

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

Tuesday, May 11, 2021

The Honorable Council of the Town of Morehead City held the Regular monthly meeting on Tuesday, May 11, 2021, in the Municipal Chambers located at 202 South 8th Street, Morehead City, North Carolina.

This meeting was partially conducted utilizing Zoom Video Communication Inc. software due to the COVID-19 crisis and Governor Cooper's Executive Order 141 imposing the requirement to maintain six-foot (6') distancing. Those in attendance were:

COUNCIL PRESENT: Mayor Gerald A. Jones, Jr.; Councilmembers George Ballou, David Horton, William Taylor, and Diane C. Warrender.

Mayor Pro Tem Keri McCann participated via Zoom Technology.

STAFF PRESENT: City Attorneys Derek Taylor, City Manager Ryan Eggleston, Deputy Police Chief Bryan Dixon, Human Resources Director Susan Nixon, Communications Director Alize Proisy, Parks and Recreation Director Jerry Riggs, Deputy Fire Chief Courtney Wade, Planning Director Sandi Watkins, and Public Services Director Daniel Williams and City Clerk Cathy Campbell.

OTHERS PRESENT: Elise Clouser of the Carteret News Times, Ron Cullipher, Trey Humphrey, and Thomas Bell of The Cullipher Group.

STAFF PARTICIPATING VIA ZOOM: City Attorney Mike Thomas, Finance Director Jewel Lasater, Assistant Finance Director Leeann Vinson, Human Resources Director Susan Nixon.

OTHERS PARTICIPATING VIA ZOOM Lisa Rueh of Downtown Morehead City Inc., Chris Hilbert, Susan Shouse, Diana Tootle.

Mayor Jones called the regular meeting of the Morehead City Town Council to order at 5:30 p.m. with a quorum present. Councilmember Ballou gave the invocation and Mayor Jones led the Pledge of Allegiance.

CONSENT AGENDA ITEMS

Mayor Jones asked if there were any questions concerning the Consent Agenda items. Hearing none, Councilmember Warrender made a motion **to approve the Consent Agenda as presented.** Councilmember Taylor seconded and the motion carried unanimously. (5-0; *McCann verbally communicated her vote*) SEE RECALL OF VOTES BELOW

Included within the Consent Agenda were the following approvals:

- A. Approve the minutes of the April 6, 2021 Town Council Workshop meeting as presented.
- B. Approve the minutes of the April 12, 2021 Special Town Council meeting as presented.
- C. Approve the minutes of the April 13, 2021 Regular Town Council meeting as presented.
- D. Approve the minutes of the April 13, 2021 Special Budget meeting as presented.
- E. Accept the Finance Director and Tax Collector reports.
- F. Accept Notice of Ad Valorem Tax Overpayments in the amount of \$4,049.72 for April 2021.
- G. Approve the requests for Refunds of Overpayment of Ad Valorem Taxes in the amount of \$1,130.13 for April 2021.
- H. Accept Contingency Budget Amendment Report as presented.
- I. Adopt Budget Ordinance Amendments 2021-14 and 2021-15 as presented.
- J. Adopt American Rescue Plan Capital Reserve Fund Budget Ordinance 2021-16 as presented.
- K. Adopt Resolution 2021-R-18 endorsing the North Carolina Troopers Association Offshore Inshore Saltwater Challenge and authorizing action necessary for the event to be held October 15-17, 2021 as presented.
- L. Adopt amendment to Resolution 2021-R-12 endorsing the Big Rock Blue Marlin Fishing Tournament.
- M. Award Community Development Block Grant (CDBG) – Neighborhood Revitalization contractor bids as presented.

All above noted ordinances are filed in Ordinance Book #8. Resolutions are attached to and made a part of the minutes herein.

PUBLIC HEARINGS

Consider Request to Revise the Approved Sketch Development Plan for Morey's Point

Planning Director Sandi Watkins appeared before the Town Council to present a request submitted by The Cullipher Group, on behalf of Bell Investment Group, LLC, to revise the sketch development plan for an existing Planned Development (PD) located at 4700 South Shore Drive. The new sketch plan reflected changes made since the Planning Board meeting, which included changing the name of the development to Peletier Point, reducing the plan from fifteen (15) single-family residential lots to six (6) single-family dwellings on the site, and widening the street to twenty-seven (27) feet from twenty-two (22) feet. The street modification is consistent with the minimum requirements of a local connector street, and slightly reduced the sizes of lots 3 and 4.

This is the first phase of development approval. Council will also have the opportunity to rule on the site development master sketch plan.

On April 20, 2021, the Planning Board found the request to be consistent with a number of the policies contained within the Land Use Plan and therefore, voted unanimously to recommend approval of the request with Ronetta Gaskill making the motion and Diana Tootle seconding.

In accordance with N.C.G.S. 160A-31, this public hearing was advertised in the Carteret News Times twice on Wednesday, April 28, 2021, and Sunday, May 2, 2021, and property owners within 300 feet of the property were notified in writing of this public hearing.

Based on discussion during the May 4, 2021, Workshop meeting, the developers did increase the width of the private roadway and the Fire Department reviewed the plan and confirmed that requirements for emergency vehicle access would be satisfied provided the gate is coded correctly for emergency access.

In response to a question, Ms. Watkins explained that the planned uses for the public area were included on the sketch plan because a map amendment will be required since it is a planned development.

At this time, Mayor Jones opened the public hearing inviting anyone who would like to speak in favor of or in opposition to the proposed zoning request to do so.

PUBLIC COMMENTS

Ron Cullipher, Engineer for The Cullipher Group: Mr. Cullipher stated that he also worked with the owners on the previous plan, who are now presenting a revision that reduces the number of lots. Following last week's meeting, he and his staff worked through the street concerns that were noted and made amendments as explained by Ms. Watkins. He explained that based on the location of the property, they must also consider the stormwater requirements when planning streets, which prohibits laying impervious structures within 50 feet of the sound or creek. As proposed, the road was configured as shown, about 51 feet from Peletier Creek and about 131 feet from Bogue Sound. The road is proposed to be gated with sidewalks on the south side.

Councilmember Taylor asked if steps were being taken to ensure that the pervious road would be maintained. Mr. Cullipher explained that the state permit has a maintenance requirement attached. This will be the responsibility of the developer until fifty to sixty percent (50% - 60%) of the development is sold. It will then be turned over to the homeowners' association (HOA). At that time, the State will perform an inspection of the road to ensure it is in satisfactory condition. If it is, the permit will be transferred from the developer to the HOA. From this point forward, the HOA is responsible for maintaining the road according to the specific process set forth by the State including the inspection requirements. The developer is also responsible for setting up the initial budget for the HOA.

Councilmember Taylor then asked what is being done to limit stormwater runoff into Peletier Creek. Mr. Cullipher stated that the primary protection against erosion is a solid stand of grass and vegetation. To further protect against erosion, the plan is to add riprap to the Peletier bank and the canal, and a bulkhead on the sound side.

In response to Councilmember Warrender's question, Mr. Cullipher stated that boat slips would be installed on the Peletier side of the property at the homeowner's expense based on CAMA permits. These would not be part of the HOA's responsibility.

Responding to Councilmember Ballou's question, Mr. Cullipher stated that he had not used the impervious pavers before but had used the same methodology with standard paving in Pine Knoll Shores. The pavers are being used for aesthetics. He added that the maintenance is not too demanding or difficult; however, the HOA will have to watch the wells and the water tables.

Councilmember Horton asked how future homeowners would be made aware of the liability to care for the pervious road and driveways. Mr. Cullipher explained that the deeds will note the requirements for driveway maintenance, the plat will be recorded noting the private road, and the HOA covenants will also spell out the cost for road maintenance and inspections. In addition, the gated entrance should make it clear that it is a private road. City Manager Ryan Eggleston stated that it may be possible to erect a sign designating the end of the public road.

Councilman Horton asked about how utilities will be handled. Mr. Cullipher expects that utilities will be public, but that they will be prepared to address them as private, if required. Public Services Director Daniel Williams stepped forward to state that the City does maintain the utilities in the two other gated developments within the city limits.

There being no other requests to speak, Mayor Jones closed the public hearing.

Councilmember Horton made a motion **to adopt Ordinance 2021-O-13 to revise the approved sketch development plan for Morey's Point by reducing the density from 15 to 6 Single-Family Residential lots known as Morey's Point on property located at 4700 South Shore Drive (TAX PIN 636615625613000), and Resolution 2021-R-19 of Plan Consistency in accordance with NCGS 160A-383 for Map Amendment with a stipulation that a city sign**

be erected noting the end of the public maintained road. Councilmember Ballou seconded and the motion carried unanimously. (5-0) *SEE RECALL OF VOTES BELOW*

Ordinances 2021-O-13 is filed in Ordinance Book #8. Resolution 2021-R-10 is attached to and made a part of the minutes herein.

NEW BUSINESS ITEMS

Withdrawal of Grant Pre-Application for Mitchell Village Park Bathrooms

As discussed at the May 4, 2021 Workshop meeting, Mitchell Village residents had expressed overwhelming opposition to the idea of adding a bathroom at the Mitchell Village Park. Therefore, Council was asked to take formal action to withdraw, or not, the grant pre-application for the Mitchell Village Park bathroom facility.

Councilmember Horton made motion **to withdraw the grant pre-application for the Mitchell Village Park bathrooms.** Councilmember Warrender seconded and the motion carried by unanimous vote. (3-2: Taylor and McCann were opposed). *SEE RECALL OF VOTES BELOW*

Having missed a couple of meetings, Councilmember McCann questioned why Council was considering the option to pull this grant. Mayor Jones stated that it was in response to the volume of complaints being received from the community. Councilmember Taylor shared that he had raised concern at the Workshop meeting that this might set a precedent where the public, rather than staff, will be allowed to determine what amenities will be added to city parks. He noted that similar objections were raised in the past for Sunset Shores' beach park, but Council ruled in favor of the public good despite opposition. Councilmember Ballou felt it was just not the appropriate time and that it should be reconsidered later.

Due to the deadline for withdrawing the application fell prior to this meeting, staff notified the agency offering the grant of the City's intention to withdraw following the May Workshop meeting based on Council's agreement by consensus.

Webb Memorial Library Trust Lease Discussion

City Manager Ryan Eggleston appeared before the Town Council seeking direction from the Town Council regarding the Webb Memorial Library Trust lease. Mayor Jones stated that it has been the consensus of the Council to terminate the lease based on maintenance costs of the library building.

Councilmember Warrender reported that since 2006, the City spent over three (3) million dollars on the Webb Library in maintenance and operational costs and noted that this is a building that the City does not own. The building is still in need of new windows and has a problem with standing water in the basement.

During the discussion, it was pointed out that the city will have two (2) other buildings, the city hall and the municipal building, available very soon that could be utilized for the library, and that the City is in a situation where it has unlimited liability to maintain a building it does not own and does not have control over the maintenance costs. The City continues to be in favor of maintaining a library, but in a different location. It was also reported that Carteret County has changed their library affiliation and as a result will no longer be able to contribute funds to support the Webb Library. This will result in an increased, unplanned liability to the City.

The Town Council expressed these concerns to the Webb Library Trust on multiple occasions in an attempt to renegotiate the terms of the lease; however, they have not been receptive to amending the lease.

Councilmember Warrender made a motion **to terminate further funding of the Webb Library building located at 812 Evans Street effective December 31, 2021.** Councilmember Taylor seconded and the motion carried unanimously.

At this time, City Attorney Derek Taylor advised Council that a roll-call vote must be taken in accordance with NCGS 166A-19.24, when at least one member of the council is participating remotely and not physically present at the meeting.

Mayor Jones called for the vote again. Upon a roll-call vote, the motion carried unanimously. *(5-0, all members voted AYE)*

Councilmember Horton recommended that the City move immediately to establish a library committee that will determine the new location and funding for the library as December 31st will come quickly.

Mayor Jones read the following press release to be shared following this meeting:

At their monthly May City Council Meeting, Council voted to terminate further funding of the Webb Library building located at 812 Evans Street effective December 31, 2021. The Council is committed to a public library in the downtown area and have two possibilities for a new location. The old City Hall and the Municipal building will both become vacant this fall with completion of the new City Hall. Council hopes to have enhanced, updated facilities for the public at the new library site.

In 2006, the Town of Morehead City and the Webb family decided to work together to continue historical operations at the Webb building. The Webb Family Trust continues to own the building and the City has been operating, improving, and maintaining the facility so that it could remain open for public use. The City has already invested more than a million dollars for the upkeep of this property and there are still expensive issues with the building that need to be corrected. In addition, the County eliminated their annual \$50,000 contribution to the library in their current budget and those funds will not be reinstated. The City Council has determined that the cost to the taxpayers for continuing the operation and maintenance of the aging structure is too overwhelming to be justifiable.

CITY MANAGER'S REPORT

Fisher Street Improvement Bid Award: Public Services Director Daniel Williams presented bids for the repair of Fisher Street from 12th Street to 20th Street and for the resurfacing of Bay Street from 13th Street to 16th Street. A pre-construction meeting is scheduled for this Thursday, with work to begin next week and to be completed within thirty (30) days.

Councilmember Ballou made a motion **to award Fisher Street and Bay Street construction bids to Tripp Brothers' Construction in the amount of \$220,897.50.** Councilmember Horton seconded. Upon a roll-call vote, the motion carried unanimously. (5-0, all members voted AYE)

Project Management List Report: Mr. Eggleston reviewed the Project Management report noting the following:

- The deed to the National Guard Armory building should be in the mail and Carteret Health Care is prepared to move forward with the purchase of that property.
- In support of the Sugarloaf Island Stabilization project, Dr. David Mallinson, Professor at East Carolina University, did an assessment of the island and will be submitting a proposal. The work he proposes would be completed at no cost to the city.
- Due to the number of additional meetings this month, the Stormwater presentation will be presented in July.

RECALL OF VOTES IN ACCORDANCE WITH NCGS 166A-19.24

At this time, Mayor Jones called for a revote of all previous action items.

Councilmember Warrender made a motion **to approve the Consent Agenda as presented.** Councilmember Taylor seconded. Upon a roll-call vote, the motion carried unanimously. (5-0, all members voted AYE)

Councilmember Horton made a motion **to adopt Ordinance 2021-O-13 to revise the approved sketch development plan for Morey's Point by reducing the density from 15 to 6 Single-Family Residential lots known as Morey's Point on property located at 4700 South Shore Drive (TAX PIN 636615625613000), and Resolution 2021-R-19 of Plan Consistency in accordance with NCGS 160A-383 for Map Amendment with a stipulation that a city sign be erected noting the end of the public maintained road.** Councilmember Ballou seconded. Upon a roll-call vote, the motion carried unanimously. (5-0, all members voted AYE)

Councilmember Horton made motion **to withdraw the grant pre-application for the Mitchell Village Park bathrooms.** Councilmember Warrender seconded. Upon a roll-call vote, the motion carried by majority vote. (3-2; Ballou, Horton, and Warrender voted AYE; Taylor and McCann voted NAY)

CITIZEN REQUESTS/COMMENTS (2 Minute Time Limit)

Instructions were given again on how to indicate a desire to speak for those participating by telephone or Zoom.

There were none.

COUNCIL REQUESTS/COMMENTS

Councilmember McCann thanked everyone for their thoughts and prayers.

Councilmember Ballou thanked Public Services Director Daniel Williams for keeping the paving projects moving forward, and he thanked the city staff for all they do.

Councilmember Horton thanked City Clerk Cathy Campbell and the Planning Department staff for their great work in preparing accurate meeting minutes. They will serve well as a historical record.

Councilmember Taylor stated that he is pleased to see that we are coming out of the COVID crisis, and he is thankful that the City managed to survive it with an increase in revenues. This was in part due to increased sales tax provided by second homeowners who came to Morehead City to wait out the quarantine.

Councilmember Warrender shared that John T. Capps, III was honored today for lifetime achievements by the Rotary Morehead City – Noon. Mr. Capps was awarded with a \$25,000 endowment fund in his name and was presented with a mayor's proclamation declaring today as John T. Capps Day in Morehead City. Mayor Jones read the proclamation:

WHEREAS, John T. Capps, III who was born in Kinston, North Carolina on March 7, 1941, moved to Morehead City in 1968, quickly embracing it as his home; and

WHEREAS, John T. Capps, III is the embodiment of the Good Samaritan and lives as if the words of King Solomon were his life mission, "A cheerful heart is a good medicine;" and

WHEREAS, he has earned the respect and affection of people throughout Morehead City, North Carolina, the United States of America, and internationally; and

WHEREAS, John T. Capps, III has invested of himself into actively seeking to resolve the needs of others as evidenced by his leadership in Rotary Club Morehead City – Noon, Rotary International, The Salvation Army, Hope Mission Christian Ministries, and the Boys and Girls Clubs of Coastal Carolina; and

WHEREAS, John T. Capps, III having learned that laughter and kind joviality binds hearts together, founded Bald Headed Men of America and continuously incorporates humor into his work as an inspiring speaker and author; and

WHEREAS, John T. Capps, III unselfishly donates countless hours to coaching and mentoring others towards success.

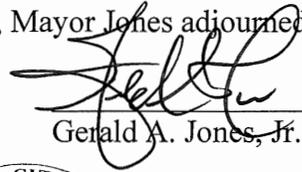
*NOW, THEREFORE, I, Gerald A. Jones, Jr., Mayor of the Town of Morehead City, on behalf of all its citizens, do hereby proclaim May 11, 2021 as **John T. Capps, III Day in Morehead City**, and I encourage all citizens to extend appreciation to John for his many contributions.*

APPROVE THE APRIL 6, APRIL 12 AND APRIL 13, 2021 CLOSED SESSION MINUTES AS PRESENTED

After reviewing the minutes provided by City Clerk Cathy Campbell, Councilmember Horton made a motion **to approve the April 6, April 12, and April 13, 2021 closed session minutes as presented.** Councilmember Taylor seconded. Upon a roll-call vote, the motion carried unanimously. (4-0, Councilmember Ballou, Horton, Taylor and Warrender voted AYE; Councilmember McCann was unable to review the minutes and therefore abstained)

ADJOURNMENT

There being no other business to discuss, Mayor Jones adjourned the meeting 6:45 p.m.



Gerald A. Jones, Jr., Mayor

Attest:



Cathy Campbell, City Clerk