

**Town Council Minutes
Morehead City, North Carolina**

Tuesday, May 10, 2016

The Honorable Council of the Town of Morehead City met in Regular Session on Tuesday, May 10, 2016, at 5:30 p.m., in the Municipal Chambers located at 202 South 8th Street, Morehead City, North Carolina. Those in attendance were:

MAYOR:	Gerald A. Jones, Jr.
MAYOR PRO-TEM:	William F. Taylor
COUNCIL:	George W. Ballou
	Demus L. Thompson
	Harvey N. Walker, Jr. [Absent]
	Diane C. Warrender
CITY MANAGER:	David S. Whitlow
CITY CLERK:	Jeanne M. Giblin
CITY ATTORNEY'S OFFICE:	Derek Taylor, Michael W. Thomas
OTHERS:	Jody Merritt, Clark Jenkins, Dale Gillikin, Carolyn Giles, Savannah Myers, Stephanie McIntyre, Carol Campbell, Planning Director Linda Staab, Deputy Police Chief Bryan Dixon, Connie Carawan, J.B. Bagby, Tim Powell, Tom Kies, Public Services Director Daniel Williams, Anna Harvey, Reporter, THE CARTERET NEWS TIMES, and several others.

Mayor Jones announced that Councilman Walker was absent.

AGENDA AMENDMENTS:

Remove: 6.A. New Business: Morehead City Fire/EMS Presentation on Proposed Alternative Transport for Non-Acuity Patients

Add: 2. Special Presentation: Mayor's Proclamation -- Safe Boating Week Proclamation

3.C. Amend Resolution 2016-21 North Carolina Seafood Festival to Remove Request for Use of Day Docks located at 6th Street and Jib Plaza from the Resolution

6.A. New Business: Adopt Resolution 2016-22 to Sponsor a Shallow Draft Dredging Grant Application for Pelletier Creek as Requested by the Pensacola Yacht Club, LLC

7.C. Katherine Davis Park Task Force Concept

1. Regular Meeting Call to Order, Invocation and Pledge of Allegiance

Mayor Jones called the meeting to order at 5:30 p.m., Councilman Thompson gave the invocation and all joined in The Pledge of Allegiance.

2. Special Presentation: Mayor's Proclamation -- Safe Boating Week May 21 – 27, 2016

Mayor Jones presented Past Commander J.B. Bagby a Mayor's Proclamation for Safe Boating Week – May 21 – 27, 2016 and reported that he had a free vessel check on his boat from the Fort Macon Sail and Power Squadron.

Past Commander Bagby thanked the Town of Morehead City for their support and stated that the proclamation will be displayed at the Carteret County Chamber of Commerce for the month of May.

3. Adoption of the CONSENT AGENDA

**3.A. Approve the Minutes of: Tuesday, April 12, 2016, Regular Meeting
Tuesday, April 19, 2016, Special Meeting**

Approved the Minutes of Tuesday, April 12, 2016, Regular Meeting and Tuesday, April 19, 2016, Special Meeting and dispensed with the reading.

3.B. Approve the Requests for Release of Overpayment of Ad Valorem Taxes for April 2016; and Accept the Tax Collector and Finance Director Reports for April 2016

There were no overpayments of ad valorem taxes for April 2016.

Accepted the Tax Collector and Finance Director Reports for April 2016. [The Finance Reports are attached to and made a part of these minutes herein by reference.]

3.C. Adopt Resolution 2016-21 Endorsing the North Carolina Seafood Festival [NCSF] and Authorizing Action Necessary for the Event to be Held September 30 – October 2, 2016, on the Morehead City Waterfront

This is the 30th year for the festival which promotes seafood and the fishing industry in North Carolina. The festival has great economic impact to Morehead City and the Crystal Coast and also fosters monetary support for the various charities that participate. The Public Works Committee of the Council reviewed the request at their last meeting and recommended approval.

Subsequent to the Public Works Committee Meeting, it was ascertained that the Seafood Festival did not intend to use the day docks located at 6th and Evans Streets nor the day docks at the Jib property, so the Resolution was amended to encompass these changes.

Clark Jenkins, President of the North Carolina Seafood Festival thanked Morehead City for all their help prior and during the Festival. He continued that the Seafood Festival is appreciative of all that the City does. He requested that the Council adopt the Resolution to endorse the Festival and authorize actions necessary to hold the event.

Adopted Resolution 2016-21 Endorsing the North Carolina Seafood Festival [NCSF] and Authorizing Action Necessary for the Event to be Held September 30 – October 2, 2016, on the Morehead City Waterfront as amended. [Resolution 2016-21 is attached to and made a part of these minutes herein by reference.]

3.D. Adopt Ordinance 2016-13 Amending the Code of Ordinances of the Town of Morehead City, Chapter 8, Licenses, Permits and Business Regulations, Article VI. Taxicabs

The Public Safety Committee at their meeting on April 20, 2016, discussed amending the Taxi Ordinance and proposed eliminating the need for a manifest and unified color scheme. The Committee also proposed amending the section on drug testing and physical examination procedures. These changes are in the proposed Ordinance 2016-13 as presented.

Adopted Ordinance 2016-13 Amending the Code of Ordinances of the Town of Morehead City, Chapter 8, Licenses, Permits and Business Regulations, Article VI. Taxicabs. [Ordinance 2016-13 is attached to Ordinance Book #7 in the vault.]

3.E. Adopt Budget Ordinance Amendment 2016-14 to Increase Mayor/Council by \$50,000 for Upgrade to the Municipal Chambers and to Increase Central Services by \$11,000 for rent for Katherine Davis Park and \$2,600 for Insurance Premiums and to Decrease Contingency by the Same

The purpose of this amendment is to update the budget as follows:

- To increase Mayor/Council by \$50,000 for upgrades to the Council Chambers and to decrease Contingency by the same.
- To increase Central Services by \$11,000 for additional month rent on Katherine Davis Park due to a later closing date and to decrease Debt Service by the same.
- To increase Central Services by \$2,600 for additional monies owed for insurance premiums and to decrease Contingency by the same.

The Finance and Administration Committee reviewed the proposed Budget Ordinance Amendment at their meeting on May 3, 2016, and recommended adoption.

Adopted Budget Ordinance Amendment 2016-14 to increase Mayor/Council by \$50,000 for upgrade to the Municipal Chambers and to increase Central Services by \$11,000 for rent for Katherine Davis Park and \$2,600 for insurance premiums and to Decrease Contingency by the same. [Budget Ordinance Amendment 2016-14 is attached to Ordinance Book #7 in the vault.]

3.F. Adopt Ordinance 2016-15 Amending the Code of Ordinances of the Town of Morehead City, Chapter 3, Animals, Article II, Dogs and Cats, Adding Section 3-35 Removal of Animal Feces

The Public Works Committee of the Council at their meeting on Wednesday, April 20, 2016, discussed the Code of Ordinances amendment to include the “Removal of Excrement Required” and “Violators of Non-Removal of Feces to be Subject to a Civil Penalty”. The City makes available bag dispensers and receptacles for the collection of animal feces on the waterfront, in parks and public right-of-ways. The proposed Ordinance was reviewed by the City Attorney and recommended for adoption by the Public Works Committee.

Adopt Ordinance 2016-15 Amending the Code of Ordinances of the Town of Morehead City, Chapter 3, Animals, Article II, Dogs and Cats, Adding Section 3-35 Removal of Animal Feces. [Ordinance 2016-15 is attached to Ordinance Book #7 in the vault.]

3.G. Approve Acquiring the Services of WRC-ARCH to Provide an Updated Building and Structural Assessment for the Charles Wallace Building in the Amount of \$17,520

At the Public Works Committee Meeting on April 28, 2016, Assistant Public Services Director Graham Strother, PE presented to the Committee a proposal to have WRC – ARCH provide the City with an updated building and structural assessment for the Charles Wallace building. WRC – ARCH quoted a price of \$17,520 for the assessment. Assistant Services Director Strother pointed out to the Committee that the proposal was from a company that is comprised of former MMM Associates, the firm which was involved in the original assessment completed in 2014. This has significantly reduced the price of the assessment. It was the consensus of the Public Works Committee that the proposal was a good idea if the City was serious about moving forward on the Charles Wallace Building. The Committee recommended approval of the proposal.

Approved acquiring the services of WRC-ARCH to provide an Updated Building and Structural Assessment for the Charles Wallace Building at a cost of \$17,520.

Councilman Ballou MOVED, seconded by Councilman Thompson, and carried unanimously [Councilman Walker absent], to adopt the CONSENT AGENDA as amended.

4. Public Hearing: Request submitted by Debbie Dixon, on behalf of Vetus Marine, LLC, to Rezone Property located at 120 Little Nine Road, PIN #6356-1156-8619-000 from CH (Highway Commercial District) to I (Industrial District) – Adopt Resolution 2016-20 and Ordinance 2016-12

Planning Director Linda Staab reported that the applicant submitted a request to rezone an approximately 1.19 acre tract located at 120 Little Nine Road from CH [Highway Commercial District] to I [Industrial District]. The property is located within the corporate limits. Existing land use of the subject property is warehousing and distribution. The zoning classification of adjacent properties is CH to the north, south, and west and I across Little Nine Road to the east. Surrounding land use includes storage to the north, undeveloped land to the south, manufacturing across Little Nine Road to the east, and warehousing and distribution, parking, and vacant land to the west.

The property is located in Neighborhood 10 of the CAMA Land Use Plan and is classified as General Commercial. Property owners within 300 feet of the property were notified of the Planning Board meeting as well as the date of the public hearing. The property was posted.

At the Planning Board Meeting held on April 19, 2016, Curtis Fleshman made the MOTION, seconded by Ronetta Gaskill, to recommend approval of the rezoning request and to approve Planning Board Resolution No. 2016-0003. The motion carried unanimously. The Planning Committee of the Council reviewed the request and recommended adoption.

Mayor Jones opened the public hearing.

Debbie Dixon of 125 Brickhouse Lane, Beaufort, North Carolina, applicant and owner of the business, stated that the business deals with fiberglass products and parts. They have an operation in Florida and would like to use the site in Morehead City for overflow for the business in Florida.

Mayor Jones closed the public hearing.

Discussion centered on the safety of trucks leaving Little Nine Road and turning left onto Highway #70 West. It was ascertained that the North Carolina Department of Transportation [NCDOT] has no immediate plans to connect Little Nine Road to Highway #24.

Ms. Dixon commented that there is definitely a traffic issue in that area regardless of what type of zoning district is assigned.

Planning Director Staab commented that she would contact NCDOT to see what improvements could be made to alleviate some of the traffic issues of traffic entering Highway #70.

Councilman Thompson MOVED, seconded by Councilwoman Warrender, and carried unanimously [Councilman Walker absent], to grant the request submitted by Debbie Dixon, on behalf of Vetus Marine, LLC, to rezone property located at 120 Little Nine Road, PIN #6356-1156-8619-000, from CH (Highway Commercial District) to I (Industrial District) by adopting Resolution 2016-20 and Ordinance 2016-12. [Resolution 2016-20 is attached to and made a part of these minutes herein by reference. Ordinance 2016-12 is attached to Ordinance Book #7 in the vault.]

5. **Citizen Requests/Comments:** There were no citizen requests or comments.

6. **New Business:**

6.A. **Adopt Resolution 2016-22 to Sponsor a Shallow Draft Dredging Grant Application for Pelletier Creek as Requested by the Pensacola Yacht Club, LLC**

Planning Director Staab reported that Tim Powell, on behalf of Pensacola Yacht Club LLC, inquired about the City sponsoring a Shallow Draft Dredging Grant Application for Pelletier Creek. According to Mr. Powell, the depth of the access channel is 1.5 feet at MLW making it impossible to navigate. There are a number of businesses located there including 70 West Marina, Coral Bay Marina and Taylor Boat Works. The survival of these businesses relies on the access channel between the Intracoastal Waterway and Pelletier Creek.

Mr. Powell requested that Morehead City sponsor the Shallow Draft Dredging Application for a \$52,000 grant which will be matched with local funds of \$26,000. The City will be responsible for the bidding and overseeing of the dredging activity and will have no cash outlay.

City Manager Whitlow explained that the City would do much the same as was done for Spooner's Creek in 2015. There is urgency in procuring the funding and starting the project because of the projected use of the marinas for fishing tournaments and the creek also being a harbor of refuge for safety purposes during inclement weather.

Mayor Jones stated that no Morehead City dollars are invested in this project, the City will act as an agent for the application and oversee the project.

Upon a question regarding funding, Mr. Powell reported that Carteret County may split some of the costs as funding was placed in their FY2015-2016 budget for instances such as this, but the individuals involved are prepared to do their part regarding funding.

Both Planning Director Staab and Public Services Director Williams stated that the City would be responsible for managing the bids and administering the grant and will proceed as fast as the paperwork allows.

Councilman Taylor MOVED, seconded by Councilman Ballou, and carried unanimously [Councilman Walker absent], to adopt Resolution 2016-22 to sponsor a Shallow Draft Dredging Grant for Pelletier Creek as requested by the Pensacola Yacht Club LLC. [Resolution 2016-22 is attached to and made a part of these minutes herein by reference.]

6.A. ~~New Business: Morehead City Fire/EMS Presentation on Proposed Alternative Transport for Non-Acuity Patients – REMOVED FROM AGENDA~~

This item was removed from the agenda due to the Medical Director of Carteret County requesting more time to review the proposal.

7. City Manager's Report:

7.A. Carteret Health Care's Interest in the State National Guard Armory Property on 35th Street

City Manager Whitlow reported that two [2] weeks ago, he received a call from Lt. Levi Ruff regarding the possible closure of the North Carolina National Guard Armory located at Bridges and 35th Streets in Morehead City. He indicated that the Guard had been contacted by the Governor's Office regarding communications from Carteret Health Care stating their interest in acquiring the property to utilize said site for parking and a helipad. Lt. Ruff wanted to know whether Morehead City had any interest in the property being acquired by Carteret Health Care. The original deed to the property has a reversion clause stating that upon discontinuance of the Armory, the property would be returned to Morehead City. City Manager Whitlow informed the Lieutenant that this topic had not been presented to the Council and, therefore, he could not offer an opinion. City Manager Whitlow requested that Lt. Ruff submit a written notice for presentation to the Council.

On April 26th, City Manager Whitlow met with Dick Brvenik, the President of Carteret Health Care, together with Doug Brady and Pat Joyce who are on the Carteret Health Care Board of Directors to discuss their interest. They indicated much the same as Lt. Ruff had indicated in the first communication.

City Manager Whitlow repeated that this item had not been presented to the Council, that Morehead City had not requested that the Guard vacate its operation and, therefore, were probably not interested in meeting the requirements of the Guard with regard to providing office space and performing the environmental cleanup. City Manager Whitlow indicated that since the City had invested tax dollars in the purchase of the property and the construction of the building beginning in 1962, and since the City had incurred debt to complete this project, City Manager Whitlow could only assume that the Council would be interested in a fair market value compensation, should the decision be made to dispose of the property upon the closing of the Armory. [Attached to and made a part of these minutes herein by reference is a letter dated April 27, 2016, from Carteret Health Care indicating this interest; the letter dated April 18, 2016 from the National Guard; information from the County tax records on the property in question; and a copy of the deed, dated September 7, 1962, that contains the reversion clause.]

City Manager Whitlow advised the Council that should they desire to explore any action to sell the property to the hospital the City should begin by securing an appraisal. The current tax value as shown on the tax maps is \$1.583 million.

Mayor Jones explained that the Town of Morehead City did not initiate this request and that the City has always supported the National Guard which has been here for 50 years.

City Manager Whitlow reported that the City paid \$20,000 in 1962 for the purchase of the property and donated an additional \$20,000 to the National Guard for the construction of their building. These funds were secured with a bond note. He continued that until the property is vacated by the National Guard, there is no action that the City must take. The National Guard has been reviewing their properties all over the state and this is one of the properties that may be on the list for some future closure.

Councilman Ballou felt that until the Armory made the decision to vacate, the City should not move forward.

The Council concurred to wait until the National Guard intended to vacate the property before considering any option.

The history of the property was discussed. Councilman Taylor was concerned with who would be responsible for the cleanup of the hazmat materials which may be on the property and the request from the National Guard for office space.

City Manager Whitlow advised that at such time the property is vacated, the National Guard would be responsible for the possible cleanup of the site.

Councilman Thompson stated that the hospital should purchase the property where the post office currently stands and the Postal Service should build Morehead City a better post office. He was of the opinion that it was terrible that Morehead City had such a poor postal facility when surrounding communities had postal facilities which fully served the needs of their communities.

City Manager Whitlow stated he will respond back to the National Guard and Carteret Health Care that at the present time the Town of Morehead City has no interest in the National Guard vacating the Armory facilities at 35th Street and at such time as the National Guard decides to vacate the property, the City will then enter into conversations regarding the future use of the property.

7.B. Thank you from South River-Merrimon Fire & EMS

The South River-Merrimon Fire & EMS Department sent a thank you to the Morehead City Fire/EMS Department and the Council for the donation of a pumper/tanker truck. The truck was surplus to Morehead City.

Councilman Ballou commented that he was at South River-Merrimon for a funeral last week and the South River-Merrimon Fire Department was very happy with the donation.

7.C. Katherine Davis Park Task Force Concept

City Manager Whitlow suggested that the Council consider nominees for the Katherine Davis Park Task Force Committee. He requested that the Council have names for nominees at the June 14, 2016 Council Meeting so that Mayor Jones can begin to make appointments. He envisions that the Committee should have 12 to 15 citizen participants and City staff from Planning, Public Works, Parks & Recreation and Administration. This is a great opportunity to make Katherine Davis Park the keystone of how the waterfront could be developed for years to come.

Councilman Ballou recommended that two [2] Councilmembers serve on the Committee also.

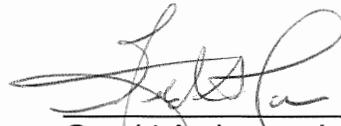
8. Council Requests/Comments: None

9. CLOSED SESSION AS PER G.S. 140.381.11[A][3] TO APPROVE THE CLOSED SESSION MINUTES OF TUESDAY, APRIL 12, 2016, AND TO CONSULT WITH THE CITY ATTORNEY ON POTENTIAL LITIGATION

Councilman Ballou MOVED, seconded by Councilman Thompson, and carried unanimously [Councilman Walker absent] to approve and seal the CLOSED SESSION Minutes of Tuesday, April 12, 2016.

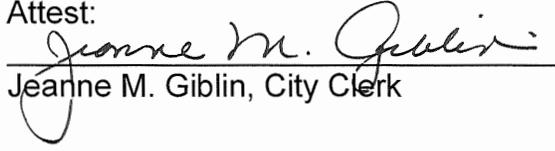
10. Recess

There being no further business, the meeting was recessed at 7:05 p.m. to meet on Thursday, May 12, 2016 at 8:00 a.m., in the Municipal Chambers at 202 South 8th Street, Morehead City, N.C.



Gerald A. Jones, Jr., Mayor

Attest:



Jeanne M. Giblin, City Clerk

