

MOREHEAD CITY
NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



COUNCIL

George W. Ballou, *Mayor Pro Tem*
Demus L. Thompson
William F. Taylor
Diane C. Warrender
Harvey N. Walker, Jr.

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David S. Whitlow
City Manager

AGENDA
MOREHEAD CITY TOWN COUNCIL
Tuesday, September 9, 2014 at 5:30 p.m.
Municipal Chambers
202 South 8th Street

- I. Regular Meeting Call to Order, Invocation and Pledge of Allegiance
- II. Special Presentations:
 - A. "Fizz, Boom, Read!" Webb Memorial Library Staff
 - B. Mayor's Proclamation In Support Of Carteret Literacy Council's 13th Annual Spelling Bee
- III. Adoption of the CONSENT AGENDA:
 - A. Approval of Minutes: Tuesday, August 12, 2014 – Regular Meeting
 - B. Approve the Requests for Release of Overpayment of Ad Valorem Taxes for August 2014 in the amount of \$49.23; and Accept the Tax Collector and Finance Director Reports for August 2014
 - C. Voluntary Contiguous Annexation Request for Williams Family Properties, LLC [Al Williams] for property located at 5192 Highway 70, .64 acres, PIN #6356-1287-1208-000 and Part Lot 41 Lot 43 Industrial Park, .133 acres, PIN #6356-1287-0422-000 – Adopt Resolution 2014-37 Directing the Clerk to Investigate the Petition and Resolution 2014-38 Setting the date of the Public Hearing for Monday, October 20, 2014 at 5:30 p.m.
 - D. Adopt Resolution 2014-39 Opposing the National Park Service's Draft Off-Road Management Plan and Environmental Impact Statement for Cape Lookout National Seashore
 - E. Approve Extension of the Morehead Docks [Jaycee Park] Marina Management Agreement with Denard Harris of Portside Marina for an Additional Two [2] Years
 - F. Approve Authorization for City Staff to Negotiate a Contract with McDavid and Associates of Farmville, N.C. for Planning and Design of the Arendell Street Sidewalk Project from North 25th to North 35th Streets

- G. Approve FEMA [Federal Emergency Management Act] Community Rating System Annual Progress Report
 - H. Award Contract #82 – Tootle Road Well Raw Water Line to the Low Bidder, Herring-Rivenbark, Inc. in the Amount of \$552,292.12
 - I. Adopt Resolution 2014-40 for Morehead City to Participate in the North Carolina Governor’s Highway Safety Program in the Amount of \$7,350 with a Local Match of \$2,450
- IV. Public Hearing: Voluntary Contiguous Annexation Request for Keith and Mary Fowler for property located at 4503 Country Club Road, PIN #6366-1176-0045-000, 0.46 acres, Zoned R-20 [Single Family Residential] District – Adopt Ordinance 2014-30
- V. Unfinished Business: Adopt Ordinance 2014-29 and Resolution 2014-32 of the Council of the Town of Morehead City, N.C. to Amend Articles 2-2 and 11-3 of the Unified Development Ordinance [UDO] to Add a New Definition for “Condominium Hotel/Condotel” and to Add the Use as a Permitted Use in the Office and Professional [O & P] District [Second Vote]
- VI. New Business:
- A. Adopt Ordinance 2014-34 Amending the Town of Morehead City Code of Ordinances, Chapter 8, Licenses, Permits and Business Regulations, Article VI, *Taxicabs*, Section 8-189 Duration
 - B. Board of Adjustment Appointments
 - C. Adopt Resolution 2014-41 Setting an Unassigned Fund Balance Policy
- VII. Citizen Requests/Comments: [2 minute time limit]
- VIII. City Manager’s Report:
- A. Contract Agreements between the Town of Morehead City and Carteret County to Provide Fire/EMS Services to the Mitchell Village/Crab Pointe and Wildwood Fire District
 - B. Appointment of Acting City Manager
 - C. Set a Public Meeting Date for Discussion of Highway 70 Project Median Option #3
- IX. Council Requests/Comments

- X. **CLOSED SESSION as per G.S. 143.318.11[a][3][6] to approve the CLOSED SESSION MINUTES of Tuesday, July 8, 2014, and to Discuss the City Manager's Annual Evaluation**

- XI. **Adjournment**

TOWN OF MOREHEAD CITY

AGENDA ITEM: II.
DATE: September 9, 2014

REQUEST FOR TOWN COUNCIL ACTION

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Special Presentations:

Background Information Attached: Yes X No

II.A. "Fizz, Boom, Read!" Webb Memorial Library Staff

The Webb Memorial Library Summer Reading Program for Children encourages and rewards all children for continuing to read during the summer vacation. This year's reading program was all about science. Members of the Library staff will give a brief presentation on the success of this summer's program.

II.B. Mayor's Proclamation In Support Of Carteret Literacy Council's 13th Annual Spelling Bee

This is the 13th year of the Carteret Literacy Council's Annual Literacy Spelling Bee. The event will be held on Friday, October 17, 2014, at 6:00 p.m., at The History Place 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. Mayor Jones will present a representative with the Proclamation.

Board Action: Approved: 1st: _____ 2nd: _____
VOTE: Ayes _____ Nays _____ Postponed/Tabled _____



Morehead City North Carolina

Gerald A. Jones Jr., Mayor

MAYOR'S PROCLAMATION In Support Of Carteret Literacy Council's Thirteenth Annual Literacy Spelling Bee

WHEREAS, the individual who cannot read has little chance of success in today's world; and

WHEREAS, The Carteret 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, and high school, middle school and elementary school students; and

WHEREAS, The Carteret Literacy Council Volunteers are trained to provide reading, writing, and math skills beginning with the total nonreader to the General Equivalency Diploma [GED] level; and

WHEREAS, The Carteret Literacy Council recruits students and volunteers, trains new tutors, matches volunteer tutors with students, and provides a support system for its students and tutors; and

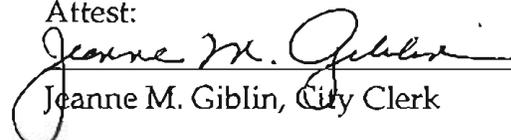
WHEREAS, one of the main fund-raising events of The Carteret Literacy Council is the Annual Literacy Spelling Bee which will be held on Friday, October 17, 2014, beginning at 6:00 p.m., at The History Place in Morehead City;

NOW, THEREFORE, I, Gerald A. Jones, Jr., Mayor of the Town of Morehead City, on behalf of the City Council, do endorse The Carteret Literacy Council's Thirteenth Annual Spelling Bee and urge our citizens that special recognition should be given to the importance of this event and the many hours of dedicated service being contributed by its volunteers.

Dated, this 1st day of September, 2014.

Gerald A. Jones, Jr., Mayor

Attest:



Jeanne M. Giblin, City Clerk

TOWN OF MOREHEAD CITY

AGENDA ITEM: III.

REQUEST FOR TOWN COUNCIL ACTION

DATE: September 9, 2014

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Adoption of the CONSENT AGENDA

Background Information Attached: Yes X No

III.A. Approval of Minutes: Tuesday, August 12, 2014 – Regular Meeting

Approve the minutes of Tuesday, August 12, 2014, Regular Meeting and dispense with the reading.

III.B. Approve the Requests for Release of Overpayment of Ad Valorem Taxes for August 2014, in the amount of \$49.23; and Accept the Tax Collector and Finance Director Reports for August 2014

Approve the requests for release of overpayment of ad valorem taxes for August, 2014, in the amount of \$49.23; and accept the Tax Collector and Finance Director Reports for August 2014.

III.C. Voluntary Contiguous Annexation Request for Williams Family Properties, LLC [AI Williams] for property located at 5192 Highway 70, .64 acres, PIN #6356-1287-1208-000 and Part Lot 41 Lot 43 Industrial Park, .133 acres, PIN #6356-1287-0422-000 – Adopt Resolution 2014-37 Directing the Clerk to Investigate the Petition and Resolution 2014-38 Setting the date of the Public Hearing for Monday, October 20, 2014 at 5:30 p.m.

The properties under consideration for annexation are contiguous to the present City limits, contain approximately 0.77 acres and are zoned CH [Highway Commercial] District. The current tax value is estimated to be \$359,587. Based on a \$0.345 tax rate, \$1,240.58 in tax revenues would be generated. Water and sewer will be accessed from Highway 70 and Industrial Drive. All costs associated with extending the water/sewer service to the newly annexed property will be the responsibility of the owner.

Adopt Resolution 2014-37 Directing the Clerk to Investigate the Petition and Resolution 2014-38 Setting the date of the Public Hearing for Monday, October 20, 2014 at 5:30 p.m. for Voluntary Contiguous Annexation Request for Williams Family Properties, LLC [AI Williams] for property located at 5192 Highway 70, .64 acres, PIN #6356-1287-1208-000 and Part Lot 41 Lot 43 Industrial Park, .133 acres, PIN #6356-1287-0422-000.

III.D. Adopt Resolution 2014-39 Opposing the National Park Service’s Draft Off-Road Management Plan and Environmental Impact Statement for Cape Lookout National Seashore

The proposed Off-Road Management Plan and Environmental Impact Statement aims to put specific numbers to off-road vehicles, specify where they can travel, formally

set speed limits and set seasons when they can travel on the seashore. Visitors to the park are an economic impact to Morehead City and the surrounding areas. The Carteret County Board of Commissioners adopted a similar resolution on August 18, 2014.

Adopt Resolution 2014-39 Opposing the National Park Service's Draft Off-Road Management Plan and Environmental Impact Statement for Cape Lookout National Seashore.

III.E. Approve Extension of the Morehead Docks [Jaycee Park] Marina Management Agreement with Denard Harris of Portside Marina for an Additional Two [2] Years

At the last Public Works Committee of the Council meeting a proposed extension of the Morehead Docks (Jaycee Park) Marina Management Agreement was reviewed and discussed. The current agreement is with Denard Harris, Portside Marina and expires October 31 of this year. [A copy of the proposed agreement is attached.] The proposal extends the agreement's term for an additional two [2] years. It also provides for additional one [1] or two [2] year extensions. Other terms remain the same including the rate of compensation.

After discussion the Committee recommended to extend the current Marina Management Agreement with Denard Harris of Portside Marina for an additional two [2] years.

Approve the Extension of the Morehead Docks [Jaycee Park] Marina Management Agreement with Denard Harris of Portside Marina for an additional two [2] years with the terms remaining the same as the current agreement.

III.F. Approve Authorization for City Staff to Negotiate a Contract with McDavid and Associates of Farmville, N.C. for Planning and Design of the Arendell Street Sidewalk Project from North 25th to North 35th Streets

On August 18, 2014, the Public Works Department requested proposals from firms interested in providing services necessary to plan and design a sidewalk along the north side of Arendell Street from the Camp Glen School to North 25th Street where a sidewalk exists in the 2400 Block of Arendell Street. The project is funded largely through a grant from NCDOT [North Carolina Department of Transportation].

Proposals were received from McDavid and Associates of Farmville, N.C. and Rivers and Associates from Greenville, N.C. Both proposals were evaluated and graded according to the outline provided in the request for proposals with McDavid's proposal scoring highest. The planning and design services related to the sidewalk project were reviewed by the Public Works Committee of the Council.

The Committee recommended the authorization for staff to begin negotiating a contract with McDavid and Associates for the design of the Arendell Street sidewalk project from North 25th to North 35th Streets.

Approve Authorization for City Staff to Negotiate a Contract with McDavid and Associates of Farmville, N.C. for Planning and Design of the Arendell Street Sidewalk Project from North 25th to North 35th Streets.

III.G. Approve FEMA [Federal Emergency Management Act] Community Rating System Annual Progress Report

The Town of Morehead City has been an active participant in the FEMA [Federal Emergency Management Act] Community Rating System for a number of years. As a result, City residents who have properties located within the flood zone get a 10 percent reduction in their flood insurance premiums. The Annual Progress Report for the Flood Plain Management Plan is attached.

Approve the FEMA [Federal Emergency Management Act] Community Rating System Annual Progress Report.

III.H. Award Contract #82 – Tootle Road Well Raw Water Line to the Low Bidder, Herring-Rivenbark, Inc. in the Amount of \$552,292.12

The following bids were received August 26, 2014, for Contract #82—Tootle Road Well Raw Water Line:

Herring-Rivenbark, Inc.	\$	552,292.12
Thomas Simpson Construction	\$	573,508.74
Wells Brothers	\$	699,016.00
Ralph Hodge Construction	\$	758,710.00
Sunland Builders	\$	807,343.00
Cieszko Construction	\$	878,822.00

City Engineer, F. Tyndall Lewis, recommended the award of the bid to Herring-Rivenbark, Inc. in the amount of \$552,292.12 subject to United States Department of Agriculture [USDA] approval. The USDA project budget includes the funds for the work which is derived from the same funding the City used to build the water plants. The Public Utilities Committee of the Council recommended awarding to the low bidder.

Award Contract #82 – Tootle Road Well Raw Water Line to the Low Bidder, Herring-Rivenbark, Inc. in the Amount of \$552,292.12.

III.I. Adopt Resolution 2014-40 for Morehead City to Participate in the North Carolina Governor’s Highway Safety Program in the Amount of \$7,350 with a Local Match of \$2,450

The Morehead City Police Department requested approval to submit an application for the North Carolina Governor’s Highway Safety Program in order to acquire two [2] display pole mounted signs. The federal amount of the grant is \$7,350 with a local match of \$2,450 from Morehead City. The Police Department has participated in the past in this program with excellent results. The Public Safety Committee reviewed the request and recommended approval.

Adopt Resolution 2014-40 for Morehead City to participate in the North Carolina Governor’s Highway Safety Program in the amount of \$7,350 with a Local Match of \$2,450.

Recommended Action: Adopt the CONSENT AGENDA with one [1] motion. Any item[s] may be removed and discussed separately.

Board Action: **Approved:** 1st: _____ 2nd: _____
VOTE: Ayes _____ Nays _____ Postponed/Tabled _____

A.

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

Tuesday, August 12, 2014

The Honorable Council of the Town of Morehead City met in Regular Session on Tuesday, August 12, 2014, 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:	Nelson W. Taylor, III; Derek Taylor; Mike Thomas
OTHERS:	Webb Geer, Sharon Mulder, Sarah Geer, Nancy

Geer, Lois Webb Geer, Paul Geer, Matthew Geer, Corinne Webb Geer, Linda Staab, Eric Remington, Tom Gatewood, Ken Schwenke, Linda J. Howard, Barry McCrory, Rodney B. Kemp, Sam H. Guthrie, Layal Hamad, Zayn Hamad, Malcolm Selden, Kitty Brawley, Sandy Bell, Carlee Brown, Terrance Brown, Bobbi Dees, Donna Hardson, Kim Willis, Melodie Darden, Chase Cullipher, Ron Cullipher, Jeannie M. Riggs, Russell Lewis, Katlyn Gillikin, Sharon Horn, Chase Flowers, Catherine Clarkson, Eileen Morgan, Colliver Wells, Sally Strollo Lumpkin, Cathy Nagle, Bernette Morris, H. N. Welden, Jr., Ben Robimson, Amanda Schuler, Carolyn G. Jones, Doil Killmon, Glenda Bell, Phyllis Gentry, Gary Gentry, Iyona Dickerson, Bill Cassiter, Rebecca Norman, Adelaide Willis, Jonathan Elbid, Jennifer Pope, Monique Whilfuld, Krista Kay Willis, Michelle Forbush, Norma Wagaman, Lee Ivy, Bill Johnson, Dona Styron, Paige Mewborn, Sheree Lynn, Jesse Vinson, Lou Wilson, Porter Wilson, Eric Broyles, Alyce Kelly, Curtis Hickman, Janice Bynum, Lynne W. Brown, Leslie Craft, Sheila Brodman, Mark Hibbs, Reporter, THE CARTERET NEWS TIMES, Lee Hinson, Dean Vutz, Mike Collins, Keri McCann, Jeff McCann, Saed Hamad, Belal Hamad, Vickey Barwick, John Hamad, Marjan Hamad, Joe Beam, Summer Ali Hamad, Joe Barwick, Randall Casper, Bill Brown, John T. Capps, Robert Purifoy, Andrew Wheeler, Forrest Bing, Jr., Mack Baker, David McCabe, Candace Roney, Daniel Williams, Rachel Stewart, Drew Rike, Linda Rike, Wyatt Rike, Tammy Scott-Garner, Joseph Moran, John H. Smith, Shirley Smith, Debra Stinson, Skeet Woolard, Tom Saunders, Daniel Fischler, Marcela C. Topping, Robert L. Crawford, Jr., Tom Kies, Curtis Struyk, Adrian Holler, Annette Holler, Samar Hamad, Beth Atkins, Jane Gordon, Tommy Bennett, Carolyn Schultz, Sue Stanley, Holly Fletcher, Rob Darden, Kim Stephenson and several others.

I. 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.

II. Special Presentations

II.A. Resolution of Sympathy 2014-30 for Former Councilman Paul Hamilton "Sonny" Geer, Jr.

The Town of Morehead City strives to honor those citizens who have performed exemplary service for the betterment of its citizens. Paul Hamilton “Sonny” Geer, Jr., who passed on February 12, 2014, was a member of the Morehead City Planning Board and also served as a Councilman from 1983 to 1995. In addition to being a renowned Morehead City waterfront businessman he served on the boards of many civic organizations. Corrine Geer introduced her family. Mayor Jones presented the family with a Resolution of Sympathy. Mrs. Corinne Geer said it was her husband’s pleasure to serve, that he loved the Town of Morehead City and his family will continue to serve the City.

II.B. Resolution of Recognition 2014-31 in Honor of the Morehead City Woman’s Club

On Thursday, May 8, 2014, the Morehead City Woman’s Club held its final meeting on the grounds of the Webb Memorial Library. This organization carried on the tradition of serving the citizens of Morehead City for over 93 years and was instrumental in the founding of the Webb Memorial Library and was a major donor to various charities. Mayor Jones presented the several representatives of the Woman’s Club with a Resolution of Recognition.

II.C. Voter Rights Coalition – Dona Anastasi-Styron

Ms. Anastasi-Styron, who is representing the Voter Rights Coalition, made a presentation on the new rules for voting in North Carolina. The Voter Rights Coalition is a nonpartisan organization dedicated to educating the public on the new voter rights laws. She spoke about the Voter Rights Coalition and explained the new voting laws which began in May 2014 and will be instrumental in future elections.

III. Adoption of the CONSENT AGENDA

III. A. Approval of Minutes: Tuesday, July 8, 2014 – Regular Meeting

Approved the minutes of Tuesday, July 8, 2014, Regular Meeting and dispensed with the reading.

III.B. Approve the Requests for Release of Overpayment of Ad Valorem Taxes for July 2014; and Accept the Tax Collector and Finance Director Reports for July 2014

There were no requests for release of overpayment of ad valorem taxes for July 2014.

Accepted the Tax Collector and Finance Director Reports for July 2014. [The Finance Reports are attached to and incorporated into these minutes herein by reference.]

III.C. Award the Bid for the 95 Gallon Recycling Roll-Out Carts to the Low Bidder, Otto Environmental Systems of Charlotte, N.C. in the amount of \$171,648

At the recent Public Works Committee Meeting the review of bids for 95 gallon Recycling Roll-Out Carts was conducted. The bid tab was as follows:

	Otto Environmental Systems (NC), LLC	Cascade Engineering, Inc.	Rehrig Pacific Company	Toter, LLC
3,600 Recycling Roll Out Carts, 96 gallon, blue	\$160,056 (\$44.46 ea)	\$ 168,300 (\$46.75 ea)	\$ 177,192 (\$49.22 ea)	\$ 189,828 (\$52.73 ea)
3,600 Ultra High Frequency RFID tags embedded in the cart	\$ 1,800 (\$0.50 ea)	\$ 1,800 (\$0.50 ea)	\$ 2,700 (\$0.75 ea)	\$ 2,700 (\$0.75 ea)
Brand Plates	No Charge	No Charge	No Charge	No Charge
Freight	\$9,792	\$12,000	\$11,780	\$9,000
Total	\$171,648	\$182,100	\$191,672	\$201,528

Bids were received on July 29th with four [4] cart manufacturers responding. The low bid is from Otto Environmental Systems of Charlotte, NC in the amount of \$171,648.00 for 3,600 roll out carts. The budget for this purchase is \$195,000.

The low bid vendor will provide a sample cart for testing its use on our contractor's cart lifters to ensure proper dumping. The carts carry a 10-year warranty. References provided by the vendor as well as those provided by our Grantor (NCDEACS) have all been favorable. Carts will be received in mid to late October with City wide delivery occurring immediately afterwards.

The Public Works Committee of the Council recommended that the bid be awarded to the low bidder, Otto Environmental Systems.

Awarded the Bid for the 95 Gallon Recycling Roll-Out Carts to the Low Bidder, Otto Environmental Systems of Charlotte, N.C. in the amount of \$171,648.

III.D. Voluntary Contiguous Annexation Request for Keith and Mary Fowler for property located at 4503 Country Club Road, PIN #6366-1176-0045-000, 0.46 acres, Zoned R-20 [Single Family Residential] District – Adopt Resolution 2014-34 Directing the Clerk to Investigate the Petition and Resolution 2014-35 Setting the Date of the Public Hearing for Tuesday, September 9, 2014, at 5:30 p.m.

The property under consideration for annexation (6366-1176-0045-000) is contiguous to the present city limits, contains approximately 0.46 acre and is zoned R20 (Single-Family Residential District). The site in question is not part of a subdivision, and

therefore will not fragment a subdivision. The current tax value of the property is estimated to be \$89,675. Based on a 33-cent tax rate, \$295.93 in tax revenues would be generated. Water and sewer will be accessed from Country Club Road. All costs associated with extending the water/sewer service to the newly annexed property will be the responsibility of the owner.

Adopted Resolution 2014-34 Directing the Clerk to Investigate the Petition and Resolution 2014-35 Setting the Date of the Public Hearing for Tuesday, September 9, 2014, at 5:30 p.m. for voluntary contiguous annexation for Keith and Mary Fowler for property located at 4503 Country Club Road, Morehead City. [Resolutions 2014-34 and 2014-35 are attached to and made a part of these minutes herein by reference.]

III.E. Adopt Budget Ordinance Amendment 2014-31 for Appropriations in the General Fund, Water/Sewer Fund and Water Sewer Capital Project Fund; and Budget Ordinance Amendment 2014-32 Related to Extension of a Sewer Line On Business Drive in the Water/Sewer Extension/Improvements Capital Project Fund

The purpose of Budget Ordinance Amendment 2014-31 is to:

General Fund

- Appropriate restricted fund balance in the amount of \$6,515 to recognize a donation by the Neal Foundation received in late June 2014 for the purchase of canine cooling units for the Police Department service dogs and increase Police Department budgeted expenditures by the same amount.
- Appropriate unrestricted fund balance in the amount of \$4,585 and increase Police Department expenditures the same amount for ammunition ordered in the prior fiscal year but not delivered until July.
- Appropriate unrestricted fund balance in the amount of \$30,000 and increase Central Services expenditures the same amount to pay settlement costs related to the civil action entitled Vincent/Mary Ellen Martin vs. the Town of Morehead City and USAA Federal Savings Bank.

Water/Sewer Fund:

- Appropriate fund balance and increase expenditures in the Water/Sewer Fund in the amount of \$58,675 to complete Contract 84 for installation of flow meters at Lift Stations 16 and 17.
- Appropriate fund balance in the Water/Sewer Fund and increase Transfers to the Water/Sewer Annual Capital Project Fund in the amount of \$188,000 for projects expended in the Water/Sewer Annual Capital Project Fund as follows:
 1. Contract 81 for rehabilitation of the Emeline Dr. Pump Station (#8)-balance to complete is \$107,750.
 2. Contract 85 for sewer work at 9th and Bay Streets-balance to complete is \$80,250.

Water/Sewer [Annual] Capital Project Fund:

- To recognize a Transfer from the Water/Sewer Fund and increase expenditures for the purposes noted in item numbers 1 and 2 above in the Water/Sewer Fund.

The purpose of Budget Ordinance Amendment 2014-32 is to increase revenue and expenditures related to the extension of a sewer line on Business Drive.

The Finance Committee of the Council reviewed the amendments and recommended approval.

Adopt Budget Ordinance Amendment 2014-31 for Appropriations in the General Fund, Water/Sewer Fund and Water Sewer Capital Project Fund; and Budget Ordinance Amendment 2014-32 Related to Extension of a Sewer Line on Business Drive in the Water/Sewer Extension/Improvements Capital Project Fund. [Budget Ordinance Amendments 2014-31 and 2014-32 are attached to Ordinance Book #7 in the vault.]

Councilman Ballou MOVED, seconded by Councilman Taylor, and carried unanimously, to adopt the CONSENT AGENDA with one [1] motion.

IV. Public Hearing: Adopt Ordinance 2014-29 and Resolution 2014-32 of the Council of the Town of Morehead City, N.C. to Amend Articles 2-2 and 11-3 of the Unified Development Ordinance [UDO] to Add a New Definition for “Condominium Hotel/Condotel” and to Add the Use as a Permitted Use in the Office and Professional [O & P] District

Planning Director Linda Staab reported that a request was submitted by Samer Hamad and Curtis Struyk to amend Articles 2 and 11 to allow for condominium hotels in the O & P district.

At the Planning Board Meeting on July 15, 2014, numerous individuals made comments regarding the request and representatives of the applicant as well as representatives of Senior Care Properties LLC discussed the applicability of sections of the CAMA Land Use Plan. Tom Outlaw made a MOTION, seconded by John Creech, to recommend adding the use as a Special Use in lieu of the requested Permitted Use in the Office and Professional (O & P) District; the Board also recommended adding the definition as proposed by the applicant, [Multi-family dwelling in condominium form of ownership utilized for mixed transient and permanent occupancy, in which some or all units may be rented out by the owner(s) on a daily or more extended basis] with the exception that the definition will specify that the on-site front desk will operate on a twenty-four [24] hour basis. The motion carried unanimously. Tom Saunders made a MOTION, seconded by Jackie Maucher, to recommend adding a parking requirement of two [2] spaces per condotel unit. Density would be limited by the parking requirement. The motion carried unanimously. The Planning Committee of the Council reviewed the request.

Councilman Ballou commented that the justification of the O & P District was its use as a buffer between business and residential areas.

Mayor Jones opened the public hearing stating that the applicants would be allowed 20 minutes for their presentation and everyone else wishing to speak would have to adhere to two [2] minutes.

Beth Atkins, attorney for the applicants, stated that the applicants agreed to abide by the specific recommendations as requested by the Planning Board. The applicants want to make the use of the property as low in intensity as possible. In her opinion, the condotel would be a moderate activity type of business emphasizing a condominium with permanent residences with the allowance of short term rental of some of the properties. The applicants requested a Permitted Use in the Office and Professional District. The applicants have observed where hotels are located in other cities and feel it is not inappropriate to have hotels in buffer districts such as an O & P District.

Jane Gordon, an attorney for the applicants, spoke about the congruence of this application with the CAMA Land Use Plan. She commented that Downtown Mixed Use areas allow a wide variety of uses. She spoke about the expansion of the Carteret General Hospital and the need for overnight lodging. It was her opinion that a condotel would be an economic driver for the area. Hotels provide a buffer between residential and business districts. The application is consistent with the Land Use Plan.

Curtis Struyk stated that he was a local businessman and developer. He continued that he was instrumental in the success of the local EJW store on Arendell Street. He spoke about the Islander Hotel in Emerald Isle which he purchased and redeveloped and his knowledge of the condotel business and his past success. It was his opinion that a condotel in downtown Morehead City would be good for economic traffic and a positive influence on the area. The business community would like to see the fruition of this application. He distributed copies of a petition signed by individuals in favor of this development. He concluded by stating the applicants would like to market the facility as a condotel and have short term rental of the various units.

Councilman Taylor questioned of the proposed 52 units, how many would be made available for overnight rental?

Mr. Struyck stated the plan is to sell 20 units, and manage the rest as a hotel.

Councilman Walker questioned why the developers felt the need to modify the Planning Board recommendation of Special Use instead of Permitted Use and were the residents in other cities as vocal against the development of their other such projects?

Samar Hamad replied that initially yes, there was opposition to their redevelopment of the Islander Inn in Emerald Isle until the project was explained to the residents. At this time, the developers are looking at an expansion at the Islander Hotel in Emerald Isle. Upon a question from Councilman Walker, Samar Hamad replied that the applicants have experience in such projects as a condotel and that they have converted hotels to condotels. He continued that his business partners requested Permitted Use to rent some of the units nightly. If the Council were to vote the project as a Special Use, the application would be subject to delays by having to apply to the Board of Adjustment for a determination which could be challenged and have to be taken to court. This could make the project economically unfeasible.

Councilman Walker replied he wanted the project to happen, but also wanted to be as cautious as the Planning Board was in making their recommendation.

Samar Hamad commented that if the project could not be approved as a Permitted Use, it would not be constructed.

Eric Remington, Representative of Senior Care Properties, LLC which owns the adjacent nursing home requested that the Council deny the request. He continued that a condotel could be placed within the commercial zones in Morehead City. He demonstrated on a map where all hotels/motels, etc. could be placed in commercial areas. He was of the opinion that the condotel in an O & P zone should be modified as a Special Use as all the uses listed under Special Use have a residential component to them. He continued that the applicant's request appears to conflict with policy statements in the Unified Development Ordinance [UDO], specifically Article 12. He advocated that the O & P zone had to have limitations on noise, parking, building height, etc. In other towns condotels are a Special Use or have limitations placed on them. Condotels are individually owned. The proposed condotel is conjoined with the present nursing home. If a condotel is allowed on the site, it will make problems for the nursing home. He then showed a list of hotel properties in Morehead City which were available for sale.

Mayor Jones opened the comment period to individuals.

Joe Beam of 5235 Webb Court, Morehead City said he has lived in Morehead City since 1953. He owns property in the downtown area and interested in its development. He is in favor of the condotel and is in fact looking to downsize and is interested in a two [2] bedroom, two [2] bath condominium at that site as it would be a perfect arrangement for his lifestyle.

Tommy Bennett of 4513 Country Club Road, Morehead City stated he supported the effort to bring a waterfront hotel to downtown Morehead City. He explained that he currently operates a hotel sited next to the O & P zone which has been there for many years without neighborhood incident. The Morehead City waterfront is beautiful. He questioned, "Is Morehead City open for business or hoping for business?" He advocated the continued development of the Morehead City waterfront.

Porter Wilson of 704 Evans Street, Morehead City and owner of Arts and Things, stated that his 95 year old mother-in-law was evicted from Harborview Towers and lost sums of money. Economic traffic has diminished in the downtown area and there is a need for a hotel to revitalize the area. In other cities you can walk from a hotel to a local business or a residential area. He was in favor of the application.

Tom Kies, Director of the Downtown Morehead City Revitalization Association [DMCRA] spoke about the purpose of the organization. He continued that in a 2012 survey about downtown Morehead City development, the top request was for a hotel. There is a need for a downtown hotel. Business travelers need a hotel for one [1] or two [2] nights. Beaufort has two [2] hotels and three [3] Bed & Breakfasts which have been very successful in Beaufort. He was in favor of the application for Permitted Use.

Joe Barwick of 203 Prancer Drive, Beaufort and owner of 1104 Arendell, Morehead City where a psychology practice is located stated he was excited about the project. He was able to build a dog kennel in an industrial area of Morehead City and was allowed the zoning change. If the change were not allowed, he would not have his business. He was

also associated with Carteret Community College which, in conjunction with North Carolina State University, was very interested in building a facility on campus where graduate students and scientists could stay, but was unable to do so. He stated that the condotel would be well used by the College. He strongly urged the Council to approve the application as a Permitted Use.

Rebecca Norman Chairman of Carteret County Advisory Committee Eastern for the Nursing Homes stated that placing a condotel in Harborview Towers would not be good for the residents of the nursing home, many of whom were bedridden. She stated she had to look out for the nursing home residents and questioned, "If you had a parent who was going into a nursing home, would you want the nursing home close to a hotel?"

Joe Mitchell, Ace Refrigeration, 610 Arendell Street, Morehead City stated that back in 1949, his mother rented rooms in their private residence, and therefore, he felt that he was raised in a condotel. He was in favor of the application. He also commented that a bus service was needed also.

Tom Gatewood, with Harborview Health Care Center stated that he was in opposition to the zoning change. He continued that a nursing home and condotel do not mesh and that health care professionals in the area agreed. The noise, smoking, etc. will impact the nursing home. The buildings which are currently conjoined will have to be separated and he wanted to know who will bear the costs for this. Harborview Health Care Center would prefer senior condominium housing at the proposed facility. Harborview Health Care Center is at 99 percent of capacity and it is the same for the other nursing homes in the area. There are 85 or more patients currently at the nursing home which employs about 100 individuals. He stated he was speaking on their behalf.

Carolyn Schultz of 102 Taylor Lane, Morehead City stated she moved here seven [7] years ago. She continued that she did not believe the residents of the rehab facility realized what a benefit a condotel would be for them. It would be a place for a family to stay and be in close proximity to the nursing home patients. It was not a new concept, but it was a good one. She was for the applicants.

Ken Schwanke of 104 South Third Street, Morehead City commented that he had many years of experience in hospitality and was a successful entrepreneur in commercial real estate. He stated that the sale of the Harborview property was not actively advertised outside Morehead City and that the area has 31 condos over the list price of \$250,000 on the market for sale. He said there is a need for senior services and that every major hotel brand has dropped the condotel concept.

Dale Britt, of Shepard Street, Morehead City and owner of the headboat, *Sensation* commented that in his business people always ask for hotel accommodations in downtown Morehead City. He was fully in favor of this proposal. He further stated that people go to Beaufort for hotel accommodations when they come to the Morehead City waterfront for the best fishing fleet. He encouraged the approval of the application.

Kerry McCann, stated she lives on 21st Street and own Jack's Waterfront Bar. She was very much in favor of this proposal. She continued that she served on the Downtown Morehead City Revitalization Association Board of Directors for five [5] years and everyone

on the Board agreed that downtown Morehead City needed a hotel. Now, four [4] local investors will make an eyesore an opportunity. The area needs to be used and people want to walk to events.

Barry McCrory, representing Senior Care Properties, LLC commented that nightly rental is not compatible with a nursing home. He continued that it would not be a safe environment for the nursing home. He was opposed to the nightly rental and stated that Senior Care Properties, LLC won the first zoning challenge. He stated that his company has standards and provides a good service. He felt there were better places in Morehead City to build a hotel. He requested not to run the nursing home out of business and to consider the residents of the facility.

Jeff Garner, representing The Sanitary Restaurant on the Morehead City waterfront questioned how the nursing home residents will be disturbed by a hotel? The original use of the site was as a hospital with traffic day and night. He was in favor of the applicant.

Leslie Craft, an attorney from Winterville, North Carolina commented that she and her parents were “penciled in” for the purchase of units in the proposed condotel. She stated, “Let’s make this happen.” She continued that she knew this proposal was good and anticipated that her parents would be able to move into the nursing home in the future if necessary.

Linda Howard of 812 Shepard Street, Morehead City stated she was comfortable with the close proximity of the Police Department when it was located in downtown Morehead City, however, she was not comfortable with nightly rental. She continued that there will be safety issues and the proposal would affect the quality of life. She believed that the Hamad Family would go forth with this proposal no matter what. She was very opposed to nightly rentals, but not to a condominium located on the property.

Mack Baker of 5224 Driftwood Lane, Morehead City stated he has had a business in downtown Morehead City for 21 years. He continued that the downtown businesses have been trying for 15 years to get a hotel downtown and this may be the only chance. He was in favor of the applicant.

Bill Allen of 203 South 10th Street, Morehead City said he lives one [1] block to the west of this building. He would like to see the property defined as Special Use. He was concerned about security and traffic. He continued that if the application is approved as a Permitted Use, the citizens who live nearby will have no recourse.

Rodney Kemp of 1304 Shackelford Street, Morehead City stated he was representing no one but Rodney Kemp. He continued that he walks the Beaufort waterfront at least twice a week and is amazed at the amount of people there. He was for the redevelopment of the property and the applicants. He was of the opinion it was a move forward for Morehead City and would be a means for those who lost money in the bankruptcy proceedings a way to be re-compensated.

John Capps of 4102 Plantation road, Morehead City viewed the application as an opportunity. He just recently stayed at an adjoining motel next to a hospital in Durham. He

stated that the four [4] businessmen who have invested in this project have also volunteered time and money to many of the local charities.

Jesse Allan of 203 South 10th Street, Morehead City stated that this was an opportunity to make Morehead City more charming and historic. However, it was necessary to be careful and prudent and that there was a reason for planning and process. He asked to protect the process and it was not just someone else's investment it was the entire community's investment.

Russell Lewis, Tideland Brewing Company, Morehead City and Queen Anne's Revenge Restaurant in Beaufort liked the idea of a hotel in downtown Morehead City. He stated that the Atlantic Hotel existed for quite a while and the downtown area was an attraction. This is an opportunity to jumpstart downtown Morehead City. He continued that we must honor our past, but live in the present. Tourism is Carteret County's largest business. A high end hotel in downtown Morehead City will aid in the revitalization of the area. The City could also use the tax money this project will contribute.

Brenda Johnson of 905 Evans Street, Morehead City stated that there was no barrier between the proposed condotel and the residential area. The parking lot is in her backyard and she stated that car alarms go off at all times of the night. The traffic is much heavier with all the activities happening downtown. She continued that her family was here long before all the individuals who just want to develop the property for financial gain. She was completely against the condotel.

Doil Killmon of 903 Shepard Street, Morehead City said that the proposed project is a "can of worms that will not go away." He stated that 9th Street was the main feeder into this property. He urged the Council not to approve the application.

Sally Lumpkin of 4107 Sound Drive stated that her mother is full-time resident of Harborview. She mentioned that she was an Alternate Member on the Morehead City Board of Adjustment and should the issue need to go before that Board, she would excuse herself. She felt that the definition of condotel should be adopted into the Unified Development Ordinance as a Special Use in the O & P Zone. This site has residential properties right across the street. The residents of the nursing home and the local neighborhood will be impacted the most. She was against the application as a Permitted Use.

Sam Guthrie, former Councilmember of Morehead City stated that the Planning Board felt it would be a good project. He stated he wanted to see families living in the vacant property. The Planning Board also felt it would be an asset. He was in favor of the applicants.

Mark Golitz of 1405 Oglesby Road and owner of a rental at 903 Evans Street, Morehead City stated that if he had needed a Special Use Permit for his business, he would not have the business. The necessity for the extra review can be used to stonewall a business and at that point who would want to invest in the area? He was of the opinion that it should be as easy as possible to open a business. The foot traffic in downtown Morehead City he felt was non-existent. He commented it was necessary to make businesses as welcome as possible so they would invest in this community.

Robert Purifoy of Olympic Dive Shop in Morehead City stated he was in favor of the project. He felt it was important to bring people downtown and the area needed hotels. He continued that his business needs hotels. The Buccaneer Hotel up the street closed and this has impacted his business. People come to dive and ask to stay in downtown Morehead City close to his dive shop.

Mark Mansfield of 1451 Highway 24, Morehead City stated he was a lifelong resident of the City and owns multiple businesses here and is also in real estate. He commended the Council for their service and planning to protect people. He continued that some of our local hotels sit right on the edge of residential areas. There is a need to keep taxes low and receive more tax revenues. The condotel would be a source of tax revenues. He was in support of the applicant.

Adelaid Guthrie Willis stated she is from the Promise Land in Morehead City. She stated that Morehead City had lost the fishing fleet and the fishing houses and that people want to see these things that disappeared. Downtown revitalization is a wonderful thing. However, the hotels in this area did not stay in business. She predicted that the proposed hotel will not be full all the time, but the rehab center will stay full. She stated that the employees at the nursing home are upset about losing their jobs if the proposed condotel becomes a reality. If the condotel fails, someone else will purchase it and do whatever they want with it.

Candice Rooney of 404 South 14th Street, Morehead City stated she strongly supported this project as a Permitted Use and it would be great to renovate the current eyesore the building has become. She continued that she had a blind husband who walks downtown Morehead City with never a problem. Her dad would be also interested in residing at the condotel.

Adrian Holler, who is one of the investors in this project, and Chairman of Big Rock Sports stated that an integral part of his business were trade shows. He used to host shows in Morehead City, but has outgrown the available resources. Because his business cannot house or feed the visiting retailers in Morehead City, he has been forced to move his show outside the City. He would like to attract outside developers and investors to this area. He felt the condotel would provide an opportunity for existing downtown businesses.

Mayor Jones closed the public hearing.

Councilman Taylor commented that he considered the different inputs from the different groups and that often people do not like change. As a Councilman he stated that he was responsible to listening to desires, concerns, issues not only to the residents who live west of the project, but he also has to remember the neighborhood of people who work to the east of the project who would like to see "feet on the street". He continued that he has volunteered for economic betterment organizations such as the Downtown Morehead City Revitalization Association which has always requested a hotel in downtown Morehead City. The applicants are using the original footprint of a building and making a business entity. He stated that every person on the Council had a vested interest in what happens with this application. He would like to see the jib property a venue for entertainment, fishing tournaments, festivals, concerts, etc. He would like to see a place to stay in

Morehead City for all the different venues as Morehead City was considered a fishing paradise with a strong charter fleet. If the downtown area cannot provide services and amenities, the people will go elsewhere. The O & P District was designed as a transitional zone between business and residential properties. The advantage of a condotel was the need for less parking than a full service hotel. He commented that there was a commonality between the nursing home and the proposed condotel in the tower as both were in the business of managing “transient traffic”. He offered the following definition for a condominium hotel/condotel:

“Multifamily dwelling of ten [10] or more residential units in condominium form of ownership utilized for mixed transient and permanent occupancy, in which some or all units may be rented out by the owner[s] thereof on a daily or more extended basis, and which shall have on-site front desk staffed twenty-four [24] hours, seven [7] days a week every week, 365 days a year and management services. Other typical hotel services may be provided for occupants of the premises such as cleaning, laundry, switchboard service, meeting rooms, limited breakfast service and fitness center; provided, however, that no full service restaurant or bar shall be operated on the premises. The maximum size of the facility will be limited by available parking spaces based upon two [2] spaces per unit.

Condominium Hotel/Condotel shall be a Permitted Use in the O & P [Office & Professional] Districts within the Town of Morehead City and its extra-territorial jurisdiction.”

Councilman Taylor MOVED, seconded by Councilwoman Warrender, to adopt Ordinance 2014-29 and Resolution 2014-32 of the Council of the Town of Morehead City, N.C. to amend Articles 2-2 and 11-3 of the Unified Development Ordinance [UDO] to add a new definition for “Condominium Hotel/Condotel” and to add the Use as a “Permitted Use” in the Office and Professional [O & P] District with the included conditions:

- ***Multifamily dwelling of ten [10] or more residential units in condominium form of ownership utilized for mixed transient and permanent occupancy***
- ***Some or all units may be rented out by the owner[s] thereof on a daily or more extended basis***
- ***Have on-site front desk staffed twenty-four [24] hours, seven [7] days a week every week, 365 days a year and management services***
- ***Other typical hotel services may be provided for occupants of the premises such as cleaning, laundry, switchboard service, meeting rooms, limited breakfast service and fitness center; provided, however, that no full service restaurant or bar shall be operated on the premises.***
- ***The maximum size of the facility will be limited by available parking spaces based upon two [2] spaces per unit.***

Mayor Jones requested discussion from the Councilmembers on the above motion.

Councilman Walker stated he heard so much about fear this evening that he read an article about fear. He continued that we are all citizens of this City and want the best for this City. He had concerns that the City has not worked on this type of development before.

Councilman Taylor explained that he did not override the recommendation of the Planning Board. His above definition included every condition set by the Planning Board. Be it a Permitted Use or a Special Use, both paths are reviewed by the City, both can be appealed, and both can end up in court.

Councilmen Walker and Taylor then debated other suitable sites for a condotel.

Planning Director Staab explained that any decision which is made by the City can be appealed, however, there is a statute of limitations on the time length to appeal and any decision would have to adhere to that schedule.

Councilman Walker commented that he wanted the project to work, but did not want it to affect something which may happen “down the road”.

Councilman Ballou questioned the differences between Special Use, Permitted Use and Conditional Use.

Councilman Taylor commented that the applicants have decided not to go forward with the project if it is classified under Special Use because of the necessary implications.

City Attorney Derek Taylor explained that there are two [2] paths to the appeal process; one if the administrative body made a mistake, someone can challenge the determination of the administrator under Permitted Use. That person could say the City got it wrong and it can be taken to the Board of Adjustment to determine if the decision was correct.

A Special Use applies a different set of standards; such as will this use interfere with the rights of people with regard to noise, traffic, other nuisances, etc. These are reviewed by the Board of Adjustment. The question here would be, “Did the City get it right by the process?”

Councilwoman Warrender commented that by reading the definition there are all kinds of businesses or buildings which can be built across from a residential area. She did not understand why the concept of a condotel was so frightening.

Councilman Walker stated he was afraid of taking away peoples’ rights.

Councilwoman Warrender replied that she lives five [5] blocks from this facility. It was a condominium for years and many people lived there. It will still remain a condo. Many people may want to stay just a night. There are motels and hotels all over Morehead City. The condotel is a business which is beneficial to the City. The Council has talked about maybe having to raise taxes again. If the City could get the type of businesses such as the proposed which pays such taxes, the necessity of a tax increase may be eliminated.

Mayor Jones called the question to vote on the motion for the adoption of the Ordinance as a Permitted Use.

City Attorney Nelson Taylor explained that according to procedure it was possible to vote on the single question of Permitted Use or Special Use. He restated that Councilman Taylor also spoke about the front desk service as being 24 hours/seven [7] days a week/365 days a year which could be added to the motion. He explained that this definition will apply to condotels in O & P District and that all condotels in Morehead City and its subject area shall have to have this definition.

Councilman Thompson called for the vote to adopt the Ordinance as a Permitted Use with the conditions as stated by the City Attorney. Councilman Thompson, Councilman Taylor and Councilwoman Warrender voted affirmative with Councilman Ballou and Councilman Walker voting opposed. [The motion needed a super majority to pass and will be on the September 9, 2014 Council Agenda at which time a simple majority will be needed for passage.]

Mayor Jones called for a five [5] minute recess. Upon returning from the recess the Council resumed the meeting.

Councilman Ballou MOVED, seconded by Councilman Walker to excuse Councilman Thompson from the meeting at 9:05 p.m.

V.A. New Business: Adopt Resolution 2014-33 to Authorize the Execution and Filing of an Application with the State of N.C. for a Loan or Grant to Aid in the Cost of the 2014 Wastewater Pumping Station and Force Main Improvements Project

City Manager Whitlow reported that the resolution must be adopted if Morehead City wants to apply for funding for the West End Sewer Improvements Project this year. The project will require approximately three [3] years to complete (2017). The purpose of the project is to reduce the existing and future flows through the sewers in the central portion of the Morehead City sewer system, which at this time are loaded since the original sewer lines were not designed for the west end growth that has occurred the past 30 years. The existing and future flows will be reduced in the older portion of the sewer system by constructing a regional type pump station at the Town's Arthur Farm Road property along with a new force main from the pump station site all the way back to the Morehead City Wastewater Treatment Plant.

The rate study prepared last fall included the project with an estimated cost of \$2,500,000 to be financed at 2.5% over 20 years. Current interest rate is 2.21%. There is no obligation for Morehead City to accept the funding if funding is offered.

Councilman Taylor MOVED, seconded by Councilwoman Warrender, and carried unanimously [Councilman Thompson excused] to Adopt Resolution 2014-33 to Authorize the Execution and Filing of an Application with the State of North Carolina for a loan or grant to aid in the cost of the 2014 Wastewater Pumping Station and Force Main Improvements Project. [Resolution 2014-33 is attached to and made a part of these minutes herein by reference.]

V.B. New Business: Approve the Execution of a Joint Memorandum of Understanding and Agreement between Wildwood Fire Department, Morehead City Fire Department and Carteret County, North Carolina

City Manager Whitlow reported that the Morehead City staff worked many months on consolidation of the Wildwood Fire Department with the Morehead City Fire/EMS Department. The Memorandum of Understanding and Agreement was a three-way agreement between Morehead City, the Wildwood Fire Department and Carteret County. Carteret County Commissioners unanimously approved the merger on July 21, 2014. The outcome of the merger should result in better service for the Wildwood Fire District and Morehead City will have more available responders and equipment available for improved service. The Public Safety Committee of the Council recommended approval of the agreement.

Councilwoman Warrender MOVED, seconded by Councilman Walker, and carried unanimously, [Councilman Thompson excused] to approve the execution of a Joint Memorandum of Understanding and Agreement between Wildwood Fire Department, Morehead City Fire Department and Carteret County, North Carolina. [The Memorandum of Understanding and Agreement is attached to and made a part of these minutes herein by reference.]

V.C. New Business: Authorize the City Staff to Seek Proposals for a Structural Assessment of the Charles Wallace School

City Manager Whitlow reported that with the completion of the Space Needs Analysis and the preference for renovation of the Charles Wallace School, the next procedure would be the further analysis of the condition and structural integrity of the building. MMM Design Group, the firm that completed the Space Needs Analysis, prepared a proposal to undertake such an assessment. The Public Works Committee recommended proceeding to procure costs for the assessment. It is estimated that it should cost approximately \$30,000.

Councilman Ballou MOVED, seconded by Councilman Taylor, and carried unanimously, [Councilman Thompson excused] to authorize the City Staff to seek proposals for a structural assessment of the Charles Wallace School.

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

Rodney Kemp thanked the Council for pursuing the next phase for a renovation of the Charles Wallace School building.

Eric Broyles, founding Chairman of the Morehead/Beaufort Tea Party, spoke against the City budget and tax increase which were adopted on June 24th. He spoke about the City projects which in his opinion were unnecessary and against the unessential charitable contributions which the City had in the budget. He requested that the City put the taxes back to the prior tax rate and he petitioned the Council for redress.

VII. City Manager's Report: Adopt Resolution 2014-36 Authorizing the Upset Bid Process for Disposal of Real Property located at:

- **304 North 25th Street - Former Rescue Squad Building**
- **101 North 5th Street - Former Public Utilities Building**
- **1706 Bay Street - Vacant Lot**

City Manager Whitlow reported that the Council reviewed City owned real estate properties to determine if any could be declared surplus. Three [3] such properties were identified:

- 304 North 25th Street - Former Rescue Squad Building
- 101 North 5th Street - Former Public Utilities Building
- 1706 Bay Street - Vacant Lot

The adoption of Resolution 2014-36 would allow the Council to accept offers for the purchase of the property, accept upset bids and accept or reject any or all offers. The Finance Committee of the Council has reviewed the proposal and was going to set a minimum bid price, but thought a listed minimum bid was unnecessary. The Council still retains the right to decline any and all bids.

Councilman Ballou MOVED, seconded by Councilman Taylor, and carried unanimously, [Councilman Thompson excused] to Adopt Resolution 2014-36 authorizing the upset bid process for disposal of real property located at 304 North 25th Street - former Rescue Squad Building; 101 North 5th Street - former Public Utilities Building; 1706 Bay Street - vacant lot. The Council can accept offers for purchase of the property, accept upset bids and accept or reject any or all offers. [Resolution 2014-36 is attached to and made a part of these minutes herein by reference.]

VIII. Council Requests/Comments

Councilwoman Warrender questioned the letter she received from Maggie Chalk regarding the Jib property project. She assumed that the City will no longer be working with Maggie Chalk on that project.

City Manager Whitlow explained that when the project was changed the City no longer required the need for an architect but has retained the services of an engineer. If certain features are added in the future, the City can once again retain the architectural services of Maggie Chalk.

Councilman Ballou explained that the vote he cast on the O & P District change was not against having a hotel in downtown Morehead City. He was voting against the process of how the City got to the decision. He was of the opinion that it was dangerous to change decisions in midstream. He would like to see a hotel in downtown Morehead City and thinks it would be a great asset. The developers will do an excellent job, however, it was still his opinion that the project should be classified as a Special Use.

Mayor Jones reminded everyone that “Alive at Five” with *Liquid Pleasure* was this coming Friday.

IX. CLOSED SESSION as per G.S. 143.318.11[a][3] to approve the CLOSED SESSION MINUTES of Tuesday, July 8, 2014; to receive an update on

the Martin vs. Town of Morehead City and D.H. Griffin vs. Town of Morehead City litigation; and other Potential Litigation from the City Attorney

There was no **CLOSED SESSION**.

X. Adjournment:

There being no further business, the meeting was adjourned at 9:20 p.m.

Gerald A. Jones, Jr., Mayor

Attest:

Jeanne M. Giblin, City Clerk

B.

TOWN OF MOREHEAD CITY
 REQUESTED REFUNDS
 AS OF 8/31/2014
 PREPARED BY SHIRL MEADOWS, TAX COLLECTOR

Tax Year	Payee/Taxpayer	Parcel No. and/or Account No.	Requested by/ Refund to	Amount of Tax & Interest Paid	Amount of Interest Due	Total Refund	Reason
2014	B ASHE EXUM SR ETUX ANITA	40574	B ASHE EXUM SR ETUX ANITA 3105 EVANS ST MOREHEAD CITY, NC 28557	44.51		44.51	DISCOUNT
2010	CVC HOME MEDICAL INC	164234	CVC HOME MEDICAL INC PO BOX 10731 WILMINGTON, NC 28404	4.72		4.72	2010 TX YR-REDUCTION IN VALUE PER COUNTY AUDIT (10-3199-110-SARAH L)
						49.23	

DATE _____

BOARD APPROVED
 REMARKS _____

CITY CLERK _____

MOREHEAD CITY NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



COUNCIL
George W. Ballou, *Mayor Pro Tem*
Demus L. Thompson
William F. Taylor
Diane C. Warrender
Harvey N. Walker, Jr.

202 South 8th Street
Morehead City, North Carolina 28557-4234
TEL (252) 726-6848
FAX (252) 222-3082
www.moreheadcity.nc.gov

David S. Whitlow
City Manager

TO: Honorable Mayor and Town Council

FROM: Shirl Meadows, Tax Collector

SUBJECT: Tax Collection Report

DATE: September 3, 2014

TOWN LEVIED TAXES:

The following taxes were collected for the month of August 2014:

2014	\$ 2,877,735.48	2009	\$ 0.00	2004	\$ 0.00
2013	\$ 9,672.96	2008	\$ 0.00	2003	\$ 0.00
2012	\$ 194.57	2007	\$ 0.00		
2011	\$ 0.00	2006	\$ 0.00	OTHER	
2010	\$ 0.00	2005	\$ 0.00	PENALTIES	\$ 801.50

The following is fiscal year to date tax information through August 31st, 2014 with comparatives to 2013:

	<u>2014</u>	<u>2013</u>
Tax Scroll (Net Levy)	6,048,005.75	5,737,557.44
Taxes collected (incl. discounts, net of refunds)	2,877,970.48	2,912,918.97
Balance due on taxes	3,170,035.27	2,824,638.47
Percentage of tax collected to date	47.59%	50.77%
Prior year taxes collected to date (net of refunds)	16,958.46	13,648.64
Prior year taxes outstanding	72,107.33	68,434.95
Interest and penalties collected to date (net of refunds)	1,769.58	1,310.37

Notes:

1. Overpayments for August 2014 totaled \$6,085.62. Refunds requested totaled \$49.23.
2. Attachments and garnishments are used as a means of collection on delinquent taxes.

MOTOR VEHICLE TAXES:

Carteret County collected the following taxes for the fiscal year through June 30th, 2014 with comparative information for 2013. The County collects and remits these taxes to the Town, net of a 1½% collection fee.

	<u>7/31/14</u>	<u>7/31/13</u>
Fiscal year to date tax levy	0.00	33,209.37
Interest billed on taxes	0.00	349.50
Total billed	0.00	33,558.87
Current year taxes collected	0.00	11,044.37
Prior year taxes collected	0.00	5,864.49
Interest collected	0.00	349.50
Collection fee charged (Both systems)	0.00	256.53
Percentage of tax collected to date	0.00%	33.26%

The above figures for 2014 are a combination of the old County motor vehicle billing/collecting system and the new Tax & Tag system run by the Department of Revenue. No money has been received from the county for July 2014 or August 2014.

MOREHEAD CITY NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



COUNCIL
George W. Ballou, Mayor Pro Tem
Demus L. Thompson
William F. Taylor
Diane C. Warrender
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David S. Whitlow
City Manager

TO: Honorable Mayor and Town Council

FROM: Ellen Sewell, Finance Director

SUBJECT: Finance Report

DATE: Sept. 2, 2014

Reported below are cash and investment balances and interest rates for the Town of Morehead City for August, 2014. Also, reported are prior year comparative balances for the same period:

	<u>August, 2014</u>	<u>August, 2013</u>
Central Depository Funds		
<u>Unrestricted Funds</u>		
Branch Bank & Trust-General disb. acct. (A)	\$ 3,210,798.07	\$ 643,302.37
Branch Bank & Trust-Money Rate acct. (.10%)	4,614,965.87	7,524,400.06
Branch Bank & Trust Cert. Of Deposit	-0-	900,000.00
Branch Bank & Trust Cert. Of Deposit (various rates)	1,000,000.00	1,000,000.00
North Carolina Capital Mgmt. Trust-		
Cash Account (.01%)	226,374.57	310,593.01
Term Account (.08%)	5,025,676.40	2,701,857.67
Finistar (.18%)	<u>2,159,025.13</u>	<u>2,155,031.21</u>
Total-unrestricted cash and investments	16,236,840.04	15,235,184.32
<u>Restricted Funds</u>		
Branch Bank & Trust-Employee reimb. acct.	47,237.70	42,861.12
Branch Bank & Trust-USDA required restricted accts.	130,670.86	-0-
Branch Bank & Trust-USDA required restricted CD(s)	<u>22,139.00</u>	<u>117,587.00</u>
Total-restricted cash and investments	200,047.56	160,448.12
Total cash and investments-August 31	16,436,887.60	15,395,632.44
Total cash and investments-July 31	14,020,133.65	12,852,465.30
Increase (decrease)	2,416,753.95	2,543,167.14
Interest earned August	993.46	1,321.24
Interest earned fiscal year to date	\$ 2,105.66	\$ 2,975.62

Loan Escrow Funds

Branch Bank & Trust-Water Treatment		
Capital Project Fund interim loan proceeds (B)	\$ -0-	\$ 3,434,101.70

(A) Town began maintaining a \$2,500,000 minimum balance in the general disbursement account to reduce bank service charges in April, 2014. The interest rate equivalent on the service charge reduction is ~.25%.

(B) The Water Treatment Plant Project loan escrow funds were fully expended at 4/30/2014.

C.



MEMORANDUM

TO: The Honorable Mayor and Town Council
David Whitlow, City Manager

FROM: Linda V. Staab, Planning Director

RE: Highway 70/Industrial Drive Annexation Request

DATE: August 26, 2014

- A. The Parcel Identification Numbers under consideration for annexation (635612871208000/635612870422000) are contiguous to the present city limits. The parcels contains approximately 0.77 acre and are zoned CH (Highway Commercial District).
- B. The site in question is part of a subdivision and will fragment a subdivision.
- C. The current tax value of the property is estimated to be \$359,587. Based on a 345-cent [\$0.345] tax rate, \$1,240.58 in tax revenues would be generated.
- D. Water and sewer will be accessed from Highway 70 and Industrial Drive. All costs associated with extending the water/sewer service to the newly annexed property will be the responsibility of the owner.

LVS/sw

MOREHEAD CITY
NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



COUNCIL

George W. Ballou, *Mayor Pro Tem*
Demus L. Thompson
William F. Taylor
Diane C. Warrender
Harvey N. Walker, Jr.

202 South 8th Street
Morehead City, North Carolina 28557-4234
TEL (252) 726-6848
FAX (252) 222-3082
www.moreheadcity.nc.gov

David S. Whitlow
City Manager

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Morehead City, North Carolina

I, Jeanne M. Giblin, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31(c), as amended.

In witness whereof, I have hereunto set my hand and affixed the Seal of the Town of Morehead City, this the 9th day of September, 2014.

Jeanne M. Giblin, City Clerk

MOREHEAD CITY
NORTH CAROLINA



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David S. Whitlow
City Manager

**TOWN OF MOREHEAD CITY
RESOLUTION NO. 2014-37**

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition has been received by the Town Council of the Town of Morehead City; and

WHEREAS, G.S. 160A-31(c) provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Morehead City, deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Morehead City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation.

Gerald A. Jones, Jr., Mayor

ATTEST:

Jeanne Giblin, City Clerk

ADOPTED: Tuesday, September 9, 2014

MOREHEAD CITY
NORTH CAROLINA

Gerald A. Jones, Jr., Mayor

COUNCIL
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David S. Whitlow
City Manager

RESOLUTION NO. 2014-38

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the Town Council of the Town of Morehead City has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Morehead City, North Carolina;

Section 1. That a public hearing on the question of annexation of the contiguous area described herein will be held at the Council Chambers, 2nd floor, 202 South 8th Street, Morehead City, at 5:30 o'clock p.m. on the 20th day of October, 2014.

Section 2. The area proposed for annexation is described as follows:

Exhibit "A"

WILLIAMS FAMILY PROPERTIES, LLC PER DEED BOOK 1179 PAGE 274:

BEGINNING AT AN IRON PIPE FOUND AT THE CENTERLINE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF HWY 70 & THE EASTERN RIGHT OF WAY OF INDUSTRIAL DRIVE, THENCE ALONG THE NORTHERN RIGHT OF WAY OF HWY 70 S64-33-00 E 116.10' TO AN IRON PIPE FOUND, ON THE NORTHERN RIGHT OF WAY OF HWY 70, THE POINT AND PLACE OF BEGINNING. THENCE LEAVING SAID RIGHT OF WAY N 25-29-53 E LENGTH: 229.83 TO AN IRON PIPE FOUND THENCE N 25-02-13 E LENGTH: 50.00 TO AN IRON PIPE FOUND THENCE S 64-28-09 E LENGTH: 100.00 TO AN IRON PIPE FOUND THENCE S 25-27-11 W LENGTH: 279.69 TO AN IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF HWY 70 THENCE ALONG SAID HWY 70 N 64-33-00 W LENGTH: 99.82' TO AN IRON PIPE FOUND, THE POINT AND PLACE OF BEGINNING CONTAINING: AREA: 27,904 SQ. FT. 0.64 ACRES

WILLIAMS FAMILY PROPERTIES, LLC PER DEED BOOK 1179 PAGE 274:

BEGINNING AT AN IRON PIPE FOUND AT THE CENTERLINE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF HWY 70 & THE EASTERN RIGHT OF WAY OF INDUSTRIAL DRIVE, THENCE ALONG THE NORTHERN RIGHT OF WAY OF HWY 70 S64-33-00 E 116.10' TO AN IRON PIPE FOUND, ON THE NORTHERN RIGHT OF WAY OF HWY 70, THENCE N 25-29-53 E LENGTH: 229.83 TO AN IRON PIPE FOUND, THE POINT AND PLACE OF BEGINNING. THENCE N 64-30-05 W LENGTH: 115.99 TO AN IRON PIPE FOUND ON THE EASTERN RIGHT OF WAY OF INDUSTRIAL DRIVE, THENCE WITH THE EASTERN RIGHT OF WAY OF INDUSTRIAL DRIVE N 25-01-43 E LENGTH: 50.07 TO AN IRON PIPE FOUND, THENCE LEAVING SAID RIGHT OF WAY S 64-28-09 E LENGTH: 116.00 TO AN IRON PIPE FOUND, THENCE S 25-02-13 W LENGTH: 50.00 TO THE POINT AND PLACE OF BEGINNING CONTAINING: AREA: 5,804 SQ. FT. 0.13 ACRES.

Gerald A. Jones, Jr., Mayor

ATTEST:

Jeanne Giblin, City Clerk

ADOPTED: Tuesday, September 9, 2014

**TOWN OF MOREHEAD CITY
NOTICE OF PUBLIC HEARING ON REQUEST
FOR CONTIGUOUS ANNEXATION**

The public will take notice that the Town Council of the Town of Morehead City has called a public hearing at 5:30 p.m. on the 20th day of October, 2014, at the Council Chambers, 2nd floor, 202 South 8th Street on the question of annexing the following described contiguous territory, requested by Williams Family Properties, LLC located at 5192 Highway 70/Industrial Drive by petition filed pursuant to G.S. 160A-31, as amended.

Exhibit "A"

WILLIAMS FAMILY PROPERTIES, LLC PER DEED BOOK 1179 PAGE 274:

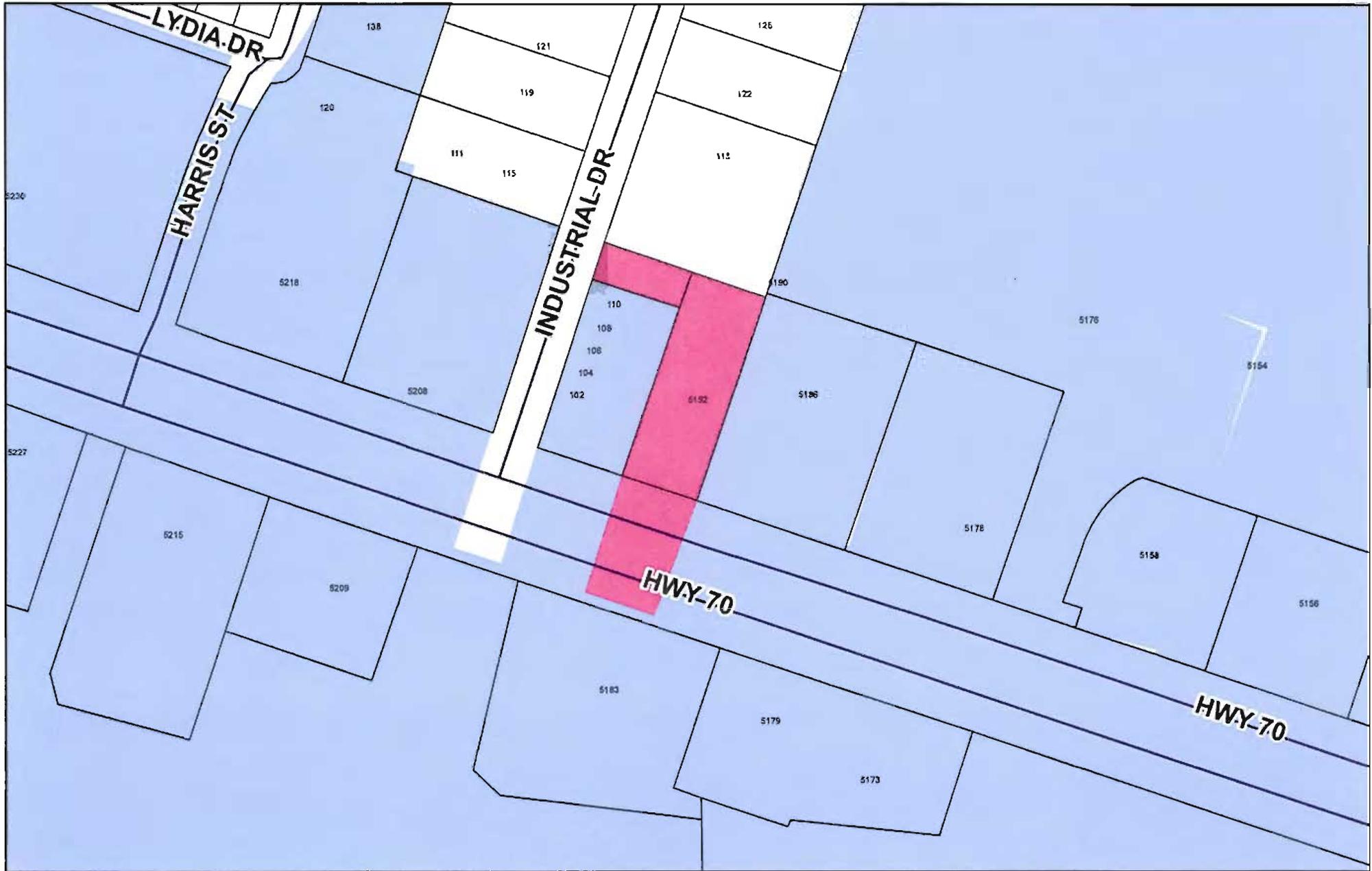
BEGINNING AT AN IRON PIPE FOUND AT THE CENTERLINE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF HWY 70 & THE EASTERN RIGHT OF WAY OF INDUSTRIAL DRIVE, THENCE ALONG THE NORTHERN RIGHT OF WAY OF HWY 70 S64-33-00 E 116.10' TO AN IRON PIPE FOUND, ON THE NORTHERN RIGHT OF WAY OF HWY 70, THE POINT AND PLACE OF BEGINNING. THENCE LEAVING SAID RIGHT OF WAY N 25-29-53 E LENGTH: 229.83 TO AN IRON PIPE FOUND THENCE N 25-02-13 E LENGTH: 50.00 TO AN IRON PIPE FOUND THENCE S 64-28-09 E LENGTH: 100.00 TO AN IRON PIPE FOUND THENCE S 25-27-11 W LENGTH: 279.69 TO AN IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF HWY 70 THENCE ALONG SAID HWY 70 N 64-33-00 W LENGTH: 99.82' TO AN IRON PIPE FOUND, THE POINT AND PLACE OF BEGINNING CONTAINING: AREA: 27,904 SQ. FT. 0.64 ACRES

WILLIAMS FAMILY PROPERTIES, LLC PER DEED BOOK 1179 PAGE 274:

BEGINNING AT AN IRON PIPE FOUND AT THE CENTERLINE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF HWY 70 & THE EASTERN RIGHT OF WAY OF INDUSTRIAL DRIVE, THENCE ALONG THE NORTHERN RIGHT OF WAY OF HWY 70 S64-33-00 E 116.10' TO AN IRON PIPE FOUND, ON THE NORTHERN RIGHT OF WAY OF HWY 70, THENCE N 25-29-53 E LENGTH: 229.83 TO AN IRON PIPE FOUND, THE POINT AND PLACE OF BEGINNING. THENCE N 64-30-05 W LENGTH: 115.99 TO AN IRON PIPE FOUND ON THE EASTERN RIGHT OF WAY OF INDUSTRIAL DRIVE, THENCE WITH THE EASTERN RIGHT OF WAY OF INDUSTRIAL DRIVE N 25-01-43 E LENGTH: 50.07 TO AN IRON PIPE FOUND, THENCE LEAVING SAID RIGHT OF WAY S 64-28-09 E LENGTH: 116.00 TO AN IRON PIPE FOUND, THENCE S 25-02-13 W LENGTH: 50.00 TO THE POINT AND PLACE OF BEGINNING CONTAINING: AREA: 5,804 SQ. FT. 0.13 ACRES.

Jeanne M. Giblin, City Clerk

Please advertise:
Legal Section



Contiguous Annexation Request

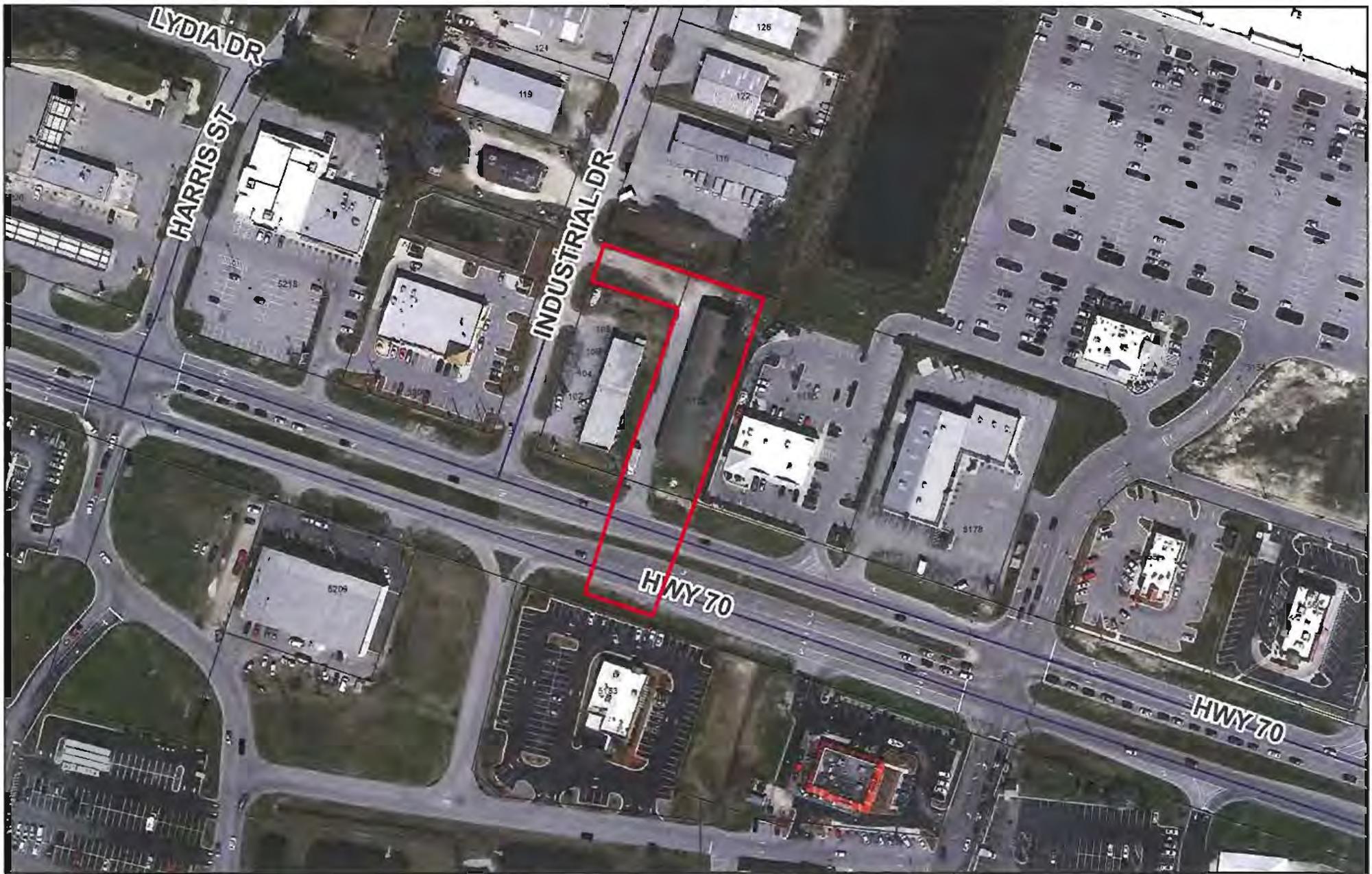


Williams Family Properties LLC

art L41 L43 Industrial Park



Prepared by: Town of Morehead City
 Planning Department
 August 2014



Contiguous Annexation Request



Williams Family Properties LLC

Part L41 L43 Industrial Park



Prepared by: Town of Morehead City
Planning Department
August 2014

Al Williams Properties

REAL ESTATE SALES AND DEVELOPMENT

Atlantic Beach Causeway, P.O. Box 2385, Atlantic Beach, NC 28512
Telephone (252) 726-8800 • Fax (252) 726-7600
www.alwilliamsproperties.com

David Whitlow, City Manager
Town of Morehead City
706 Arendell Street
Morehead City, NC 28557

RE: Voluntary Annexation Request

Dear Mr. Whitlow:

As the owner of the below referenced property, I would like the Town Council to consider my request for annexation. The property in question is located at 5192 Highway 70 West, Morehead City N.C. and the property is currently developed and zoned Commercial Highway. The size of the tract is .77 acres and is contiguous to the city limits.

A) The tax evaluation data for the property is as follows:

1. Tax Parcel Numbers – 6356 12 87 1208; 6356 12 87 0422
2. Owner as listed on the Deed - Williams family Properties, LLC
3. Tax Value of Properties – \$553,262.00 combined (\$510,692.; \$42,750.)

B) The anticipated impact to City services is approximately 17 gallons per day for Water/Sewer.

C) The anticipated impact fee is \$ NA.

D) Enclosed, please find the following information:

1. Copy of the Annexation Survey and Legal Description of the Property;
2. Copy of All Deeds for the Area to be Annexed to verify ownership;
3. Flat fee of \$300.00 for application; Applicant understands he is responsible for advertising and recording costs associated with the annexation request

Any additional information may be obtained by contacting Al Williams, IV at 252-726-8800.

Sincerely,



Alfred Williams, IV, Manager for Williams Family Properties, LLC

Notary: Carmen Wicks (Carmen Wicks), Carteret County, North Carolina
Commission expires: 4-12-19

D.

MOREHEAD CITY
NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



COUNCIL
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David S. Whitlow
City Manager

**TOWN OF MOREHEAD CITY
RESOLUTION 2014-39
OPPOSING THE NATIONAL PARK SERVICE'S DRAFT OFF-ROAD VEHICLE
MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT FOR CAPE
LOOKOUT NATIONAL SEASHORE**

WHEREAS, the National Park Service is developing an Off-Road Vehicle Management Plan/Environmental Impact Statement and regulations for Cape Lookout National Seashore; and

WHEREAS, the Morehead City Council feels any change in current policy will pose a hardship for visitors to Cape Lookout National Seashore by limiting their ability to observe all the beauty of this unique National Park due to the difficulty in carrying fishing equipment, coolers, chairs, etc. to the more remote areas of the island; and

WHEREAS, Cape Lookout National Seashore is one of Carteret County's greatest tourist attractions and it provides a significant economic impact to the Town of Morehead City; and

WHEREAS, based on the Cape Lookout National Park statistics, visitation to the Park has declined significantly in the past several years; and

WHEREAS, the Morehead City Council feels that any proposed additional limitations for off-road vehicles will result in further reductions of visitors to the Cape Lookout National Seashore.

NOW, THEREFORE, BE IT RESOLVED, that the Morehead City Council is opposed to any proposed limitations for off-road vehicular traffic at the Cape Lookout National Seashore.

ADOPTED, this the 9th day of September, 2014.

Gerald A. Jones, Jr., Mayor

Attest:

Jeanne M. Giblin, City Clerk

E.

MEMORANDUM

TO: MAYOR & CITY COUNCIL
FROM: DAVID MCCABE, PUBLIC WORKS DIRECTOR
SUBJECT: MARINA MANAGEMENT AGREEMENT
DATE: SEPTEMBER 2, 2014
CC: DAVID WHITLOW, CITY MANAGER

At our last Public Works Committee meeting a proposed extension of our Morehead Docks (Jaycee Park) Marina Management Agreement was reviewed and discussed. Our current agreement is with Denard Harris, Portside Marina and expires October 31 of this year. A copy of the proposed agreement is attached.

The proposal extends the agreement's term for an additional two years. It also provides for additional one or two year extensions. Other terms remain the same including the rate of compensation.

After discussion the Committee agreed to recommend to Council to extend the current Marina Management Agreement with Denard Harris of Portside Marina.

**STATE OF NORTH CAROLINA
COUNTY OF CARTERET**

**MARINA MANAGEMENT
AGREEMENT EXTENSION**

THIS AGREEMENT made this the 1st day of November, 2014 by and between the **Town of Morehead City**, a municipal corporation in Carteret County, North Carolina, organized and operating pursuant to its Charter and the laws of the State of North Carolina (hereinafter "Town"), and Portside Marina/Waterfront Ferry Service, Inc., 209 Arendell St., Morehead City, North Carolina (hereinafter "Manager").

WHEREAS, the Town of Morehead City has constructed and owns certain public marina facilities within the riparian areas of two lots owned by the Town tax parcel id # 638619608613000 and 638619606692000, generally known as "Jaycee Park"), said marina facilities being located along, over, adjacent to or near the waters of a navigable channel of Bogue Sound commonly known as Town Channel which is north of Sugarloaf Island and the relevant portion thereof being bounded on the south by that island, on the east by the west property line of the Jernigan property (parcel id # 638619609673000) extended, on the west by the east margin of 9th Street right-of-way extended, and on the north by a bulkhead running along and with the southern property line of the Town's above identified property (hereinafter "Marina").

WHEREAS, the Town desires to engage a manager to promote, oversee, manage and operate the facilities associated with the Marina, those operations being more particularly described in this Agreement; and

WHEREAS, Town has determined to enter into a management agreement with Manager for provision of those services; and

WHEREAS, Manager has agreed to enter into this Agreement and to accept responsibility for management of the Marina facilities;

NOW THEREFORE, for the consideration herein stated, in consideration of the benefits and mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency thereof being hereby confirmed, the parties have agreed to be bound by the following terms, conditions and covenants:

1. **Term.** The term of this Agreement shall be for two years, beginning on the date of this Agreement which is indicated above.

2. **Compensation.** Manager shall retain Seventy-Five (75%) of the gross rentals and other user fees and other charges (herein sometimes "user fees") of boat slips within the Marina for the one year term. Manager shall pay in 12 monthly installments Twenty-Five (25%) of the gross rental and user fees and other charges, due and payable by the 10th of the month next after receipt by the Manager to the attention of Finance Director, Town of Morehead City, 706 Arendell Street, Morehead City, North Carolina 28557.

3. **Marina Facilities.** Marina facilities include, and the Manager will be responsible for, management of, all docks, piers, ramps, moorings, pilings, and any other vessel berthing facilities on the Marina property. The Town will be responsible for maintenance of all docks, piers, ramps, moorings, pilings, and any other vessel berthing facilities on the Marina property.

4. **Extension.** Upon satisfactory review of the management's prior performance including without limitation, the rental income history for the boat slips and with the mutual consent of the parties this agreement may be extended for additional one or two year periods at the percentage of rentals mutually negotiated for the extended term. The transfer of funds will be payable in the same manner as indicated in paragraph 2 above.

5. **Management Responsibilities and Requirements.** The Manager will oversee, manage, and operate the above described Marina Facilities in a professional manner and the responsibilities of such oversight, management, and operation shall include, without limitation:

- A. Slip Assignments. Assign slips and register vessels and users of the boat slips. Manager will use a mutually acceptable rental form. No slip identified by Town as a transitory slip may be rented to a user for a period exceeding 10 days.
- B. Assist Users. Assist Marina Facility users with docking while Manager is on site.
- C. Book Reservations. Take and maintain slip reservations.
- D. Waiting Lists. Create, maintain, and provide slip waiting lists as requested.
- E. Radio Communications. Provide radio contact/communications with potential arriving and departing boat slip users.
- F. Security Cameras. Manager shall provide a security camera system, computers, point of sale equipment and other office equipment necessary to operate a boat slip management enterprise. Equipment supplied by the Manager shall remain property of the Manager up to and at the conclusion of this agreement.
- G. Enforce Rules. Report violations of Marina Facility rules and regulations and relevant laws to the Town or to proper authorities (e.g. Morehead City Police, U. S. Coast Guard, N. C. Wildlife).
- H. Collect Fees. Collect and keep an accounting of all user fees and charges received from users of boat slips. All rates for fees and other charges shall be set by the Town with the mutual consent of the Manager.

Manager will make payment of all collected fees and costs to the Town on at least a monthly basis and in accordance with paragraph #2.

- I. Record of Fees. Upon demand, provide for the Town's inspection of all books and accounts of the Manager related to collections of user fees and other charges.

- J. Monthly Reports. On the first day of every month during this Agreement's term, provide a monthly report to the Town which shall include the following information:
 1. Monthly collections for the immediately preceding calendar month and year to date collections
 2. Slip Occupancy
 3. Traffic volumes
 4. Marketing promotions completed and suggested marketing plans
 5. Accident reports (injuries and property damage) that may result in claims and/or complaints made by Marina Facility users.
 6. Potential litigation
 7. Safety and environmental incidents or concerns.
 8. Required or recommended facility maintenance, repairs, or replacements
 9. Suggestions for improvements to facilities, uses, or activities
 10. Injury to persons and property damage.

- K. Cash management and deposit. Make deposits when available (minimum weekly) of all collected fees and other charges related to the Marina Facility into a separate bank account (separate from any other account of Manager) maintained solely for that purpose and for payment to the Town. No other monies shall be deposited into this account.

- L. Credit Card Processing. Process credit card transactions and deposit the gross proceeds into the account described in item "K" above. Credit card

and bank fees will be deducted from gross revenues prior to disbursements.

- M. Vessels Holding Over. Notify any user of the Marina Facilities improperly occupying or otherwise using the Marina Facilities, or holding over after the permitted time for such use has expired, that they must vacate such facilities or be potentially subject to criminal and civil penalties. If such occupants still refuse to vacate the facilities, Manager will notify the Town, and the Town may take whatever remedial actions it shall determine to be appropriate. Manager will have no obligation regarding illegal, unauthorized, or hold over occupants beyond notifying the Town as provided herein.
- N. Supervision of Facility. Make necessary site visits, and monitor site via camera system. Maintain VHF radio monitoring for provision of services in accordance with this agreement. Manager agrees to provide services as needed.
- O. After Hours Contact. Maintain an after-hours automated answering machine and post the phone number on the Marina Facilities at a location agreed upon by the parties.
- P. Utilities. Town to provide all utilities including electric, water and sewer and phone service currently utilized for the Morehead City Docks. Manager shall provide additional phone lines as needed for security systems and point of sale equipment.
- Q. No Construction or Liens. Manager may not make or cause to be made any structural changes or any other alterations or additions in or to any building, dock, utility, or to any equipment or other facility, nor incur any expense chargeable to Town without the prior written consent of the Town. Manager shall not cause or allow any lien to be placed upon any property of the Town.

- R. Marketing. Manager will assist in making the boating public aware of the Marina Facilities. Manager will coordinate and assist local businesses to attract visiting marina guests to the downtown Morehead City area via promotions, maps, welcome letters, discounts and other programs designed to increase traffic to their businesses.
- S. Comply with All Laws and Regulations. Manager will ensure that the Marina Facilities are managed in compliance with all federal, state and local laws and regulations. Manager shall not discriminate against any persons in its hiring practices or in its oversight, management, and operations of the Marina Facilities in a manner that would violate federal or state law. In order to protect the life and health of the general public in Manager's performance of this Agreement, the Manager will comply with the general safety orders covering marina operations which are or may be issued or promulgated by the Industrial Commission of North Carolina and Occupational Safety and Health Act of 1970. Nothing in this Agreement will relieve Manager of responsibility to comply with such regulations or state and local laws and ordinances.
- T. Provide for an Environmentally Responsible Operation. Management will take positive action to minimize negative effects on the natural environment from operation and maintenance of the Marina Facilities by immediately reporting any environmental incidents (e.g., spills, sewage discharge, littering, etc.) to the proper agency (e.g., U. S. Coast Guard, North Carolina Wildlife, Morehead City Police) upon discovery of the same.
- U. Cooperation and Integration With Other Town Activities. Manager will cooperate and coordinate with festival, boat show, and tournament activities planned by the Town or those granted authority by the Town.
6. **Independent Contractor.** Manager states and affirms that he is acting as an independent contractor, holding himself out to the general public as an independent contractor for other work or contracts as he sees fit; that he advertises his

services as he sees fit to the general public, maintains his office or place of employment separate from Town, and that this Agreement is not exclusive of other agreements, contracts or opportunities. The parties intend that an independent contractor relationship will be created by this Agreement. Town is interested only in the results to be achieved and the conduct and control of the work will lie solely with Manager. Manager is not to be considered an agent of the Town and in no event shall Manager be considered an employee of the Town. Neither the Manager nor the employees of Manager are entitled to any of the benefits that the Town provides for Town's employees. It is understood that while this agreement is in good standing, the Town agrees that Manager will be the exclusive manager of the Jaycee Park docks. It is further understood that Manager is free to contract for similar services to be performed for others while working under the provisions of this Agreement with Town. Both parties agree that Manager shall be deemed an independent contractor in the performance of this Agreement, and Manager shall comply with all laws regarding unemployment insurance, disability insurance, and workers' compensation. As a contractor, Manager shall have no authorization, express or implied, to bind the Town to any agreement, settlement, liability, or understanding whatsoever, and agrees not to perform any acts as agent for the Town unless expressly allowed in this Agreement. The compensation provided for herein shall be the total compensation payable hereunder by the Town.

7. **Liability Insurance.** Manager will obtain and maintain Liability Insurance in the amount of \$1,000,000, with a \$2,000,000 aggregate through an appropriate local Insurance Carrier. Manager will have the Town listed as an additional insured and will provide evidence of such insurance to the Town within ten (10) days of the date of this Agreement. Manager shall not cancel the insurance nor let it lapse without first providing the Town with a fifteen (15) day notice before such cancellation or lapse.

8. **Save Harmless and Indemnity.** Manager agrees to hold the Town free and harmless from any and all damages/claims that may occur during the term of this Agreement which are caused by Manager or Manager's employees, contractors, agents, affiliates, or others acting on Manager's behalf. The Manager shall indemnify and defend the Town from all loss, damage, cost, expense (including attorneys' fees), liability, or claims for personal injury (including death) or property damage incurred or

occurring in, on, or about the Marina Facilities which are caused by Manager or Manager's employees, contractors, agents, affiliates, or others acting on Manager's behalf. To the extent allowed by law, the Town shall indemnify and defend the Manager from all loss, damage, cost, expense (including attorneys' fees), liability, or claims for personal injury (including death) or property damage incurred or occurring in, on, or about the Marina Facilities which are caused by the Town or the Town's employees, contractors, agents, affiliates, other than the Manager or those acting on Manager's behalf. Each party's agreement to hold the other harmless, and the indemnities contained in this section, shall survive termination of this Agreement and shall apply as if this Agreement were still in effect. Nothing herein is intended to waive, nor shall it be interpreted or deemed to be a waiver of, any immunity or other defense available to either party.

9. **Termination.** The parties shall have the right to terminate this contract at any time by giving thirty (30) days written notice of such termination to the other party. In the event the Town or the Manager shall give such notice of termination, at the end of these thirty (30) days, Manager will immediately cease rendering services pursuant to this Agreement and:

- A) Manager shall promptly deliver to Town all fees and other charges collected and copies of all information prepared, or required to be prepared, by Manager pursuant to this Agreement.
- B) Manager will pay to Town his/her/its relevant percentage of slip rentals tendered to the Town.

10. **Assignment.** Manager may not and will not assign the performance of this Agreement, nor any portion thereof, to others without the prior expressed written consent of the Town.

12. **General.**

- A. Headings and Gender. All headings and subheadings employed within this Agreement are only for convenience and ease of reference and are

not to be considered in the construction or interpretation of any provision of this Agreement. Whenever the context of any provision shall require it, the singular number shall be held to include the plural number, and vice versa, and the use of any gender shall include any other and all genders.

- B. Force Majeure. Any delays in the performance of any obligation of Manager under this Agreement shall be excused to the extent that such delays are caused by wars, national emergencies, natural disasters, strikes, labor disputes, utility failures, governmental regulations, riots, adverse weather, adverse traffic conditions and other similar cause not within the control of Manager, and any time periods required for performance shall be extended accordingly.

- C. Complete Agreement. This Agreement, including any specified attachment, constitutes the entire agreement between Town and Manager with respect to the management and operation of the Marina Facilities and supersedes and replaces any and all previous management agreements entered into and/or negotiated between the parties. No change to this Agreement shall be valid unless made by supplemental written agreement executed and approved by both parties. Each party to this Agreement hereby acknowledges and agrees that the other party has made no warranties, representations, covenants, or agreements, express or implied, to such party, other than those expressly set forth herein, and that each party, in entering into and executing this Agreement, has relied upon no warranties, representations, covenants, or Agreements, express or implied to such party, other than those expressly set forth herein.

- D. Rights Cumulative, No Waiver. No right or remedy herein conferred upon or reserved to either of the parties to this Agreement is intended to be exclusive of any other right or remedy, and each and every right and remedy shall be cumulative and in addition to any other right or remedy given under this Agreement or now or hereafter legally existing upon the occurrence of an event of default under this Agreement. The failure of either party to this Agreement to insist at any time upon the strict

observance or performance of any of the provisions of this Agreement, or to exercise any right to remedy as provided in this Agreement, shall not impair any such right or remedy nor be construed as a waiver or relinquishment of such right to remedy with respect to subsequent defaults. Every right and remedy given by this Agreement to the parties to it may be exercised from time to time and as often as may be deemed expedient by those parties.

- E. Applicable Law and Partial Invalidity. The execution, interpretation and performance of this Agreement shall in all respects be controlled and governed by the laws of the State of North Carolina. If any part of this Agreement shall be declared invalid or unenforceable, either party shall have the option to terminate this Agreement by notice to the other party or to continue the Agreement with the invalid or unenforceable part being stricken and removed, leaving all other portions of the Agreement in full force and effect.
- F. Notices. Any notices, demands, consents, and reports necessary or provided for under this Agreement shall be in writing and shall be addressed as follows, or at such other address as the Town and/or Manager may later specify hereafter in writing:

Manager: **Denard Harris
Portside Marina/
Waterfront Ferry Service, Inc.
209 Arendell St.
Morehead City, NC 28557**

Town: **Town of Morehead City
Attention: Town Manager
706 Arendell Street
Morehead City, NC 28557**

Such notice or other communication may be mailed by United States registered or certified mail, return receipt requested, postage prepaid, and may be deposited in a United States Post Office or a depository for the receipt of mail regularly maintained by the post office. Such notices,

demands, consents, and reports may also be delivered by hand or by any other receipted method or means permitted by law. For purposes of this Agreement, notices shall be deemed to have been "given" or "delivered" upon personal delivery thereof or three days after having been deposited in the United States mails as provided herein.

IN WITNESS WHEREOF, the parties hereto have affixed or caused to be affixed their respective signatures the date first above written.

ATTEST:

TOWN OF MOREHEAD CITY

Jeanne Giblin, Town Clerk

By: _____

Gerald A. Jones, Mayor

(Town Seal)

By: _____

Denard Harris, Manager

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

I, _____, a Notary Public, do hereby certify that Jeanne Giblin personally came before me this day and, who being by me duly sworn, says and acknowledged that she is Town Clerk of the Town of Morehead City, a North Carolina municipal corporation, that she knows the common seal of said Town and is acquainted with the Mayor of said Town, Mr. Gerald A. Jones, Jr., and that, by authority duly given and as the act of the Town, the foregoing instrument was signed in her presence, in the Town's name by its Mayor, sealed with the Town's seal, and attested by her as Town Clerk.

WITNESS my hand and notarial seal, this the _____ day of October. 2014.

Notary Public Signature

My commission expires: _____

STATE OF NORTH CAROLINA
CARTERET COUNTY

I, _____, the undersigned Notary Public of the County and State aforesaid, certify that Denard Harris personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal, this the _____ day of October. 2014.

Notary Public Signature

My commission expires: _____

F.

MEMORANDUM

TO: MAYOR & CITY COUNCIL
FROM: DAVID MCCABE, PUBLIC WORKS DIRECTOR
SUBJECT: PLANNING & DESIGN SERVICES – ARENDELL ST. SIDEWALK
DATE: SEPTEMBER 2, 2014
CC: DAVID WHITLOW, CITY MANAGER

Planning and design services related to our N. 25th to N. 35th Arendell St. sidewalk project was reviewed by our Committee at their last meeting.

On August 18 the Public Works Dept. requested proposal from firms interested in providing services necessary to plan and design a sidewalk along Arendell St., north side, from Camp Glen School to N. 25th St. where an existing sidewalk exists in the 2400 block. The project is funded largely through a grant from NCDOT.

Proposals were received from McDavid and Associates of Farmville, NC and Rivers and Associates from Greenville, NC. Both proposals were evaluated and graded according to the outline provided in the request for proposals with McDavid's proposal scoring highest.

The Committee was requested to recommend to Council authorization for staff to begin negotiating a contract with McDavid and Associates for the design of the Arendell St. sidewalk. The Committee agreed.

**TOWN OF MOREHEAD CITY
REQUEST FOR LETTER OF INTEREST**

**THE TOWN OF MOREHEAD CITY DESIRES TO ENGAGE
QUALIFIED PRIVATE ENGINEERING FIRMS (PEF) TO PROVIDE
PLANNING AND DESIGN SERVICES FOR THE ARENDELL ST.
SIDEWALK PROJECT**

The primary and/or subconsultant firm(s) shall be pre-qualified by NCDOT to perform engineering design activities related to sidewalk improvements.

The selected firm will report directly to the town. The selected firm is to administer the contract and to ensure that all work is performed in accordance with the contract requirements.

The PEF will be responsible for providing engineers and technicians with the appropriate skills and qualifications to ensure contract compliance. The PEF will be directly responsible for oversight of the project for the town. The PEF shall indemnify and save harmless the town for claims and liabilities resulting from negligence, errors or omissions of the PEF; including, but not limited to, the engineers, technicians or subconsultants.

Any firm wishing to be considered must be properly registered with the Office of the Secretary of State and with the North Carolina Board of Registration for Professional Engineers and Land Surveyors. Any firm proposing to use corporate subsidiaries or subcontractors must include a statement that these companies are properly registered with the NC Board of Registration for Professional Engineers and Land Surveyors. The Engineers performing the work and in responsible charge of the work must be registered Professional Engineers in the State of North Carolina and must have a good ethical and professional standing. It will be the responsibility of the selected private firm to verify the registration of any corporate subsidiary or subcontractor prior to submitting a Letter of Interest. The firm must have the financial ability to undertake the work and assume the liability. The selected firm will be required to furnish proof of Professional Liability insurance coverage in the minimum amount of \$1,000,000. The firm must have an adequate accounting system to identify costs chargeable to the project.

The proposed method of payment for this contract is lump sum.

The selection of a private engineering firm to provide engineering design on this specific project will be handled in accordance with the following process:

1. Submission by the private engineering firm of a Letter of Interest (LOI).

renewed its application as required by your anniversary date or if your firm is not currently prequalified, please submit an application to the Department prior to submittal of your letter of interest. An application may be accessed at <https://connect.ncdot.gov/business/Prequal/Pages/Private-Consulting-Firm.aspx>. Having this data on file with the Department eliminates the need to resubmit this data with each letter of interest.

Even though specific DBE/MBE/WBE goals are not required for this project, the Department of Transportation is committed to providing opportunity for small and disadvantaged businesses to perform on its contracts through established Department goals. The Firm, subconsultant and subfirm shall not discriminate on the basis of race, religion, color, national origin, age, disability or sex in the performance of this contract.

EVALUATION

Firms submitting LOIs to perform the engineering design on this specific project will be evaluated based upon certain considerations. The following considerations, with the weighted importance, will be utilized to select a minimum of three firms from those submitting an LOI:

1. Firm's experience, knowledge, familiarity and past performance with engineering design services related to sidewalk improvements funded in part or in full by the NC Department of Transportation – 40%
2. The experience of the firm's proposed staff to perform the type of work required – 40%
3. Firm's understanding of the project specific issues and their responsibility in delivering services for the advertised project – 20%

North Carolina firms qualified to do the required work will be given priority consideration. A North Carolina firm is a firm that maintains an office in North Carolina staffed with an adequate number of employees judged by the Department to be capable of performing a majority of the work required.

After reviewing qualifications, if firms are equal on the evaluation review, then those qualified firms with proposed SPSF participation will be given priority consideration.

- The proposed personnel to be assigned to the work by discipline, their availability date on the project.
- Identify project personnel/subconsultants' qualifications and experience as related to this work;
- Unique qualifications of key team members; and
- Any innovative approaches to be used.

Section III - Supportive Information

This section is limited to THREE pages and should contain the following information:

- Capacity Chart/Graph (available work force);
- Organizational chart indicating personnel to be assigned by discipline;
- The resumes of key personnel – Engineers, Transportation Technician III and IV levels only – that are proposed to be assigned to the work;
- Names, classifications, and location(s) of the firms' North Carolina employees and resources to be assigned to the advertised work; and
- Other information.

Appendices -- CONSULTANT CERTIFICATION Form RS-2

Completed Form RS-2 forms SHALL be submitted with the firm's letter of interest.

This section is limited to the number of pages required to provide the requested information.

Submit Form RS-2 forms for the following:

- Prime Consultant firm (Prime Consultant Form RS-2 Rev 1/14/08), and;
- ANY/ALL subconsultant firms (Subconsultant Form RS-2 Rev 1/15/08) to be or anticipated to be utilized by your firm.

Complete and sign each Form RS-2 (instructions are listed on the form)

In the event the firm has no subconsultant, it is required that this be indicated on the Subconsultant Form RS-2 by entering the word "None" or the number "ZERO" and signing the form.



McDAVID ASSOCIATES, INC.

Engineers • Planners • Land Surveyors

CORPORATE OFFICE
(252) 753-2139 • Fax (252) 753-7220
E-mail: mai@mcdavid-inc.com
3714 N. Main Street • P.O. Drawer 49
Farmville, NC 27828

GOLDSBORO OFFICE
(919) 736-7630 • Fax (919) 735-7351
E-mail: maigold@mcdavid-inc.com
109 E. Walnut Street • P.O. Box 1776
Goldsboro, NC 27533

August 18, 2014

Mr. David McCabe, Public Works Director
Town of Morehead City
706 Arendell Street
Morehead City, NC 28557

SUBJECT: Letter of Interest Submittal
Planning and Design Services
NCDOT TIP EB-5500
Sidewalk Improvements

Dear Mr. McCabe:

In reference to the subject project and in response to the Town of Morehead City's "Request for Letter of Interest", please accept this submittal as confirmation of McDavid Associates, Inc.'s desire to be considered to provide planning and design services. McDavid Associates, Inc. is a licensed engineering firm in the State of North Carolina (NC License Number C-131). Proposed engineer responsible for providing service (Richard B. Moore, P.E.) is licensed to provide engineering services in the State of North Carolina (NCPE 20205) and is prequalified to provide services through the North Carolina Department of Transportation. McDavid Associates, Inc. staff is capable of performing services without need to subcontract with any Small Professional Service Firm.

McDavid Associates, Inc. and Richard B. Moore, P.E. are currently listed on the NC Department of Transportation register and are prequalified based on a 2014 update. A copy of the confirmation can be provided upon request. Please be advised that McDavid Associates, Inc. has no known conflicts of interest that would impact services and/or performance of requested activities. We do disclose that Mr. Moore's wife (Mary V. Moore, P.E.) is a traffic engineer who works with the NC Department of Transportation out of the Division 2 Office in Greenville, NC. Mary Moore has no NC Department of Transportation responsibilities related to the Town's project. Richard Moore's potential service has been identified to the NC Department of Transportation.

McDavid Associates, Inc. feels that our experience and familiarity with the Town of Morehead City represents a significant asset regarding our ability to meet construction engineering, planning and design needs. We have been serving the Town of Morehead City in excess of thirty (30) years and have successfully designed, administered, and inspected many projects involving water, sanitary sewer, storm drainage, street, and sidewalk improvements. We have worked hard with Town staff to identify infrastructure improvement priorities and have aggressively pursued financial assistance programs to help finance construction.

This letter provides supporting information divided into the following sections:

- Evaluation Factors
- Supportive Information

A copy of the Prime Consultant Form RS-2 is provided as an enclosure.

Upon your review of documents, please advise as we may provide any additional information for your review. Thank you for your consideration and for the opportunity to serve the Town of Morehead City.

Evaluation Factors

McDavid Associates, Inc.'s primary function is to provide engineering services to municipal government units. Where project scope involves installation of sidewalk improvements, the following is a summary of similar projects where we provided construction engineering and inspection services (over the past seven years):

1. Town of Ayden American Recovery and Reinvestment Act of 2009 NC Department of Transportation project U-5161 AA. This project provided sidewalk construction along Lee Street in the southern area of Town from Kennedy Estates subdivision to Barwick Street. McDavid Associates, Inc. provided engineering design, construction engineering and inspection services related to project completion.
2. Town of Ayden American Recovery and Reinvestment Act of 2009 NC Department of Transportation project U-5161 AB. This project provided sidewalk construction along Lee Street in the northern area of Town from Second Street to the northernmost entrance to Countryaire Subdivision. McDavid Associates, Inc. provided engineering design, construction engineering and inspection services related to project completion.
3. Town of Ayden 2010 Safe Routes to School NC Department of Transportation project SR-5001Z. This project provided sidewalk construction along Jolly Road, Third Street (NC 102), and Juanita Street. McDavid Associates, Inc. provided engineering design, construction engineering and inspection services related to project completion.

McDavid Associates, Inc. presently employs 35 persons who operate out of two (2) offices. Our corporate office is located in the Town of Farmville. A second office is located in Goldsboro, NC. All staff is available to provide support and assistance to any project and client. McDavid Associates, Inc. encourages clientele to contact staff personnel at any time to ask questions or request assistance.

McDavid Associates, Inc. takes pride in our method of construction planning and design services. As part of construction design, we offer "full service" delivery to our clients. For each project, we take full responsibility for the following planning and design tasks:

- Provide technical assistance to support environmental review process in accordance with the National Environmental Policy Act (NEPA).
- Provide technical assistance to support submittal of all planning exhibits as required by the NC Department of Transportation.
- Verify rights-of-way for the project area.
- Perform field recovery of all current conditions along proposed sidewalk routing to support preparation of construction drawings.
- Prepare all construction-related permit applications to include necessary supporting exhibits (to include by not limited to an erosion and sedimentation control permit).
- Prepare final design drawings and construction specifications in accordance with Town and NC Department of Transportation requirements
- Provide technical assistance to the Town to obtain NC Department of Transportation approval and authorization to proceed with advertisement for bids.

The following is an organizational chart of personnel assigned to the project:



The following are resumes of key personnel assigned to the project:

Richard B. Moore, P.E.

Education

B.S. in Mechanical Engineering, North Carolina State University, Raleigh, North Carolina 1989.

Registration

Registered Professional Engineer in North Carolina

Experience and History

Employed with McDavid Associates, Inc. in 1989. Specialized services include all types of municipal engineering, water systems, sewage collection systems, subdivision design, street designs, and project management and administration. Primary area of responsibility is the development and preparation of funding applications for water systems, sewer systems, and industrial parks through USDA – Rural Development, State Clean Water Program, Clean Water Management Trust Fund, and North Carolina Rural Economic Development Center, Inc.

Simon R. Cox, P.L.S

Education

Farmville High School
Pitt Community College
North Carolina Society of Surveyors Institute

Registration

Professional Land Surveyor Licensed in North Carolina

Experience and History

Has worked 30 years for McDavid Associates, Inc., starting as survey chairman and then becoming survey party chief. Past work has included field survey work for lot surveys,

topographic surveys, street stakeout, sewer stakeout, and farm boundary surveys. Has served also as an engineering inspector with duties of field inspector of water, sewer and street construction projects along with mapping roads for engineering planning. Present duties as professional land surveyor include supervision of survey crews, note reduction and map publication. Specialized services include geodetic surveying, cadastral surveying, subdivision design and layout and GPS surveying.

Professional Societies

Former President, North Carolina Society of Surveyors, Inc.

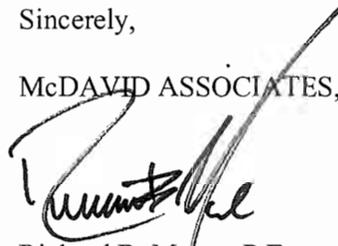
Appendices (Attachments provided as enclosures)

- Confirmation of pre-qualification by NC Department of Transportation
- Prime Consultant Form RS-2
- Subconsultant Certification (None), Subconsultant Form RS-2

McDavid Associates, Inc. appreciates the opportunity to serve the Town of Morehead City. Please advise as I may provide any additional information for your review and consideration.

Sincerely,

McDAVID ASSOCIATES, INC.



Richard B. Moore, P.E.
Farmville Office



Albert V. Lewis, Jr., P.E., P.L.S.
Farmville Office

Enclosures

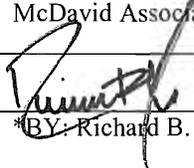
**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PRIME CONSULTANT
TO BE USED WITH PROFESSIONAL SERVICES CONTRACT ONLY
RACE AND GENDER NEUTRAL**

NCDOT TIP EB-5500 – Planning and Design for Sidewalk Improvements

TIP No. and/or Type of Work (Limited Services)

Richard B. Moore, P.E./McDavid Associates, Inc./56-1012114

(Consultant/Firm Name and Federal Tax Id)

<i>SERVICE / ITEM DESCRIPTION</i>	<i>Anticipated Utilization</i>
Planning and Design – Multi-use design of sidewalk	100%
TOTAL UTILIZATION:	100%
RECOMMENDED BY:	
CONSULTANT: McDavid Associates, Inc.	
	
*BY: Richard B. Moore, P.E.	
TITLE: Senior Engineer	
SPSF Status:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

**“PRIME CONCONSULTANT” (FORM RS-2)
RACE AND GENDER NEUTRAL**

Instructions for completing the Form RS-2:

1. Complete a Prime Consultant Form RS-2 for the prime consultant firm.
2. Insert TIP Number and /or Type of Work (Limited Services)
3. Complete the Consultant/Firm name and Federal Tax ID Number for the primary firm information.
4. Enter Service/Item Description – describe work to be performed by the Prime Firm
5. Enter Anticipated Utilization – Insert dollar value or percent of work to the Prime Firm
6. *Signature of the Prime Consultant is **required** on each RS-2 Form to be submitted with the Letter of Interest (LOI) to be considered for selection
7. Complete “SPSF Status” section - Check the appropriate box regarding SPSF Status, check Yes if SPSF or No if not SPSF

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
SUBCONSULTANT
TO BE USED WITH PROFESSIONAL SERVICES CONTRACT ONLY
RACE AND GENDER NEUTRAL**

NCDOT TIP EB-5500 – Planning and Design for Sidewalk Improvements

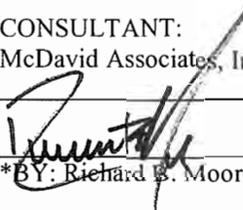
TIP No. and/or Type of Work (Limited Services)

Richard B. Moore, P.E./McDavid Associates, Inc./56-1012114

(Consultant/Firm Name and Federal Tax Id)

None

(Subconsultant/Firm Name and Federal Tax Id)

<i>SERVICE / ITEM DESCRIPTION</i>		<i>Anticipated Utilization</i>
NONE		0%
TOTAL UTILIZATION:		0%
SUBMITTED BY: SUBCONSULTANT: None	RECOMMENDED BY: CONSULTANT: McDavid Associates, Inc.	
		
*BY:	*BY: Richard B. Moore, P.E.	
TITLE:	TITLE: Senior Engineer	
SPSF Status: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

“SUBCONCONSULTANT” (FORM RS-2)
RACE AND GENDER NEUTRAL

Instructions for completing the Form RS-2:

1. Complete a Subconsultant Form RS-2 for each Subconsultant firm to be utilized by your firm.
2. Insert TIP Number and /or Type of Work (Limited Services)
3. Complete the Consultant/Firm name and Federal Tax ID Number for the primary firm information.
4. Complete the Subconsultant/Sub Firm name and Federal Tax ID Number for the sub firm information.
5. Enter Service/Item Description – describe work to be performed by the Sub Firm
6. Enter Anticipated Utilization – Insert dollar value or percent of work to the Subconsultant/Sub Firm
7. *Signatures of both Subconsultant and Prime Consultant **are required** on each RS-2 Form to be submitted with the Letter of Interest (LOI) to be considered for selection
8. Complete “SPSF Status” section - Subconsultant shall check the appropriate box regarding SPSF Status, check Yes if SPSF or No if not SPSF

In the event the firm has no subconsultant, it is required that this be indicated on the Subconsultant Form RS-2 form by entering the word “None” or the number “ZERO” and signing the form.

Directory of Firms

Complete listing of certified and prequalified firms.

•

- ▶ Doing Business ▶ Directory of Firms ▶ Firm Name ▶ Results ▶ Detail

Company Name: MCDAVID ASSOCIATES, INC.

Address: PO Box 49
FARMVILLE, NC 27828

Home County & Division: PITT

Contact Name: RICHARD B. MOORE, P.E.

Phone: 252-753-2139

Fax: 252-753-7220

Email: rbm@mc david-inc.com

Reporting Number: 40013

Type of Firm: Architectural/Engineering
(for DBE only)

Certifications:

Prequalification Status:

Construction Work Codes:
(for Prequalified Contractors
only)

SBE Work Codes:

00173 - PUBLIC WATER DISTRIBUTION SYSTEMS
00174 - PUBLIC WATER TRANSMISSIONS SYSTEMS

Consulting Disciplines: 00195 - ROADWAY CONSTRUCTION ENGINEERING & INSPECTION
00203 - SANITARY SEWER COLLECTION SYSTEMS
00316 - MULTI-USE TRAIL DESIGN, SURVEY & LAYOUT

NAICS Codes: 541330 - ENGINEERING SERVICES
(DBE and SPSF only)

Desired Work Locations: PITT

Start Your Directory Search

Certified Firms

Prequalified Bidders, PO Prime Contractors, & Subcontractors

Prequalified Consultants

Firm Name

NCDOT Work Code

NCDOT Disciplines

NAICS Code

Help

Download Vendor Listings

DBE Directory

SBE Directory

Prequalified Bidders, PO Prime Contractors, & Subcontractors

Prequalified Consultants

IVI **Contact Form**

For questions & feedback about this area of Connect NCDOT, contact *Contractual Services*.

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G.



MEMORANDUM

TO: The Honorable Mayor and Town Council
David Whitlow, City Manager

FROM: Linda V. Staab, Planning Director

SUBJECT: FEMA Community Rating System Annual Progress Report

DATE: 8/29/2014

Morehead City has been an active participant in FEMA's Community Rating System for a number of years. As a result, City residents who have properties located within the flood zone get a 10% rate reduction in their flood insurance premiums.

In accordance with the CRS program, attached you will find a copy of the Annual Progress Report for the Flood Plain Management Plan for public review. A copy of the plan is available for public review in the City Clerk's office.

CRS 510 Floodplain Management
2014 Progress Report for
Floodplain Management/Hazard Mitigation Plan
September 2014

1. **Name of Plan:** *Morehead City Hazard Mitigation Plan: Mitigation Action Plan*

Date Adopted: *Plan adopted by the Town of Morehead City Council on December 8, 2009 and certified by FEMA on January 27, 2010. Note: The 5-Year expiration date for this plan is October 1, 2014. Morehead City is currently involved in the multicounty planning process working towards adoption of the Pamlico Sound Regional Hazard Mitigation Plan.*

Location where copies are available for review: *Copies of the plan, which includes the Mitigation Action Plan, are available on the city's website, www.moreheadcity.nc.gov.com, and at the Town of Morehead City Planning and Inspections Office, 706 Arendell Street, Morehead City, NC 28557.*
2. **Review of Action Plan/Implementation:** *See 'Monitoring' column on the attached Mitigation Action Plan.*
4. **Recommendations:** *Staff should continue to seek grant funding to elevate structures in repetitive loss and other targeted flood-prone areas.*
5. **Dissemination:** *The 2014 Progress Report was submitted to the Morehead City Council during a public meeting held on September 9, 2014.*

MOREHEAD CITY MITIGATION ACTION PLAN

Mitigation Strategy	Targeted Hazard	Priority	Funding Source	Responsible Party	Start Date	Completion Date	Monitoring
Prevention							
Maintain and update Morehead City's GIS System	All	High	Local	Planning Dept	Continuous	Continuous	Continuously
Review Morehead City's Hazard Mitigation Policies identified in the CAMA Land Use Plan	All	High	Local and DCM	Planning Dept	5 Yr. cycle (started 2005)	Every 5 years	Working to address as part of plan update
Sponsor/Co-sponsor a hazard mitigation seminar for elected officials and business leaders which includes educational information on natural hazards, potential impact and mitigation measures to reduce risk	All	Medium	Local	City/County Planning Dept	Every 4 years (began in 2007)	Every 4 years	Meeting held in June '13. Meeting with homebuilders in August '14.
Continue to enforce Morehead City's Flood Prevention Ordinance and update as necessary	Flood	High	Local	Building Inspections Department	July 2004	Continuous	Daily
Continue participation in FEMA's Community Rating System	Flood	High	Local	Building Inspections Department	July 2004	Continuous	Continuously
Provide links to relevant hazard mitigation websites via City's website	All	Medium	Local	Systems Administrator	2008	Continuous	Website links reviewed quarterly.
Maintain the Storm Reconstruction Policy that includes procedures for issuance of building permits after a natural disaster	All	Medium	Local	Building Inspections Department	2003	Continuous	Revised Summer 2012 - Maintained Continuously
Evaluate the location of water/sewer utility extension related to hazard mitigation	All	Medium	Local	Public Utilities Department	July 2004	Continuous	Continuously
Apply for grant funding to enhance the City's hazard mitigation effort, as applicable	All	Medium	Varies	All City Departments	As grants open and local match is available	Varies	Applied for FMA funding for individual property owner in 2014. Plan to continue to seek funding.

MOREHEAD CITY MITIGATION ACTION PLAN

Mitigation Strategy	Targeted Hazard	Priority	Funding Source	Responsible Party	Start Date	Completion Date	Monitoring
Prevention							
Promote sound land use planning for developed and undeveloped properties through rezoning and other mechanisms taking into consideration known hazard locations and repetitive loss areas.	Flood	Medium	Local	Planning Dept	Continuous	Continuous	Information provided to board members with rezoning and other development applications. Also considered in application for Building Permits.
Invite a recognized authority to speak at a public meeting regarding potential hazards.	All	Medium	Varies	All City Departments	Continuous	Continuous	Randy Mundt attended meeting of county floodplain managers. No public presentations in 2014.
Establish local and regional partnerships to identify funding sources for natural hazard mitigation activities and seek to obtain funding	All	Medium	Varies	All City Departments	Continuous	Varies	Currently involved in regional planning process for Hazard Mitigation.
Maintain the Hazard Mitigation Planning Advisory Committee to continue relationship building and keep updated on mitigation measures taking place throughout the community	All	Medium	N/A	All City Departments	July 2004	Continuous	Meets to review report at least annually

MOREHEAD CITY MITIGATION ACTION PLAN

Mitigation Strategy	Targeted Hazard	Priority	Funding Source	Responsible Party	Start Date	Completion Date	Monitoring
Property Protection							
Review ordinances that are relevant to hazard mitigation to assure: the effectiveness in reducing exposure to natural hazards and the effectiveness in protecting natural resources via best management practices, stormwater management, wetlands preservation, etc.	All	Medium	Local	All City Departments	July 2004	Continuous	Ordinances are regularly reviewed to improve hazard-mitigating effectiveness.
Continue participation in FEMA's Community Rating System	Flooding	Medium	Local	Building Inspections Department	July 2004	Continuous	Continuously
Continue to enforce Morehead City's flood prevention ordinance and update as necessary	Flooding	High	Local	Building Inspections Department	July 2004	Continuous	Enforced daily
Maintain the Storm Reconstruction Policy that includes procedures for issuance of building permits after a natural disaster	All	Medium	Local	Building Inspections Department	2003	Continuous	Revised Summer 2012 - Maintained Continuously
Monitor trees and vegetation on publicly owned property to assure that no property or utility damage will occur as a result of diseased or dying trees/vegetation.	High Winds, Hurricanes, Severe Thunderstorms	Low	Local	Public Works Department	Spring 2005	Continuous	Inspections occur in Spring
The City will partner with Utility Companies to identify problem areas and work to eliminate them where feasible.	All	Low	Local and Private	Planning, Public Works, Public Utilities, and Building Inspections Departments	January 2005	Continuous	Reviewed Annually
Evaluate the location of water/sewer utility extensions related to hazard mitigation	All	Low	Local	Public Utilities Department	July 2004	Continuous	Included in review when considering line extension locations

MOREHEAD CITY MITIGATION ACTION PLAN

Mitigation Strategy	Targeted Hazard	Priority	Funding Source	Responsible Party	Start Date	Completion Date	Monitoring
Property Protection							
Promote sound land use planning for developed and undeveloped properties through rezoning and other mechanisms taking into consideration known hazard locations and repetitive loss areas.	Flood	Medium	Local	Planning Dept	Continuous	Continuous	Information provided to board members with rezoning and other development applications. Also considered in application for Building Permits.

MOREHEAD CITY MITIGATION ACTION PLAN

Mitigation Strategy	Targeted Hazard	Priority	Funding Source	Responsible Party	Start Date	Completion Date	Monitoring
Natural Resources Protection							
Conduct a natural hazard awareness program in Morehead City Schools	All	Low	Local	Planning/Fire Departments	2004-2005 School Year	Continuous	Annually
Prepare a Hazardous Material Action Plan that addresses proper containment of spills, etc.	All	Low	Local	Fire Department	2008	Continuous	Reviewed Annually
Include discussion of natural hazard mitigation grant opportunities available to Morehead City during annual budget process	All	Medium	Varies	All City Departments	March 2005	Continuous	Discussed with Planning Committee in July 2013
Sponsor/Co-sponsor a hazard mitigation seminar for elected officials and business leaders which includes educational information on natural hazards, potential impact and mitigation measures to reduce risk	All	Medium	Local	City/County Planning Department	Every 4 years (began in 2007)	Every 4 years	Meeting held in June '13. Meeting with homebuilders in August '14.
Establish local and regional partnerships to identify funding sources for natural hazard mitigation activities and seek to obtain such funding	All	Medium	Varies	All City Departments	July 2004	Continuous	Annual review of funding sources and partnership opportunities
Maintain the hazard mitigation committee to continue relationship building and keep updated on mitigation measures that are taking place throughout the community	All	High	Varies	All City Departments	July 2004	Continuous	Quarterly, or more when warranted
Update identified municipal, county and regional organizations and share plan with local support organizations such as the Salvation Army, American Red Cross, etc.	All	High	Varies	All City Departments	Fall 2004	Continuous	Scheduled to be shared as part of hazard mitigation planning process.

MOREHEAD CITY MITIGATION ACTION PLAN

Mitigation Strategy	Targeted Hazard	Priority	Funding Source	Responsible Party	Start Date	Completion Date	Monitoring
Structural Projects							
Contract to maintain backup generators for all critical public facilities. Evaluate the equipment on a regular basis to assure it continues to meet the needs of the operations occurring at each facility	All	High	Varies	Public Utilities Department	July 2004	Continuous	Spot checks of equipment throughout 2014
Locate and preplan targeted risk areas	Hazardous Materials	High	Local	Fire Department	2008	Continuous	Annually
Continue enforcement of the North Carolina State Building Codes	ALL	High	Local	Building Inspections Department	2004	Continuous	Enforced Daily
Fire Code Enforcement	Hazardous Materials, Wildfires	High	Local	Fire Department	2008	Continuous	Enforced Daily

MOREHEAD CITY MITIGATION ACTION PLAN

Mitigation Strategy	Targeted Hazard	Priority	Funding Source	Responsible Party	Start Date	Completion Date	Monitoring
Public Information							
Sponsor/Co-sponsor a hazard mitigation seminar for elected officials and business leaders which includes educational information on natural hazards, potential impact and mitigation measures to reduce risk	All	Medium	Local	City/County Planning Department	Every 4 years (began in 2007)	Every 4 years	Meeting held in June '13. Meeting with homebuilders in August '14.
Educate City employees on hazards that impact Morehead City and provide training on City policies relating to hazards	All	High	Varies	All City Departments	January 2005	Continuous	Safety trainings held quarterly
Include articles in the City's newsletters explaining hazard mitigation and preparing for natural disasters	All	Medium	Local	All City Departments	Summer 2005	Continuous	Used City's Planning/Inspections & Police/Fire Facebook pages for dissemination of hazard preparation information
Promote nationally recognized "awareness" weeks (e.g. hurricane preparedness, severe weather preparedness, etc.) through local media	All	Medium	Varies	Planning/Fire Departments	July 2004	Continuous	Annually
Display U.S. Government brochures that discuss hazards relevant to Morehead City and make them available for distribution to the public	All	Medium	Varies	Planning Department	January 2005	Continuous	Continuously displayed
Provide public links to relevant hazard mitigation websites	All	Low	Local	Planning Department	2008	Continuous	Website links are updated frequently
Develop public service announcements (PSAs) on natural hazard mitigation programs and activities to be used by local media	All	Low	Local	Planning Department	2009	Continuous	Annually

MOREHEAD CITY MITIGATION ACTION PLAN

Mitigation Strategy	Targeted Hazard	Priority	Funding Source	Responsible Party	Start Date	Completion Date	Monitoring
Emergency Services							
Maintain the hazard mitigation committee to continue relationship building and keep updated on mitigation measures that are taking place throughout the community	All	High	Varies	All City Departments	July 2004	Continuous	Quarterly, or more when warranted
Identify all municipal, county and regional organizations and share plan with local support organizations such as the Salvation Army, American Red Cross, etc.	All	High	Varies	All City Departments	Fall 2004	Continuous	Updated organizational in 2010. Update in '16.
Maintain current Emergency Operations Plan	All	High	Local	Fire Department	2009	Continuous	In Progress
Familiarize local public officials with the principles and practices of emergency management and emergency operations	All	Medium	Local	Administration	January 2005	Bi-annual following election	Held in 2012
Evaluate current emergency operation practices to determine what areas need improvement	All	Medium	Local	Police and Fire Departments	Fall 2004	Annual	Conducted annually
Maintain an alternate Emergency Operation Center (EOC) in the event that the primary EOC cannot function	All	High	Local	Police and Fire Departments	Fall 2004	Continuous	Continuously
Contract to maintain backup generators for all critical public facilities. Evaluate equipment on a regular basis to assure it continues to meet needs of operations occurring at each facility	All	High	Varies	Public Utilities Department	July 2004	Continuous	Spot checks of equipment throughout 2014
Inspect fire hydrants regularly	Fire	Medium	Local	Fire Department	July 2004	Continuous	Quarterly or more frequently
Prepare a Hazardous Material Action Plan that addresses proper containment of spills, etc.	All	Low	Local	Fire Department	2008	Continuous	Reviewed Annually
Maintain one E-911 dispatch center countywide and eliminate individual municipal dispatch centers	All	High	Varies	County Emergency Services Department	2009	2010-2011	County-wide dispatch center completed Dec. 2010

MOREHEAD CITY MITIGATION ACTION PLAN

Mitigation Strategy	Targeted Hazard	Priority	Funding Source	Responsible Party	Start Date	Completion Date	Monitoring
Emergency Services							
Coordinate with Carteret County to obtain oblique imagery and incorporate into emergency response practices	All	High	Local	City Departments & County Tax Office	2009	As available	Continuous online access provided in 2014. New imagery is scheduled to be released in March 2015.

H.



McDAVID ASSOCIATES, INC.

Engineers • Planners • Land Surveyors

CORPORATE OFFICE
(252) 753-2139 • Fax (252) 753-7220
E-mail: mai@mcdavid-inc.com
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109 E. Walnut Street • P.O. Box 1776
Goldsboro, NC 27533

August 27, 2014

Mr. Daniel Williams
Town of Morehead City
706 Arendell Street
Morehead City, NC 28557

SUBJECT: Recommendation of Award
Contract No. 82 – Tootle Road Well Raw Water Line
Town of Morehead City
Carteret County, NC

Dear Mr. Williams:

The following bids (Bid Tabulation attached) were received August 26, 2014 for subject Contract No. 82:

1. Herring-Rivenbark, Inc.	\$ 552,292.12
2. Thomas Simpson Construction	\$ 573,508.74
3. Wells Brothers	\$ 699,016.00
4. Ralph Hodge Construction	\$ 758,710.00
5. Sunland Builders	\$ 807,343.00
6. Cieszko Construction	\$ 878,822.00

Award is hereby recommended to the low bidder, Herring-Rivenbark, Inc. in the amount of \$552,292.12 subject to USDA approval. The USDA project budget includes the funds for the proposed work.

If you have any questions concerning this, please do not hesitate to contact me.

Sincerely,

McDAVID ASSOCIATES, INC.

F. Tyndall Lewis, P.E.
Goldsboro Office

FTL:
Attachment

**BID TABULATION
TOWN OF MOREHEAD CITY
2014 WATER SYSTEM IMPROVEMENTS
CONTRACT NO. 82 - TOOTLE ROAD WELL RAW WATER LINE
AUGUST 26, 2014**

		Contractor Address		Herring-Rivenbark Kinston, NC		Thomas Simpson Construction Atlantic Beach, NC		Wells Brothers Construction Turkey, NC	
Item	Description	Qty	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total
BASE BID ITEMS									
1.	12" POLYVINYL CHLORIDE PIPE FOR WATER LINES, SDR 21, 200 PSI	6,900.	LF	26.01	179,469.00	35.00	241,500.00	38.70	267,030.00
2.	12" DUCTILE IRON PIPE FOR WATER LINES, CLASS 350	430	LF	39.08	16,804.40	46.00	19,780.00	62.30	26,789.00
3.	6" GATE VALVE AND BOX	1	EA	743.25	743.25	984.00	984.00	1,052.00	1,052.00
4.	8" GATE VALVE AND BOX	1	EA	1,085.00	1,085.00	1,350.00	1,350.00	1,445.00	1,445.00
5.	12" GATE VALVE AND BOX	3	EA	2,100.00	6,300.00	2,251.00	6,753.00	2,594.00	7,782.00
6.	12" x 11¼" Bend, DUCTILE IRON FITTING FOR WATER LINES	4	EA	824.00	3,296.00	899.98	3,599.92	832.00	3,328.00
7.	12" x 22½° Bend, DUCTILE IRON FITTING FOR WATER LINES	3	EA	850.00	2,550.00	939.34	2,818.02	881.00	2,643.00
8.	12" 45° Bend, DUCTILE IRON FITTING FOR WATER LINES	2	EA	899.00	1,798.00	1,027.70	2,055.40	1,015.00	2,030.00
9.	12" x 90° Bend, DUCTILE IRON FITTING FOR WATER LINES	6	EA	960.00	5,760.00	1,025.40	6,152.40	1,105.00	6,630.00
10.	8" x 8" Tee DUCTILE IRON FITTING FOR WATER LINES	1	EA	450.00	450.00	778.00	778.00	735.00	735.00
11.	12" x 6" Tee, DUCTILE IRON FITTING FOR WATER LINES	1	EA	840.00	840.00	1,290.00	1,290.00	1,032.00	1,032.00
12.	12" x 8" REDUCER, DUCTILE IRON FITTING FOR WATER LINES	1	EA	802.00	802.00	943.00	943.00	670.00	670.00
13.	8" PLUG, DUCTILE IRON FITTING FOR WATER LINES	2	EA	105.00	210.00	182.00	364.00	260.00	520.00

**BID TABULATION
TOWN OF MOREHEAD CITY
2014 WATER SYSTEM IMPROVEMENTS
CONTRACT NO. 82 - TOOTLE ROAD WELL RAW WATER LINE
AUGUST 26, 2014**

		Contractor Address		Herring-Rivenbark Kinston, NC		Thomas Simpson Construction Atlantic Beach, NC		Wells Brothers Construction Turkey, NC	
Item	Description	Qty	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total
14.	20" DRYBORE with 20" STEEL CASING, minimum thickness 0.250", and 12" POLYVINYL CHLORIDE PIPE FOR WATER LINES, ASTM DD2241, SDR 21, 200 PSI	300	LF	181.89	54,567.00	215.00	64,500.00	300.00	90,000.00
15.	20" STEEL CASING installed under storm drain	140	LF	125.00	17,500.00	217.00	30,380.00	185.00	25,900.00
16.	DITCH CROSSING ON NORTH GATE ROAD WITH 12" HIGH DENSITY POLYETHYLENE PIPE FOR WATER LINES	292	LF	91.16	26,618.72	72.00	21,024.00	99.00	28,908.00
17.	ROAD CROSSING ON MANDY LANE AT 35TH STREET WITH 12" HIGH DENSITY POLYETHYLENE PIPE FOR WATER LINES	900	LF	83.16	74,844.00	69.00	62,100.00	87.00	78,300.00
18.	ROAD CROSSING ON BROOK STREET AT JOHN PLATT DRIVE WITH 12" HIGH DENSITY POLYETHYLENE PIPE FOR WATER LINES	555	LF	81.45	45,204.75	70.00	38,850.00	90.00	49,950.00
19.	FIRE HYDRANT 4½ valve opening, 6" DUCTILE IRON PIPE FOR WATER LINES	1	EA	2,650.00	2,650.00	2,485.00	2,485.00	3,027.00	3,027.00
20.	REPLACE EXISTING 8" SEWER LINE with 20 LF 8" DIP, CL 51	1	EA	3,500.00	3,500.00	3,860.00	3,860.00	4,765.00	4,765.00

**BID TABULATION
TOWN OF MOREHEAD CITY
2014 WATER SYSTEM IMPROVEMENTS
CONTRACT NO. 82 - TOOTLE ROAD WELL RAW WATER LINE
AUGUST 26, 2014**

		Contractor Address		Herring-Rivenbark Kinston, NC		Thomas Simpson Construction Atlantic Beach, NC		Wells Brothers Construction Turkey, NC	
Item	Description	Qty	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total
21.	BREAK REMOVE AND REPLACE EXISTING CONCRETE DRIVWAY - Replace with 6" Concrete, 3,000 PSI	700.	SY	100.00	70,000.00	59.51	41,657.00	65.00	45,500.00
22.	BREAK, REMOVE, AND REPLACE EXISTING ASPHALT PAVEMENT	300	SY	70.00	21,000.00	46.60	13,980.00	121.00	36,300.00
23.	BREAK, REMOVE, AND REPLACE EXISTING CURB AND GUTTER	100	LF	80.00	8,000.00	22.35	2,235.00	36.00	3,600.00
24.	BORROW	300	CY	25.00	7,500.00	10.00	3,000.00	31.00	9,300.00
25.	USDA RURAL DEVELOPMENT PROJECT IDENTIFICATION SIGN	2.	SY	400.00	800.00	535.00	1,070.00	890.00	1,780.00
TOTAL UNIT PRICE BID					\$552,292.12		\$573,508.74		\$699,016.00
ALTERNATE BID ITEMS									
1.	Same as BASE BID ITEM No. 1 except add Location Wire, #12 AWG solid copper	6,900	LF	26.16	180,504.00	35.25	243,225.00	38.90	268,410.00
2.	Same as BASE BID ITEM No. 2 except add Location Wire, #12 AWG solid copper	430	LF	39.23	16,868.90	46.25	19,887.50	62.50	26,875.00

**BID TABULATION
TOWN OF MOREHEAD CITY
2014 WATER SYSTEM IMPROVEMENTS
CONTRACT NO. 82 - TOOTLE ROAD WELL RAW WATER LINE
AUGUST 26, 2014**

		Contractor Address		Ralph Hodge Construction Wilson, NC		Sunland Builders, Inc. Swansboro, NC		Cieszko Construction Co. Havelock, NC	
Item	Description	Qty	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total
BASE BID ITEMS									
1.	12" POLYVINYL CHLORIDE PIPE FOR WATER LINES, SDR 21, 200 PSI	6,900.	LF	41.00	282,900.00	53.60	369,840.00	68.58	473,202.00
2.	12" DUCTILE IRON PIPE FOR WATER LINES, CLASS 350	430	LF	63.00	27,090.00	79.20	34,056.00	92.50	39,775.00
3.	6" GATE VALVE AND BOX	1	EA	935.00	935.00	1,060.00	1,060.00	934.00	934.00
4.	8" GATE VALVE AND BOX	1	EA	1,320.00	1,320.00	1,510.00	1,510.00	1,200.00	1,200.00
5.	12" GATE VALVE AND BOX	3	EA	2,310.00	6,930.00	2,850.00	8,550.00	2,075.00	6,225.00
6.	12" x 11¼" Bend, DUCTILE IRON FITTING FOR WATER LINES	4	EA	550.00	2,200.00	680.00	2,720.00	750.00	3,000.00
7.	12" x 22½° Bend, DUCTILE IRON FITTING FOR WATER LINES	3	EA	605.00	1,815.00	700.00	2,100.00	777.00	2,331.00
8.	12" 45° Bend, DUCTILE IRON FITTING FOR WATER LINES	2	EA	660.00	1,320.00	820.00	1,640.00	950.00	1,900.00
9.	12" x 90° Bend, DUCTILE IRON FITTING FOR WATER LINES	6	EA	825.00	4,950.00	920.00	5,520.00	994.00	5,964.00
10.	8" x 8" Tee DUCTILE IRON FITTING FOR WATER LINES	1	EA	550.00	550.00	700.00	700.00	690.00	690.00
11.	12" x 6" Tee, DUCTILE IRON FITTING FOR WATER LINES	1	EA	825.00	825.00	1,090.00	1,090.00	995.00	995.00
12.	12" x 8" REDUCER, DUCTILE IRON FITTING FOR WATER LINES	1	EA	605.00	605.00	800.00	800.00	560.00	560.00
13.	8" PLUG, DUCTILE IRON FITTING FOR WATER LINES	2	EA	205.00	410.00	530.00	1,060.00	283.00	566.00

**BID TABULATION
TOWN OF MOREHEAD CITY
2014 WATER SYSTEM IMPROVEMENTS
CONTRACT NO. 82 - TOOTLE ROAD WELL RAW WATER LINE
AUGUST 26, 2014**

		Contractor Address		Ralph Hodge Construction Wilson, NC		Sunland Builders, Inc. Swansboro, NC		Cieszko Construction Co. Havelock, NC	
Item	Description	Qty	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total
14.	20" DRYBORE with 20" STEEL CASING, minimum thickness 0.250", and 12" POLYVINYL CHLORIDE PIPE FOR WATER LINES, ASTM DD2241, SDR 21, 200 PSI	300	LF	302.50	90,750.00	254.00	76,200.00	180.50	54,150.00
15.	20" STEEL CASING installed under storm drain	140	LF	110.00	15,400.00	101.00	14,140.00	182.30	25,522.00
16.	DITCH CROSSING ON NORTH GATE ROAD WITH 12" HIGH DENSITY POLYETHYLENE PIPE FOR WATER LINES	292	LF	130.00	37,960.00	141.00	41,172.00	113.00	32,996.00
17.	ROAD CROSSING ON MANDY LANE AT 35TH STREET WITH 12" HIGH DENSITY POLYETHYLENE PIPE FOR WATER LINES	900	LF	130.00	117,000.00	94.00	84,600.00	87.00	78,300.00
18.	ROAD CROSSING ON BROOK STREET AT JOHN PLATT DRIVE WITH 12" HIGH DENSITY POLYETHYLENE PIPE FOR WATER LINES	555	LF	130.00	72,150.00	107.00	59,385.00	94.00	52,170.00
19.	FIRE HYDRANT 4½ valve opening, 6" DUCTILE IRON PIPE FOR WATER LINES	1	EA	2,900.00	2,900.00	3,600.00	3,600.00	2,418.00	2,418.00
20.	REPLACE EXISTING 8" SEWER LINE with 20 LF 8" DIP, CL 51	1	EA	5,500.00	5,500.00	5,000.00	5,000.00	1,316.00	1,316.00

**BID TABULATION
TOWN OF MOREHEAD CITY
2014 WATER SYSTEM IMPROVEMENTS
CONTRACT NO. 82 - TOOTLE ROAD WELL RAW WATER LINE
AUGUST 26, 2014**

		Contractor Address		Ralph Hodge Construction Wilson, NC		Sunland Builders, Inc. Swansboro, NC		Cieszko Construction Co. Havelock, NC	
Item	Description	Qty	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total
21.	BREAK REMOVE AND REPLACE EXISTING CONCRETE DRIVWAY - Replace with 6" Concrete, 3,000 PSI	700.	SY	83.00	58,100.00	82.00	57,400.00	85.00	59,500.00
22.	BREAK, REMOVE, AND REPLACE EXISTING ASPHALT PAVEMENT	300	SY	55.00	16,500.00	83.00	24,900.00	83.50	25,050.00
23.	BREAK, REMOVE, AND REPLACE EXISTING CURB AND GUTTER	100	LF	33.00	3,300.00	41.00	4,100.00	46.80	4,680.00
24.	BORROW	300	CY	17.00	5,100.00	18.00	5,400.00	15.20	4,560.00
25.	USDA RURAL DEVELOPMENT PROJECT IDENTIFICATION SIGN	2.	SY	1,100.00	2,200.00	400.00	800.00	409.00	818.00
TOTAL UNIT PRICE BID					\$758,710.00		\$807,343.00		\$878,822.00
ALTERNATE BID ITEMS									
1.	Same as BASE BID ITEM No. 1 except add Location Wire, #12 AWG solid copper	6,900	LF	41.25	284,625.00	54.00	372,600.00	69.04	476,376.00
2.	Same as BASE BID ITEM No. 2 except add Location Wire, #12 AWG solid copper	430	LF	63.25	27,197.50	79.60	34,228.00	93.00	39,990.00

I, Frank Tyndall Lewis, certify that this tabulation sheet is correct to the best of my knowledge and belief.

Frank Tyndall Lewis
Signature

8/26/14
Date



1.



North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the Town of Morehead City Police Department (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Morehead City Council

(The Governing Body of the Agency)

_____ (herein called the "Governing Body") has thoroughly considered the problem

identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Morehead City Council IN OPEN

(Governing Body)

MEETING ASSEMBLED IN THE CITY OF Morehead City, NORTH CAROLINA,

THIS 9th DAY OF September, 20 14, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
 2. That Amy Thompson is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 7,350 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
- (Name and Title of Representative)
- (Federal Dollar Request)
3. That the Governing Body has formally appropriated the cash contribution of \$ 2,450 as required by the project contract; and
- (Local Cash Appropriation)
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
 5. That certified copies of this resolution be included as part of the contract referenced above; and
 6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by Gerald A. Jones, Jr., Mayor

(Chairperson/Mayor)

ATTESTED BY Jeanne M. Giblin

(Clerk)

SEAL

DATE September 9, 2014

North Carolina Governor's Highway Safety Program Traffic Safety Project Contract – Form GHSP-01

SECTION A – GENERAL INFORMATION

1. Name of Applicant Agency TOWN OF MOREHEAD CITY POLICE DEPT	4. Name of Project Contact Person for Agency Amy Thompson
2. Mailing Address of Applicant Agency 300 NORTH 12TH STREET MOREHEAD CITY, NC 28557	5. Telephone Number of Contact Person * +1 (252) 726-3131
3. Physical Location of Agency * 300 N 12th St, Morehead City NC 28557	6. Cellphone or Alternate No +1 (252) 726-1284
8. Federal Tax ID Number / Type of Agency Federal Tax ID Number: *56-6001291 DUNS No : -X County: * CARTERET COUNTY Type of Agency <input type="radio"/> State <input type="radio"/> Non-Profit <input type="radio"/> County <input type="radio"/> Higher Education <input checked="" type="radio"/> Municipality <input type="radio"/> Hospital	7. Email Address of Contact Person * athompson@bizec.rr.com
9. Type of Application * <input checked="" type="radio"/> Initial <input type="radio"/> Continuation Year: <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3+	10. Funding Share * Federal % 75.00 Local % 25.00

11. Project Title (Optional): Driver Feedback - Speed Notification

12. Budget	Total Project Amount	Source of Funds	
		Federal Amount	State/Local Amount
Personnel Costs			
Contractual Services			
Commodities Costs			
Other Direct Costs	\$9,800.00	\$7,350.00	\$2,450.00
Indirect Costs			
Total Project Costs	\$9,800.00	\$7,350.00	\$2,450.00

13. Specify How Non-Federal Share Will Be Provided:

Town of Morehead City Police Budget

Project Number: _____

CFDA#: 20.

Work Type: _____

SECTION B – BUDGET DETAIL

Personnel Costs

#	Personnel Position	Salary
1		
2		
3		
4		
5		
6		
7		
8		

DUNS 008375560

9		
10		

Total Salaries Cost:

#	Personnel Fringe Benefits	Cost
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Total Fringe Benefits Cost:

Total Personnel Costs:

Contractual Services

#	Contractual Service To Be Provided	Cost
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		

Total Contractual Services:

Commodities Costs

#	Commodities	Cost
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		

12	
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Total Commodities Cost:

Other Direct Costs

#	Equipment	Quantity	Cap Amount	Cost
1	Speed Display Signs (Pole-mounted) Includes shipping	2	\$4,900.00	\$9,800.00
2				
3				
4				
5				
6				
7				
8				

Total Equipment Cost \$9,800.00

#	Other Items and Equipment Direct Cost	Cost
1		
2		
3		
4		
5		
6		
7		
8		

Total Other Items and Equipment Direct Cost:

#	Travel	Cost
1	In-State Travel	
2	Out-of-State Travel	

Total Travel Cost:

Total Other Direct Costs: \$9,800.00

Indirect Costs

#	Indirect Costs	Cost
1		
2		
3		
4		

Total Indirect Costs

SECTION C – NARRATIVE DESCRIPTION OF THE PROJECT

Statement of Problem

Morehead City is ranked in the top 20 cities for crashes and fatalities. A high percentage of those of collisions is due to speeding. Speed notification signs will make drivers aware of speed limits to include recently modified speed limits. In addition to awareness, the signs will serve as a reminder to maintain a safe speed. Standard posted signs do may seem an effective notice of limits, however their stationary nature and relative familiarity can cause driver complacency. Movable pole mounted notification signs can solve this issue.

As part of this application, GHSP requires all law enforcement agencies to enter traffic enforcement citation data for the past three years

Year 2013	Seat Belt Citations	137	DWI Citations	197	Speed Citations	458	CPS Citations	14
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1 Goal / Reduce Speedy Crashes. Reduce Increase # of Speeding Citations

Year 2012	Seat Belt Citations	170	DWI Citations	220	Speed Citations	478	CPS Citations	10
Year 2011	Seat Belt Citations	100	DWI Citations	202	Speed Citations	325	CPS Citations	16

Proposed Solution

- Goal #1: To reduce the total number of motor vehicle collisions and especially traffic related fatalities annually.
- Objectives: Analyze collision data and target high traffic areas and area where excessive speed is a factor. Deploy multiple notification devices to enhance awareness and encourage drivers to better monitor speed. Increase enforcement in high traffic areas. Compare statistics quarterly and annually to evaluate progress and modify plans accordingly.
- Goal #2: Remove Morehead City from the top 20 cities ranked for crashes and fatalities.
- Objectives: Increase awareness. Increase enforcement. Lower collisions.
- Goal #3: Bring a higher level of awareness to the public about traffic related issues that lead to fatalities, injuries, and property damage. Use the awareness to lower the overall instances of fatalities, injuries, and property damage.
- Objectives: Use notification signs, message boards, traffic trailers, and the deployment of personnel to enforce traffic collision causations to reduce total number of collisions.

Outlined below are the goals of the Governor's Highway Safety Program. Please identify which goal matches that of your highway safety project.

- The GHSP's goal is to reduce traffic-related fatalities by 25 percent from the 2005-2009 average of 1,505 to 1,129 by 2015.
- The GHSP's goal is to reduce alcohol-related fatalities by 35 percent from the 2005-2009 average of 445 to 289 by 2015.
- The GHSP's goal is to reduce unrestrained fatalities by 30 percent from the 2005-2009 average of 486 to 340 by 2015.
- The GHSP's goal is to reduce speed-related fatalities by 25 percent from the 2005-2009 average of 543 to 407 by 2015.
- The GHSP's goal is to reduce motorcycle fatalities by 25 percent from the 2005-2009 average of 166 to 124 by 2015.
- The GHSP's goal is to reduce teen driver fatalities by 30 percent from the 2005-2009 average of 255 to 179 by 2015.
- The GHSP's goal is to increase seat belt usage rate 2.5 percentage points to 92 percent by 2015.

SECTION D – SCHEDULE OF TASKS BY QUARTERS

List the schedule of tasks by quarters, referring specifically to the objectives listed in the narrative above. Tasks that extend beyond one quarter should specify the elements of the task that are to be performed for the specific quarters.

- First Quarter (October, November, December)
 Concentrate enforcement activities in high speed areas, speed complaint areas, and high crash areas. Increase traffic stops. Conduct at least one seat belt checkpoint during the day and one during the per month. Participate in at least one DWI checkpoint a month and participate in all Governor Highway Safety Campaigns and Kickoffs.
- Second Quarter (January, February, March)
 Deploy notifications signs and radar trailers in noted areas of concentration based on enforcement and collision data analysis. Conduct at least one seat belt checkpoint during the day and one during the per month. Participate in at least one DWI checkpoint a month and participate in all Governor Highway Safety Campaigns and Kickoffs.
- Third Quarter (April, May, June)
 Evaluate the effectiveness of concentration efforts and modify plans accordingly and incorporate most recent data to identify problem areas. Conduct at least one seat belt checkpoint during the day and one during the per month. Participate in at least one DWI checkpoint a month and participate in all Governor Highway Safety Campaigns and Kickoffs.
- Fourth Quarter (July, August, September)
 Further evaluate the effectiveness of plan implementation. Add a study of complaints, research, and experienced opinions to the analyzation of raw data for plan development. Conduct at least one seat belt checkpoint during the day and one during the per month. Participate in at least one DWI checkpoint a month and participate in all Governor Highway Safety Campaigns and Kickoffs.

Note:

1. Submitting grant application is not a guarantee of grant being approved.
2. Once form has been submitted, it cannot be changed unless it has a status of "Return".

TOWN OF MOREHEAD CITY

AGENDA ITEM: IV.

REQUEST FOR TOWN COUNCIL ACTION

DATE: September 9, 2014

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Public Hearing: Voluntary Contiguous Annexation Request for Keith and Mary Fowler for property located at 4503 Country Club Road, PIN #6366-1176-0045-000, 0.46 acres, Zoned R-20 [Single Family Residential] District – Adopt Ordinance 2014-30

Background Information Attached: Yes X No

The property under consideration for annexation (6366-1176-0045-000) is contiguous to the present city limits, contains approximately 0.46 acre and is zoned R20 (Single-Family Residential District). The site in question is not part of a subdivision, and therefore will not fragment a subdivision. The current tax value of the property is estimated to be \$89,675. Based on a 345-cent [\$0.345] tax rate, \$309.38 in tax revenues would be generated. Water and sewer will be accessed from Country Club Road. All costs associated with extending the water/sewer service to the newly annexed property will be the responsibility of the owner. The Planning Committee of the Council recommended the adoption of Ordinance 2014-30.

Recommended Action: Adopt Ordinance 2014-30 granting voluntary contiguous annexation for Keith and Mary Fowler for property located at 4503 Country Club Road, PIN #6366-1176-0045-000, 0.46 acres, zoned R-20 [Single Family Residential] District.

Board Action: Approved: 1st: _____ 2nd: _____
VOTE: Ayes _____ Nays _____ Postponed/Tabled _____



MEMORANDUM

TO: The Honorable Mayor and Town Council
David Whitlow, City Manager

FROM: Linda V. Staab, Planning Director *LVS*

RE: Country Club Road Annexation Request

DATE: August 4, 2014

- A. The Parcel Identification Number under consideration for annexation (636611760045000) is contiguous to the present city limits. The parcel contains approximately 0.46 acre and is zoned R20 (Single-Family Residential District).
- B. The site in question is not part of a subdivision, and therefore will not fragment a subdivision.
- C. The current tax value of the property is estimated to be \$89,675. Based on a 33-cent tax rate, \$295.93 in tax revenues would be generated.
- D. Water and sewer will be accessed from Country Club Road. All costs associated with extending the water/sewer service to the newly annexed property will be the responsibility of the owner.

LVS/sw

MOREHEAD CITY
NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



COUNCIL

George W. Ballou, *Mayor Pro Tem*
Demus L. Thompson
William F. Taylor
Diane C. Warrender
Harvey N. Walker, Jr.

202 South 8th Street
Morehead City, North Carolina 28557-4234
TEL (252) 726-6848
FAX (252) 222-3082
www.moreheadcity.nc.gov

David S. Whitlow
City Manager

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Morehead City, North Carolina

I, Jeanne M. Giblin, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31(c), as amended.

In witness whereof, I have hereunto set my hand and affixed the Seal of the Town of Morehead City, this the 12th day of August, 2014.



Jeanne M. Giblin
Jeanne M. Giblin, City Clerk

MOREHEAD CITY
NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



COUNCIL

George W. Ballou, *Mayor Pro Tem*
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David S. Whitlow
City Manager

**TOWN OF MOREHEAD CITY
RESOLUTION NO. 2014-34**

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition has been received by the Town Council of the Town of Morehead City; and

WHEREAS, G.S. 160A-31(c) provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Morehead City, deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Morehead City:

That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation.



Gerald A. Jones, Jr., Mayor

ATTEST:

Jeanne Giblin, City Clerk

ADOPTED: Tuesday, August 12, 2013

MOREHEAD CITY
NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



COUNCIL
George W. Ballou, Mayor Pro Tem
Demus L. Thompson
William F. Taylor
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David S. Whitlow
City Manager

TOWN OF MOREHEAD CITY
RESOLUTION NO. 2014-35

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the Town Council of the Town of Morehead City has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Morehead City, North Carolina;

Section 1. That a public hearing on the question of annexation of the contiguous area described herein will be held at the Council Chambers, 2nd floor, 202 South 8th Street, Morehead City, at 5:30 o'clock p.m. on the 9th day of September, 2014.

Section 2. The area proposed for annexation is described as follows:

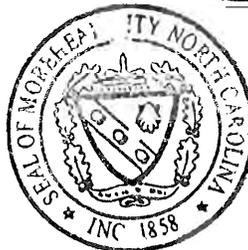
Exhibit "A"

Beginning at a point in the centerline of the Country Club Road, which point is S 75-30 E, 300 feet along the centerline of Country Club Road from the northwest corner of the Swinson Tract; runs thence S 75-30 E along the centerline of Country Club Road, 100 Feet to a point; thence S 14-30 W, 230 feet to a point; thence N 75-30 W, 100 feet to a point; thence N 14-30 E, 230 feet to the centerline of Country Club Road, the Point of Beginning. Reference may be had to a map by Philip K. Ball of the K.S. Swinson Farm, made in January 1936, it being a part of the land conveyed to Bertha Guthrie Swinson by Deed recorded in Book 66, Page 511, Carteret County Registry, and being the same conveyed to James B. Swinson by Deed recorded in Book 219, Page 683, Carteret County Registry.

Gerald A. Jones, Jr., Mayor

ATTEST:

Jeanne M. Giblin, City Clerk



ADOPTED: Tuesday, August 12, 2014

MOREHEAD CITY
NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



COUNCIL
George W. Ballou, Mayor Pro Tem
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David S. Whitlow
City Manager

**TOWN OF MOREHEAD CITY
NOTICE OF PUBLIC HEARING ON REQUEST
FOR CONTIGUOUS ANNEXATION**

The public will take notice that the Town Council of the Town of Morehead City has called a public hearing at 5:30 p.m. on the 9th day of September, 2014, at the Council Chambers, 2nd floor, 202 South 8th Street on the following described contiguous territory, requested by Keith and Mary Fowler for property located at 4503 Country Club Road, 160A-31, as amended.

TOWN OF MOREHEAD CITY

NOTICE OF PUBLIC HEARING ON REQUEST

FOR CONTIGUOUS ANNEXATION

The public will take notice that the Town Council of the Town of Morehead City has called a public hearing at 5:30 p.m. on the 9th day of September, 2014, at the Council Chambers, 2nd floor, 202 South 8th Street on the question of annexing the following described contiguous territory, requested by petition filed by Keith and Mary Fowler for property located at 4503 Country Club Road, pursuant to G.S. 160A-31, as amended.

Exhibit "A"

Beginning at a point in the centerline of the Country Club Road, which point is S 75-30 E, 300 feet along the centerline of Country Club Road from the northwest corner of the Swinson Tract; runs thence S 75-30 E along the centerline of Country Club Road, 100 Feet to a point; thence S14-30 W, 230 feet to a point; thence N 75-30 W, 100 feet to a point; thence N 14-30 E, 230 feet to the centerline of Country Club Road, the Point of Beginning. Reference may be had to a map by Philip K. Ball of the K.S. Swinson Farm, made in January 1936, it being a part of the land conveyed to Bertha Guthrie Swinson by Deed recorded in Book 66, Page 511, Carteret County Registry, and being the same conveyed to James B. Swinson by Deed recorded in Book 219, Page 683, Carteret County Registry.

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Jeanne Giblin

**Please advertise: Once in the Legal Section of the CARTERET NEW
August 24, 2014, P.O. 57574**

Jeanne Giblin,
City Clerk

Au27

Sample Letter for Request for Voluntary Annexation

David Whitlow, City Manager
Town of Morehead City
706 Arendell Street
Morehead City, NC 28557

RE: Voluntary Annexation Request

Dear Manager:

As the owner(s) of the below-referenced property, I (we) would like the Town Council to consider my (our) request for annexation. The property in question is located at 4503 Country Club Road (street address with lot and block numbers, if applicable). The property is currently developed/undeveloped (if developed, explain how) and is zoned R20. The size of the tract is 0.459 acres and it is contiguous/non-contiguous to the city limits (if non-contiguous to the city limits, please indicate how many miles it is to the city limits).

A) The tax evaluation data for the property is as follows:

- 1. Tax Parcel Number(s) 636611760045000
2. Owner(s) as listed on Deed Keith E. Fowler & wife, Mary L. Fowler
3. Tax Value (by parcel) \$89,675.

B) The anticipated impact to City services is as follows:

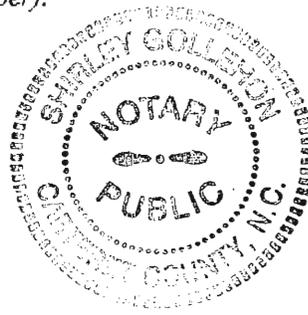
- 1. Water/Sewer (estimated gallons per month/day) 2000

C) The anticipated impact fee is \$1500. (Figure may be obtained from the Public Utilities Department)

D) Enclosed, please find the following information:

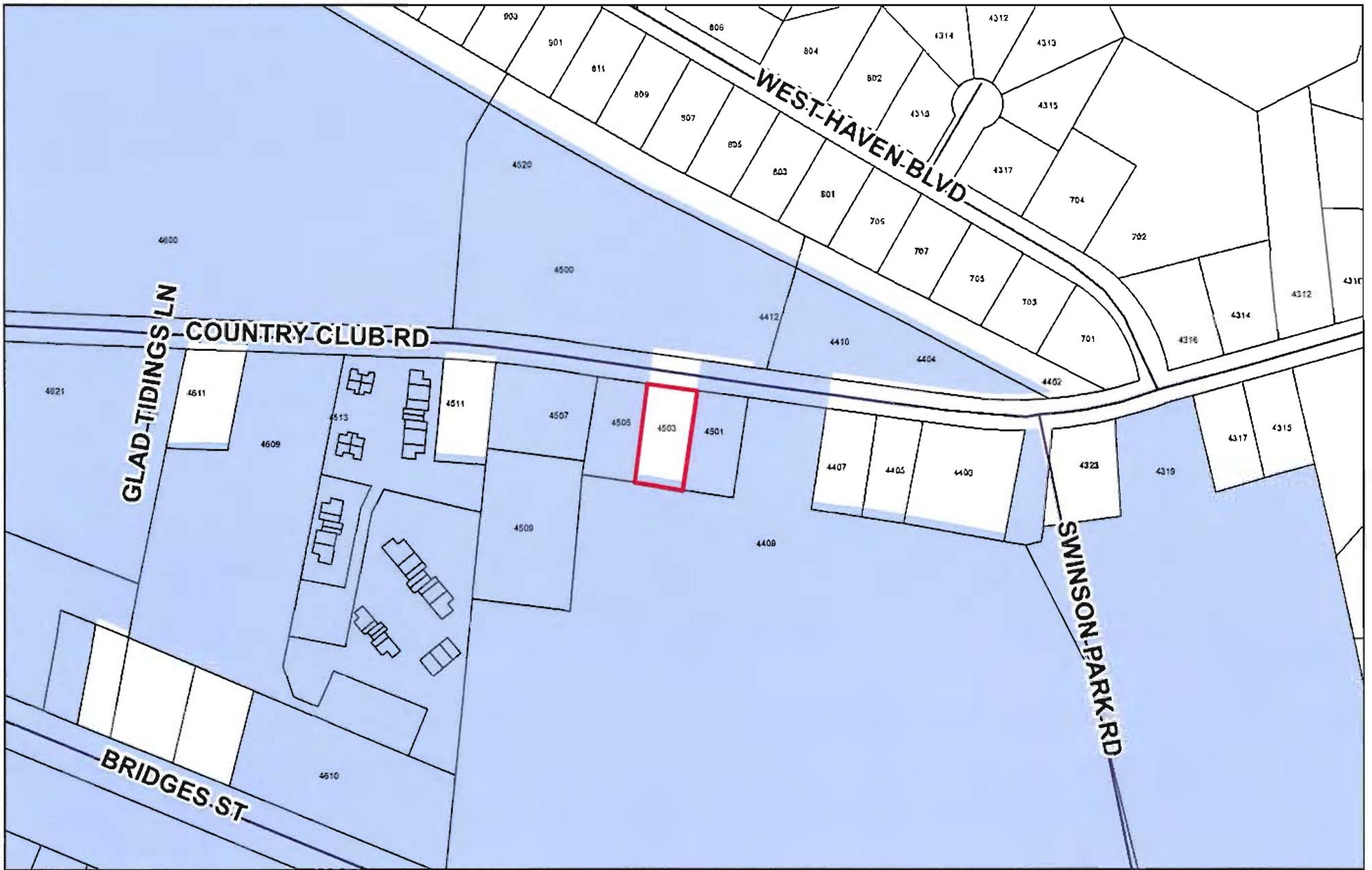
- 1. Copy of Annexation Survey (suitable for recording) and Legal Description of Property;
2. Copy of All Deeds for the Area to Be Annexed to verify ownership;
3. Flat fee of \$300.00 (In addition to the application fee, the applicant is responsible for advertising and recording costs associated with the annexation request.)

Any additional information may be obtained by contacting Keith Fowler at 252-659-2331 (insert phone number).



Sincerely, Applicant(s)' Signature (Notarized)

Handwritten signature of Shirley Colleton



Contiguous Annexation Request

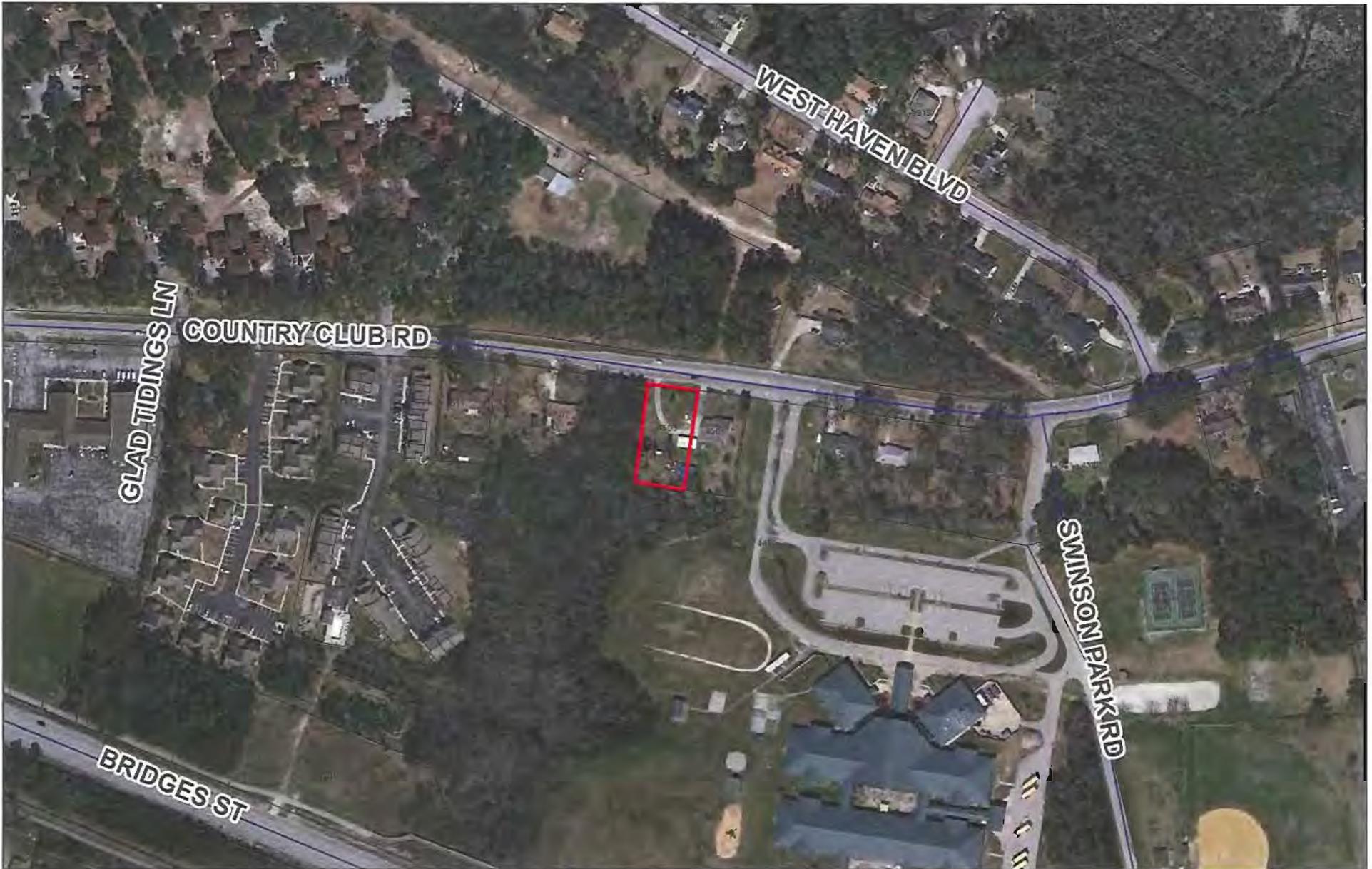


Keith and Marv Fowler

ad



Prepared by: Town of Morehead City
 Planning Department
 August 2014



Contiguous Annexation Request

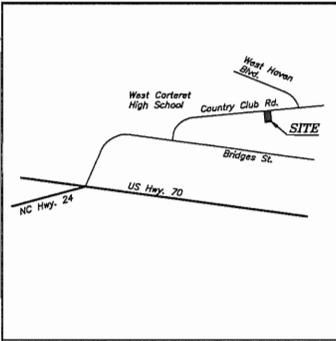


Keith and Mary Fowler

oad



Prepared by: Town of Morehead City
Planning Department
August 2014



VICINITY MAP—NOT TO SCALE

I, _____, the City Clerk of Morehead City, do hereby certify that the Morehead City Town Council approved this map and the site has been approved for annexation and recording in the office of the Register of Deeds:

Date: _____
City Clerk: _____

Adopted by the Town of Morehead City Town Council Ordinance No. _____

Date: _____
Effective Date of Ordinance: _____

I, Pate D. Phillips, hereby certify that this map is of an existing parcel or parcels of land and does not create a new street or change an existing street.

Pate D. Phillips PLS No. L-2640



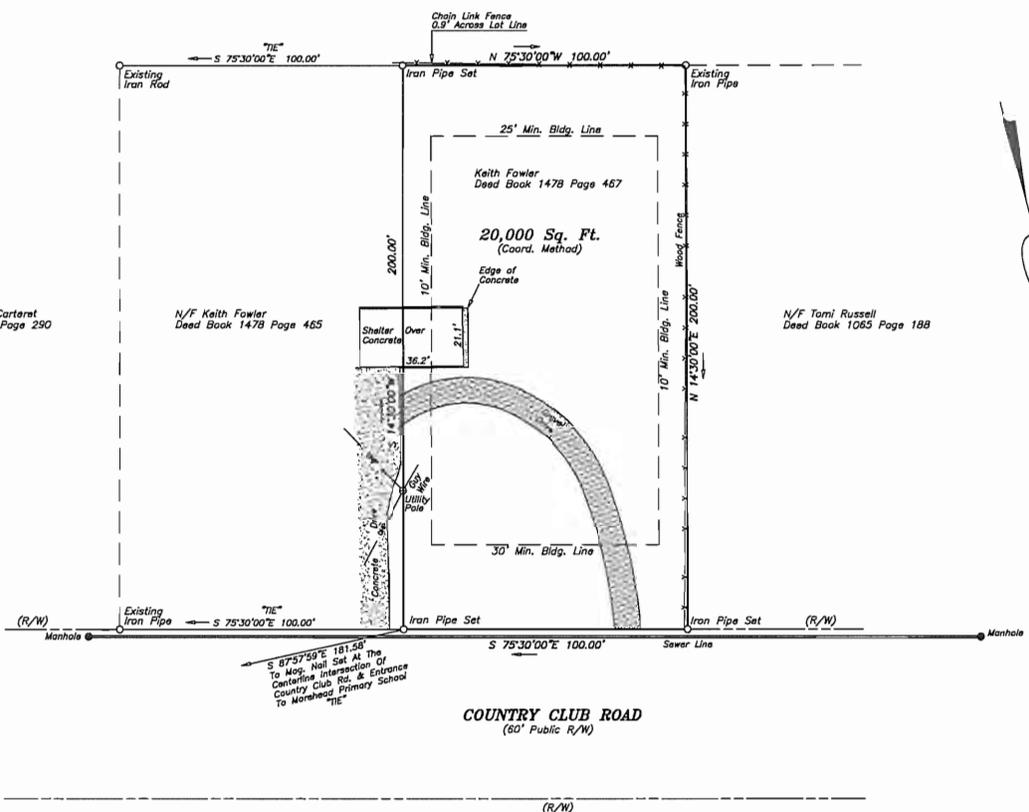
I, Pate D. Phillips, hereby certify that this map was drawn under my supervision from an actual survey made under my supervision; that the boundaries not surveyed are clearly indicated as drawn from information found in Deed Book _____ Page _____; that the ratio of precision as calculated is 1/10,000; that this map was prepared in accordance with G.S. 47-30 as amended. WITNESS my original signature, license number, and seal this 28th day of July, A.D. 2014.

Pate D. Phillips PLS No. L-2640



PRELIMINARY

N/F County of Carteret
Deed Book 703 Page 290



LEGEND
C/L - CENTERLINE
OHP - OVERHEAD POWER LINE
N/F - NOW OR FORMERLY
R/W - RIGHT OF WAY

Morehead Township
Carteret County
North Carolina

Annexation Survey For:
KEITH & MARY FOWLER

Bell & Phillips Surveying, PLLC.
604E Cedar Point Blvd. Cedar Point, N.C. (252)393-6101
License No.: P-0391 Email: patephillips@eastnc.twcnc.com

Tax PIN - 636611760045000
Address: 4503 Country Club Road, Morehead City, NC

NOTE: This Map Is Subject To All Easements, Agreements and Rights Of Way Of Record Prior To The Date Of This Plat.

NOTE: Lot Located In Flood Zone X Per Town of Morehead City FIRM Map No. 3720636600J Effective 7-16-03

Zone - R20

REFERENCE:

Deed Book 1478 Page 467
Carteret County Registry



Date	7-15-14
Project	14275
Cogo	14275
Drawn	PDP
Scale	1" = 30'
Sheet	

MOREHEAD CITY
NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



COUNCIL
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David S. Whitlow
City Manager

ORDINANCE NO. 2014-30

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF MOREHEAD CITY, NORTH CAROLINA**

WHEREAS, the Town Council of the Town of Morehead City has been petitioned under G.S. 160A-31(a), as amended, to annex the area described herein, and

WHEREAS, the Town Council of the Town of Morehead City has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Council Chambers, 2nd Floor, 202 South 8th Street at 5:30 p.m. on the 9th day of September, 2014; and

WHEREAS, the Town Council of the Town of Morehead City further finds that the area described therein meets the standards of G.S. 160A-31, to wit:

- a. The proposed corporate limits are contiguous to the corporate limits of the Town of Morehead City,
- b. The area described is so situated that the Town of Morehead City will be able to provide services on the same basis within the proposed corporate limits that it provides within the primary corporate limits,

WHEREAS, the Town Council of the Town of Morehead City does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-31, as amended;

WHEREAS, the Town Council of the Town of Morehead City further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Morehead City and of the area proposed for annexation will be best served by annexing the area described herein;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Morehead City, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described contiguous territory is hereby annexed and made part of the Town of Morehead City, as of the 30th day of September, 2014.

Ordinance No. 2014-30

Exhibit "A"

Beginning at a point in the centerline of the Country Club Road, which point is S 75-30 E, 300 feet along the centerline of Country Club Road from the northwest corner of the Swinson Tract; runs thence S 75-30 E along the centerline of Country Club Road, 100 Feet to a point; thence S 14-30 W, 230 feet to a point; thence N 75-30 W, 100 feet to a point; thence N 14-30 E, 230 feet to the centerline of Country Club Road, the Point of Beginning. Reference may be had to a map by Philip K. Ball of the K.S. Swinson Farm, made in January 1936, it being a part of the land conveyed to Bertha Guthrie Swinson by Deed recorded in Book 66, Page 511, Carteret County Registry, and being the same conveyed to James B. Swinson by Deed recorded in Book 219, Page 683, Carteret County Registry.

Section 2. Upon and after the 30th day of September, 2014, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Morehead City and shall be entitled to the same privileges and benefits as other parts of the Town of Morehead City. Said territory shall be subject to municipal taxes according to G.S. 160A-31.

Section 3. The Mayor of the Town of Morehead City shall cause to be recorded in the office of the Register of Deeds of Carteret County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Carteret County Board of Elections as required by G.S. 163-288.1.

ADOPTED, this the ____ day of _____, 2014.

Gerald A. Jones, Jr., Mayor

ATTEST:

Jeanne Giblin, City Clerk

NORTH CAROLINA
CARTERET COUNTY

I hereby certify that the foregoing is a true and accurate copy of an ordinance duly adopted by the Town Council of the Town of Morehead City, North Carolina, at a meeting held on September 9, 2014, at 5:30 p.m., at the Morehead City Municipal Building Auditorium, 202 S. Eighth Street.

In WITNESS THEREOF, I have hereunto set my hand and have caused the official corporate seal of said Town of Morehead City to be affixed, this the _____ day of _____, 2014.

Jeanne Giblin, City Clerk

Ordinance No. 2014-30

NORTH CAROLINA
CARTERET COUNTY

I, _____, Notary Public, do hereby certify that Jeanne Giblin, City Clerk, Town of Morehead City, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this the _____ day of _____, 2014.

Notary Public

My commission expires on: _____

TOWN OF MOREHEAD CITY

REQUEST FOR TOWN COUNCIL ACTION

AGENDA ITEM: V.
DATE: September 9, 2014

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Unfinished Business: Adopt Ordinance 2014-29 and Resolution 2014-32 of the Council of the Town of Morehead City, N.C. to Amend Articles 2-2 and 11-3 of the Unified Development Ordinance [UDO] to Add a New Definition for "Condominium Hotel/Condotel" and to Add the Use as a Permitted Use in the Office and Professional [O & P] District [Second Vote]

Background Information Attached: Yes X No

At the August 12, 2014, Council Meeting numerous individuals made comments regarding the request. The Council also discussed the various merits of permitted use versus special use. Councilman Taylor made the motion, seconded by Councilwoman Warrender, to adopt Ordinance 2014-29 and Resolution 2014-32 of the Town of Morehead City to amend Articles 2-2 and 11-3 of the Unified Development Ordinance [UDO] to add a new definition for "Condominium Hotel/Condotel" and to add the use as a "Permitted Use" in the Office and Professional [O & P] District. Councilman Thompson, Councilman Taylor and Councilwoman voted affirmative with Councilman Ballou and Councilman Walker voting opposed. The motion to approve this land use change requires a super majority to pass, hence the request is again presented at this time with only a simple majority being needed for passage.

Recommended Action: *Adopt Ordinance 2014-29 and Resolution 2014-32 of the Council of the Town of Morehead City, N.C. to Amend Articles 2-2 and 11-3 of the Unified Development Ordinance [UDO] to add a new definition for "Condominium Hotel/Condotel" and to add theu as a Permitted Use in the Office and Professional [O & P] District.*

Board Action: Approved: 1st: _____ 2nd: _____
VOTE: Ayes _____ Naves _____ Postponed/Tabled _____

**TOWN OF MOREHEAD CITY
RESOLUTION NO. 2014-32**

**RESOLUTION OF PLAN CONSISTENCY IN ACCORDANCE WITH G.S. 160A-383
FOR AN AMENDMENT TO ARTICLES 2-2 AND 11-3 OF THE MOREHEAD CITY
UNIFIED DEVELOPMENT ORDINANCE TO ADD A NEW DEFINITION FOR
“CONDOMINIUM HOTEL/CONDOTEL” AND TO ADD THE USE AS A PERMITTED
USE IN THE OFFICE AND PROFESSIONAL (OP) DISTRICT:**

WHEREAS, Samer Hamad and Curtis Struyk have requested to amend the Unified Development Ordinance to allow “Condominium hotel/condotel” as a permitted use in the Office and Professional (OP) District.

WHEREAS, the proposed definition for “Condominium hotel/condotel” is, “Multifamily dwelling of ten (10) or more residential units in condominium form of ownership utilized for mixed transient and permanent occupancy, in which some or all units may be rented out by the owner(s) thereof on a daily or more extended basis, and which shall have on-site front desk with management services. Other typical hotel services may be provided for occupants of the premises such as cleaning, laundry, switchboard service, meeting rooms, limited breakfast service and fitness center; provided, however, that no full service restaurant or bar shall be operated on the premises.”

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

WHEREAS, this text amendment request was duly advertised and was the subject of a public hearing before the Morehead City Council on August 12, 2014, during which the applicant, interested parties, and staff were given the opportunity to comment on the application; and

WHEREAS, the Morehead City Council has made the following findings and conclusions:

1. The Planning Board recommends that condotels be allowed as a special use, in lieu of the requested permitted use, in the Office and Professional (OP) zoning district.
2. A condotel front desk should include 24-hour on-site management services.
3. The parking requirements for condotels should be two spaces per condotel unit.
4. The proposed text amendment is consistent with the CAMA Land Use Plan Vision Statement and does appear to be consistent with the general policies, specifically:
 - Section 4.2.2 Land Use Compatibility, Policy #1;
 - Section 4.2.3 Infrastructure Carrying Capacity, Policy #6; and,
 - Section 4.2.7 Areas of Local Concern, Policies 1, 2, 3, 6, 8 & 12.

5. Office and Professional (OP) zoning exists in Neighborhoods 1, 2, 3, 4, 5, 6, and 10 of the CAMA Land Use Plan. Adding the use of condominium/hotel/condotel as use in the Office and Professional zoning district appears to be consistent with the following Neighborhood-Specific Policies:
 - 4.2.8 Neighborhood Specific Policies, Neighborhood 1, Policies 1 & 4;
 - 4.2.8 Neighborhood Specific Policies, Neighborhood 4, Policy 2; and,
 - 4.2.8 Neighborhood Specific Policies, Neighborhood 5, Policy 3.
6. The proposed text amendment is in the public interest because:
 - The Office and Professional Zoning District is located in areas with access to adequate public infrastructure, including water and sewer utilities and adequate roadway access.
 - Adding the use of “condotel” to the City’s Unified Development Ordinance provides:
 - an alternative to typical hotel accommodations for visiting tourists and professionals; and,
 - an opportunity for additional economic development and increased tax base within the City’s jurisdiction.
7. The proposed amendment does not appear to conflict with other City plans.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the foregoing findings and conclusions, that the Morehead City Council does hereby find the text amendment consistent with the most recently adopted CAMA Land Use Plan and orders that the text amendment be approved.

Gerald A. Jones, Jr., Mayor

ATTEST:

Jeanne M. Giblin, City Clerk

ADOPTED: Tuesday, September 9, 2014

TOWN OF MOREHEAD CITY
ORDINANCE #2014-29

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOREHEAD CITY, NC, TO AMEND ARTICLES 2-2 AND 11-3 OF THE UNIFIED DEVELOPMENT ORDINANCE TO ADD A NEW DEFINITION FOR “CONDOMINIUM HOTEL/CONDOTEL” AND TO ADD THE USE AS A PERMITTED USE IN THE OFFICE AND PROFESSIONAL (OP) DISTRICT:

WHEREAS, the Planning Board and Town Council Notice of Public Hearing date was published in accordance with G.S. 160A-364 in The Carteret County News-Times, a local newspaper, once each week for two (2) successive weeks, said notice having been published the first time not less than 10 days prior to the date of such hearing; and

WHEREAS, the said public hearing was actually conducted at 5:30 p.m., Tuesday, August 12, 2014, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Morehead City that the Unified Development Ordinance be amended as follows:

1. Add Article 2-2.x as follows: “*Condominium hotel/condotel*. Multifamily dwelling of ten [10] or more residential units in condominium form of ownership utilized for mixed transient and permanent occupancy, in which some or all units may be rented out by the owner[s] thereof on a daily or more extended basis, and which shall have on-site front desk staffed twenty-four [24] hours, seven [7] days a week every week, 365 days a year and management services. Other typical hotel services may be provided for occupants of the premises such as cleaning, laundry, switchboard service, meeting rooms, limited breakfast service and fitness center; provided, however, that no full service restaurant or bar shall be operated on the premises. The maximum size of the facility will be limited by available parking spaces based upon two [2] spaces per unit.
2. Amend Article 11-3 to add “Condominium hotel/condotel” as a permitted use in the Office and Professional (OP) district and to note that there is a definition for said use.
3. That this ordinance shall become effective immediately upon its adoption.
4. That if any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

DULY ADOPTED THIS the 9th of September, 2014, by a first reading vote held on Tuesday, August 12, 2014, with Commissioners Taylor, Warrender and Thompson voting for and Commissioners Ballou and Walker voting against; and the second reading vote held on Tuesday, September 9, 2014, with Commissioner(s) _____ voting for; Commissioner(s)

_____ voting against; and Commissioner(s)

_____ absent.

TOWN OF MOREHEAD CITY

Gerald A. Jones, Jr., Mayor

ATTEST:

Jeanne M. Giblin, City Clerk

TOWN OF MOREHEAD CITY

AGENDA ITEM: VI.

REQUEST FOR TOWN COUNCIL ACTION

DATE: September 9, 2014

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: New Business:

Background Information Attached: Yes No

VI.A. Adopt Ordinance 2014-34 Amending the Town of Morehead City Code of Ordinances, Chapter 8, Licenses, Permits and Business Regulations, Article VI, *Taxicabs*, Section 8-189 Duration

The Public Safety Committee of the Council met on September 3rd and discussed amending the City's taxi ordinance regarding the need for a taxi and/or limited taxi service to appear before Council for a renewal of a Certificate of Convenience and Necessity every two [2] years. It was determined that if no formal written complaints were received from the public during the preceding two [2] years and if the present franchise has met all the other necessary requirements of the ordinance, the City Clerk may issue a renewed certificate for another two [2] years. The Public Safety Committee recommended the adoption of Ordinance 2014-34.

Recommended Action: Adopt Ordinance 2014-34 Amending the Town of Morehead City Code of Ordinances, Chapter 8, Licenses, Permits and Business Regulations, Article VI, *Taxicabs*, Section 8-189 Duration.

VI.B. Board of Adjustment Appointments

There are currently two [2] vacancies on the Board of Adjustment, an In-City Regular Member and an Extra-Territorial Jurisdiction Alternate Member. The Planning Committee of the Council discussed moving Sally Lumpkin to the In-City Regular Member seat and recommended Charles Sewell for appointment to the Board of Adjustment as an In-City Alternate Member. He lives in Country Club Run which would help distribute the Board Membership throughout the City.

Tripp Mudge currently serves as an Extra-Territorial Jurisdiction Alternate Member and desires to be reappointed. The Planning Committee concurred that the Council recommend to the Carteret County Commissioners to reappoint Tripp Mudge.

Recommended Action: Request additional nominations. If the Council agrees with the recommendations of the Planning Committee appoint Sally Lumpkin as an In-City Regular Member; appoint Charles Sewell as an In-City Alternate Member; and recommend the re-appointment of Tripp Mudge as an Extra-Territorial Jurisdiction Alternate Member to the Carteret County Board of Commissioners.

VI.C. Adopt Resolution 2014-41 Setting an Unassigned Fund Balance Policy

Over the past several months, the Finance Committee of the Council has discussed the Council policy with regard to the unassigned fund balance. Around 1996—97, the Council became alarmed that its history of maintaining an unassigned fund balance had left it in a precarious position. The fund balance over the preceding ten years had varied from under 1% of total budgeted expenditures to as much as 31%. During the same time, budgeted expenditures had grown from under \$2,000,000 to over \$4,000,000. At that time, the Council decided that setting a minimum fund balance policy would be prudent. After discussion, the Council set a policy that the fund balance should not be below \$2,000,000, with a preferred range of \$2 to 2,500,000. That policy has been the operative policy since 1997. Since 1997, the unassigned fund balance has been on a generally upward trend, moving from approximately \$1,000,000 to approximately \$4,000,000 in the past years.

The Local Government Commission [LGC] requires municipalities to maintain a fund balance of a minimum of 8% of total expenditures. Further, the LGC routinely notifies municipalities if their fund balance falls below 50% of the average peer group fund balance.

The Finance Committee believes that it is prudent to carry a substantial fund balance in order that the City is able to respond quickly to emergencies and disasters, take advantage of grant opportunities that require matching funds, and provide a buffer to be able to weather modest downturns in the economy. The Committee also believes that as the economy continues to improve, investment earnings will improve and allow the fund balance to generate a more significant portion of the current revenues, partially offsetting the need for higher tax increases.

The Finance Committee recommends that the Council consider a policy that would require a minimum unassigned fund balance in the range of \$2,500,000 to \$2,750,000.

Recommended Action: Adopt Resolution 2014-41 Setting an Unassigned Fund Balance Policy.

Board Action: Approved: 1st: _____ 2nd: _____
VOTE: Ayes _____ Naves _____ Postponed/Tabled _____

A.

MOREHEAD CITY
NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



COUNCIL

George W. Ballou, *Mayor Pro Tem*
Demus L. Thompson
William F. Taylor
Diane C. Warrender
Harvey N. Walker, Jr.

202 South 8th Street
Morehead City, North Carolina 28557-4234
TEL (252) 726-6848
FAX (252) 222-3082
www.moreheadcity.nc.gov

David S. Whitlow
City Manager

**Town of Morehead City
Ordinance 2014-34**

Amending the Town of Morehead City Code of Ordinances, Chapter 8, Licenses, Permits and Business Regulations, Article VI, Taxicabs, Section 8-189 Duration

BE IT ORDAINED, by the Council of the Town of Morehead City that Section 8-189 of the Morehead City Code of Ordinances be amended as follows:

Sec. 8-189 Duration.

A certificate shall constitute a franchise for two [2] years from the town for the operation of taxicabs or limousines within the town, subject to the provisions of this article unless a shorter period of time is specified in the certificate. Application for renewal shall be filed biannually and ~~hearings conducted as provided in this division after public notice as prescribed in Section 8-186~~ if there have been no formal written complaints from the public received during the preceding two [2] year period regarding the company, and with the provision of certificates of insurance, driver's license and other required elements, a renewed certificate shall be issued for the same period as the original by the City Clerk. Should any formal written complaints have been received, the renewal will follow the same process as the original application, including public notice and the convening of a public hearing.

This ordinance shall become effective upon adoption.

ADOPTED, this the 9th day of September, 2014.

Gerald A. Jones, Jr., Mayor

Attest:

Jeanne M. Giblin, City Clerk

B.



MEMORANDUM

TO: The Honorable Mayor and Town Council
David Whitlow, City Manager

FROM: Linda V. Staab, Planning Director *LVS*

RE: Board of Adjustment Vacancies

DATE: September 3, 2014

There are currently two (2) vacancies on the Board of Adjustment, an in-city regular member and an extra-territorial jurisdiction alternate.

The Planning Committee discussed moving Sally Lumpkin to the in-city regular member seat which would leave her in-city alternate seat open. The Planning Committee recommended Charles Sewell for appointment to the Board of Adjustment as an in-city member.

Tripp Mudge currently serves as an extra-territorial jurisdiction alternate and desires to be reappointed. The Planning Committee is recommending that Council recommend to the County Commissioners that Tripp be reappointed.

Background information is attached.

TOWN OF MOREHEAD CITY

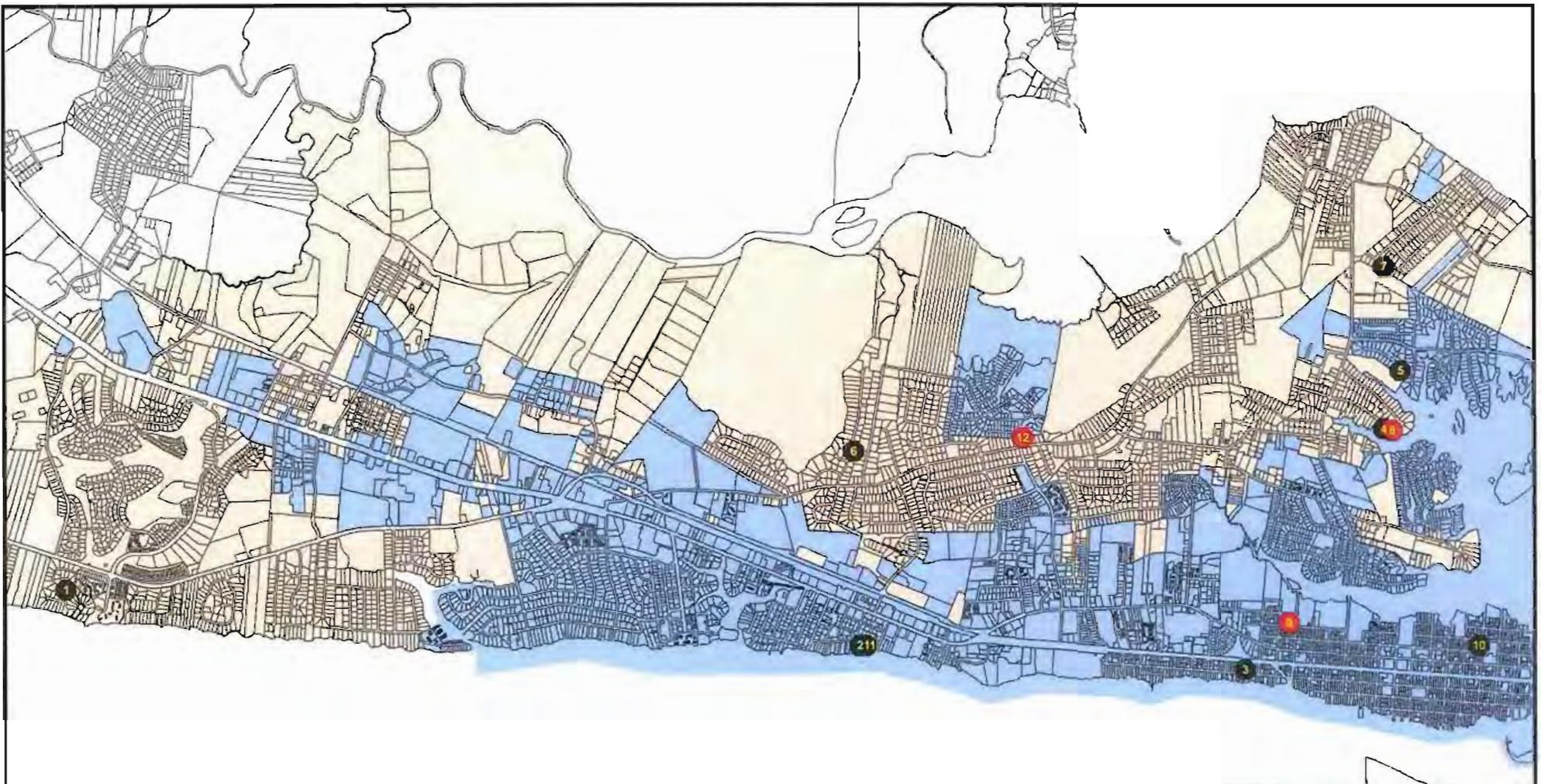


BOARD OF ADJUSTMENT

NAME	ADDRESS	PHONE	TERM
<u>IN-CITY MEMBERS:</u>			
Dave Robertson (8/2005) <i>(Vice-Chair)</i>	2512 Evans Street	726-1461W 726-1118H 725-2130 C	8/27/13-8/27/16
Dick Gambill (11/2007)	4111 Sound Drive	726-0786 H	8/27/13-8/27/16
Holly Briggs (3/2004) <i>(Chairperson)</i>	1805 Red Fox Lane	726-8407 H 725-5286 C <i>(NOT eligible for re-appointment)</i>	8/27/11-8/27/14
<u>IN-CITY ALTERNATES:</u>			
Sally Lumpkin* (10/2013)	4107 Sound Drive P.O. Box 489	659-0253 C	8/27/13-8/27/16
Trey McCarther* (10/2013)	305 North 12 th Street	342-8500 C	8/27/13-8/27/16
<u>EXTRATERRITORIAL MEMBERS:</u>			
Beth Taylor (5/2002)	1807 Champion Drive	726-3820 H	8/27/12-8/27/15
Bill Stompf* (2013)	812 Oak Drive	764-1965 C	8/27/13-8/27/16
<u>EXTRATERRITORIAL ALTERNATES:</u>			
Tripp Mudge (8/2008)	126 Pine Bluff Drive	726-1955 H 241-3619 C 728-2182 W	8/27/11-8/27/14 <i>(desires to serve)</i>
Terry Senich (10/2013)	1607 Sanderling Drive	648-8884 H 241-0187 C	8/27/13-8/27/16

**Last change*

() Year of first appointment



Current Board of Adjustment Members and Applicants

- Member
- Applicant
- City Limits
- ETJ

Prepared by: Town of Morehead City
Planning Department
July 2014



#	Name	Status	
1	Tripp Mudge	ETJ	Member/Applicant
2	Dick Gambill	In-City	Member
3	Dave Robertson	In-City	Member
4	Beth Taylor	ETJ	Member
5	Holly Briggs	In-City	Member
6	Bill Stumpf	ETJ	Member
7	Terry Senich	ETJ	Member
8	Diane Gagnon	ETJ	Applicant
9	Katherine MacLeod	In-City	Applicant
10	Trey McCarther	In-City	Member
11	Sally Lumpkin	In-City	Member
12	Charles Sewell	In-City	Applicant

IN-CITY

Gerald A. Jones, Jr., Mayor

MOREHEAD CITY NORTH CAROLINA



David S. Whitlow
City Manager

COUNCIL

Harvey N. Walker, Jr., Mayor Pro Tem
George W. Ballou
Demus L. Thompson
William F. Taylor
Diane C. Warrender

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TOWN OF MOREHEAD CITY CITIZEN PARTICIPATION APPLICATION

I am interested in serving in a volunteer capacity on one [1] of the Boards or Committees in City Government. I am providing the following information for use in considering me for an appointment.

Name: CHARLES R. SEWELL

Address: 3407 SNEAD ST. MOREHEAD CITY N.C.

Telephone [Home]: [REDACTED] Business: _____

Cell Phone: [REDACTED] E-mail: [REDACTED]

I am interested in serving on:
 Planning Board
 Board of Adjustment
 Other: _____

Civic/Community Participation: COUNTRY CLUB HOMEOWNERS ASSOCIATION
"GRIEVANCE COMMITTEE" CHAIR FOR 2 YEARS
VIETNAM VETERANS CHAPTER 749 - VETERANS CIVIC ACTIVITIES
IN THE CALBERT COUNTY AREA

Provide any information which qualifies you for service on this Board/Committee:
CCR GRIEVANCE COMMITTEE CHAIR GAVE ME THE OPPORTUNITY
TO WORK SOLVING ISSUES WITH RESIDENTS AND COMMUNITY MANAGEMENT

Are you available throughout the year? Yes No _____ [Explain when available]: _____

If appointed when can you meet? Mornings Afternoons: Evenings:

Do you anticipate any conflicts of interest if appointed? [Explain]: NONE

Charles R. Sewell 7/23/2014
Signature Date

NOTE:

- You are encouraged to attend and observe meetings of any boards to which you desire appointment. Information about the board's duties and work is available upon request.
- The above information will be used in considering appointments and may be used in news releases to identify you if you are appointed.
- Additional information may be put on an attached sheet.

RETURN TO: City Clerk, Town of Morehead City,
202 South 8th Street, Morehead City, N.C. 28557

14

FW

BOA / PB IN-CITY

GERALD A. JONES, JR., Mayor

MOREHEAD CITY NORTH CAROLINA

DEMUS L. THOMPSON, Mayor Pro Tem
Council
GEORGE W. BALLOU
PAUL W. CORDOVA
DAVID HORTON
JOHN F. NELSON

COPY

706 Arendell Street
Morehead City, North Carolina 28557-4234
TEL (252) 726-8848
FAX (252) 726-2267
www.moreheadcity.nc.gov



R. RANDY MARTIN
City Manager

TOWN OF MOREHEAD CITY CITIZEN PARTICIPATION APPLICATION

I am interested in serving in a volunteer capacity on one [1] of the Boards or Committees in City Government. I am providing the following information for use in considering me for an appointment.

Name: Katherine M Machedo

Address: 2304 Bay St Morehead City NC 28557

Telephone [Home]: [REDACTED] Business: [REDACTED]

Cell Phone: [REDACTED] E-mail: [REDACTED]

I am interested in serving on:
 Planning Board
 Board of Adjustment
 Other: _____

Civic/Community Participation: American Cancer Society Road to Recovery Coordinator and Driver, Fundraising for Hospital's new Cancer Center through Spirit of Hope Group for Cancer survivors,

Provide any information which qualifies you for service on this Board/Committee: I have been a recording secretary for a Finance Committee, Historical Committee, and Golf Committee for Municipal Gov. in Massachusetts. I would like to be an asset to future planning in Morehead City.

Are you available throughout the year? Yes No _____ [Explain when available]: _____

If appointed when can you meet? Mornings Some Afternoons: Some Evenings: Mostly

Do you anticipate any conflicts of interest if appointed? [Explain]: NO conflict of interest anticipated.

Katherine M Machedo 2/1/12
Signature Date

NOTE:

- You are encouraged to attend and observe meetings of any boards to which you desire appointment. Information about the board's duties and work is available upon request.
- The above information will be used in considering appointments and may be used in news releases to identify you if you are appointed.
- Additional information may be put on an attached sheet.

RETURN TO: City Clerk, Town of Morehead City,
706 Arendell Street, Morehead City, N.C. 28557
ADA/EOE/P Equal Opportunity Employer Provider



TOWN OF MOREHEAD CITY
CITIZEN PARTICIPATION APPLICATION

ETJ

PB + BDA

RECEIVED
NOV 11 2011

BY: _____

cc: Jeanne

I am interested in serving in a volunteer capacity on one of the Boards or Committees in City Government whose members are appointed by Council.

Name: Dianne R. Gagnon

Address: 1803 Paulette Road, Morehead City, NC

Telephone: [Home] [Business] [E-mail]

Employer: retired

Occupation: formally Business Manager at Duke University Marine Lab

- I am interested in serving on:
- Board of Adjustment
 - Planning Board
 - Parks & Recreation Advisory
 - Other: _____

Civic/Community Participation: Rotary (Lookout) where I serve as secretary, member of the scholarship committee and the road race committee, Ann Street United Methodist Church where I served at treasurer of the United Methodist Women and a member of the Emergency Response Team.

Please provide any information which qualifies you for service on this Board/Committee: I have previously served on the Planning Board for many years, worked with various federal and state governmental agencies while at Duke

Are you available throughout the year? Yes No [Explain when available] _____

If appointed, could you meet: Mornings Afternoons Evenings – any time

Do you anticipate any conflicts of interest if appointed? [Explain]. none known at this time.

Signature D. Gagnon

Date 11/11/2011

NOTE: You are encouraged to attend and observe meetings of any boards to which you desire appointment. Additional information may be placed on an attached sheet.

Please return to: Jeanne M. Giblin, City Clerk, Town of Morehead City, 706 Arendell Street, Morehead City, N.C. 28557

13

C.

MEMORANDUM

TO: Honorable Mayor
Members of Council

FROM: David S. Whitlow, City Manager

SUBJECT: Amendment of Unassigned Fund Balance Policy

DATE: September 4, 2014

Over the past several months, the Finance Committee has discussed the Council policy with regard to the unassigned fund balance.

Around 1996—97, the Council became alarmed that its history of maintaining an unassigned fund balance had left it in a precarious position. The fund balance over the preceding ten years had varied from under 1% of total budgeted expenditures to as much as 31%. During the same time, budgeted expenditures had grown from under \$2,000,000 to over \$4,000,000. At that time, the Council decided that setting a minimum fund balance policy would be prudent. After discussion, the Council set a policy that the fund balance should not be below \$2,000,000, with a preferred range of \$2 to 2,500,000. That policy has been the operative policy since 1997.

Since 1997, the unassigned fund balance has been on a generally upward trend, moving from approximately \$1,000,000 to approximately \$4,000,000 for the past four years. The budgeted expenditures have grown from \$4,000,000 to approximately \$12,000,000 over the same period.

The LGC requires municipalities to maintain a fund balance of a minimum of 8% of total expenditures. Further, the LGC routinely notifies municipalities if their fund balance falls below 50% of the average peer group fund balance. Morehead City falls right at the dividing point in jurisdiction size. The LGC reports that the average unassigned fund balance for municipalities with 2,500 to 9,999 populations had an average fund balance available for appropriation of \$2,662,523 representing 71.30% of the General Fund Expenditure at 6/30/13. For jurisdictions with a population of 10,000 to 24,999, the average fund balance available for appropriation was \$8,105,796, representing 49.97% of the General Fund Expenditure at 6/30/13. Morehead City had a fund balance available for appropriation of \$4,263,094, representing 43.22% of General Fund Expenditure. Please note that these figures include certain restricted funds as well as unassigned fund balance.

The Finance Committee believes that it is prudent to carry a substantial fund balance in order that the Town is able to respond quickly to emergencies and disasters, take advantage of grant opportunities that require matching funds, and provide a buffer to be able to weather modest downturns in the

economy. The committee also believes that as the economy continues to improve, investment earnings will improve and allow the fund balance to generate a more significant portion of the current revenues, partially offsetting the need for higher tax increases.

After considerable discussion, the committee recommends that the Council consider a policy that would require a minimum unassigned fund balance in the range of \$2,500,000 to \$2,750,000.

MOREHEAD CITY
NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



COUNCIL

George W. Ballou, *Mayor Pro Tem*
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David S. Whitlow
City Manager

**TOWN OF MOREHEAD CITY
RESOLUTION 2014-41
SETTING AN UNASSIGNED FUND BALANCE POLICY**

WHEREAS, the Council of the Town of Morehead City wishes to set a policy with regard to the Unassigned Fund Balance; and

WHEREAS, the Council in 1996/1997 set a policy that the Unassigned Fund Balance should not be below \$2 million, with a preferred range of \$2 million to \$2.5 million; and that policy has been operative until today; and

WHEREAS, since 1997 the Unassigned Fund Balance has been on a generally upward trend, moving from approximately \$1 million to approximately \$4 million for the past 17 years at which time the budget expenditures have grown from \$4 million to \$12 million over the same period; and

WHEREAS, the Local Government Commission [LGC] requires municipalities to maintain a Unassigned Fund Balance of a minimum of 8 percent of total expenditures and routinely notifies municipalities if their Unassigned Fund Balance falls below 50 percent of the Average Peer Group Unassigned Fund Balance; and

WHEREAS, the Council believes that it is prudent to carry a substantial Unassigned Fund Balance in order that Morehead City is able to respond quickly to emergencies and disasters, take advantage of grant opportunities that require matching funds, provide a buffer to weather modest downturns in the economy and allow the Unassigned Fund Balance to generate a more significant portion of the current revenues, thereby partially offsetting the need for higher tax increases.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Morehead City recommends a policy that would require a minimum Unassigned Fund Balance in the range of \$2.5 million to \$2.75 million.

Dated, this the 9th day of September, 2014.

Gerald A. Jones, Jr., Mayor

Attest:

Jeanne M. Giblin, City Clerk

TOWN OF MOREHEAD CITY

REQUEST FOR TOWN COUNCIL ACTION

AGENDA ITEM: VII.
DATE: September 9, 2014

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Citizen Requests/Comments [2 minute time limit]

Background Information Attached: Yes No X

Board Action: Approved: 1st: _____ 2nd: _____
VOTE: Ayes _____ Nays _____ Postponed/Tabled _____

TOWN OF MOREHEAD CITY

AGENDA ITEM: VIII.

REQUEST FOR TOWN COUNCIL ACTION

DATE: September 9, 2014

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: City Manager Report:

Background Information Attached: Yes X No

VIII.A. Contract Agreements between the Town of Morehead City and Carteret County to Provide Fire/EMS Services to the Mitchell Village/Crab Pointe and Wildwood Fire District

The contracts for the provision of Fire and EMS services for the Mitchell Village/Crab Pointe and Wildwood Fire Districts are attached. With the exception of the name of the district and the dollar amounts, these contracts are identical. The basic principles of the contract are that Morehead City Fire/EMS Department would provide service to each district for ten [10] years, with an extension of the contract period for an additional the [10] years. The contract amount is a fixed amount for operating expenses, with a provision to allow the Morehead City Fire/EMS Department to request additional funds for major equipment needs for service within the districts.

County funding is fixed for the first five [5] years, except for capital needs, and subject to a CPI adjustment in the sixth [6th] year and beyond. At the end of the ten [10] year period, terms will be renegotiated. Overall, this contract is viewed by City staff as being a major step forward in the delivery of emergency services and a favorable approach for both Morehead City and the two [2] fire districts.

It is the request of the City staff that the Council approve the contracts.

VIII.B. Appointment of Acting City Manager

City Manager Whitlow will be out of the country and not accessible by either cell phone or email during much of the time from September 29 until October 16. 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 will be designating Ellen Sewell to serve as the Acting City Manager from September 29 until October 16, 2014. 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 our various accounts, therefore not requiring additional signature cards with our banks.

The Council is requested to give approval to this appointment.

Recommended Action: Appoint Finance Director Ellen Sewell as Acting City Manager in the City Manager's absence.

VIII.C. Set a Public Meeting Date for Discussion of Highway 70 Project Median Option #3

Over the spring and summer, City staff met with identified persons and organizations that had expressed concerns both for and against the proposed options for design and construction of medians on Route 70. City Staff received a number of comments and questions that have been discussed with representatives of the North Carolina Department of Transportation [NCDOT]. At this time a public meeting should be called so that the Council can receive comments and determine whether it wishes to adopt a resolution supporting Option #3 or not. Should the Council support this option or any other, NCDOT is prepared to move the project forward and get it under contract before June 30, 2014. If Council determines that it does not want to go forward, NCDOT will not proceed with the project. However, if this is the option that Council chooses, any future efforts to make this type of improvement will have to compete with other state, regional and local projects for funding, with no guarantee that funding will be available.

The suggested dates are:

- Monday, October 20
- Monday, October 27
- Tuesday, October 28
- Wednesday, October 29
- Monday, November 3

In order to try to reach the widest audience, it is suggest that the meeting be held at 7:00 PM.

Recommended Action: Set a Public Meeting Date for Discussion of Highway 70 Project Median Option #3.

Board Action: Approved: 1st: _____ 2nd: _____
VOTE: Ayes _____ Naves _____ Postponed/Tabled _____

A.

MEMORANDUM

TO: Honorable Mayor
Members of Council

FROM: David S. Whitlow, City Manager

SUBJECT: Contracts for Provision of Fire and EMS Service

DATE: September 4, 2014

Attached are contracts for the provision of Fire and EMS services for the Mitchell Village/Crab Pointe and Wildwood fire districts. With the exception of the name of the district and the dollar amounts, these contracts are identical.

The basic principles of the contract are that MCFD would provide service to each district for 10 years, with an extension of the contract period for an additional 10 years. It is our feeling that this is a good approach, allowing both MCFD and the County to plan for long term fire and EMS needs.

The contract amount is a fixed amount for operating expenses, with a provision to allow MCFD to request additional funds for major equipment needs for service within the districts. This is also a good approach, as in the past, both operating and capital needs have been lumped together in our annual funding requests.

County funding is fixed for the first five years, except for capital needs, and subject to a CPI adjustment in the sixth year and beyond. We have discussed this approach and find it acceptable.

At the end of the 10 year period, terms will be renegotiated. This seems reasonable, given the economic swings that we experience and the possibility that development patterns might require consideration of relocation of stations and different deployments of staff and equipment.

Overall, this contract is viewed by staff as being a major step forward in the delivery of emergency services and a favorable approach for both Morehead City and the two fire districts.

It is the request of the staff that the Council approve the contracts.

NORTH CAROLINA
CARTERET COUNTY

This CONTRACT, made and entered into this the _____ by and between CARTERET COUNTY, hereinafter referred to as the County, and MOREHEAD CITY A MUNICIPALITY OF CARTERET COUNTY, hereinafter referred to as the Town;

WITNESSETH:

WHEREAS, North Carolina General Statute 69-25.5 provides that counties may provide for fire services in a fire protection district by contracting with any incorporated nonprofit volunteer, community fire department, or any incorporated city or town; and

WHEREAS, North Carolina General Statute 69-25.4 (b) indicates the term “fire protection” and the levy of a tax for that purpose may include the levy, appropriation, and expenditure of funds for furnishing emergency medical, rescue and ambulance service to protect persons within the district from injury or death; and

WHEREAS, Chapter 159 of the North Carolina General Statutes provides that the county budget ordinance may be in any form that the board of county commissioners of any county deems most efficient in enabling it to make the fiscal policy decisions embodied therein and provides for a fund for each special district whose taxes are collected by the county; and

WHEREAS, the Town is a municipal corporation organized and authorized to furnish fire, rescue and emergency medical protection services to the citizens of its district; and

WHEREAS, the Town serves the area of special tax district created by a vote of the people known as the Wildwood Fire Protection District of Carteret County in accordance with Article 3A Chapter 69 of the North Carolina General Statutes and other applicable laws; and

WHEREAS, Carteret County presently levies and collects special taxes and is responsible for appropriating the funds derived there from for fire, rescue and emergency medical protection in the District; and

WHEREAS, the County and the Town desire to enter into this contract for the Town to furnish fire, rescue and emergency medical protection and during times of emergencies/disasters provide: 1) preliminary damage assessment; 2) debris clearance and removal to clear roadways; 3) traffic control (barricading roadways that are not passable); and 4) other lifesaving and property protection measures as necessary for and within the District;

NOW, THEREFORE, in consideration of the premises and of other good and valuable considerations, the parties hereto contract and agree as follows:

1. Carteret County agrees that it will provide funds, from the special taxes which are levied in such amount as the Board of County Commissioners may deem necessary from year to year to provide fire, rescue and emergency medical protection to the designated District based upon the rate of a special ad valorem tax it will levy against property in the Wildwood Fire Protection District of Carteret County unless otherwise limited or restricted by law or unless the people of the special district shall vote to terminate said tax. The County will collect the funds from the District as may be levied as provided by law.
2. Special or separate funds shall be maintained by the County for taxes collected as a result of said special taxes.
3. The funds derived from the special taxes levied by the County, shall be paid to the Town within the fiscal year as agreed to by the Town and the Carteret County Manager.
4. The Town shall furnish adequate fire, rescue and emergency medical protection within the District and shall provide the necessary equipment, personnel, water and all things necessary for furnishing adequate fire, rescue and emergency medical protection in the District. The services shall be in accordance with the minimum standards set forth by the Carteret County Department of Emergency Services and the North Carolina Department of Insurance. The Town shall provide workers' compensation insurance coverage applicable to all Town personnel, regardless of status, at least to the extent required by law. The Town shall furnish said fire, rescue and emergency medical protection without additional charge to all persons and property located in the District in an efficient and workmanlike manner. Funds shall not be used for the subcontracting of fire, rescue and emergency medical protection services except approved by the County.
5. All funds paid to the Town by the County shall be used exclusively to provide fire, rescue and emergency medical protection within the District and automatic and mutual aid approved by the County.
6. The County may inspect all the books and records of the Town at any time it shall desire. The Town shall further provide such additional information as the County may reasonably request from time to time. The Town agrees that it will supply such records, information or verification relating to expenditures of the funds or the operations of the Town as may reasonably be requested by the County. The Town shall maintain a written accounting system which provides adequate documentation of all of its receipts and disbursements including those related to the funds subject to this contract.
7. The Town will have an annual compilation of its financial records and operations performed by the Carteret County Finance Department.
8. All books and records shall be maintained by the Town for a period of at least three years from the date that the Town's fiscal year ends and shall be made available for audit upon request during regular business hours of the Town.

9. The Town shall use the funds subject to this contract in accordance with the annual budget of the funds, which is approved and adopted by the County Commissioners, which budget is incorporated automatically herein by reference each year.
10. The Town will maintain the current rating of the district or better with the North Carolina Department of Insurance. The Town shall continuously comply with all applicable laws, ordinances and regulations. In the event the rating for the District is downgraded, the Town shall have one (1) year in which to have the former restored.
11. In the event of the Town's failure to meet the requirements of this contract and as a result of said breach that it constitutes a failure to provide fire, rescue and emergency medical protection to the District as provided for in this contract, the County may immediately terminate this contract and no further funds will be due to or provided to the Town.
12. This contract shall supersede all previous contracts between the County and the Town and shall become effective October 1, 2014 and, subject to the continued legal existence of the District, shall continue thereafter from fiscal year to fiscal year in accordance with the annual budget adopted by the County Commissioners for providing fire, rescue and emergency medical protection within the District to the extent of funds appropriated to continue this agreement.
13. This agreement may not be transferred or assigned by the Town without the written consent of the County.
14. This contract shall have an initial term of ten (10) years and will provide the service in the District for the sum of \$582,000.00 per year. On the beginning of the second five (5) years, the amount of payment to the Town will be adjusted based upon the Consumer Price Index; however, said rate shall not increase more than two percent (2%) annually. The Town and the County agree there will be an option to renew this contract at the end of the initial term and the terms will be negotiable. In the event that the Town and County have not renegotiated this contract at the end of the ten (10) years, then the contract will continue until the parties have completed their negotiations. The Town will notify the County not less than six (6) months prior to the termination of the initial term if they want to negotiate the terms and conditions to extend this contract an additional ten (10) years. At any time during any extended terms after the initial term, said contract can be terminated by either party or the other party giving at least one (1) year notice to the other of its intent to terminate. The Town will have the ability to request additional funding to facilitate the acquisition of equipment to be used in the provision of fire, rescue and emergency medical service to the District. Major equipment funded by the District solely for the purpose of providing service to the District will be titled in the name of Carteret County.

NORTH CAROLINA
CARTERET COUNTY

This CONTRACT, made and entered into this the _____ by and between CARTERET COUNTY, hereinafter referred to as the County, and MOREHEAD CITY A MUNICIPALITY OF CARTERET COUNTY, hereinafter referred to as the Town;

WITNESSETH:

WHEREAS, North Carolina General Statute 69-25.5 provides that counties may provide for fire services in a fire protection district by contracting with any incorporated nonprofit volunteer, community fire department, or any incorporated city or town; and

WHEREAS, North Carolina General Statute 69-25.4 (b) indicates the term “fire protection” and the levy of a tax for that purpose may include the levy, appropriation, and expenditure of funds for furnishing emergency medical, rescue and ambulance service to protect persons within the district from injury or death; and

WHEREAS, Chapter 159 of the North Carolina General Statutes provides that the county budget ordinance may be in any form that the board of county commissioners of any county deems most efficient in enabling it to make the fiscal policy decisions embodied therein and provides for a fund for each special district whose taxes are collected by the county; and

WHEREAS, the Town is a municipal corporation organized and authorized to furnish fire, rescue and emergency medical protection services to the citizens of its district; and

WHEREAS, the Town serves the area of special tax district created by a vote of the people known as the Mitchell Village-Crab Point Fire District of Carteret County in accordance with Article 3A Chapter 69 of the North Carolina General Statutes and other applicable laws; and

WHEREAS, Carteret County presently levies and collects special taxes and is responsible for appropriating the funds derived there from for fire, rescue and emergency medical protection in the District; and

WHEREAS, the County and the Town desire to enter into this contract for the Town to furnish fire, rescue and emergency medical protection and during times of emergencies/disasters provide: 1) preliminary damage assessment; 2) debris clearance and removal to clear roadways; 3) traffic control (barricading roadways that are not passable); and 4) other lifesaving and property protection measures as necessary for and within the District;

NOW, THEREFORE, in consideration of the premises and of other good and valuable considerations, the parties hereto contract and agree as follows:

1. Carteret County agrees that it will provide funds, from the special taxes which are levied in such amount as the Board of County Commissioners may deem necessary from year to year to provide fire, rescue and emergency medical protection to the designated District based upon the rate of a special ad valorem tax it will levy against property in the Mitchell Village-Crab Point District of Carteret County unless otherwise limited or restricted by law or unless the people of the special district shall vote to terminate said tax. The County will collect the funds from the District as may be levied as provided by law.
2. Special or separate funds shall be maintained by the County for taxes collected as a result of said special taxes.
3. The funds derived from the special taxes levied by the County, shall be paid to the Town within the fiscal year as agreed to by the Town and the Carteret County Manager.
4. The Town shall furnish adequate fire, rescue and emergency medical protection within the District and shall provide the necessary equipment, personnel, water and all things necessary for furnishing adequate fire, rescue and emergency medical protection in the District. The services shall be in accordance with the minimum standards set forth by the Carteret County Department of Emergency Services and the North Carolina Department of Insurance. The Town shall provide workers' compensation insurance coverage applicable to all Town personnel, regardless of status, at least to the extent required by law. The Town shall furnish said fire, rescue and emergency medical protection without additional charge to all persons and property located in the District in an efficient and workmanlike manner. Funds shall not be used for the subcontracting of fire, rescue and emergency medical protection services except approved by the County.
5. All funds paid to the Town by the County shall be used exclusively to provide fire, rescue and emergency medical protection within the District and automatic and mutual aid approved by the County.
6. The County may inspect all the books and records of the Town at any time it shall desire. The Town shall further provide such additional information as the County may reasonably request from time to time. The Town agrees that it will supply such records, information or verification relating to expenditures of the funds or the operations of the Town as may reasonably be requested by the County. The Town shall maintain a written accounting system which provides adequate documentation of all of its receipts and disbursements including those related to the funds subject to this contract.
7. The Town will have an annual compilation of its financial records and operations performed by the Carteret County Finance Department.
8. All books and records shall be maintained by the Town for a period of at least three years from the date that the Town's fiscal year ends and shall be made available for audit upon request during regular business hours of the Town.

9. The Town shall use the funds subject to this contract in accordance with the annual budget of the funds, which is approved and adopted by the County Commissioners, which budget is incorporated automatically herein by reference each year.
10. The Town will maintain the current rating of the district or better with the North Carolina Department of Insurance. The Town shall continuously comply with all applicable laws, ordinances and regulations. In the event the rating for the District is downgraded, the Town shall have one (1) year in which to have the former restored.
11. In the event of the Town's failure to meet the requirements of this contract and as a result of said breach that it constitutes a failure to provide fire, rescue and emergency medical protection to the District as provided for in this contract, the County may immediately terminate this contract and no further funds will be due to or provided to the Town.
12. This contract shall supersede all previous contracts between the County and the Town and shall become effective July 1, 2014 and, subject to the continued legal existence of the District, shall continue thereafter from fiscal year to fiscal year in accordance with the annual budget adopted by the County Commissioners for providing fire, rescue and emergency medical protection within the District to the extent of funds appropriated to continue this agreement.
13. This agreement may not be transferred or assigned by the Town without the written consent of the County.
14. This contract shall have an initial term of ten (10) years and will provide the service in the District for the sum of \$500,000.00 per year. On the beginning of the second five (5) years, the amount of payment to the Town will be adjusted based upon the Consumer Price Index; however, said rate shall not increase more than two percent (2%) annually. The Town and the County agree there will be an option to renew this contract at the end of the initial term and the terms will be negotiable. In the event that the Town and County have not renegotiated this contract at the end of the ten (10) years, then the contract will continue until the parties have completed their negotiations.

The Town will notify the County not less than six (6) months prior to the termination of the initial term if they want to negotiate the terms and conditions to extend this contract an additional ten (10) years. At any time during any extended terms after the initial term, said contract can be terminated by either party or the other party giving at least one (1) year notice to the other of its intent to terminate.

The Town will have the ability to request additional funding to facilitate the acquisition of equipment to be used in the provision of fire, rescue and emergency medical service to the District. Major equipment funded by the District solely for the purpose of providing service to the District will be titled in the name of Carteret County.

Signature Page

WITNESS the following signatures and seals all pursuant to authority duly granted.

ATTEST:

CARTERET COUNTY

Clerk to Board

Chairman, Board of County Commissioners

ATTEST:

TOWN OF MOREHEAD CITY

Clerk to Board (Title)

Mayor (Title)

This contract has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

APPROVED AS TO LEGAL SUFFICIENCY

Dee Meshaw, Finance Director

C. R. Wheatly, III
County Attorney

B.

MEMORANDUM

TO: Honorable Mayor
Members of Council

FROM: David S. Whitlow, City Manager

SUBJECT: Appointment of Acting City Manager

DATE: September 4, 2014

I will be out of the country and not accessible by either cell phone or email during much of the time from September 29 until October 16. Normally, when I am away, I can leave contact information should an emergency arise, and normally I would have 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, I will be designating Ellen Sewell to serve as the acting manager from September 29 until October 16. In addition to being in a position to know most of the activities and programs that are ongoing in Morehead, Ellen is also a signatory for our various accounts, therefore not requiring additional signature cards with our banks.

I will be working with Ellen and all of the department leaders over the next several weeks to ensure that, to the best of our abilities, there will be no undue delays or issues created by my absence nor an undue amount of additional work placed upon Ellen.

I ask for your approval in this appointment.

C.

MEMORANDUM

TO: Honorable Mayor
Members of Council

FROM: David S. Whitlow, City Manager

SUBJECT: Public Meeting Dates for Discussion of Median Option 3

DATE: September 5, 2014

Over the spring and summer, Linda and I met with identified persons and organizations that had expressed concerns both for and against the proposed options for design and construction of medians on Route 70. We received a number of comments and questions that have been discussed with representatives of the Department of Transportation. In some instances, they will be able to accommodate the requested changes and in others they will not.

We are now at a point where I believe we can have a public meeting so that the Council can receive comments and determine whether it wishes to adopt a resolution supporting option 3 or not. Should the Council support this option or any other, DOT is prepared to move the project forward and get it under contract before June 30. If Council determines that it does not want to go forward, DOT will not proceed with the project. However, if this is the option that Council chooses, any future efforts to make this type of improvement will have to compete with other state, regional and local projects for funding, with no guarantee that funding will be available.

I suggest that a public meeting be held on one of the following dates:

- Monday, October 20
- Monday, October 27
- Tuesday, October 28
- Wednesday, October 29
- Monday, November 3

Any of these dates should work and do not conflict with other meetings. In order to try to reach the widest audience, I suggest that the meeting be held at 7:00 PM.

TOWN OF MOREHEAD CITY

REQUEST FOR TOWN COUNCIL ACTION

AGENDA ITEM: IX.
DATE: September 9, 2014

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Council Requests/Comments

Background Information Attached: Yes No X

Board Action: Approved: 1st: _____ 2nd: _____
VOTE: Ayes _____ Nays _____ Postponed/Tabled _____

