

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

Tuesday, September 8, 2015

The Honorable Council of the Town of Morehead City met in Regular Session on Tuesday, September 8, 2015, 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:	George W. Ballou
COUNCIL:	William F. Taylor
	Demus L. Thompson
	Harvey N. Walker, Jr.
	Diane C. Warrender
CITY MANAGER:	David S. Whitlow
CITY CLERK:	Jeanne M. Giblin
CITY ATTORNEY'S OFFICE:	Derek Taylor, Mike Thomas
OTHERS:	Ray Tillery; George Parrott; Corinne Webb Geer;

Marie M. Hurst; Tim Grimes; Mike Bruton; Holly Fletcher; Mike Small; Ben Steinmiller; Anna Harvery, Reporter, THE CARTERET NEWS TIMES; Sidney Hargrove; Jerry Harvey; Sammy Boyd; Matt Corman; Tim Jones; Marie Hurston; Tom Kies; Michael O'Neal; Robert Glover; Joshua Connelly; Selena Beebe; Sylvia Rola; Graham Strother; Hunter Corman; Seth McConnell; Scotland McNeill; Sharon McNeill; Gabriel McConnell; Jennifer Ruehr; Bryon Dixon; Jamie Fulk; Michelle Velten; Tiffany Woodard; Patrick Faulkner; Cody Faulkner; Christian Quinn; Beth Nitt and several others.

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

Mayor Jones called the meeting to order at 5:30 p.m., Councilman Ballou gave the invocation. Mayor Jones introduced Boy Scout Troop 130 from the First United Methodist Church in Morehead City who then led the attendees in The Pledge of Allegiance.

2. Special Presentations

2.A. Mayor's Proclamation in Support of International Literacy Day

2.B. Mayor's Proclamation in Support of Carteret Literacy Council's Fourteenth Annual Literacy Spelling Bee – Friday, October 16, 2015 at 6 p.m.

This is the 14th year of the Carteret Literacy Council's Annual Literacy Spelling Bee. The event will be held on Friday, October 16, 2015, at 6:00 p.m., at the History Museum of Carteret County at 1008 Arendell Street in Morehead City. The Literacy Council is a non-profit organization, founded in 1984, to provide free one-on-one tutoring through trained volunteers to adults, out of school youth, high school, middle school and elementary school students. The Carteret Literacy Council has been in existence for 27 years.

At the same time, being that September 8, 2015 is International Literacy Day, the Carteret Literacy Council requested that this be acknowledged also by the Town of Morehead City. Mayor Jones presented the two [2] Mayor's proclamations to Beth Nitt of the Carteret Literacy Council.

3. Adoption of the CONSENT AGENDA

**3.A. Approval of Minutes: Tuesday, August 11, 2015 -- Regular Meeting
Tuesday, August 25, 2015 – Special Meeting**

Approved the Council Minutes of Tuesday, August 11, 2015, Regular Meeting and Tuesday, August 25, 2015, Special Meeting and dispensed with the reading.

3.B. Approve the Requests for Release of Overpayment of Ad Valorem Taxes for August 2015, in the amount of \$1,807.38; and Accept the Tax Collector and Finance Director Reports for August 2015

Approved the Requests for Release of Overpayment of Ad Valorem Taxes for August 2015, in the amount of \$1,807.38; and accepted the Tax Collector and Finance Director Reports for August 2015. [The Financial Reports are attached to and made a part of these minutes herein by reference.]

3.C. Adopt Resolution 2015-37 Endorsing the North Carolina Troopers Association Offshore Inshore Saltwater Challenge and Authorizing Action Necessary for the Event to be Held October 16-18, 2015, in Downtown Morehead City

The North Carolina Troopers Association requested the use of Jaycee Park, the temporary closure of parking spaces along Shepard Street between 8th & 9th Streets, the use of the first four [4] westernmost boat docks at Jaycee Park and the sidewalks nearest the docks to be used for weigh-in and spectator viewing and other ancillary areas and services to hold their Offshore/Inshore Saltwater Challenge Fishing Tournament on October 16 to 18, 2015. The event promotes conservation among sports fishermen and raises money for local charities. The Public Works Committee of the Council reviewed the request and recommended adoption.

Adopted Resolution 2015-37 Endorsing the North Carolina Troopers Association Offshore Inshore Saltwater Challenge and authorizing action necessary for the event to be held October 16-18, 2015, in Downtown Morehead City. [Resolution 2015-37 is attached to and made a part of these minutes herein by reference.]

3.D. Adopt Resolution 2015-38 Endorsing the “Southern Kingfish Association” National Champion Fishing Tournament and Authorizing Action Necessary for the Event to be held October 21, 22, 23, 24, and 25, 2015 on the Morehead City Waterfront

The Southern Kingfish Association intends to hold their National Championship Fishing Tournament in Morehead City on October 21 through 25, 2015. The organization requested the use of Jaycee Park, the Morehead City docks at Jaycee Park, the adjacent parking lot and Shepard Street from 8th to 9th Street from Thursday, October 22 to Sunday, October 25, 2015. The Public Works Committee of the Council reviewed the request and recommended adoption.

Adopted Resolution 2015-38 Endorsing the “Southern Kingfish Association” National Champion Fishing Tournament and authorizing action necessary for the event to be held October 21, 22, 23, 24, and 25, 2015 on the Morehead City Waterfront. [Resolution 2015-38 is attached to and made a part of these minutes herein by reference.]

3.E. Adopt Resolution 2015-39 Endorsing the Annual Crystal Coast Boat Show and Authorizing Action Necessary for the Event to be Held May 20, 21 and 22, 2016 on the Morehead City Waterfront

The Downtown Morehead City Revitalization Association [DMCRA] requested the use of Jaycee Park and the adjacent riparian area and docks, Katherine Davis Park, the 6th Street riparian area day docks, the Train Depot, the Municipal Building parking lot at 202 South 8th Street and other ancillary areas and services to hold the Eighth Annual Crystal Coast Boat Show on May 20, 21 and 22, 2016. The event includes an in-water and land boat and yacht show, family oriented educational programs, an antique car show, an art show and associated gala events. The show promotes Morehead City and raises money in support of downtown revitalization efforts and worthwhile community projects within the township. The Public Works Committee of the Council reviewed the request and recommended adoption.

Adopted Resolution 2015-39 Endorsing the Annual Crystal Coast Boat Show and authorizing action necessary for the event to be Held May 20, 21 and 22, 2016 on the Morehead City Waterfront. [Resolution 2015-39 is attached to and made a part of these minutes herein by reference.]

3.F. Adopt Resolution 2015-40 Ratifying the Sale of a 2004 E-1 Pumper Firetruck by Competitive Auction

According to GS 160A-266 [c], the City Manager or his designee can dispose of surplus personal property of the Town of Morehead City without going through the formal process if that item or group of items is deemed to be \$30,000 and under in worth. The Morehead City Fire/EMS Department recently auctioned a 2004 E-1 Pumper Firetruck on www.govdeals.com whereupon a bidding war ensued and the final accepted bid was \$66,000. The Fire/EMS Department in good faith did not anticipate that the equipment would be sold over the monetary threshold. Upon advice from the University of North

Carolina School of Government Professor Norma Houston, Resolution 2015-40 was offered for adoption.

Adopted Resolution 2015-40 Ratifying the sale of a 2004 E-1 Pumper Firetruck by competitive auction. [Resolution 2015-40 is attached to and made a part of these minutes herein by reference.]

3.G. Adopt Budget Ordinance Amendment 2015-29 for Increased Miscellaneous Revenue in the General Fund for Police Department Donations and Capital Assets Sale and to Account for Increased Revenue in the Fire Department for the Sale of Equipment; and Adopt Budget Ordinance Amendment 2015-30 in the Morehead City Municipal Campus Capital Project Fund to Account for Reduction in Cost of Repairs and for a Structural Assessment not Undertaken

The purpose of Budget Ordinance Amendment 2015-29 is to:

- Increase Miscellaneous revenue from the Police Department National Night Out donations in the amount of \$800 and increase the Police Department budget by the same.
- Increase Miscellaneous revenue from the sale of Police Department capital assets in the amount of \$5,500 and increase the Police Department budget by the same.
- Increase revenue from the sale of surplus in the amount of \$68,500 and to increase the Fire/EMS Department expenditures by the same.

The purpose of Budget Ordinance Amendment 2015-30 in the Morehead City Municipal Campus Capital Project Fund is to:

- Decrease transfer from General Fund in the amount of \$200,000 for the reduction in the projected cost of repairs and related costs at the Police Station and to reduce expenditures for the Police Station/E911 Center by the same.
- Decrease transfer from General Fund in the amount of \$33,000 for the structural assessment for the Municipal Campus Building not done and to reduce expenditures for the Municipal Campus Building by the same.

The Finance and Administration Committee of the Council reviewed the above budget ordinance amendments and recommended adoption.

Adopted Budget Ordinance Amendment 2015-29 for increased miscellaneous revenue in the General Fund for Police Department donations and capital assets sale and to account for increased revenue in Fire Department for sale of equipment; and Adopted Budget Ordinance Amendment 2015-30 in the Morehead City Municipal Campus Capital Project Fund to account for reduction in cost of repairs and for a structural assessment not undertaken. [Budget Ordinance Amendments 2015-29 and 2015-30 are attached to Ordinance Book #7 in the vault.]

3.H. Adopt Resolution of Intent 2015-41 to Consider the Permanent Closing of a Portion of the Easternmost North/South Alley located between Lots 2 and 3 in the 2400 Block of Bridges Street [Block 169] and to Set the Date of the Public Hearing for Monday, October 19, 2015 at 5:30 p.m.

City staff has reviewed the proposed alley closing and made the following findings:

1. According to the most recent property deed, Paul H. Geer, III and Corinne Geer own 2400 Bridges Street, which encompasses the property on the eastern and western sides of the alley requested to be closed.
2. The alley does not provide access to public waters, and therefore, would not deny public access to public waters.
3. Closing this alley will not deny convenient access to any other properties, as the remaining parcels within Block 169 have direct access onto public streets.
4. Policy #4 of the 1996 Alley Closing Policy states, "Closing a portion of an alley will be considered only in a block in which all properties adjoining the affected alley are zoned or developed for commercial, professional or industrial uses and purposes." The Planning Committee found the proposal to be consistent with this policy in that

the abutting property to the north is under the ownership of the Town, and although zoned Residential (R5), is used for non-residential purposes and is the location of a city well; the abutting residentially zoned property to the north has direct access to public streets via Fisher Street and North 23rd Street and therefore, the “affected” property in this case only includes the abutting property which will remain under the Town’s ownership in perpetuity.

5. Per Public Services, there are no water or sewer utilities within the portion of the alley proposed for closure.

Adopted Resolution of Intent 2015-41 to consider the permanent closing of a portion of the easternmost north/south alley located between Lots 2 and 3 in the 2400 Block of Bridges Street [Block 169] and set the date of the public hearing for Monday, October 19, 2015 at 5:30 p.m. [Resolution 2015-41 is attached to and made a part of these minutes herein by reference.]

3.I. Adopt Resolution 2015-42 Authorizing the Waiver of Competitive Bidding for the Purchase of One [1] Ambulance Remount from Northwestern Emergency Vehicles for \$92,974 through the H-GAC Purchasing Program

The Morehead City Fire/EMS Department has determined that their current 2006 Ambulance has surpassed its lifespan and is in need of remounting the body and surplus the Ford 2006 chassis. The City desires to purchase a replacement ambulance, refurbishing and remounting the body to a 2016 Type III Ford E450 chassis. North Carolina General Statute 143-129[e][3] provides an exception for purchases made through a competitive bidding group purchasing program. The City has contacted the Houston-Galveston Area Council which has completed the bidding process with Northwestern Emergency Vehicles of Jefferson, N.C. offering the equipment meeting the City’s submitted specifications for \$92,974.00. The funding for this equipment update was placed in the FY2015/2016 Budget.

Adopted Resolution 2015-42 Authorizing the waiver of competitive bidding for the purchase of one [1] Ambulance Remount from Northwestern Emergency Vehicles for \$92,974 through the H-GAC Purchasing Program. [Resolution 2015-42 is attached to and made a part of these minutes herein by reference.]

Councilman Taylor MOVED, seconded by Councilman Walker, and carried unanimously, to adopt the CONSENT AGENDA in one motion.

4. Unfinished Business:

5.A. Appointment to the Morehead City Planning Board

The Planning Committee of the Council at their last meeting recommended that Sally Strollo Lumpkin be appointed to the In-City Planning Board seat recently vacated by Gordon Thayer who served his full three [3], three-year terms and was not eligible to be re-appointed.

Councilman Ballou MOVED, seconded by Councilman Thompson, and carried unanimously, to appoint Sally Strollo Lumpkin as In-City Member on the Morehead City Planning Board for a term of office from August 15, 2015 to August 15, 2018.

5.B. Appointments to the Morehead City Board of Adjustment

Two [2] new Citizen Participation Applications were received recently, one from Gina Sanderson and another from former member Terry Senich. Mr. Senich had resigned from the Board of Adjustment upon his moving to Michigan. However, he has since returned and was once again eligible to serve and finish his uncompleted term of office. His appointment would be a recommendation to the Carteret County Board of Commissioners for a term of office from August 27, 2013 to August 27, 2016 as an Extraterritorial Alternate. *[CLERK’S NOTE: County Clerk Rachel Hammer ascertained that Carteret County never received notice of Mr. Senich’s resignation. Therefore, according to the County Manager, no action is necessary and Mr. Senich can resume his duties serving on the Morehead City Board of Adjustment.]*

The Council could consider moving current In-City Alternates Charles Sewell or Trey McCarther to the In-City Member seat recently vacated by Sally Lumpkin and serve out her term of office from August 27, 2014 to August 27, 2017.

Gina Sanderson is a new application for an In-City seat, the Council could consider appointing her to serve out the term of either Charles Sewell or Trey McCarther, either of which could be appointed as an In-City Member.

Councilman Ballou MOVED, seconded by Councilman Walker, and carried unanimously, to recommend to the Carteret County Board of Commissioners that Terry Senich be re-appointed to serve as an ETJ Alternate on the Morehead City Board of Adjustment; to move Trey McCarther to serve in Sally Lumpkin's vacated In-City Member seat and to appoint Gina Sanderson to the vacated In-City Alternate seat previously held by Trey McCarther.

5. Citizen Requests/Comments: [2 minute time limit]

Jeff & Keri McCann, owners of Jack's Waterfront Bar located at 513 Evans Street, Morehead City, addressed the Council regarding issues at the site.

Keri McCann stated that her and her husband have done and continue to do charity works for the community such as Alive @ Five, the Crab Pot Drop, Chowder & Cheer; Special Olympics, etc. Jacks Waterfront Bar is not just a bar, it has become a fun community. She felt that as owners of the business they were being treated unfairly. The issuance of the building permit, she felt, had nothing to do with the dock. As owners they have tried to address all the issues and follow the rules. They would like to increase revenues for their property and also for the City.

Jeff McCann commented that a deed dated July 1914, talks about the waterfront being built, and from what he has read Sixth Street ends at the end of the street. He does not want to take the dock away from the City. He felt that the dock was in reality the state's property to the middle of the dock and that everything hinges back to the Deed Book 18 Page 118. He would like to come to a boundary agreement between his dock and the North Carolina Railroad dock. He stated that all he wanted was his permit to continue the construction work on his property. He demonstrated with pictures and a map that the dock was built for the use of the fishhouse which formerly stood on the site. He stated he knew that the stairs on the western side of the building were in question and he demonstrated his case for ownership of the dock. He wanted it explained why some individuals own property rights to the water on some of the streets and not on others. He continued that every waterfront deed refers back to Book 18, Page 118.

Keri McCann commented that they cannot get their building permit until this issue was resolved. She felt that they have met all the requirements for the building permit. If anything was missing further, they will provide it.

George Parrot, 105 South Street, felt that the McCanns were not requesting anything unreasonable.

Marie Hurston commented she lived in Swansboro and has property in Morehead City. Jeff is her half-brother. He has worked very hard at Jacks Waterfront Bar. She prays that this impasse will come to an end and move along in an expeditious way.

Tom Kies, Executive Director of the Downtown Morehead City Revitalization Association [DMCRA], commented that Jeff & Keri has been a lynchpin in building downtown Morehead City and he would urge all to find a way to move forward to a finished project which will be good for the downtown area.

Mayor Jones commented that this was not the City against anybody and that all the good the McCanns have done for Morehead City was recognized. The issue was about property rights and the City has the burden to protect the public interest. The Council cannot give property away. The City would like to see this project completed also, but there are other issues holding up the permit.

Planning Director Staab explained that the current building permit was for an exit from the second floor on the east side of the building, not on the west side. She also

stated that there are other issues with the project, not just wanting the staircase on the western side of the building.

6. City Manager's Report:

6.A. Appointment of Acting City Manager in City Manager David Whitlow's Absence

City Manager Whitlow will be out of the country and not accessible by either cell phone or email during much of the time from October 12 until October 29. Normally, should an emergency arise during his absence, contact can be made with a faster return to Morehead City if necessary. This will not be possible on this occasion.

§160A-149 of the General Statutes of North Carolina states: "By letter filed with the city clerk, the manager may designate, subject to the approval of the council, a qualified person to exercise the powers and perform the duties of manager during his temporary absence or disability. During this absence or disability, the council may revoke that designation at any time and appoint another to serve until the manager returns or his disability ceases."

With the approval of the Council, City Manager Whitlow designated Ellen Sewell to serve as the Acting City Manager from October 8 until October 29, 2015. In addition to being in a position to know most of the activities and programs that are ongoing in Morehead City, Ms. Sewell is also a signatory for the City's various accounts, therefore not requiring additional signature cards with City banks.

The Council was requested to give approval to this appointment.

Councilman Taylor MOVED, seconded by Councilwoman Warrender, and carried unanimously, to authorize the City Manager to appoint Finance Director Ellen Sewell as Acting City Manager of the Town of Morehead City in the absence of City Manager David Whitlow.

6.B. Draft of Proposed License Agreement between the Town of Morehead City and Riverfront Sports and Entertainment, Inc. [The Morehead Marlins] for the Use of Big Rock Stadium at Puck O'Neal Field

On Tuesday, August 25, 2015 at 4:00 p.m. a Special Meeting was held between the Council, City staff and representatives of the Morehead Marlins. A draft of the proposed licensing agreement was reviewed with changes being made to the document. This new proposed license agreement incorporating those agreed changes was forwarded to Buddy Bengel, the Vice President of Riverfront Sports and Entertainment, Inc. To date, the City has not heard back from Mr. Bengel.

The Council concurred to wait until receiving a response from Mr. Bengel.

7. Council Requests/Comments

Councilwoman Warrender questioned the September 26th event honoring Morehead City Fire/EMS, Police, etc.

Manager Whitlow explained that a private citizens group was sponsoring the event with private funds and that the event was under the auspices of Skinner Chalk of Chalk and Gibbs. The group is currently seeking sponsors for the event.

Councilman Taylor commented that he appreciated everyone coming to the Council Meeting and that it was important for the community to participate in local government.

Mayor Jones discussed Dr. Martin Luther King, Jr. being an advocate for peaceful demonstration. He continued that he would like to see the City Park at 10th and Arendell Streets named in honor of Dr. Martin Luther King, Jr.

Councilman Walker MOVED, seconded by Councilman Thompson, and carried unanimously to name City Park, located at 10th and Arendell Streets, Dr. Martin Luther King, Jr. Park.

George Parrot offered to provide the plaque and sign for the town.

Mayor Jones recommended that the project involve others and be developed as a community project.

Mayor Jones recognized Jeanne M. Giblin as President of the North Carolina Association of Municipal Clerks.

8. CLOSED SESSION AS PER G.S. 143.318.11[a][3][6] TO APPROVE THE CLOSED SESSION MINUTES OF TUESDAY, AUGUST 11, 2015; TO CONDUCT THE ANNUAL CITY MANAGER'S EVALUATION AND TO CONSULT WITH THE CITY ATTORNEY

Councilman Ballou MOVED, seconded by Councilman Walker, and carried unanimously, to enter into CLOSED SESSION.

The Council did not conduct the City Manager's annual evaluation.

Councilman Ballou MOVED, seconded by Councilman Taylor, and carried unanimously, to return to OPEN SESSION.

Councilman Thompson MOVED, seconded by Councilwoman Warrender, and carried unanimously, to approve and seal the CLOSED SESSION Minutes of Tuesday, August 11, 2015.

9. Adjournment

There being no further business, the meeting was adjourned at 8:00 p.m.

Gerald A. Jones, Jr., Mayor

Attest:

Jeanne M. Giblin, City Clerk