edwards – discussed live outdoor music and decibel levels. Submitted that 70 decibels is an acceptable level of sound.

Jeff Furst- is in 100% support of Bridge Harbor Marina development.

Mohammed Dova – supports Bridge Harbor Marina 100%.

Billie Mallison- is opposed to the Bridge Harbor Marina as presented.

William White – opposed to Bridge Harbor Marina project as it is currently presented.

CORRESPONDENCE AND SPECIAL REPORTS: NONE

REPORTS FROM BOARDS, COMMISSIONS AND COMMITTEES:
REPORT – WASHINGTON-WARREN AIRPORT ADVISORY BOARD
(accepted as presented)

*Washington Warren Airport Advisory Board Meeting Minutes
July 13, 2021 10:00 am*

Attendance:
Roy Whichard - Chairman
Trent Tetterton - Vice Chairman
Doug Boyd - Board Member
Wayne Woolard – Board member

William Plaster – Board member
Eric Mitchell – Board member
Mike Renn – Council Liaison
Earl Malpass – Airport Manager
Jonathan Russell, City Manager via Zoom
Josh Waters
Jessica Green via Zoom

Agenda Adoption- William Plaster motioned to adopt the meeting agenda and Doug Boyd seconded.
Minutes Adoption – Doug Boyd motioned to approve the meeting minutes. Trent Tetterton seconded the motion.

Report from Business:

Airport Strategic Team:

Earl Malpass explained that the strategic team had not had any meetings and they are waiting on a volunteer to help them stream line what they have written so far and that person had come family emergencies so it has drug on longer than they had anticipated. The volunteer asked to be released from her commitment, so they are looking for someone else. He stated that the team did not have any new developments over the last month.

Public Comments:

None

Staff Reports:

Jonathan Russell: Budget update

Earl Malpass stated that July is the first month of the fiscal year, so no money had really been spent this year. He explained that the budget was cut dramatically and it is 12.5% below what was requested and lower than the previous years.


Earl Malpass: Airport Manager

Airport Monthly Operations Report Presentation – June

The following was presented by Earl Malpass and was discussed with the board.


June Operations Report

- 93 landings, 88 takeoffs, 25 aircraft operations at OCW
 - Plus numerous Ag Operations that were uncounted.
- Part Time attendant requisition was submitted and awaiting suitable candidate.
- Fuel Farm Maintenance/Repair/Updating. (\$40+K)
 - New QT Pod self serve credit card pedestal installed.
 - Water defense shut offs installed at farm on both tanks.
 - High level alarm installed on both tanks
 - Air eliminators plumbed into system on both tanks
 - New fuel hoses installed on both reels.
 - Sump savers installed on both tanks
 - Volume gages installed on both tanks.
 - All major discrepancies from inspections have been addressed.
 - (4 year process nearly complete)

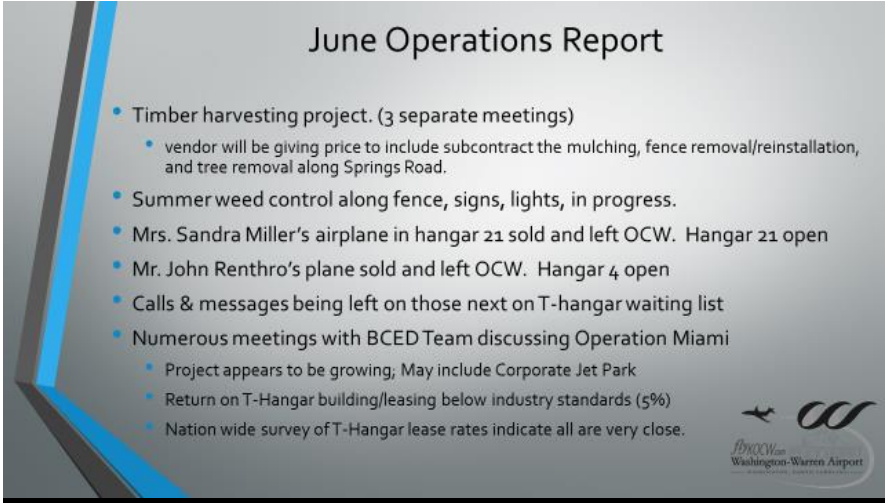


June Operations Report

- 2 Airport Strategic Planning Team meetings –
 - Update from the team on Agenda
- State Funding Efforts
 - Earl met w/ Jordan H., Judge Marian and Representative Kidwell discussing Airport projects.
 - Senate decided to include some COVID money's into Annual Budget, contrary to what House wanted. Muddled the water some.
 - OCW projects very much alive and well. Full amount for all projects are being requested in the appropriations bill.
 - Rep. Kidwell requested meeting with tenants, BCED team, and potential tenants to discuss
 - Take away: Wait until the Chairs of the Appropriations committee sets amounts for funding.
- Earl briefed Mayor, City Manager, and Councilman Renn.
 - List of projects, Storm Drain project requirements, County/City performance



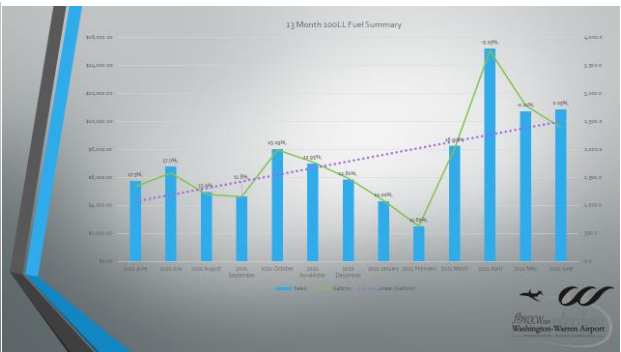
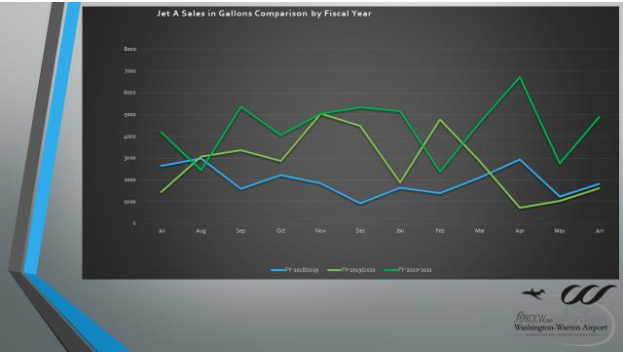
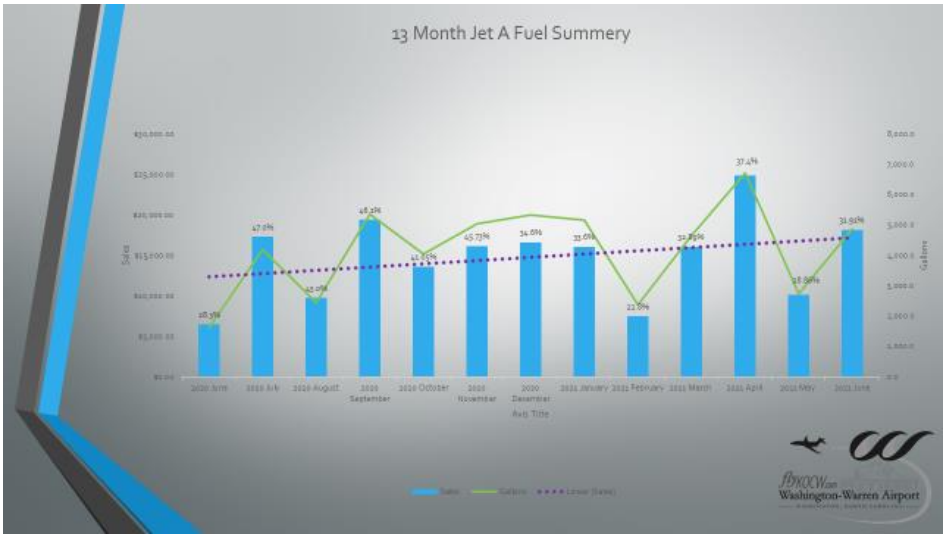
Roy Whichard asked if the County’s tax values increased, would their contribution increase as well. Earl Malpass stated that they would adjust their contribution. Trent Tetterton asked if a formal request should be sent to Bryan Alligood, County Manager, to increase that amount. Earl Malpass explained that Jonathan Russell, City Manager, has already had conversations with the County manager about it and they will revisit the issue once tax assessments come in. The board discussed the county’s contribution further and the possibility of increasing that number.

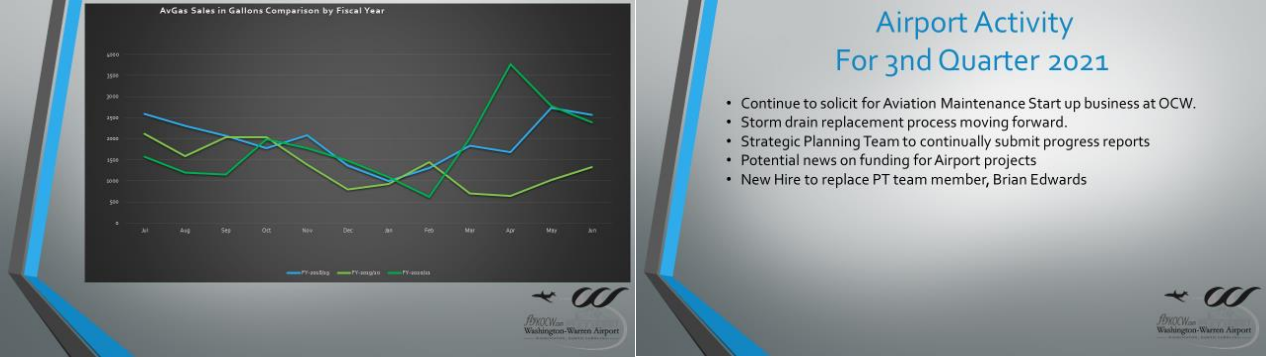


Jet Fuel Summary

- The margin for Jet A fuel for May is up 31.91%.
- The margin for IOOLL Avgas for May is 0.03%.

The board discussed how to increase fuel sales and where the primary sales come in from currently.





New Business:

Roy Whichard: Chairman- (None)

Trent Tetterton: Vice Chairman- (None)

Doug Boyd: Board Member –

Wayne Woolard: Board Member – Mr. Woolard spoke about the passing of Jack Hill and the lease on his hangar. He stated that the lease is totally unfair and is not in line with other leases. Earl explained that his lease is the most expensive compared to others. Wayne Woolard stated that he felt Mr. Hill’s lease needed to be looked at again. Earl Malpass spoke about what would need to be done to amend the lease. He stated that the way he saw it Ms. Linda would have to approach the City and say that she would like to renegotiate the lease. Jonathan Russell weighted in on the conversation and stated that they can look at their current lease and consider renegotiating the terms.

Eric Mitchell – (None)

William Plaster – (None)

Adjourn

The meeting was adjourned at 11:07am

Informal Discussion: None

REPORT – ANTHONY TYRE, HUMAN RELATIONS COUNCIL

No report submitted

APPOINTMENTS: HUMAN RELATIONS COUNCIL

Appointment tabled

OLD BUSINESS:

ADOPT – AMENDMENTS TO THE PURCHASING POLICY AND PROCEDURES TO INCORPORATE AND PROMOTE WOMEN & MINORITY BUSINESS ENTERPRISES (M/WBE)

BACKGROUND AND FINDINGS: The current Purchasing Policy and Procedures document has been amended to provide the maximum practicable opportunity for increased participation by Minority and Women Business Enterprises (WWBE). Through these amendments, the City of Washington commits to engage in good faith efforts to promote an equal opportunity to compete for contracts to WWBEs and fulfill the City's compliance with the State's HUB requirements.

By motion of Councilmember Kane, seconded by Councilmember Finnerty, Council adopted the amendments made to the Purchasing Policy and Procedures to incorporate and promote equity in the procurement and contracting process.

VOTE: Purchasing Policy	YES	NO
Mayor Pro tem Brooks	x	
Councilmember Finnerty	x	
Councilmember Kane	x	
Councilmember Pitt	x	
Councilmember Renn	x	



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PURCHASING POLICY AND PROCEDURES

I. Introduction

A considerable portion of the expenditures of every government is for purchases of goods and services. A local government's power to make purchases and contracts, like other powers, is derived from the Legislature and is subject to such limitations and restrictions as it may impose. While this policy makes reference to certain statutory provisions relating to purchasing, its primary purpose is not to summarize but to supplement those provisions. It is intended that The City of Washington purchasing and contracting procedures will be consistent with State law and this policy.

Purchasing statutes and rules may change from time to time and this policy shall be updated periodically to reflect these changes.

II. Authorization for Expenditures

Funds must be properly appropriated or budgeted to meet contractual obligations. The Finance Director must determine whether a sufficient balance remains in the budget to pay the sums obligated by the transaction. General Statutes Section 159-28(a) requires that a pre-audit certificate signed by the Finance Officer to appear on the contract, agreement or purchase order before it becomes an obligation of the City.

According to G.S. 159-28(e), "if an officer or employee of a local government or public authority incurs an obligation or pays out or causes to be paid out any funds in violation of this section (funds which have not been appropriated), he and the sureties on his official bond are liable for any sums so committed or disbursed. If the finance officer or any properly designated deputy finance officer gives a false certificate to any contract, agreement, purchase order, check, draft, or other document, he and the sureties on his official bond are liable for any sums illegally committed or disbursed thereby."

Any purchase of supplies, materials, equipment or services without proper authorization is prohibited. Unauthorized purchases may not be honored by the City and the individual involved may be held personally liable for such purchases.

III. General Procedures

1. Requisitions for products or services shall be entered into the requisition form approved by the Finance Department, by a person designated by the department head. Sales tax should not be encumbered as an expense on the requisition.
2. All purchases which would result in line item budget overruns shall be approved by the Finance Officer prior to purchase.

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3. The Purchasing Agent will review requisitions. A purchase order will then be generated and presented to the Finance Officer for final review. The purchase order is then forwarded to the department for placing the order.
4. Departments must allow ample time for processing for those purchases that require the competitive bidding process. The amount of time needed to complete the process is outlined in the section "Purchasing Procedures."
5. All purchase orders issued which involve multiple departments should have the approval of all participating department heads or appointed employees prior to issuance.
6. All purchases, except those made from special or recurring bills (e.g. annual dues, subscription renewals, contract billing, utility bills, insurance premiums, postage permits and expenses, medical examinations, professional services for accounting or legal, inter-local fees, appropriations and assessments, etc.), shall be made with a purchase order.
7. It is the desire of the City to purchase from vendors located within Beaufort County whenever possible. This can be accomplished by ensuring that local vendors who have goods or services available, which are needed by the City, are included in the competitive purchasing process. The City has a responsibility to its residents to ensure the maximum value for each dollar spent. The City cannot and will not make purchasing decisions solely based on vendor residence. Rather, the City will endeavor to encourage local vendors and suppliers to compete for all City business.

IV. Purchasing Procedures

This section outlines the City's purchasing procedure. The purchasing process is designed to provide a proper system of internal control over purchasing, to ensure that the proper authorizations are obtained before items are purchased, and to ensure that statutory requirements for purchasing are followed. All purchase contracts must be compliant with North Carolina's E-Verify law (G.S. 143-133.3). The City is prohibited from entering into contracts with contractors and subcontractors who have not complied with the requirement of Article 2 of Chapter 64. All vendors must submit an affidavit to ensure compliance prior to the City enacting business with the vendor.

1. Cash Purchases under \$50

Cash purchases should be avoided, but in the event that it is not feasible to be billed for very small purchases, the employee may, with department head approval, buy the item and be reimbursed out of petty cash. The employee **must** submit an invoice or receipt for reimbursement. If petty cash is not available, an invoice or receipt must accompany a completed Check Request Form and must be sent to the Finance Department with an explanation or purpose for the expenditure for reimbursement. Reimbursement will be made in the next regularly scheduled check run.

2. Purchases less than \$500

Purchases may be made with the approval of the department head without a purchase order. Employees must obtain the original invoice or other type receipt, stamp the invoice with the approval stamp, get the department head's written approval and submit for payment to the Finance Department. These purchases should be made with reputable vendors who are

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willing to bill the City. Dividing purchases in order to evade having to enter a requisition and obtain an assigned purchase order is prohibited.

3. Purchases \$500 - \$4,999

A requisition must be submitted and approved **prior** to the purchase of any item or group of items exceeding \$500. After the requisition has been checked for accuracy and reviewed by the Finance Department, the requisition will be converted to a purchase order. For items in this price range, the responsibility lies with the department head to establish need for goods or services and determine best quality at lowest cost. Notify the Purchasing Agent of items and quantities that are common to other departments to allow for group purchasing whenever possible.

4. Purchases \$5,000 - \$29,999

Three (3) quotations must be received by either email, fax, hand delivered or by mail and sent to the Finance Department once the requisition is submitted. The requisition will not be approved until the quotes are received. Quotations should be for like items, equal quantities, and at a delivered price. Assistance from the Finance Department in securing these quotes will be available upon request. If three quotations are not available, or if the low quotation is not desirable, a written explanation in the "Note" field will avoid delays in processing the requisition. In cases where the item or service is available from a single source, you must indicate in the note section that it is "sole source". If you need to re-order an item within 12 months of receiving the verbal quote, you do not have to get new quotes as long as the supplier will honor the earlier prices. This information, showing date of last verbal quote and purchase order number, must accompany the requisition. After the requisition has been checked for accuracy and verified by the Finance Department, the requisition will be converted to a purchase order.

5. Purchases \$30,000 - \$89,999 (Informal Bid)

- a. Informal bid procedures must be followed on contracts for the following:
 - i. Purchases or lease-purchases of apparatus, supplies, materials, or equipment expected to require expenditure equal to or greater than \$30,000, but less than \$90,000;
 - ii. Construction or repair work when expenditures of \$30,000 to \$500,000 are involved (G.S. 143-131).
- b. Detailed specifications including description, brand/model number, quantity, unit, delivery date required, and any known vendors should be forwarded to the Finance Department. The Finance Department will obtain quotes from at least three vendors, if possible. However, contracts in the informal range may be awarded even if only one bid is received. Departments should allow ample time (seven to ten working days) for quotes to be obtained. Since informal bids do not have to be publicly opened, fax or email quotes are acceptable. The Finance Department shall keep a record of all bids submitted, which record shall not be subject to public inspection until the contract has been awarded. The Contractor shall submit the E-Verify Affidavit with their bid. Bids that do not include this Affidavit will be considered nonresponsive. After quotes have been reviewed by the Finance Department, a

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recommendation based on determination of the lowest responsive responsible bidder, will be made to the department head or designated employee. If the low bid is not desirable, the department head and/or Finance Department shall provide a written explanation. A requisition will be entered into the financial system by the department head or designated employee which after approval, will be converted to a purchase order.

6. Purchases \$90,000 and above (Formal Bid)
 - a. With respect to the purchase or lease-purchase of apparatus, supplies, material, or equipment expected to require expenditure equal to or greater than \$90,000 and construction or repair work requiring the estimated expenditure of \$500,000 or more, the City shall comply with the provisions of G.S. 143-129 and other applicable statutes, as well as the following procedures:
 - i. Detailed specifications including description, brand/model, quantity, unit, delivery date required, and any known vendors should be forwarded to the Finance Department before the bid package is prepared.
 - ii. As provided in G.S. 143-129(b), the City shall notify prospective vendors of the opportunity to submit bids by advertising in a newspaper having general circulation in the City area, or by electronic means, or both (except that a decision to advertise by electronic means only must be approved by the Council, either for particular contracts or all contracts). The advertisement shall contain the information required in G.S. 143-129(b). In addition, the Finance Department shall mail to prospective vendors the Invitation to Bid along with the Instructions to Bidders that has been prepared by the Finance Department with the assistance of the department head or designated employee. The published notice must appear, and the electronic or mailed notice must be sent, at least fourteen (14) days prior to the bid opening.
 - iii. An opening date and time shall be set in the bid conditions and all bids shall remain in the Finance Department office sealed until that time. All bids received will be stamped or marked by the Finance Department as to the date and time of receipt. After the bids have been opened, they will be examined and compared by the Finance Department and department head, with respect to compliance with the specifications, quality and suitability of the products, time of delivery and other specific conditions that were included in the bid. The Contractor shall submit the E-Verify Affidavit with their bid. Bids that do not include this Affidavit will be considered nonresponsive. A recommendation for the bid award based on determination of the lowest responsive responsible bidder will be made to the City Manager. If the low bid is not desirable, the department head and/or Finance Department shall provide a written explanation.
 - iv. After bids have been opened, they will become a matter of public record and maintained in purchasing. After approval of the award by the City Council a requisition will be submitted to the Finance Department by a designated employee and a purchase order will be issued.

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- b. Exceptions to the formal bid process are set forth in G.S. 143-129(e) and other provisions of the law. Special procurement procedures applicable to some of these exceptions are set forth in Section V of this policy.
- c. Although the waiver of competitive bidding is permitted, the use of competitive bidding is required whenever practical. All reasons for a waiver of the competitive bidding process must be documented.

7. Special Requirements of City Council

- a. In addition to the specific requirements of the General Statutes, the City Council requires that all purchase orders for \$20,000 or more, be approved by the Council prior to the order being submitted to the vendor.

V. Special Procurement Procedures

1. Blanket Purchase Orders

The Purchasing Agent will issue blanket purchase orders to selected vendors for the procurement of certain items when the amount of paperwork involved makes it impractical to use the regular purchase order procedure. A blanket purchase made using a blanket purchase order number should not exceed \$500 at any time, with the exception of chemicals used at the City's treatment plant or fuel for the City's fuel farms.

Each department head is to provide a list of authorized personnel who are permitted to execute a purchase order under a Blanket Purchase Order. The authorized City employee must sign the vendor's delivery ticket or receipt and the purchase order number must be indicated. The account number to be charged for the expenditure must be indicated. Department heads must approve the ticket or receipt and forward it to the Purchasing Department for payment. The issued purchase order will instruct the vendor that unauthorized purchases will not be allowed. It is the responsibility of the individual authorized to purchase under a Blanket Purchase Order to ensure that adequate funds are available for purchases. Any purchase exceeding the funds available under a Blanket Purchase Order will be classified as an unauthorized purchase unless a written purchase order increase request has been submitted in writing.

Blanket Purchase Orders should never be used for equipment purchases such as mowers, weed trimmers, blowers, appliances, etc. These items need more specific documentation than a blanket purchase order allow, including serial number, model number and date of purchase.

Blanket Purchase Orders are only valid for the current fiscal year for which they are entered.

2. Emergency Purchases

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Supplies or services which qualify for emergency purchase are those for which immediate procurement is essential to prevent delays in work that may affect the life, health or safety of the City employees or citizens. In cases of emergencies, the City Manager or his/her designee may purchase directly from any vendor.

The City shall exercise good judgment and use established vendors when making emergency purchases. The best possible price should be obtained and only essential, emergency-related items purchased. A failure to anticipate needs does not constitute an emergency. Needs should be anticipated in advance and emergency purchases avoided whenever possible. Emergency orders may be costly as vendor supplies and/or resources may not be adequate on short notice, often necessitating higher prices for services or goods rendered. The use of emergency purchase procedures should be carefully considered and limited whenever possible.

During working hours, contact the Purchasing Agent and give all pertinent information to obtain a purchase order. The information needed will include vendor name, item(s) to be purchased with quantities, expenditure account to which the item(s) will be charged and the reason for the emergency purchase. After verifying available funds, a purchase order will be issued for the expenditure.

After working hours, the spirit and intent of all purchasing procedures should be followed until such time as normal processing and administration can occur. The invoice received should be coded with the account(s) to be charged and signed. A brief explanation of the nature of the emergency should be attached. The Purchasing Agent must be notified of the purchase and the circumstances the morning of the next business day.

3. State of North Carolina Purchase Contract

The Finance Department may use the State of North Carolina Department of Administration Purchase and Contract Division and/or established Cooperative Purchasing Agreements whenever possible for procurement of capital and non-capital items. These systems expedite the purchase of goods, offers pricing compatible with quotes received from formal and informal bids and satisfies North Carolina General Statutes. Examples of goods on State Contract are law enforcement vehicles, office furniture, copiers, janitorial supplies, copier paper, light bulbs, etc. Contact the Finance Department with questions regarding goods on State Contract or cooperative purchasing agreements. The State of North Carolina Interactive Purchasing System can be found on the web at www.ips.state.nc.us/ips/Default.aspx.

4. Credit Cards

The City maintains a credit card for such instances as online purchasing, hotel reservations, or other similar purchases. The Finance Department manages the card which shall be provided on an as-needed basis to those authorized to use it by their department head. Department Heads are issued individual cards for similar usage. It is the card user's responsibility to provide an original detailed receipt for each transaction on the bank

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statement. Telephone orders that do not generate receipts shall be evidenced by a catalog page and supplemented by any documentation that becomes available once the transaction is complete. Internet purchases should be evidenced by a printout of the order confirmation page. Authorized employees must give all debit card documentation to the department head for their approval. The approval must include the purchase order number when applicable, the general ledger account number and be signed and forwarded to the Finance Department. Authorization to complete a purchase transaction of \$500 or more using the debit card shall not absolve the user of the obligation to obtain a purchase order before completing the purchase.

Undocumented transactions (transactions turned in to be paid without a receipt) are not allowed and will be considered personal transactions if the employee does not have an explanation that includes a description of the items(s) purchased, date of purchase, vendor's name and reason for the lack of documentation. The Finance Department may request additional information or may disallow the transaction and the employee will be personally responsible for the transaction amount.

- 5. Service Contracts
 - a. Need for and Type of Service Contracts
 - i. It is the purpose of this policy to create and maintain an efficient and uniform process in the administration of service contracts. A department shall select service providers according to the procedures set out in this policy. The need for such contracts is based upon the requirement of the department and as approved by the department head.
 - ii. Service contracts are contracts that call for a contractor's time and effort rather than for a concrete end product. There are two types of service contracts:
 - a. Professional – those which involve professional, technical and skilled services such as architectural, engineering, legal, design, financial, audit, consultant training, appraisal, survey, planning, environmental and other services of a similar skilled or professional nature.
 - b. All other – those which consist of leases for rental equipment, maintenance agreements, janitorial, demolition, towing, and similar activities.
 - b. Procedure for Negotiating, Awarding, and Executing Service Contracts
 - i. Service contracts will be issued after proposals are solicited from two (2) or more service providers. A request for proposal (RFP) is a competitive procurement process that allows the City to consider factors other than price such as qualification, experience, innovation, creativity, value-added service and project approach. In procuring architectural, engineering, or surveying services, the City shall comply with Article 3D of Chapter 143 (G.S. 143-64.31 *et seq.*).

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- ii. In evaluating proposals, the criteria for selecting a qualified firm should be clearly defined in the proposal. The proposal must state the factors relevant to the selection of a company and then weigh those factors according to their importance.
 - iii. After evaluation, the department head shall prepare a recommendation to the City Manager indicating the reason(s) for selecting the successful provider, and a list of all the firms to which the request for proposals was mailed and those submitting proposals.
- 6. City-wide contracts have been issued for the following and departments are required to use these vendors unless prior approval from the Finance Department has been given. Designated vendors were determined through competitive bidding by the Finance Department.
 - a. Information Technology – The City contracts with vendors for Information Technology maintenance service. All major maintenance issues will be reviewed by the City IT staff who will communicate with the IT service company.
 - b. Telecommunication - All land-line and cellular telephones, changes, repairs, voice mail, etc. are acquired through the Finance Department with no exceptions.

VI. **Construction and Repair Work**

- 1. Informal Construction Contracts (less than \$500,000 – G.S. 143-129)

Construction contracts within this range will be the responsibility of the department head, contracted engineer (if applicable) and other City officials as deemed necessary. These officials are responsible for specification development. The Purchasing Department will work with the specific department head to compile the necessary bid documents for release to potential bidders. All North Carolina General Statutes bidding requirements will be followed. After the bid process has been completed, the requesting department head will recommend to the City Council the lowest responsible bidder deemed in the best interest of the City. Upon approval by the City Council, the department head will initiate a requisition and forward all signed contract information to purchasing so that a purchase order can be generated to encumber the expenditure account. When an award is not given to the lowest bidder, a full and complete statement of the reasons shall be filed along with the other papers relating to the transaction.

 - a. Bids may be written, faxed or emailed.
 - b. Public bid opening is not required.
 - c. Bid bonds are not required.
 - d. Payment and performance bonds are not required.
- 2. Formal Construction Contracts (\$500,000 and above – G.S. Ch. 143 Article 8)

Construction contracts within this range will be the responsibility of the department head, contracted engineer (if applicable) and other City Officials as deemed necessary. These officials

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are responsible for specification development. The Purchasing Department will work with the specific department head to compile the necessary bid documents for release to potential bidders. All North Carolina General Statutes bidding requirements will be followed. After the bid process has been completed, the requesting department head will recommend to the City Council the lowest responsible bidder deemed in the best interest of the City. Upon approval by the City Council, the department head will initiate a requisition and forward all signed contract information to purchasing so that a purchase order can be generated to encumber the expenditure account. When an award is not given to the lowest bidder, a full and complete statement of the reasons shall be filed along with the other papers relating to the transaction.

- a. Must advertise at least fourteen (14) days before bid opening.
- b. At least three competitive bids.
- c. Bids must be sealed.
- d. Public bid opening is required.
- e. Bid bonds are required by North Carolina General Statutes.
- f. Payment and performance bonds are required by Statutes.

3. **Contract Change Orders**

A change order is an amendment to the original contract and is handled through the same process as contracts. Any change that alters the original contract requires either a change order or an addendum to the contract.

4. **Force Account Work (G.S. 143-135)**

The State Statutes authorize the City to waive the competitive bidding requirements for construction or repair work that is undertaken by the City's workforce when either (i) the cost of the project including all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed \$500,000, or (ii) the total cost of labor on the project does not exceed \$200,000.

VII. Payments

Most vendors offer a discount if their invoices are paid promptly. To take advantage of this discount and to maintain good vendor relations, it is important that all invoices, packing slips, and receiving reports be forwarded to the Finance Department without delay. These documents should reach the Finance Department within 1 to 3 business days after their receipt.

Some purchase orders may list several items. It is possible the vendor may complete timely delivery on some items, which are referred to as "partial deliveries". Upon receipt of a partial delivery, photocopy the purchase order; attach the original signed delivery receipt and forward to the Purchasing Agent indicating which lines of the purchase order are to be paid.

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VIII. After the Order

The procurement function is not accomplished by simply placing an order with a supplier. Satisfactory delivery must also be made. To insure delivery will be made when required, follow-up is necessary. Follow-up or expediting delivery of an order is part of the purchasing process and can be more efficiently handled by the purchasing party.

The Purchasing Agent will, on a regular basis, review outstanding purchase orders to determine if vendors are delinquent in shipping the items requested. The Purchasing Agent will first check with the department initiating the purchase order and then contact these vendors concerning the delinquent delivery. The Purchasing Agent will contact vendors concerning invoice discrepancies and will get approval from the Finance Director and affected department head to correct any invoice amounts.

IX. Surplus Property

1. Departments should dispose of surplus property through the Finance Department, as described in N.C.G.S. 160A Article 12. A surplus property declaration request should accompany the surplus property to the Finance Department.
2. Surplus property will be offered to City departments before being sold by auction, electronic auction, or delivery to the State surplus facility.
3. Property, either individually or a similar group of items, with an estimated current value greater than \$30,000 must only be declared surplus by the City Council and disposed of in accordance with the provisions of Article 12 of G.S. Chapter 160A.
4. The City Council has authorized the City Manager to declare property as surplus if such property has an estimated current value less than \$30,000. The City Manager may dispose of surplus personal property by any means which is judged to be reasonably calculated to yield the highest attainable sales price.
5. The City Manager shall maintain records of all property sold or exchanged, which shall include a general description of the property sold, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

X. Minority/Women Business Enterprise (M/WBE) Participation

Minority Business and Women Business Enterprises (M/WBEs) are businesses owned by women and/or underrepresented members of minority groups as defined by the federal grantor, grantor agency, and State law. The City has established guidelines under section X of this policy to engage in good faith efforts, pursuant to N.C.G.S. 143-128.2, to provide Minority and Women Business Enterprises an equitable opportunity to participate and compete in contract procurement procedures. These guidelines apply to all contracts above bid solicitation threshold of the most restrictive rule.

To engage in outreach efforts, the City's Department Directors or their designees shall maintain and frequently update a registry of certified M/WBEs listed in acceptable public agency databases, such as the United States Census Bureau, North Carolina Department of Transportation (NCDOT) Minority Business Enterprise, North Carolina Department of Administration (NCDOA), North Carolina

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Historically Underutilized Businesses (NC HUB), Small Business Administration (SBA), United States Department of Commerce Minority Development Agency, and Disadvantaged Business Enterprises. M/WBEs recorded in the City's registry shall be included in bid solicitations. Where economically feasible, the City shall divide projects into smaller contracts to encourage M/WBE participation. The City shall also establish delivery schedules to accommodate M/WBE where feasible.

The City must comply and document compliance with all M/WBE solicitation requirements along with all other procurement requirements mandated by state law and federal programs. HUB certification of M/WBEs is not required for compliance with section X of this policy, however HUB certification of M/WBEs is required for credit toward the City's HUB participation goals. The City may use services of acceptable public agency registries and encourage M/WBEs to pursue HUB certification. The City must document and report compliance with HUB participation to NC HUB office and the appropriate grantor agency. For compliance with NC HUB requirements, bidders shall submit good faith efforts affidavit for all building construction projects costing: \$300,000 and above with local funds or \$100,000 and above with state funds. Contractors must document compliance with M/WBE solicitation requirements along with all other procurement requirements.

The procedures in this section shall not relieve the City of the State's requirements to award contracts to the lowest responsible bidder or the State's non-discrimination in contract award requirements.

XI. Contract Authority of Manager

1. The Manager shall execute all contracts on behalf of the City, except that (i) the Council may by resolution authorize other officials to execute specific documents and (ii) the Manager may, in writing, delegate to other employees the authority to execute specific documents or classes of documents.
2. The Manager may enter into contracts that commit the City to purchase goods and services (i) when the City Council has previously authorized the acquisition of such goods and services, or (ii) If the City Council has not previously authorized the acquisition of such goods or services, when the amount is less than \$5,000.
3. In emergencies, the Manager may enter into contractual agreements for any amount. Contractual agreements entered into during an emergency must be brought before the Council during a public meeting for review and approval at the earliest possible date. For the purposes of this subsection, an "emergency" is defined as "a sudden or unexpected occurrence or occurrences, which jeopardize the safety of the City's citizens, such as but not limited to a fire or an electrical outage."

XII. Contracts

1. Except as otherwise provided in Section II of this policy, all contracts need to contain the pre-audit certificate signed by the Finance Director and must include the account number to which the payment will be charged.
2. Contracts requiring approval of the Council should be forwarded to the City Manager at least ten

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days before the meeting to be included on the agenda.

- 3. Contracts need to be encumbered by a purchase order when signed. After the contract has been pre-audited, a copy will be forwarded to the Finance Department to enter a requisition in the system and a pre-numbered purchase order will be generated.

XIII. Procurement Procedures with Federal Funds

1. **Purpose**

The purpose of this Policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract.

2. **Policy**

- a. **Application of Policy.** This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any sub-recipient of the funds. All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.
- b. **Compliance with Federal Law.** All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200.326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The City of Washington will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the City of Washington have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.
- c. **Contract Award.** All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.
- d. **No Evasion.** No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- e. **Contract Requirements.** All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R. § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II.
- f. **Contractors' Conflict of Interest.** Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.
- g. **Approval and Modification.** The administrative procedures contained in this Policy are administrative and may be changed as necessary at the staff level to comply with state and federal

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law.

3. **General Procurement Standards and Procedures**

Either the Purchasing Department or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

- a. **Necessity.** Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. The Purchasing Department and/or the Requesting Department should check with the federal surplus property agency prior to buying new items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies that have similar needs to consolidate procurements and services to obtain better pricing.
- b. **Clear Specifications.** All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.
- c. **Notice of Federal Funding.** All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offers must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- d. **Compliance by Contractors.** All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- e. **Fixed Price.** Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts is prohibited. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a "Not to Exceed" amount. A time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.
- f. **Use of Brand Names.** When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and "or equal" must be included in the description.
- g. **Lease versus Purchase.** Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- h. **Dividing Contract for M/WBE Participation.** If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.

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- i. **Documentation.** Documentation must be maintained by the Purchasing Department and/or the Requesting Department detailing the history of all procurements. The documentation should include the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor's responsiveness, notice of award, copies of notices to unsuccessful bidders or offers, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.
 - j. **Cost Estimate.** For all procurements costing \$250,000 or more, the Purchasing Department and/or Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.
 - k. **Contract Requirements.** The Requesting Department must prepare a written contract incorporating the provisions referenced in Section XIII 2. C. "Contract Award" of this Policy.
 - l. **Debarment.** No contract shall be awarded to a contractor included on the federally debarred bidder's list.
 - m. **Contractor Oversight.** The Requesting Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.
 - n. **Open Competition.** Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for "or equal" products, or other unnecessary requirements that have the effect of restricting competition.
 - o. **Geographic Preference.** No contract shall be awarded on the basis of a geographic preference.
4. **Specific Procurement Procedures**

Either the Purchasing Department or the Requesting Department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

- a. **Service Contracts** (except for A/E professional services) and **Purchase Contracts costing less than \$10,000** shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. § 200.320(a)) as follows:
 - 1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
 - 2. To the extent practicable, purchases must be distributed among qualified suppliers.

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- b. Service Contracts (except for A/E professional services) and Purchase Contracts costing \$10,000 up to \$90,000 shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:
1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the Requesting Department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321 and section X of this policy.
 3. Cost or price analysis is not required prior to soliciting bids.
 4. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
 5. Award the contract to the lowest responsive, responsible bidder.
- c. Service Contracts (except for A/E professional services) and Purchase Contracts costing \$90,000 and above shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:
1. Cost or price analysis is required prior to soliciting bids.
 2. Complete specifications or purchase description must be made available to all bidders.
 3. The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
 4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321 and section X of this policy.
 5. Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
 6. Award the contract to the lowest responsive, responsible bidder on a fixed-price basis. Governing board approval is required for purchase contracts unless the governing board has delegated award authority to an individual official or employee. Any and all bids may be rejected only for “sound documented reasons.”

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- d. **Service Contracts** (except for A/E professional services) costing \$250,000 and above may be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)) when the “sealed bid” procedure is not appropriate for the particular type of service being sought. The procedures are as follows:
1. A Request for Proposals (RFP) must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an “adequate number” of qualified firms.
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321 and section X of this policy.
 3. Identify evaluation criteria and relative importance of each criterion (criteria weight) in the RFP.
 4. Consider all responses to the publicized RFP to the maximum extent practical.
 5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
 6. Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP. Governing board approval is not required.
 7. Award the contract on a fixed-price or cost-reimbursement basis.
- e. **Construction and repair contracts costing less than \$10,000** shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:
1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
 2. To the extent practicable, contracts must be distributed among qualified suppliers.
- f. **Construction and repair contracts costing \$10,000 up to \$250,000** shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:
1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the requesting department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321 and section X of this policy.
 3. Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer.

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4. Award the contract on a fixed-price or not-to-exceed basis.
 5. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required.
- g. **Construction and repair contracts costing \$250,000 up to \$500,000** shall be procured using the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) as follows:
1. Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
 2. Complete specifications must be made available to all bidders.
 3. Publicly advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
 4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321 and section X of this policy.
 5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
 6. A 5% bid bond is required of all bidders. Performance and payment bonds of 100% of the contract price are required of the winning bidder.
 7. Award the contract on a firm fixed-price basis.
 8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required. Any and all bids may be rejected only for “sound documented reasons.”
- h. **Construction and repair contracts costing \$500,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:
1. Cost or price analysis is required prior to soliciting bids (this cost estimate should be provided by the project designer).
 2. Complete specifications must be made available to all bidders.

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3. Formally advertise the bid in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for "sound documented reasons."
 4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321 and section X of this policy.
 5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed and in paper form. A minimum of 3 bids must be received in order to open all bids.
 6. A 5% bid bond is required of all bidders (a bid that does not include a bid bond cannot be counted toward the 3-bid minimum requirement). Performance and payment bonds of 100% of the contract price is required of the winning bidder.
 7. Award the contract on a firm fixed-price basis.
 8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is required and cannot be delegated. The governing board may reject and all bids only for "sound documented reasons."
- i. **Construction or repair contracts involving a building costing \$300,000 and above** must comply with the following additional requirements under state law:
1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
 2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
 3. The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).
- j. **Contracts for Architectural and Engineering Services costing under \$250,000** shall be procured using the state "Mini-Brooks Act" requirements (G.S. 143-64.31) as follows:
1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321 and section X of this policy.

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3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department.
 4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
 5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.
 6. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.
- k. **Contracts for Architectural and Engineering Services costing \$250,000 or more** shall be procured using the Uniform Guidance "competitive proposal" procedure (2 C.F.R. § 200.320(d)(5)) as follows:
1. Publicly advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321 and section X of this policy.
 3. Identify the evaluation criteria and relative importance of each criterion (the criteria weight) in the RFQ.
 4. Proposals must be solicited from an "adequate number of qualified sources" (an individual federal grantor agency may issue guidance interpreting "adequate number").
 5. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
 6. Consider all responses to the publicized RFQ to the maximum extent practical.
 7. Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.
 8. Price cannot be a factor in the initial selection of the most qualified firm.
 9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.

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10. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.
1. **Exceptions** Non-competitive contracts are allowed **only** under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:
- 1. Sole Source. A contract may be awarded without competitive bidding when the item is available from only one source. The Purchasing Department and/or Requesting Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.
 - 2. Public Exigency. A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
 - 3. Inadequate Competition. A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.
 - 4. Federal Contract. A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.
 - 5. Awarding Agency Approval. A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

XIV. Conflict of Interest: Use of Federal Funds

1. **Purpose**

The purpose of this policy is to establish conflicts of interest guidelines that meet or exceed the requirements under state law and local policy when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects paid for in part or whole by federal funds and required under 2 C.F.R. § 200.318(c)(1).

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2. **Policy**

This policy applies when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects funded in part or whole with federal financial assistance (direct or reimbursed). This policy also applies to any sub recipient of the funds.

The employee responsible for managing the federal financial assistance award shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including sub recipients, of the requirements of this policy and any additional prohibitions or requirements.

- a. **Conflicts of Interest.** In addition to the prohibition against self-benefiting from a public contract under G.S. 14-234, no officer, employee, or agent of the City of Washington may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:

1. The employee, officer, or agent involved in the selection, award, or administration of a contract;
2. Any member of his or her immediate family;
3. His or her partner; or
4. An organization which employs or is about to employ any of these parties.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to his or her immediate supervisor. Any such conflict shall be disclosed in writing to the federal award agency or pass-through entity in accordance with applicable Federal awarding agency policy.

- b. **Gifts.** In addition to the prohibition against accepting gifts and favors from vendors and contractors under G.S. 133-32, officers, employees, and agents of the City of Washington are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Any officer, employee or agent who knowingly accepts an item of nominal value allowed under this policy shall report the item to his or her immediate supervisor.

3. **Violation**

Employees violating this policy will be subject to discipline up to and including termination. Contractors violating this policy will result in termination of the contract and may not be eligible for future contract awards.

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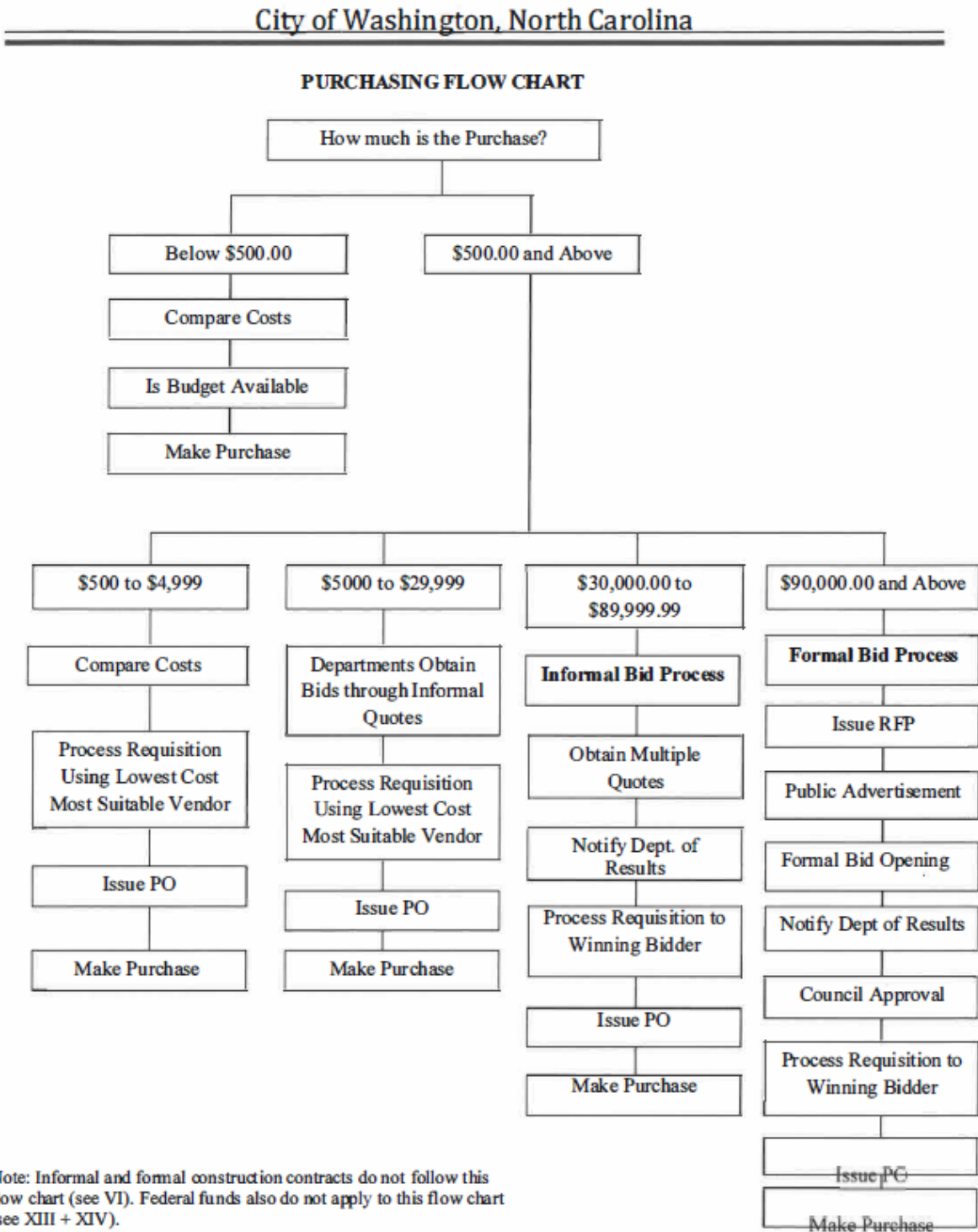
THIS POLICY SPECIFICALLY REPEALS AND REPLACES PRIOR CITY POLICIES AND ADMINISTRATIVE MEMORANDA RELATIVE TO PURCHASING.

Approved:


Donald R. Sadler, Mayor

9-13-21
Date





NEW BUSINESS:

APPROVE – REQUEST BY JUSTIN PATE FOR A BEER GARDEN AT THE RIBEYES ANNIVERSARY EVENT/SMOKE ON THE WATER HEADQUARTERS

This is an anniversary party/ Smoke on The Water headquarters and it will be held from 6pm-11pm on October 15th and 16th at 228 Stewart Parkway Washington NC, 27889. There will be 25+ employees working including security and local law enforcement. The event will include several local artists and the main event will be Cooper Greer Band and the Eli Craig Band on 10/15/21 and on 10/16/21 we will have a full band as well but are in the process of booking. We will be asking for permission to sell beer(aluminum only) and wine (plastic cups) in the blocked off area of the parking lot. Spirits (liquor) will remain in the restaurant and on the patio connected to Ribeyes only. RA Jefferey's, Coastal Beverage, and Empire have offered their assistance. We conduct normal business hours from 11am-11pm both of these days. We have completed the Special Event application, the police department EDE contract and the street/amp permits.

Thank You - Justin Pate, Owner of Ribeyes of Washington

Jonathan Russell stated our current City Code language requires Council approval. We will revise our ordinance as previously discussed by Council so this can be approved by Manager.

By motion of Councilmember Renn, seconded by Councilmember Kane, Council approved the request by Justin Pate for a beer garden at the Ribeye’s Anniversary Event/Smoke on the Water Headquarters.

VOTE: Justin Pate	YES	NO
Mayor Pro tem Brooks	x	
Councilmember Finnerty	x	
Councilmember Kane	x	
Councilmember Pitt	x	
Councilmember Renn	x	

DISCUSSION – PROPOSED ORDINANCE UNLAWFUL ASSEMBLY
BACKGROUND AND FINDINGS:

This city ordinance is prepared to add Unlawful Assembly to the Washington City Code. This document is the proposed language for your review and comments.

DRAFT ORDINANCE

Unlawful assembly

Whenever three or more persons assemble with intent:

- A. To commit any unlawful act by force; or*
- B. To carry out any purpose in such manner as to disturb the public peace; or*
- C. Being assembled, to attempt or threaten any act tending toward a breach of the peace or an injury to persons or property or any unlawful act; such an assembly is unlawful, and every person participating therein by his presence, aid or instigation is guilty of a misdemeanor; provided, that prior to making arrests, an order to disperse is given, and a reasonable time is allowed for such dispersion.*

Unlawful Assembly City Owned Parking Lot

- A. City-owned parking lot. It shall be unlawful for any person to assemble with two or more other persons on a city-owned or controlled parking lot except for the purpose of lawfully parking a vehicle in a the lot. It shall not be a violation of this section to lawfully park a vehicle in a city parking lot and leave the lot without delay, or go upon a city parking lot without delay proceed to a lawfully parked vehicle and then leave.*
- B. Constitutional exception. The prohibition in subsection (A) above shall not apply to a congregation of persons pursuant to any lawfully issued permit for a parade, demonstration, picketing or other event or congregation protected under the Constitution of the United Sates or this state.*
- C. City parking lot defined. The term "city parking lot", as used in this section, shall mean any parking lot owned or controlled by the city and maintained for public, public and leased space parking.*

Failure to disperse.

- A. Every person who refuses or intentionally fails to disperse or refrain from activity which creates a risk of causing injury to any person or property is guilty of a misdemeanor; provided, that prior to making arrests an order to disperse was given by a law enforcement officer and a reasonable time was allowed for dispersion.*
- B. No such order shall apply to a news reporter or other person observing or recording the events on behalf of the public press or other news media unless he is physically obstructing lawful efforts by such officer to disperse the parties.*

Council had no questions at this time. The document will be presented for approval at a future meeting.

PUBLIC HEARING 6:00PM - ZONING:

PUBLIC HEARING: ACCEPT – RECOMMENDATION OF THE PLANNING BOARD AND ADOPT THE REQUEST FROM RUTLEDGE HOLDINGS, LLC TO REZONE THE 1.97 ACRE PORTION OF PARCEL #5685-84-7045 FROM RA20 (RESIDENTIAL AGRICULTURAL) TO B2 (GENERAL BUSINESS)

Mayor Sadler opened the public hearing at this time. Mike Dail presented the following background and findings: Rutledge Holdings, LLC requests to rezone a 1.97 acre portion of a parcel #5685-84-7045, located at 703 River Road in Washington. The subject property is 3.28 acres in size and is split zoned. The front portion of the property (1.31 acres) is zoned B2 and the rear portion of the property

(1.97 acres) is zoned RA20 as shown on the attached map. This rezoning request, if approved, would make the entire 3.28 acre parcel zoned B2. The land uses within the subject property's immediate area are primarily commercial along River Road and along the North Shore Drive to the west with a few residences mixed in. The Comprehensive Plan Future Land Use Map recommends commercial development for the subject property, therefore the request for B2 zoning is in compliance with the plan. On August 24, 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.

Staff Report

Adjoining property owner notices were mailed and a notice sign was placed on the property on September 3, 2021. The public hearing notice advertisement dates were September 1 and 11, 2021.

Synopsis:

The front portion of the subject property (1.31 acres) is zoned 82 zoning and the rear portion of the property (1.97 acres) is zoned RA20. This rezoning request, if approved, would make the entire 3.28 acre parcel zoned 82. The front portion of the property is currently being used as a mini-storage facility. The land uses within the subject property's area are primarily commercial along the frontage of River Road and North Shores Road with a few residences mixed in. The properties to the south and west of the subject property are zoned RA20. The properties to the north and east are zoned 82.

Development Notes:

In November 2020, the Board of Adjustment granted a Special Use Permit for a ministorage facility within the interior only of the existing building on the front portion of the subject property. Any future expansion of the self-storage facility will require an amendment to the Special Use Permit and Site Plan.

Comprehensive Plan:

The future land use map recommends commercial development for this area. The requested zoning of B2 is consistent with the Comprehensive Plan's Future Land Use Map.

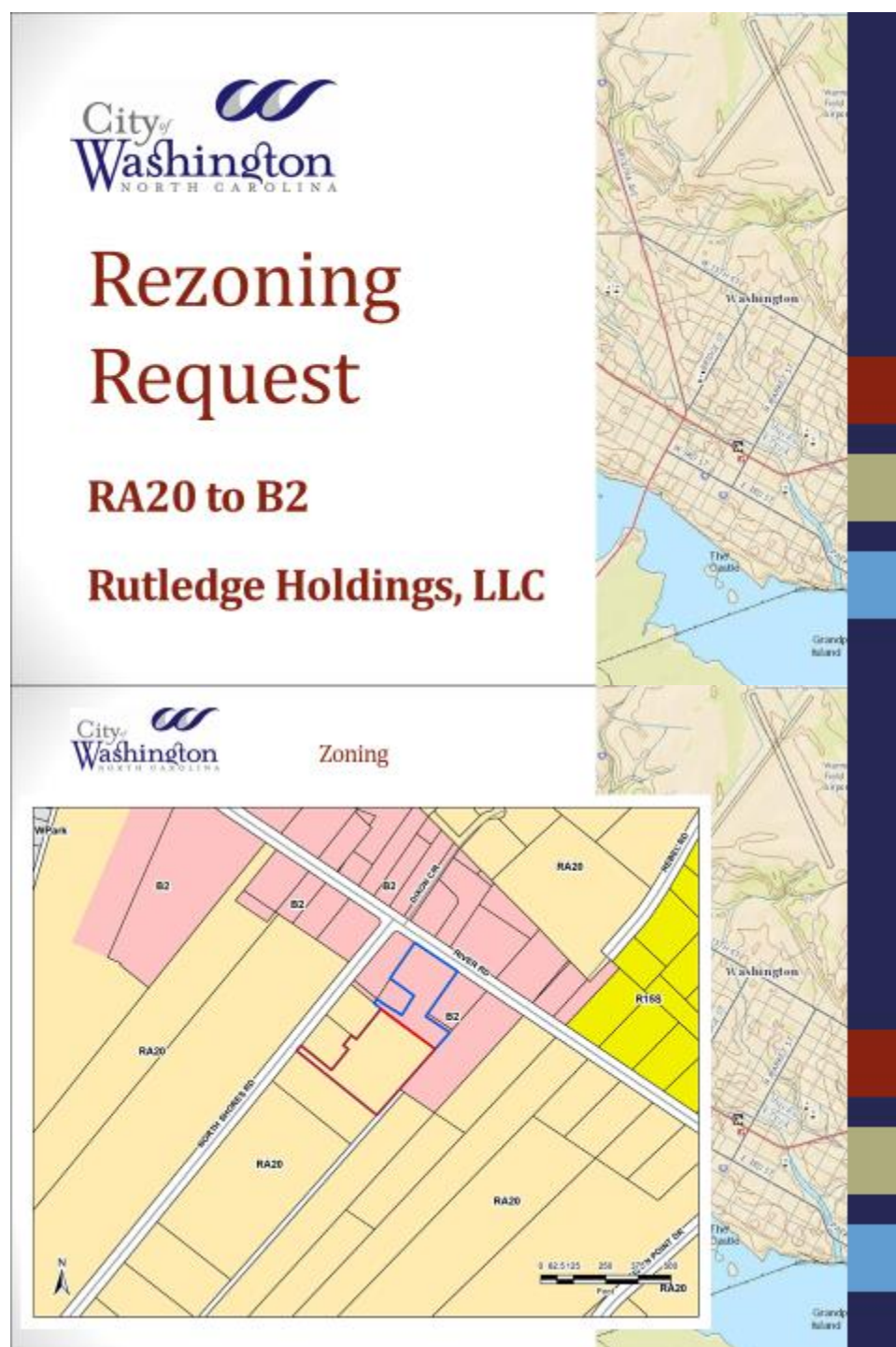
Planning Board Action:

On August 24, 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 and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

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







Spencer Terry is the representative for Mr. Rutledge on this project. There are two zones on one parcel. This will clean up the zoning on this property and it is consistent with the future land use plan. This project will increase the tax base.

There being no additional comments, Mayor Sadler closed the public hearing.

By motion of Councilmember Pitt, seconded by Councilmember Kane, Council accepted the recommendation of the Planning Board and adopted the request from Rutledge Holdings, LLC to rezone the 1.97 acre portion of parcel #5685-84-7045 from RA20 (Residential Agricultural) to B2 (General Business).

VOTE: PH rezoning Rutledge	YES	NO
Mayor Pro tem Brooks	x	
Councilmember Finnerty	x	
Councilmember Kane	x	
Councilmember Pitt	x	
Councilmember Renn	x	

ORDINANCE FOR A PROPOSED ZONING MAP AMENDMENT
THE CITY OF WASHINGTON, NORTH CAROLINA

WHEREAS, A request has been made to rezone a 1.97 acre portion of Beaufort County Tax Parcel # 5685-84-7045 from RA20 (Residential Agricultural) to B2 (General Business). The property is further described as:

“Beginning at an existing iron pipe in the northeast corner of the Rayford Louis Kennedy and Judith Kennedy tract and being the same parcel as described in DB: 889; PG: 043 , thence South 44°26’33” East 13.11 feet to a point in the current zoning line; thence South 27°01’00” East 43.85 feet to a point in the current zoning line; South 49°55’04” East to a point in the eastern boundary of the subject tract; thence South 48°09’19” West 332.31 feet to an existing iron pipe; thence North 44°53’01” West 395.43 feet to an existing iron pipe in the eastern right of way of NCSR 1301 (North Shores Road); thence with said right of way North 45°59’58” East 21.56 feet to an existing iron pipe; thence South 44°53’01” East 149.90 feet to a point; thence North 45°29’25” East 105.33 feet to a point; thence North 44°30’35” West 25.47 feet to a point; thence North 45°29’25” East 50.00 feet to a point; thence 44°30’35” East 25.47 feet to an existing iron pipe; thence North 45°29’25” East 150.37 feet to the point of beginning, containing 1.97 acres”; and

WHEREAS, this zoning map amendment was duly advertised in The Washington Daily News and was the subject of a public hearing by the Council of the City of Washington on September 13, 2021; and

WHEREAS, the City Council has been informed of and has considered the City of Washington Planning Board’s recommendation on the subject zoning map amendment; and

WHEREAS, in accordance with the applicable provisions of North Carolina General Statute 160D-605, the City Council does hereby find and determine that the adoption of the ordinance zoning the following described property is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance zoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the applicable provisions of North Carolina General Statute 160D-605, the City Council of the City of Washington does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use Map.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Washington, North Carolina that, this proposed zoning map amendment of be approved.

Adopted this 13th day of September 2021.


Donald R. Sadler, Mayor

ATTEST:


Cynthia Bennett, Clerk



PUBLIC HEARING 6:00PM- OTHER:
PUBLIC HEARING: ADOPT – RESOLUTION AUTHORIZING MAYOR TO APPROVE
APPLICATION FOR FINANCIAL ASSISTANCE FOR CDBG – INFRASTRUCTURE
PROGRAM

Mayor Sadler opened public hearing at this time. Jonathan Russell presented the following background and findings: The City intends to rehabilitate/replace existing aged sewer force mains along 4th Street, Martin Luther King, Jr. Drive, and 5th Street that come from the City's sewer pump stations located at Seventh/Harvey Street and Fourth/Hudnell Street.

Washington City Council CDBG-I Public Hearing Minutes
September 13, 2021
AGENDA ITEM – PUBLIC HEARING ON A CDBG APPLICATION

The City Council for the City of Washington held a public hearing on September 13, 2021, for providing explanation and description of the FY 2021 North Carolina Department of Environmental Quality (DEQ) Community Development Block – Infrastructure Grant (CDBG-I). A quorum of Council members was present.

A representative was present to discuss the purpose of the public hearing for Washington's CDBG-I funding application. Representative stated that the purpose of the public hearing was to obtain citizen's views and to respond to funding proposals and answer any questions posed by citizens. Representative also stated that the public hearing must cover Washington's community development needs, development of the proposed activities, and a review of program compliance before the submission of the City's CDBG-I funding application to the State of the North Carolina.

The City proposes to request funding from NCDEQ'S CDBG-I program to replace failing sewer force mains from the city's Seventh/Harvey Street sewer pump station and Fourth/Hudnell Street sewer pump station. The purposes of the CDBG-I grant program are:

- To improve the quality of life for low to moderate-income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.
- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.

For the fiscal year of the CDBG-I, funding available is expected to be \$20-22 million. Applications for funding are to be received on September 30, 2021.

The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund two activities: water and sewer infrastructure, and economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure and economic development activities, including, but not limited to, the following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extend public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The City is seeking an amount in CDBG-I funds not to exceed \$2,000,000 for 2021 Sewer Pump Station Force Main Improvements. The purpose of the City's request is to rehabilitate/replace existing aged sewer force mains along 4th Street, Martin Luther King, Jr. Drive, and 5th Street.

The project proposed by Washington is identified in the City's Capital Improvement Plan. Community meetings have been held in the project area to inform citizens of the potential project and get feedback from the residents.

A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area has been determined to have an income survey area greater than 51% low-moderate income.

The range of activities covered by the CDBG-I funds for the 2021 Sewer Pump Station Force Main Improvements project includes:

- Construction
- Engineering Report
- Environmental Review
- Engineering Design
- Construction Administration and Observation.
- Legal activities.
- Surveying.
- Grant Administration.

If Washington is awarded a CDBG-I grant, the City is required to adhere to federal procurement requirements and other federal regulations which include:

- Americans with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen's Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

The State of North Carolina requires that if Washington receives CDBG grant funding that the City will certify that they will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such relocation become necessary due to project activities. CDBG funds can be used for those costs, if necessary. If no displacement and relocation will occur as a result of the proposed CDBG grant activity, then Washington confirms that during this public hearing.

In the past, the City has previously participated in CDBG-funded housing rehabilitation projects that include the following:

- 2018 NC Neighborhood Revitalization

The City will submit its CDBG-I application for 2021 Sewer Pump Station Force Main Improvements project on or before September 30, 2021. The CDBG-I application will be available for review during normal business hours at the Washington City Hall located at 102 E. Second Street, Washington, NC 27889. Additional information is available from the Washington City Clerk at (252) 975-9300. Should you have any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within 10 business days and a written response to the written complaints and/or grievances will be sent by the City within 10 business days. The Mayor is authorized to adopt the minutes of the public hearing.

Adopted:

s/Donald R. Sadler, Mayor

9-13-21

CERTIFICATION BY RECORDING OFFICER

I certify the above is a true and correct copy of the minutes of the 2021 CDBG-I Application Public Hearing conducted at a legally convened meeting of the Washington City Council on September 13, 2021 and adopted by the Mayor, being authorized by the Council, at the same meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 13 day of September, 2021.

s/Cynthia S. Bennett

City Clerk

There being no comments from the public, Mayor Sadler closed the public hearing.

By motion of Councilmember Renn, seconded by Councilmember Finnerty, Council adopted the resolution to apply for the Division of Water Infrastructure, Community Development Block Grant - Infrastructure program.

VOTE: PH CDBG-I	YES	NO
Mayor Pro tem Brooks	x	
Councilmember Finnerty	x	
Councilmember Kane	x	
Councilmember Pitt	x	
Councilmember Renn	x	

RESOLUTION
APPROVING APPLICATION FOR FINANCIAL ASSISTANCE
COMMUNITY DEVELOPMENT BLOCK GRANT – INFRASTRUCTURE PROGRAM
CITY OF WASHINGTON

WHEREAS, Title I of the Federal Housing and Community Development Act of 1974, as amended, has established the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure portion of the state grant monies received from the U.S. HUD CDBG program by Session Law 2013-360, Section 15.15(a) as amended by Section 5.3 of Session Law 2013-363, and

WHEREAS, the City of Washington has need for and intends to construct a wastewater treatment works project described as 2021 Sewer Pump Station Force Main Improvements, and

WHEREAS, the City of Washington intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF WASHINGTON:

That the City of Washington, the **Applicant**, will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Donald R. Sadler, Mayor, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

That the following application exhibits are hereby approved and the Authorized Official is authorized to sign as part of formal application preparation/submittal:

1. North Carolina Division of Water Infrastructure Application for Funding
2. Commitment of Other Funds Form
3. Local Government Certification of Understanding of the Roles and Responsibilities Under the HUD State Community Development Block Grant Regulations.
4. Conflict of Interest Certification
5. Federal Performance and Procurement Requirements Certification
6. Disclosure Report
7. Certification Regarding Debarment, Suspension, and Other Responsibility Matters
8. Approve/amendment of local plans to include but not limited to Water Loss Reduction Plan.

Adopted this the 13th day of September, 2021 at Washington, North Carolina.

s/Donald R. Sadler,
Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Washington does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council duly held on the 13th day of September, 2021; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 13 day of September, 2021.

s/Cynthia S. Bennett,
City Clerk

PUBLIC HEARING: ACCEPT - RECOMMENDATION OF THE PLANNING BOARD AND ADOPT THE REQUEST FROM BRIDGE HARBOR MARINA, LLC TO AMEND THE CITY CODE TO ALLOW DRY STACK BOAT STORAGE FACILITIES AS A SPECIAL USE WITHIN THE O&I (OFFICE & INSTITUTIONAL) ZONING DISTRICT AND TO AMEND THE SPECIFIC CRITERIA FOR COMMERCIAL MARINAS AND DRY STACK BOAT STORAGE FACILITIES

Mayor Sadler opened the public hearing and Mike Dail presented the following background and findings: The applicant wishes to build a Dry Stack Boat Storage Facility and Commercial Marina on the south side of the Tar/Pamlico River immediately to the east of US Highway 17 Business and needs the following text amendments to facilitate the development: 1. Allow Dry Stack Boat Storage Facilities as a special use within the O&I (Office & Institutional) zoning district, 2. Modify the building height limitations found in the specific criteria for Dry Stack Boat Storage Facilities and 3. Allow certain accessory uses to Dry Stack Boat Storage Facilities. Currently the Zoning Ordinance allows Dry Stack Boat Storage Facilities as a special use in the B-2, I1 and I2 zoning districts. On August 24, 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.



*Text Amendment Request
Staff Report*

Development Services,
Planning & Zoning Division

Request:

Request by Bridge Harbor Marina, LLC for a Text Amendment to the City Code to allow Dry Stack Boat Storage Facilities as a special use within the O&I (Office & Institutional) zoning district and to amend the specific criteria for Dry Stack Boat Storage Facilities and Commercial Marinas.

Synopsis:

Currently the Zoning Ordinance allows Dry Stack Boat Storage Facilities as a special use in the B-2, I1 and I2 zoning districts.

The applicant wishes to build a Dry Stack Boat Storage Facility and Commercial Marina on the south side of the Tar/Pamlico River immediately to the east of US Highway 17 Business and needs the proposed text amendments to facilitate the development.

The applicant is asking that the dry stack boat storage use be allowed as a special use in the O&I zoning district, to change the maximum allowable height for dry stacks from 65 feet to 70 feet and to change the maximum allowable height for other structures on site from 50 feet to 65 feet, and to allow boat repair, clubhouses, lounges and pools as accessory uses to the dry stack boat storage use.

Requested Amendments:

Sec. 40-94 Table of Uses.

List Dry Stack Boat Storage Facilities as a special use in the O&I zoning district.

Sec. 40-120 Listed uses, specific criteria. (Changes shown in red)

(oo) *Dry stack boat storage.*

- (1) Site plan. A site plan shall be prepared by a licensed architect engineer and contain a metes and bounds description prepared by a licensed registered surveyor in the state.
- (2) Approval. A site plan shall be prepared and approved in accordance with article XVIII of this chapter, pertaining to site plan review.
- (3) Lot of record. The lot of record on which the ~~drydock~~ **drystack** boat storage is located must be adjacent and contiguous to public trust waters as defined by the Coastal Area Management Act under section 15A NC Admin., code 7H.

- (4) Stormwater plan. A stormwater management plan is required for each dry stack boat storage facility, one stormwater management plan per lot of record. The plan shall comply with the city's stormwater management provisions and demonstrate specific design components intended to minimize impact on contiguous public trust waters and coastal wetlands, as defined by 15A NC Admin., code 7H.
- (5) Dimensional standards:
- a. **Minimum** Lot size: forty three thousand five hundred sixty (43,560) square feet.
 - b. Minimum lot width: one hundred (100) feet.
 - c. Minimum front yard setback: fifty (50) feet.
 - d. Minimum side yard setback: twenty (20) feet.
 - e. Minimum corner lot side yard setback: twenty (20) feet.
 - f. Minimum rear yard setback: twenty (20) feet.
 - g. Maximum height. The maximum height of the drystack boat storage shall be ~~sixty-five (65)~~ **seventy (70) feet**. The maximum height of all accessory buildings shall be ~~fifty (50)~~ **sixty-five (65)** feet in height. In order to increase the height of the principal structure the setback from the shoreline shall be increased one (1) foot for every two (2) feet in excess of ~~sixty-five (65)~~ **seventy (70)** feet or thirty (30) feet from shoreline, whichever is greater.
 - h. Minimum shoreline setback: thirty (30) feet.
 - i. Minimum aisle width in the building. Any aisle providing direct access to a storage rack must have the following minimum width or be designed by a professional engineer or architect:

Boat Length (in feet)	Minimum Aisle Width (in feet)
Up to 30	65
Up to 36	70
Up to 45	75

- (6) Off-street parking. Off-street parking shall be provided at the ratio of one (1) parking space per each six drystack storage racks, enclosed or open, and one parking space for each wet slip. The number of boat racks shall exclude racks used exclusively for washing and cleaning. Off-street parking is allowed

in the minimum setback requirement but no closer than ten (10) feet to any property lines and thirty (30) feet to any shoreline. In addition, the development shall comply with article XVII of this chapter, pertaining to parking.

- (7) Bufferyards, landscaping. Bufferyards/landscaping requirements shall be in compliance with article VII of this chapter. Drystack boat storage facilities shall be a classification V-high-impact recreational use.
- (8) Lighting. All on-site lighting must be directed away from contiguous lots of record. Illumination of 15A NC Admin., code 7H, public trust areas shall be limited to dock/pier areas.
- (9) Navigation. The location/operation of any drystack boat storage facility must not impede safe navigation of public trust waters.
- (10) Access. All drystack boat storage facilities must have direct access to public rights-of-way designed to accommodate vehicular traffic.
- (11) Drystack facility types. Open drystack boat storage facilities areas are allowed; provided, however, when a building elevation fronts on a dedicated street right-of-way, the front building elevation has to be enclosed or covered with appropriate building material.
- (12) Exterior design: The buildings exterior shall be broken up by a variation in design, materials and/or color, and approved by the Board of Adjustment during the Special Use Permit hearing.
- (13) **Accessory use boat repair, clubhouse, lounge and pools are permitted to serve marina and dry stack customers. These accessory uses shall not be open to the general public.**
- (14) Adopted plans: The Board of Adjustment may provide additional requirements as it deems necessary in order to make the proposed project compatible with the city CAMA Core Land Use Plan, and the city comprehensive plan, or any other adopted plan regulating land uses.
- (ss) *Commercial marina:*
- Definition means a business adjacent and contiguous with public trust waters as defined by the Coastal Area Management Act under section 15A NC Admin., Code 7H, in which its primary use is to provide in-water docking and mooring of boats.
- (1) *Site plan.* A site plan shall be prepared by a licensed architect or engineer and contain a metes and bounds description prepared by a licensed registered surveyor in the state.
 - (2) *Approval.* A site plan shall be prepared and approved in accordance with article XVIII of this chapter, pertaining to site plan review.
 - (3) *Lot of record.* Commercial marinas shall be limited to one (1) per lot. The lot of record on which such use is located must be at least one (1) acre in size

- and must be adjacent and contiguous with public trust waters as defined by the Coastal Area Management Act under section 15A NC Admin., Code 7H.
- (4) *Stormwater plan.* A stormwater management plan is required and must comply with the city's stormwater management provisions and demonstrate specific design components intended to minimize impact on contiguous public trust waters and coastal wetlands, as defined by 15A NC Admin., Code 7H.
 - (5) *Dimensional standards:*
 - a. Minimum Lot size: ~~forty three thousand five hundred sixty (43,560) square feet~~ ~~Minimum of one (1) acre.~~
 - b. Minimum lot width: One hundred (100) feet.
 - c. Minimum front yard setback: Fifty (50) feet.
 - d. Minimum side yard setback: Twenty (20) feet.
 - e. Minimum corner yard setback: Twenty (20) feet.
 - f. Minimum rear yard setback: Twenty (20) feet.
 - g. Minimum shoreline setback: ~~Fifty (50)~~ **Thirty (30)** feet.
 - h. Maximum height: The maximum height of any accessory structure shall be forty-five (45) feet.
 - (6) *All Marinas shall provide pump out facilities.*
 - (7) *Boat ramps are permitted.*
 - (8) *Off-street parking.* Off-street parking shall be provided at the ratio of one (1) parking place per every six (6) wet boat mooring slips. Off-street parking is allowed in the minimum setback requirement but no closer than ten (10) feet to any property line and ~~forty (40)~~ **thirty (30)** feet to any shoreline.
 - (9) *Bufferyards, landscaping.* Bufferyards/landscaping requirements shall be in compliance with Article VII of this chapter. This use shall be classified as a V-high impact recreational use.
 - (10) *Lighting.* All on-site lighting must be directed away from contiguous lots of record. Illumination of 15A NC Admin., Code 7H, public trust areas shall be limited to dock/pier areas.
 - (11) *Navigation.* The location of any docks and piers must not impede safe navigation of public trust waters.
 - (12) *Access.* All marina facilities must have direct access to public rights-of-way designated to accommodate vehicular traffic.
 - (13) *Adopted plans.* The Board of Adjustment may provide additional requirements as it deems necessary in order to ensure the proposed project is compatible with the city CAMA Core Land Use Plan, and the city's comprehensive plan or any other adopted plans regulating uses.

Summary:

The Office & Institutional zoning district as described in the zoning ordinance is primarily designed to accommodate a compatible mix of business, professional and institutional uses, in addition to providing a desirable buffer between commercial and low-density residential. The proposed dry stack use is an intense use for the Office and Institutional zoning district. However, adding it as a special use requires a special use permit from the Board of Adjustment which adds another layer of review to determine if a specific location is appropriate for this use. It is important to note that there are no other waterfront properties in Washington's Jurisdiction that are currently zoned O&I.

Planning Board Action:

On August 24, 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.



Bridge Harbor Marina

The Bridge Harbor Marina (the “Project”) is located directly across the Pamlico River from the heart of downtown Washington, NC on US Bus. 17



Washington NC is the County Seat for Beaufort County. Beaufort County has a large number of boat manufacturers.

The Project is composed of 5 Basic parts:

1. The Bridge Harbor Club House
2. 152 Wet Slips with Boat Lifts and 3 Fuel Docks
3. A 272 Slip Dry Stack Facility
4. A 40'x118' Repair & Office Building attached to the Dry Stack Facility
5. Wedding Venue Pole Building – 40 x 60
6. Parking and boat launch and hauling on West side of Bus 17.

I. The Boat Owners Facilities, Ships Store, Restaurant, Banquet/Conference Center General Purpose Building (“GPB”):

CCCG Builders of Ocean Isle, NC will be retained as the general contractor. The manufacturer of the concrete structure of the club house walls is Superior Walls of North Carolina. They will supply the walls and erect them in conjunction with CCCG Builders. The

floor plans for the GPB are part of the attachments. All floors will be serviced by 2 elevators which will have lockout keys for all levels to allow control of flow during peak periods for the different floors which will occur at different times of the day. The elevators will have keyed entry to the kitchens on the second and third floors. All floors from the second floor up will have amazing views up and down the Pamlico River and the beautiful Washington waterfront.

The first floor or “ground” level will contain storage, food lockers, the main entrance to the 2 elevators from the parking area and “Porte cochere”. It will have roll up doors for deliveries and ground level doors on the marina side accessed through portals. It will also house a service bar for poolside service for adults and a soda fountain/ice cream service



(Above rendering has been changed to a square building to attempt to meet Army Corps of Engineers comments. Changed from 50x100 plus decks to 76x76 plus decks)

The second floor will contain a ships store, public bathrooms, and key card entry to the (a) boat owners lounge, (b) Sales offices, (c) exercise room, (d) deck area and (c) men’s and women’s locker rooms. Key Card Entry will be included in the cost of the slips. Pool use will be limited to boat owners and their guests. Boat Owners will also be given discounts throughout the complex, including food, beverages and fuel. Boat Owners will also be given membership in Yacht Clubs of America, which will also be recognized for reciprocity.

The third floor, including a 1,800-sf deck will be dedicated to a full-service restaurant. The restaurant will seat 211 people inside and 100+ outside. The restaurant will have a service bar in the kitchen area. The Cocktail lounge will be on the rooftop.

The fourth floor will contain a banquet and conference hall that will seat 245 people. Beverages will be served from 2 portable bars. The Pro Forma P&L contains a provision for two full time salespersons for the development of banquet and conference business. They will work directly with the local limited-service hotels such as Fairfield Inn and Suites and Hampton Inn. They, of course, will also be used to bolster the total food and beverage business.

The Rooftop is the crown jewel of the GPB. It will be serviced by a California Kitchen and a self-contained multi-sided bar. In order to maintain the restaurant as a family friendly restaurant, we have moved all of the public bars to the rooftop. The components are as follows:

- (a) There is a cocktail lounge intended primarily to serve the main restaurant customers. During breakfast and lunch, it will also serve as a secondary service area for the Roof Top Bar & Grill. The Cocktail lounge itself will be totally conditioned (HVAC). It will seat 44 people.
- (b) The roof Top Bar & Grill will be centrally located on the river side of the building. It will have large crank out windows to be open during the warmer months and roll up glass doors that will be closed during the colder periods. During the warmer months, food and drinks will be served at the roof top open air seating on the east and west sides of the roof for both breakfast and lunch. During dinner, the open-air areas will service the Cocktail Lounge and the sports bar, respectively. The Bar and Grill itself will be totally conditioned during colder months (gas heat in the ceiling and cooled by fans during warmer months). It will seat 30 people and the side areas will each seat 25 people.
- (c) The Sports Bar will be open for lunch and dinner and available for food service overflow during breakfast. It will not have a front wall or side wall forward of the Stair Well. There will be a railing separating it from the open-air seating. It will have gas heat in the ceiling and be cooled by fans during warmer months. It will seat 50 people including bar seating.

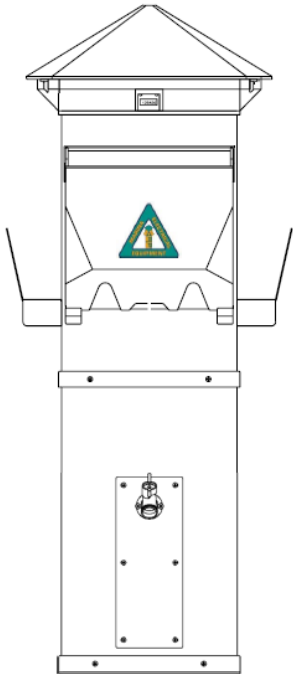
II. Wet Slips:

The docks are being built by Bellingham Marine and are made using Ipe wood decking. The layout for the docks is part of the attachments. There will be 152 wet slips. The breakdown for the wet slips is as follows:

- (a) 22 – 50’ Slips
- (b) 56 – 36’ Slips
- (c) 74 – 26’ Slips

Each wet slip will have a boat lift.
Each slip will share a metered utility platform.
Each platform will have 30-amp service up to 36’ slips. 50’ slips will have 50-amp electrical service.
All docks will have pump out service for waste.
A and B docks will have fuel pumps for the boats going into the dry stack. Each dry stack boat will be required to have a credit card on file to allow the tanks to be filled before storing to reduce the chance of explosion.

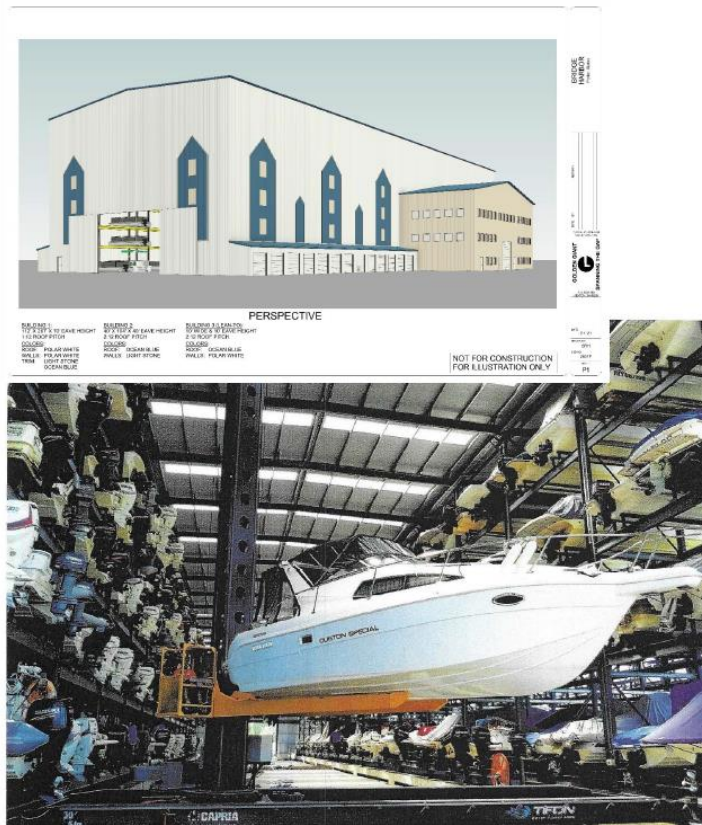
D dock will have both gas and diesel high speed pumps.
The platform is pictured on the following page.

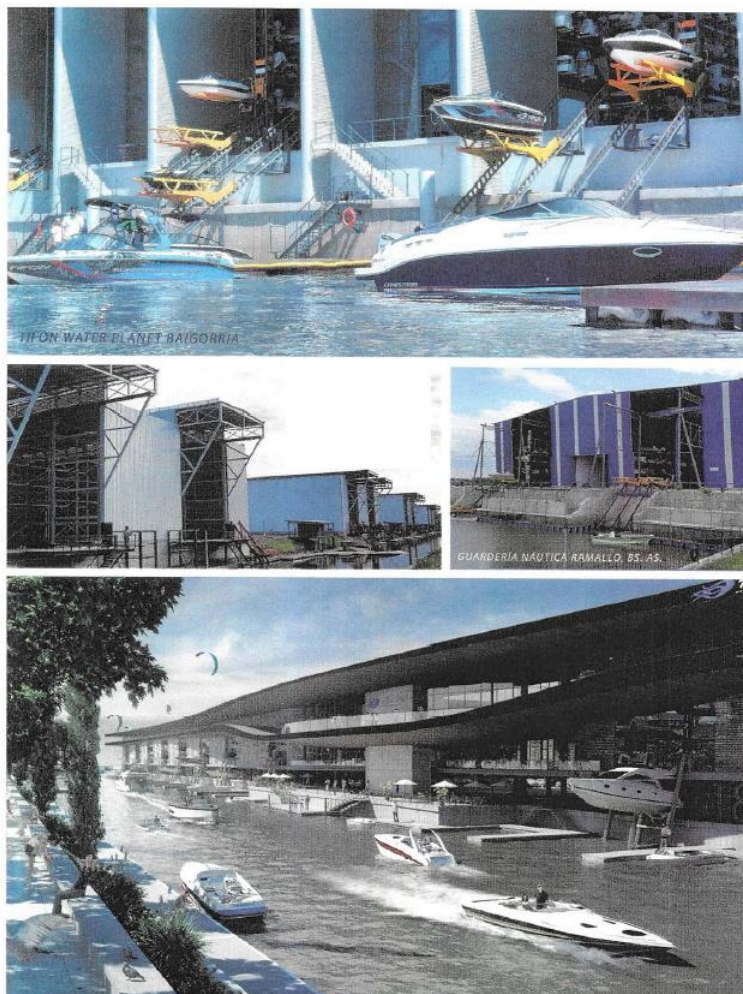


III. Dry Stack Building:

The Project is planned to have 272 fully automated dry stack slots. The dry stack operation will use a gantry crane system that puts the boat on a launcher that then lowers it onto the water. On the outside of the building there will be 93 storage lockers available for rent.

The dry stack builder is Golden Giant out of Canton Ohio. Their buildings are certified for wind sustainability in Florida and Texas. This building will have a 140 mile per hour wind rating. Capria S.A is the manufacturer and installer of the crane system. They are located in Argentina and have 22 installations worldwide. Two of the locations have dry stack capacity for 3000 boats.





IV. Repair Building:

The repair building is 40' by 118' by 25' tall. It will be manned by outboard motor mechanics that will be certified by Yamaha, Mercury and Suzuki. We will have fiberglass repair and painting capability. We will have NMEA certified technicians and carry Garmin Electronics.


The level above the repair business will house marina offices and offices and conference rooms for boat dealers who are located away from water access in order to give them a place to keep their demonstration boats and meet with their customers.

V. Wedding Venue:

The Wedding Venue will be a Gazebo type structure attached to an open-air pole building and will be located on the edge of the marsh across from downtown Washington, NC. It is intended to be for the wedding ceremony itself.

VI. West Side Boat Launch and Parking Facility:


The West side of Hwy 17 Bus. will be developed to contain valet parking, employee parking, a Travel lift and a double boat launch for customer use only. However, we have agreed with the City of Washington to make these facilities available for City Marina customers at the same rates charged our customers prior to hurricanes to the extent we have room.




Text Amendment


**Allow Dry Stack Boat Storage
in the O&I zoning district**

Harbor Bridge Marina, LLC



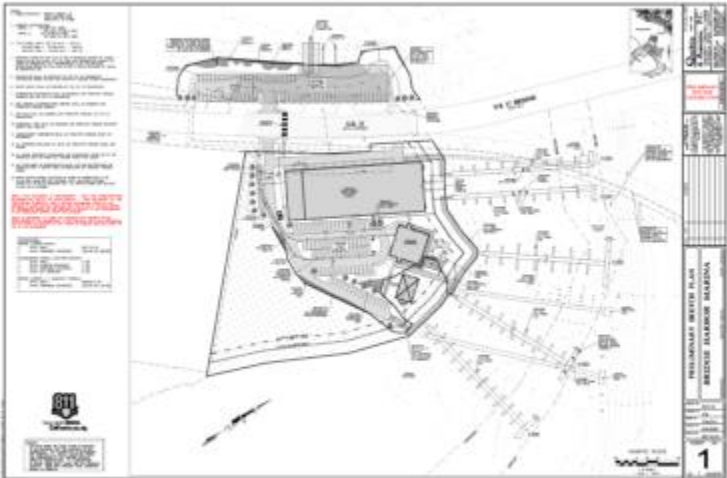


Location



Proposed Amendments

- Allow Dry Stack Boat Storage as a special use within the Office and Institutional zoning district.
- Dry stack currently allowed as special use in B2, I1 and I2
- Special uses require a special use permit from the BOA
- Increase max height limit for dry stacks from 65 to 70’
- Increase max accessory building height limit from 50 to 65’
- Allow accessory use boat repair, clubhouse, lounge and pool







Councilmember Kane asked if the rendering is enforceable or just for illustration. Mike Dail noted this item would require a Special Use Permit by Board of Adjustment and the site plan would be approved by them as well. Jonathan Russell stated he has been working with the developer for some time as well as several state agencies. The sketch plan is just for illustration purposes. We could stipulate that Council has final approval on the site plan if Council so chooses.

Comments from public.

Jim Mezzanotte developer for this project presented the item to Council and noted Abbott Tunstell and Gary Johnson are the other partners in this development. He has been working on this project for about 1 ½ years. This is a Brownfields site that has been cleaned up. He held a scoping meeting with CAMA on July 29 and he is working with fourteen different State and Federal agencies for this project. They have about ten letters of support from local businesses supporting this \$28 million project. He has volunteered to have the property annexed into the city and has agreed to give the city an easement on the southside of the property to build a walkway for a nature walk. They are also in negotiations to buy additional property for the needed parking. Once they get the parking they need the remainder of the property will be donated to a conservancy that will then donate it to the estuarium. NCDOT has agreed to install a crosswalk for this area. The travel lift will be available for city dock attendants in order to get boats off city docks for emergency purposes such as hurricanes or named storms. They will be creating at a minimum of 100 jobs. The pilings being driven are being done by Ivan Sawyer and B.E. Singleton is the grading contractor.

Councilmember Pitt asked about the number of parking spaces they will have and Mr. Russell explained the current sketch plan shows 160. The sketch plan was submitted and reviewed by the Technical Review Committee and they had no issues with the plan. They saw this as an extension of the harbor district. Mr. Mezzanotte said the O&I zoning was asked for by a previous owner. Mr. Russell noted the existing property in this area is zoned B2 with this being the only parcel zoned O&I and we couldn't find any definitive reasoning for this parcel being zoned O&I. Mr. Mezzanotte hopes to be open by October 2022.

Franz Holscher stated the purpose of the public hearing is to decide if Council wants to add dry stack storage in the O&I district not to approve the specific project. Mr. Holscher referenced an item in the proposed ordinance and Mr. Mezzanotte asked that the following language be removed "accessory use boat repair, clubhouse, lounge and pools are permitted to serve marina and dry stack customers. ~~These accessory uses shall not be open to the general public~~".

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

A motion was made by Councilmember Renn and seconded by Councilmember Finnerty that Council accept the recommendation of the Planning Board and adopt the request from Bridge Harbor

Marina, LLC to amend the City Code to allow dry stack boat storage facilities as a special use within the O&I (Office & Institutional) zoning district and to amend the specific criteria for commercial marinas and dry stack boat storage facilities and amend paragraph 13 of the proposed ordinance to strike the following language “These accessory uses shall not be open to the general public”.

Councilmember Kane said this is a big decision that is worthy of deliberate conversation and we need to give the community time to participate. We should hit pause and not act hastily on this project. She will vote against all development that doesn’t allow public access.

Motion carried 4-1 with Councilmember Kane opposing.

VOTE: PH Bridge Harbor	YES	NO
Mayor Pro tem Brooks	x	
Councilmember Finnerty	x	
Councilmember Kane		x
Councilmember Pitt	x	
Councilmember Renn	x	

ORDINANCE AMENDING THE CITY CODE OF
THE CITY OF WASHINGTON, NORTH CAROLINA

WHEREAS, the City Council of the City of Washington, North Carolina, in accordance with Article 6, Chapter 160D, 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 13th day of September, 2021, at 6:00 p.m., conduct a public hearing on the adoption of an ordinance amending the City Code;

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the City Council of the City of Washington does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

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

Section 1. That Chapter 40, Article IV, Section 40-93 Table of Uses, of the City Code is hereby amended by allowing use code Dry Stack Boat Storage Facilities as a special use in the O&I (Office & Institutional) zoning district.

Section 2. That Chapter 40, Article V, Section 40-120 (oo) Dry Stack Boat Storage, of the City Code is hereby amended by replacing the existing text with the text as follows:

- (1) Site plan. A site plan shall be prepared by a licensed architect engineer and contain a metes and bounds description prepared by a licensed registered surveyor in the state.
- (2) Approval. A site plan shall be prepared and approved in accordance with article XVIII of this chapter, pertaining to site plan review.
- (3) Lot of record. The lot of record on which the dry stack boat storage is located must be adjacent and contiguous to public trust waters as defined by the Coastal Area Management Act under section 15A NC Admin., code 7H.
- (4) Stormwater plan. A stormwater management plan is required for each dry stack boat storage facility, one stormwater management plan per lot of record. The plan shall comply with the city's stormwater management provisions and demonstrate specific design components intended to minimize impact on contiguous public trust waters and coastal wetlands, as defined by 15A NC Admin., code 7H.
- (5) Dimensional standards:
 - a. Minimum Lot size: forty three thousand five hundred sixty (43,560) square feet.

- b. Minimum lot width: one hundred (100) feet.
- c. Minimum front yard setback: fifty (50) feet.
- d. Minimum side yard setback: twenty (20) feet.
- e. Minimum corner lot side yard setback: twenty (20) feet.
- f. Minimum rear yard setback: twenty (20) feet.
- g. Maximum height. The maximum height of the dry stack boat storage shall be seventy (70) feet. The maximum height of all accessory buildings shall be sixty-five (65) feet in height. In order to increase the height of the principal structure the setback from the shoreline shall be increased one (1) foot for every two (2) feet in excess of seventy (70) feet or thirty (30) feet from shoreline, whichever is greater.
- h. Minimum shoreline setback: thirty (30) feet.
- i. Minimum aisle width in the building. Any aisle providing direct access to a storage rack must have the following minimum width or be designed by a professional engineer or architect:

Boat Length (in feet)	Minimum Aisle Width (in feet)
Up to 30	65
Up to 36	70
Up to 45	75

- (6) Off-street parking. Off-street parking shall be provided at the ratio of one (1) parking space per each six drystack storage racks, enclosed or open, and one parking space for each wet slip. The number of boat racks shall exclude racks used exclusively for washing and cleaning. Off-street parking is allowed in the minimum setback requirement but no closer than ten (10) feet to any property lines and thirty (30) feet to any shoreline. In addition, the development shall comply with article XVII of this chapter, pertaining to parking.
- (7) Bufferyards, landscaping. Bufferyards/landscaping requirements shall be in compliance with article VII of this chapter. Drystack boat storage facilities shall be a classification V-high-impact recreational use.
- (8) Lighting. All on-site lighting must be directed away from contiguous lots of record. Illumination of 15A NC Admin., code 7H, public trust areas shall be limited to dock/pier areas.
- (9) Navigation. The location/operation of any dry stack boat storage facility must not impede safe navigation of public trust waters.
- (10) Access. All dry stack boat storage facilities must have direct access to public rights-of-way designed to accommodate vehicular traffic.
- (11) Dry stack facility types. Open dry stack boat storage facilities areas are allowed; provided, however, when a building elevation fronts on a dedicated street right-of-way, the front building elevation has to be enclosed or covered with appropriate building material.
- (12) Exterior design: The buildings exterior shall be broken up by a variation in design, materials and/or color, and approved by the Board of Adjustment during the Special Use Permit hearing.
- (13) Accessory use boat repair, clubhouse, lounge and pools are permitted to serve marina and dry stack customers.
- (14) Adopted plans: The Board of Adjustment may provide additional requirements as it deems necessary in order to make the proposed project compatible with the city CAMA

Core Land Use Plan, and the city comprehensive plan, or any other adopted plan regulating land uses.

Section 2. That Chapter 40, Article V, Section 40-120 (ss) Commercial Marina, of the City Code is hereby amended by replacing the existing text with the text as follows:

Definition means a business adjacent and contiguous with public trust waters as defined by the Coastal Area Management Act under section 15A NC Admin., Code 7H, in which its primary use is to provide in-water docking and mooring of boats.

- (1) *Site plan.* A site plan shall be prepared by a licensed architect or engineer and contain a metes and bounds description prepared by a licensed registered surveyor in the state.
- (2) *Approval.* A site plan shall be prepared and approved in accordance with article XVIII of this chapter, pertaining to site plan review.
- (3) *Lot of record.* Commercial marinas shall be limited to one (1) per lot. The lot of record on which such use is located must be at least one (1) acre in size and must be adjacent and contiguous with public trust waters as defined by the Coastal Area Management Act under section 15A NC Admin., Code 7H.
- (4) *Stormwater plan.* A stormwater management plan is required and must comply with the city's stormwater management provisions and demonstrate specific design components intended to minimize impact on contiguous public trust waters and coastal wetlands, as defined by 15A NC Admin., Code 7H.
- (5) *Dimensional standards:*
 - a. Minimum Lot size: forty three thousand five hundred sixty (43,560) square feet
 - b. Minimum lot width: One hundred (100) feet.
 - c. Minimum front yard setback: Fifty (50) feet.
 - d. Minimum side yard setback: Twenty (20) feet.
 - e. Minimum corner yard setback: Twenty (20) feet.
 - f. Minimum rear yard setback: Twenty (20) feet.
 - g. Minimum shoreline setback: Thirty (30) feet.
 - h. Maximum height: The maximum height of any accessory structure shall be forty-five (45) feet.
- (6) *All Marinas shall provide pump out facilities.*
- (7) *Boat ramps are permitted.*
- (8) *Off-street parking.* Off-street parking shall be provided at the ratio of one (1) parking place per every six (6) wet boat mooring slips. Off-street parking is allowed in the minimum setback requirement but no closer than ten (10) feet to any property line and thirty (30) feet to any shoreline.
- (9) *Bufferyards, landscaping.* Bufferyards/landscaping requirements shall be in compliance with Article VII of this chapter. This use shall be classified as a V-high impact recreational use.
- (10) *Lighting.* All on-site lighting must be directed away from contiguous lots of record. Illumination of 15A NC Admin., Code 7H, public trust areas shall be limited to dock/pier areas.
- (11) *Navigation.* The location of any docks and piers must not impede safe navigation of public trust waters.
- (12) *Access.* All marina facilities must have direct access to public rights-of-way designated to accommodate vehicular traffic.
- (13) *Adopted plans.* The Board of Adjustment may provide additional requirements as it deems necessary in order to ensure the proposed project is compatible with the city

CAMA Core Land Use Plan, and the city's comprehensive plan or any other adopted plans regulating uses.

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 13th day of September, 2021.

ATTEST:
s/Cynthia S. Bennett,
City Clerk

s/Donald R. Sadler,
Mayor

PUBLIC HEARING: CDBG-NR -TO SOLICIT PUBLIC INPUT ON LOCAL COMMUNITY DEVELOPMENT NEEDS IN RELATION TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR A PROJECT FOR THE COMMUNITY

Mayor Sadler opened the public hearing and Jonathan Russell reviewed the item with Council. The is a CDBG-NR project for \$750,000 that will assist homeowners with elevating their homes or relocation outside of the floodplain. This was a project started by Holland Consulting that we released funding for at a previous meeting. The state suggested we apply again.

NOTICE OF PUBLIC HEARING RELATIVE TO APPLICATION BY THE CITY OF WASHINGTON FOR FUNDING

UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED Notice is hereby given that the Washington City Council will conduct a public hearing on September 13, 2021 at 6:00 PM or as soon thereafter as the agenda will allow, in the City Council Chambers at the Municipal Building, 102 E Second Street, Washington, NC to solicit public input on local community development needs in relation to Community Development Block Grant (CDBG) funding for a project for the community. The City of Washington anticipates submitting a Neighborhood Revitalization application in 2021. Information on the amount of funding available, the requirements on benefit to low and moderate income persons, eligible activities, and plans minimize displacement and provide displacement assistance as necessary will be available. Citizens will also be given the opportunity to oral and written comment on Washington's use of CDBG funds. All interested citizens are encouraged to attend.

There being no comments from the public, Mayor Sadler closed the public hearing.

By motion of Councilmember Renn, seconded by Mayor Pro tem Brooks, Council authorized the application to apply for grant funding. Mr. Russell noted a second public hearing will be held on October 11, 2021.

VOTE: PH CDBG-NR	YES	NO
Mayor Pro tem Brooks	x	
Councilmember Finnerty	x	
Councilmember Kane	x	
Councilmember Pitt	x	
Councilmember Renn	x	

AN ORDINANCE TO AMEND CHAPTER 22, PARKS & RECREATION, ARTICLE IV. “USE OF WATERWAYS, WHARVES, DOCKS, BOARDWALK AND PROMENADE” SEC.22-97 “Prohibited Acts” Subsection (i)(1)(a)

The City Manager provided background on this item noting the amendment is in regard to the turtle/duck/fish feeders on the boardwalk. Councilmember Kane suggested revisions to the proposed ordinance.

A motion was made by Councilmember Kane to approve the request with the following amendments that section “a” read as follows: *a. Feed any bird or animal, except that the feeding of turtles, ducks, and fish along the Washington Wetlands Boardwalk and the promenade is allowed only when using food obtained from a city-maintained feeding dispenser installed there.*

The City Attorney suggested this item be continued until next month to allow time for the suggested revisions to be made. Council agreed to table this item until next month.

APPROVE – UPDATED EDUCATIONAL ATTAINMENT INCENTIVE PLAN

BACKGROUND AND FINDINGS: The Educational Attainment Incentive Plan has been updated to remove outdated pay incentives that are no longer applicable as well as additions/updates of incentives that recognize employees for continuing to develop themselves in order to better serve the City of Washington and its residents.

VOTE: Ed. Attainment	YES	NO
Mayor Pro tem Brooks	x	
Councilmember Finnerty	x	
Councilmember Kane	x	
Councilmember Pitt	x	
Councilmember Renn	x	

By motion of Councilmember Pitt, seconded by Mayor Pro tem Brooks, Council approved the updated Educational Attainment Incentive Plan.

Educational Attainment Incentive Pay Plan

Updated September 13, 2021

Building Official Certifications	
Plumbing	\$300 Bonus
Electric	\$300 Bonus
Building	\$300 Bonus
Mechanical	\$300 Bonus
Fire	\$300 Bonus
Completion of all 5	5% salary increase
Electric Utility Career Development	
Level I	\$300 Bonus
Level II	\$300 Bonus
Level III	\$300 Bonus
Level IV or Journeyman	\$300 Bonus
Electric Meter Services	
Level I Basic	\$300 Bonus
Level II Intermediate	\$300 Bonus
Level III Advanced	\$300 Bonus
Finance	
Certified Public Accountant	3% salary increase
Local Government Finance Officer Certification	3% salary increase
Local Government Purchasing Officer Certification	3% salary increase
Fire/Rescue/EMS Services	
Fire Service Instructor - 1st Certification Only	\$100 Bonus
Fire Prevention Inspections	\$300 Bonus
Rescue Technician	\$500 Bonus
Human Resources	
Professional Human Resources or Senior Professional Human Resources (SHRM, HRCI, IPMA)	\$500 Bonus/each
Information Technology	
UNC SOG CIO Certification	3% salary increase
Planning	
Zoning Officer Certification	\$300 Bonus
Certified Floodplain Manager	\$300 Bonus
American Institute of Certified Planners (AICP)	5% salary increase
Police	
Law Enforcement Management Development (160 hours)	\$300 Bonus
Law Enforcement Advance Certificate	\$300 Bonus
General Instructor Certification	\$100 Bonus
Specialized Instructor Certification	\$300 Bonus
K-9 Handler Certification	\$300 Bonus
Field Training Officer Certification	\$300 Bonus

Water Distribution and Collection	
Grade I and II Collection System Operator and Grade A thru C Water Distribution Operator	\$100 Bonus
*Once all 5 certification are obtained	5% Salary Increase
Water Meter Technician	\$100 Bonus
Backflow Prevention Assembly Certified Tester	\$100 Bonus
Backflow Prevention and Cross Connection Control ORC	\$300 bonus
*Once both certifications are obtained (Tester/ORC)	3% salary increase

Water Resources	
Total Coliforms and E. Coli	\$300 Bonus
Wastewater	\$300 Bonus
Biological	\$300 Bonus
Well-Water	\$300 Bonus
Laboratory Analyst	\$300 Bonus
Physical/Chemical Treatment	\$300 Bonus
Land Application	\$300 Bonus
Spray Irrigation	\$300 Bonus
Grades 2 WW/Biological Water Pollution and C-Well	3% Salary Increase when both obtained

Diplomas, Degrees, and Other	
GED	\$500 salary increase
Associate's degree	\$750 salary increase
Bachelor's degree	\$1,000 salary increase
Master's degree	\$1,500 salary increase
Engineer in Training (EIT) <i>if obtained before PE</i>	2% salary increase
Professional Engineer (PE) <i>after EIT</i>	3% salary increase
PE (alone)	5% salary increase
Registered Land Surveyor (RLS)	5% salary increase
Certified Municipal Clerk	3% salary increase
Master Municipal Clerk	3% salary increase
Professional Certifications – as authorized by the City Manager	\$100 - \$300 bonus

Employee who has reached the top of the salary range for their position classification are eligible to receive a performance bonus in lieu of a salary increase

Repayment Schedule	
Books, tuition, one-time bonuses, and other fees paid by the City on the employee's behalf for the attainment of any of the above educational attainments shall be pro-rated and repaid to the City by the employee should the employee voluntarily terminate employment before the time frames set forth below:	
<ul style="list-style-type: none">\$100 bonus\$300 bonusGED\$500 bonus3% - 5% pay increaseAssociate's degreeEIT, PE, CPA, RLS, AICPBachelor's degreeMaster's degree	<ul style="list-style-type: none">02 months from effective date of bonus06 months from effective date of bonus06 months from effective date of bonus10 months from effective date of bonus12 months from effective date of bonus12 months from effective date of bonus12 months from effective date of bonus24 months from effective date of bonus24 months from effective date of bonus
This repayment is also required according to the respective time schedule for courses that are a part of a degree program even if the degree has not been completed.	

ADOPT - RESOLUTION TO PROCEED WITH THE APPLICATION FOR FINANCING THE POLICE STATION CONSTRUCTION WITH THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION (LGC)

BACKGROUND AND FINDINGS: The LGC must approve the issuance of the debt for the construction of the police station.

By motion of Councilmember Pitt, seconded by Mayor Pro tem Brooks, Council adopted a Resolution to proceed with the application for financing the police station construction with the North Carolina Local Government Commission (LGC).

Police Station Financing Time Line

Date	Task
9/13/2021	Adopt resolution giving approval to proceed
9/28/2021	Construction bid opening
9/29/2021	Financing RFP requested
10/11/2021	Award administration & observation services bid
10/12/2021	Financing bid opening
10/28/2021	Public notice advertisement
10/28/2021	Attorney's opinion
11/8/2021	Public hearing on financing agreement
11/8/2021	Adopt resolution for LGC
11/8/2021	Award financing bid
11/8/2021	Award construction bid
11/9/2021	Submit application to LGC
12/7/2021	LGC review committee meeting
12/17/2021	Loan closing

VOTE: PD Financing	YES	NO
Mayor Pro tem Brooks	x	
Councilmember Finnerty	x	
Councilmember Kane	x	
Councilmember Pitt	x	
Councilmember Renn	x	

CITY OF WASHINGTON RESOLUTION TO PROCEED WITH
POLICE STATION CONSTRUCTION FINANCING

WHEREAS, the City of Washington is eligible file an application with the North Carolina Local Government Commission (LGC) for approval of a financing agreement authorized by North Carolina General Statute 160A-20.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Washington that we do hereby approve proceeding with filing an application with the LGC for the financing of the construction of a police station; and

FURTHER RESOLVED that the City Council of the City of Washington designates and directs the CFO to take all actions necessary on behalf of the city council to submit the LGC application, request financial proposals from banks and execute necessary documents to complete the financing.

ADOPTED, this the 13th day of September, 2021.

ATTEST:
s/Cynthia S. Bennett
CITY CLERK

s/Donald R. Sadler
MAYOR

**ADOPT - RESOLUTION AUTHORIZING WORKER’S
COMPENSATION CLAIM PAYMENTS**

BACKGROUND AND FINDINGS: Previous resolution adopted March 12, 2012 authorized the City Manager to approve claims between \$10,000 and \$50,000. This resolution authorizes the City Manager to approve claims between \$10,000 and \$100,000 with prior notification of Council. Claims in excess of \$100,000 requires approval from Council.

By motion of Councilmember Pitt, seconded by Mayor Pro tem Brooks, Council adopted a Resolution authorizing Worker’s Compensation claims.

VOTE: worker’s comp	YES	NO
Mayor Pro tem Brooks	x	
Councilmember Finnerty	x	
Councilmember Kane	x	
Councilmember Pitt	x	
Councilmember Renn	x	

CITY OF WASHINGTON RESOLUTION AUTHORIZING PAYMENT OF WORKER’S
COMPENSATION CLAIMS

WHEREAS, the City of Washington currently authorizes its worker’s compensation third party administrator to pay worker’s compensation claims up to \$10,000;

WHEREAS, the City Manager currently is authorized to approve payments of worker’s compensation claims between \$10,000 and \$50,000;

WHEREAS, payment of worker’s compensation claims over \$50,000 currently requires approval from City Council.

WHEREAS, the City of Washington desires to make adjustments to some of the above referenced authority.

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

- Section 1. The City Council hereby authorizes its worker’s compensation third party administrator to pay worker’s compensation claims up to \$10,000.
- Section 2. The City Council authorizes the City Manager to approve payment of worker’s compensation claims between \$10,000 and \$100,000 with prior notification of Council.
- Section 3. Approval of payment for worker’s compensation claims in excess of \$100,000 shall require approval from the City Council.
- Section 4. This Resolution shall become effective upon signature.

ADOPTED, this the 13th day of September, 2021.

ATTEST:
s/Cynthia S. Bennett,
CITY CLERK

s/Donald R. Sadler,
MAYOR

**ADOPT – RESOLUTION ACCEPTING THE 15TH STREET SAFETY IMPROVEMENT
DESIGN PROPOSAL FROM STANTEC ENGINEERING**

BACKGROUND AND FINDINGS: I have spoken with NCDOT officials regarding this proposal and they recommended adopting a resolution for the Rural Planning Organization (RPO) in favor of the current design. The design includes a reduction in scope that would allow the project to remain on the current project list with an engineering start date of 2025 and right of way (ROW) acquisition taking place in 2029.

By motion of Councilmember Kane, seconded by Councilmember Finnerty, Council adopted a resolution accepting the 15th Street safety improvement design proposal from Stantec Engineering.

Councilmember Kane thanked previous council members for their efforts in keeping this project in NCDOT’s forefront.

VOTE: 15 th St. resolution	YES	NO
Mayor Pro tem Brooks	x	
Councilmember Finnerty	x	
Councilmember Kane	x	
Councilmember Pitt	x	
Councilmember Renn	x	

City of Washington, North Carolina

Resolution to Accept the 15th Street Design Proposal from Stantec

WHEREAS, The City Council approved the Professional Services Agreement between the City of Washington and Stantec Consulting Services Inc. for the 15th Street Improvements project, and

WHEREAS, Stantec Consulting Services Inc. proposed a Preferred Access Plan for the 15th Street project, and

WHEREAS, Stantec Consulting Services Inc. submitted the final design draft to reduce the original project scope to a three lane traffic pattern within the existing right of way to improve safety and multimodal travel options within the corridor,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, NORTH CAROLINA:

That the City Council accept the final 15th street design proposal from Stantec Consulting Services Inc. and forward the proposal to the RPO.

That the City of Washington has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project.

Adopted this 13th day of September 2021 in Washington, North Carolina.

ATTEST

Cynthia Bennett, City Clerk

Donald R. Sadler, Mayor

ANY OTHER ITEMS FROM CITY MANAGER:

Jonathan Russell noted we will issue an RFP for the Comprehensive Plan if Council agrees. Council, by consensus, agreed to issue an RFP for the Comprehensive Plan. Councilmember Kane stated we need to have robust public input. Mr. Russell will forward a copy of the RFP to Council for their review.

Mr. Russell commended the Board of Adjustment for attending training with the School of Government this evening.

ANY OTHER BUSINESS FROM THE MAYOR OR OTHER MEMBERS OF COUNCIL:

Councilmember Kane discussed protecting the trees at Havens Garden and the waterfront. Mr. Russell noted we have been working with the Ag. Ext. office for fertilization and we have advised staff that pruning of the trees should take place in the spring or fall.

Councilmember Pitt provided an update on redistricting and invited Council to attend a census workshop at Pitt Community College on Thursday.

CLOSED SESSION:

By motion of Councilmember Pitt, seconded by Councilmember Kane, Council entered into closed session under NCGS 143-318.11 (A)(3) Attorney/Client Privilege NCIC file no. 20-706249 at 7:13pm.

By motion of Councilmember Finnerty, seconded by Mayor Pro tem Brooks, Council came out of closed session and returned to open session at 7:35pm.

ADJOURN:

By motion of Councilmember Pitt, seconded by Mayor Pro tem Brooks, Council adjourned the meeting at 7:35pm until October 11, 2021 at 5:30pm in the City Council Chambers.

Cynthia S. Bennett, MMC
City Clerk