

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

**Tuesday, February 10, 2015**

The Honorable Council of the Town of Morehead City met in Regular Session on Tuesday, February 10, 2015, at 5:30 p.m., in the Municipal Chambers located at 202 South 8<sup>th</sup> 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:	Tom Kies; Mark Hibbs, Reporter, THE CARTERET
NEWS TIMES;	Linda Staab; Haywood Wilder; Interim Police Chief Bernette Morris; Holly Fletcher; and R.J. Lytle

**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. Adoption of the CONSENT AGENDA:**

**II.A. Approval of Minutes: Tuesday, January 13, 2015, Regular Meeting  
Tuesday, January 20, 2015, Special Meeting**

*Approved the Minutes of Tuesday, January 13, 2015, Regular Meeting and Tuesday, January 20, 2015, Special Meeting and dispensed with the reading.*

**II.B. Approve the Requests for Release of Overpayment of Ad Valorem Taxes for January 2015, in the amount of \$977.35; and Accept the Tax Collector and Finance Director Reports for January 2015**

*Approved the requests for release of overpayment of ad valorem taxes for January 2015 in the amount of \$977.35; and accept the Tax Collector and Finance Director Reports for January 2015. [The Financial Reports are attached to these minutes and incorporated herein by reference.]*

**II.C. Submittal of 2014 Delinquent Real Estate and Personal Property Tax Lists as per G.S. 105-369[a] including Interest Due and Authorize Tax Collector to Post and Advertise the 2014 Delinquent Tax List**

*Approved the submittal of 2014 Delinquent Real Estate and Personal Property Tax lists as per G.S. 105-369[a] including interest due and authorized the Tax Collector to post and advertise the 2014 Delinquent Tax List. [The 2014 Delinquent Real Estate and Personal Property Tax Lists and the authorization to post and advertise the 2014 Delinquent Tax List are attached to these minutes and incorporated herein by reference.]*

**II.D. Adopt Resolution 2015-08 Endorsing the Annual Crystal Coast Boat Show and Authorizing Action Necessary for the Event to be Held May 15, 16 & 17, 2015 on the Morehead City Waterfront**

The Downtown Morehead City Revitalization Association [DMCRA] requests the use of Jaycee Park and the adjacent riparian area and docks, Katherine Davis Park, the 6<sup>th</sup> Street riparian area day docks, the Train Depot, the Municipal Building parking lot at 202 South 8<sup>th</sup> Street and other ancillary areas and services to hold the Seventh Annual Crystal Coast Boat Show on May 15, 16 and 17, 2015. The event includes an in-water and land boat and yacht show, family oriented educational programs, an antique car show, an art show and associated gala events. The show promotes Morehead City and raises money in support of downtown revitalization efforts and worthwhile community projects within the township. The

Public Works Committee of the Council reviewed the request and recommended adoption.

*Adopted Resolution 2015-08 Endorsing the Seventh Annual Crystal Coast Boat Show and Authorizing action necessary for the event to be held May 15, 16 and 17, 2015, on the Morehead City Waterfront. [Resolution 2015-08 is attached to these minutes and incorporated herein by reference.]*

**II.E. Adopt Resolution 2015-09 Endorsing the Alive at Five Events and Authorizing Action Necessary for the Event to be held May 1, May 22, June 5, June 19, July 3, July 17, August 7, August 21 and September 4, 2015 on the Morehead City Waterfront**

The Downtown Morehead City Revitalization Association [DMCRA], with the support of several downtown businesses, in an effort to attract more people to downtown Morehead City, proposed the continuation of the “Alive at Five” concert series in Jaycee Park. The concerts are to be held on May 1, May 22, June 5, June 19, July 3, July 17, August 7, August 21 and September 4, 2015, from 5:00 p.m. to 8:30 p.m. The event is to provide family entertainment and to sell beverages in a defined area in accordance with all state, county and municipal laws with the proceeds used to fund the event. The DMCRA will be solely responsible for any state permits required. This is the seventh year for the concert series which has been very successful. The DMCRA is requesting the use of Jaycee Park, the closure of Shepard Street from 8<sup>th</sup> to 9<sup>th</sup> Streets during the concerts and ancillary services. The Public Works Committee of the Council reviewed the request and recommended adoption.

*Adopted Resolution 2015-09 Endorsing the “Alive at Five” Events and Authorizing action necessary for the events to be held May 1, May 22, June 5, June 19, July 3, July 17, August 7, August 21 and September 4, 2015, on the Morehead City Waterfront. [Resolution 2015-09 is attached to these minutes and incorporated herein by reference.]*

**II.F. Adopt Ordinance 2015-05 Amending the Code of Ordinances of the Town of Morehead City, Chapter 16, “Water and Sewers”, Article IV, Waste Discharge Standards, Section 16-66 Pretreatment, by Adding a Section on Commercial Grease Trap Requirements**

City staff has requested that the requirements for commercial grease traps be a part of the Morehead City’s Code of Ordinance in order to insure the enforcement of the practices. These requirements have been in force for years and apply only to commercial establishments such as restaurants, vehicle maintenance facilities, etc. The Public Utilities Committee of the Council reviewed the proposed ordinance and recommended adoption.

*Adopted Ordinance 2015-05 Amending the Code of Ordinances of the Town of Morehead City, Chapter 16, “Water and Sewers”, Article IV, Waste Discharge Standards, Section 16-66 Pretreatment, by adding a section on Commercial Grease Trap Requirements. [Ordinance 2015-05 is attached to Ordinance Book #7 in the vault.]*

**II.G. Adopt the FY2015/2016 Budget Calendar**

*Adopt the FY2015/2016 Budget Calendar as presented. [FY2015/2016 Budget Calendar is attached to these minutes and incorporated herein by reference.]*

**II.H. Release and Spread upon the Record CLOSED SESSION Minutes**

The adoption of Resolution 2004-48 on October 12, 2004, implemented a policy whereby the approved and sealed minutes of closed sessions were to be periodically reviewed by the City Manager and City Clerk as to their content and the ability to be released and spread upon the record. The open meetings law permits a public body to withhold the minutes or general account of a closed session from public inspection for “so long as the public inspection would frustrate the purpose of a closed session”. Consistent with Council policy, the following closed session minutes have been deemed to be appropriate for release at this time:

May 8, 2012	Acquisition of 1208 Mizzell Drive [Womble Property]
May 16, 2012	Acquisition of 1208 Mizzell Drive

April 9, 2013	Vincent and Mary Ellen Martin Lawsuit
May 14, 2013	Vincent and Mary Ellen Martin Lawsuit
June 11, 2013	Vincent and Mary Ellen Martin Lawsuit
July 9, 2013	Vincent and Mary Ellen Martin Lawsuit
August 13, 2013	Vincent and Mary Ellen Martin Lawsuit
September 10, 2013	Vincent and Mary Ellen Martin Lawsuit
	Annual Review of City Manager
October 8, 2013	Vincent and Mary Ellen Martin Lawsuit
November 12, 2013	Vincent and Mary Ellen Martin Lawsuit
January 14, 2014	Vincent and Mary Ellen Martin Lawsuit
February 27, 2014	Big Rock [Crystal Coast Tournament, Inc.]
March 11, 2014	Vincent and Mary Ellen Martin Lawsuit
April 8, 2014	Vincent and Mary Ellen Martin Lawsuit
	Contractual Matters with Coastal Academy for Technology & Science
	Potential Economic Development
May 13, 2014	Vincent and Mary Ellen Martin Lawsuit
June 10, 2014	Vincent and Mary Ellen Martin Lawsuit
June 24, 2014	Vincent and Mary Ellen Martin Lawsuit
	Morehead City Merger with Wildwood Fire Department

*Release and spread upon the record the CLOSED SESSION Minutes of May 8, 2012; May 16, 2012; April 9, 2013; May 14, 2013; June 11, 2013; July 9, 2013; August 13, 2013; September 10, 2013; October 8, 2013; November 12, 2013; January 14, 2014; February 27, 2014; March 11, 2014; April 8, 2014; May 13, 2014; June 10, 2014 and June 24, 2014. [The Closed Session Minutes of May 8, 2012 and May 16, 2012 are attached to these [2/10/2015] minutes and incorporated herein by reference. All other released Closed Session Minutes are attached to their respective meeting dates.]*

## **II.I. Adopt Resolution 2015-10 to Adopt the Carteret County Multi-Jurisdictional Hazard Mitigation Plan**

In order to fulfill its obligation under NCGS, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation of the Robert T Stafford Disaster Relief and Emergency Assistance Act and to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the Town, Morehead City adopted a Hazard Mitigation Plan.

Understanding FEMA and the State's desire to promote regional hazard mitigation planning, Morehead City, in 2013, began participation in the Pamlico Sound Regional Hazard Mitigation Plan (PSRHMP), which will replace the Morehead City Hazard Mitigation Plan. Unfortunately, the Morehead City Hazard Mitigation Plan has expired and the PSRHMP planning process is not complete.

Until the PSRHMP is officially adopted and to allow Morehead City to remain eligible to receive state and federal assistance in the event of a declared disaster, it is necessary for Morehead City to join the Carteret County Multi-Jurisdictional Hazard Mitigation Plan by adopting the attached resolution.

*Adopted Resolution 2015-10 Adopting the Carteret County Multi-Jurisdictional Hazard Mitigation Plan. [Resolution 2015-10 is attached to these minutes and incorporated herein by reference.]*

## **II.J. Adopt Budget Ordinance Amendment 2015-07 in the General Fund to Account for Insurance Reimbursement and a Declined Sidewalk Grant**

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

- To increase Miscellaneous revenue and the Police Department by \$13,600 related to insurance reimbursement for expenditures for vehicle repairs for various accidents.
- To decrease Restricted Intergovernmental Revenue by \$250,000 and the Transportation (Streets) Department \$275,000 related to a grant for a sidewalk on Arendell Street from 25<sup>th</sup> to 35<sup>th</sup> Streets that will not be constructed at this time. The \$25,000 difference between revenue and expenditures will increase Contingency.

*Adopted Budget Ordinance Amendment 2015-07 in the General Fund to account for insurance reimbursement and a declined sidewalk grant. [Budget Ordinance Amendment 2015-07 is attached to Ordinance Book #7 in the vault.]*

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

**III.A. Unfinished Business: Adopt Resolution 2015-02 and Ordinance 2015-01 Amending Articles 11-1 and 14-20 of the Unified Development Ordinance [UDO] to Add Business Residence as a Special Use in the Highway Commercial [CH] District [Continued from Council Meeting on January 13, 2015 for a Simple Majority Vote]**

At the Council Meeting on January 13, 2015, Planning Director Linda Staab reported that Morehead City received a request submitted by Matt and Mindy Fitzpatrick to amend Articles 11-1 and 14-20 of the Unified Development Ordinance [UDO] to add “Business residence” as a special use in the Highway Commercial [CH] District. The definition of a business residence is a building which contains both a business and a residence and which is subject to conditions of section 14-20 of the UDO.

The Planning Board unanimously recommended approval of the request at their meeting on December 16, 2014 and the Planning Committee of the Council concurred. At the public hearing on January 13, 2015, no one spoke for or against the ordinance amendment. Those Councilmembers present at the January 13<sup>th</sup> Council Meeting voted in favor of the ordinance amendment. However, in order to pass a supermajority vote was necessary, hence this item was presented again whereupon only a majority vote will be necessary for passage.

Planning Director Linda Staab gave a brief synopsis on the proposal.

***Councilman Walker MOVED, seconded by Councilman Thompson, and carried unanimously, to adopt Resolution 2015-02 and Ordinance 2015-01 Amending Articles 11-1 and 14-20 of the Unified Development Ordinance [UDO] to Add Business Residence as a Special Use in the Highway Commercial [CH] District.*** [Resolution 2015-02 is attached to these minutes and incorporated herein by reference. Ordinance 2015-01 is attached to Ordinance Book #7 in the vault.]

**III.B. Unfinished Business: Adopt Ordinance 2015-06 Amending Article III, Mayor and Council, section 3.3[a] Terms, Qualifications, Vacancies, of the Charter of the Town of Morehead City to Provide for Electing the Mayor for a four [4] Year Term of Office**

Mayor Jones reported that the North Carolina General Statutes 160A-101 and 160A-102 allow a city to modify their charter to change the terms of office of members of the council by ordinance. Members of council can serve terms of office of either two [2] years or four [4] years. All the terms need not be the same length, and all the terms need not expire in the same year.

Under NCGS 160A-102, the Morehead City Council can amend the current City Charter regarding the term of office of Mayor from two [2] years to four [4] years. The Council adopted a Resolution of Intent to consider such an action at the December 9, 2014, Council Meeting setting the date of the public hearing for January 13, 2015. At the public hearing no one spoke for or against the Charter change.

The adoption of Ordinance 2015-06 would amend Morehead City’s Charter allowing for the Mayor to have a four [4] year term of office. The Ordinance would become effective on March 17, 2015, and the change would commence with the November 2015 election; if no valid referendum petition is received.

***Councilwoman Warrender MOVED, seconded by Councilman Thompson, to adopt Ordinance 2015-06 Amending Article III, Mayor and Council, section 3.3[a] Terms, Qualifications, Vacancies, of the Charter of the Town of Morehead City to***

***Provide for Electing the Mayor for a four [4] Year Term of Office commencing with the next mayoral election.***

Councilman Walker stated that it was his opinion that this amendment is basically changing the way the citizens are governed and was an issue on which the people should decide.

Councilwoman Warrander commented that at the public hearing no one spoke for or against the proposed change. She continued that with the current policy of the Mayor running for office every two [2] years, the Mayor would have one [1] year of working with the City and the next year he would have to start the political process of having to run for office again. She commented that her first year in office was a total learning process; and it was really by the third year that she truly began to feel comfortable in the position. She stated that the current Mayor has never discussed changing the charter for the Mayor serving a four [4] year term. It was her opinion that the Mayor's position should have the same advantages as the Council Members who currently serve a four [4] year term. If another individual were to be elected Mayor, that person would certainly need more than two [2] years to get familiar with the process.

Councilman Taylor supported moving to a four [4] year term for the Mayor's position. He felt this would give the individual ample time to be vetted by the community. This proposal has been before the Council many times in the past. He felt that they, as Councilmembers, make decisions for the community and it was appropriate that the City continues along this route. He also felt it makes sense financially and may have positive recruiting results as people will be more apt to run for Mayor with a four [4] year term of office as opposed to a two [2] year term.

Councilman Ballou questioned in which election term the four [4] year cycle would begin?

Councilman Taylor answered he would prefer to see it synchronized with three [3] and [3] members running for office.

Councilman Ballou commented that the term of mayor has been two [2] years in the Town of Morehead City for over 150 years. He stated that citizens have asked him, "Why was the City changing the term of office?" He has replied that he did not have a good answer unless it was to make it easier for the current Mayor or someone else to run for office. He was concerned that the City was changing a way the citizens were being governed. He continued that Mayor Jones had won unopposed every two [2] years for many of the past elections which he felt was a strong mandate. He stated that a two [2] year term of office was a more appropriate balance of power. He questioned the four [4] year election cycle for the Mayor's position and was of the opinion that the citizens should decide this proposal by ballot.

Councilman Walker commented that Morehead City has not had a shortage of citizens running for Mayor and questioned if this change was going to improve the City. He further commented that he could not understand why the people did not think this change was a big thing.

Councilman Taylor was of the opinion that some individuals have chosen not to run because of the expense of the process. He felt that with a four [4] year term, the Mayor should have enough time to implement his programs and prove his leadership.

Further discussion ensued.

Councilman Thompson commented that Mayor Jones and he have been on the Council together for 17 years. He also felt that if he had to run for office every two [2] years he would have dropped out long ago. He agreed that the people have the right to speak on this matter. He spoke about the equality of the Council if the terms were three [3] each being elected every four [4] years. He felt that the citizens have spoken through every election and through all the changes that have happened in Morehead City. He continued that the City was not denying the public any say and that the type of government changed when the City went to the Council/Manager form of government.

Councilman Taylor commented that the citizens are going to elect the Mayor every two [2] or four [4] years and the change to a four [4] year term will not take away their voice.

Councilman Ballou stated that he hoped the current Mayor continued on as long as he wanted to serve, but admitted that one of these days it was on his radar screen to become Mayor and that he would serve whether it be a four [4] year or two [2] year term.

***Councilman Warrender MOVED, seconded by Councilman Taylor, to amend the above motion that the proposed change to a four [4] year term for Mayor of Morehead City would commence with the 2017 election. The vote was four [4] to one [1] with Councilman Walker voting opposed and Councilman Ballou abstaining [counted as a positive vote].***

***The vote to adopt Ordinance 2015-06 Amending Article III, Mayor and Council, section 3.3[a] Terms, Qualifications, Vacancies, of the Charter of the Town of Morehead City to Provide for Electing the Mayor for a four [4] Year Term of Office was three [3] to two [2] with Councilmen Ballou and Walker voting opposed.***

[The motion needed a supermajority vote in order to pass. This ordinance will be on the March 10, 2015 Council Agenda at which time a simple majority vote will be sufficient for passage.]

Mayor Jones commented that this proposal has been brought up three [3] or four [4] times since he has been Mayor. He spoke about the current situation that every two years, in theory, you could have a complete turnover of the Council within two [2] election cycles. The term for Councilmember used to be every two [2] years and that was changed some time ago. He stated that he has been very fortunate to have been honored to hold this position for the past 16 years. He was of the opinion the change to a four [4] year term for Mayor would help with the continuity of the Council.

#### **IV. Citizen Requests/Comments:**

Tom Kies stated that two [2] Resolutions for the Downtown Morehead City Revitalization Association [DMCRA] were adopted and he thanked the Mayor, Council, City Manager and all the employees for their support. The DMCRA could not do it without the permission and assistance of the City.

R. J. Lytle stated that he is new to the community and lives two [2] blocks over. He was concerned with the issue of power and that the Council just extended its own power. He stated he was a constitutionalist and that the precedent to extend your own power was dangerous.

#### **V.A. City Manager's Report: Update on the Upset Bid Process for 304 North 25<sup>th</sup> Street [Former Morehead City EMS Building]**

City Manager Whitlow reported that subsequent to the fall 2014 advertisement for the acceptance of bids on the sale of several surplus properties, the City received an unsolicited bid for the former rescue squad building on North 25<sup>th</sup> Street. Following the procedures specified in the General Statutes, the City went through two [2] rounds of upset bids, finally ending with a high bid of \$27,500.

The final bid was presented to the Finance and Administration Committee of the Council at its regular meeting on February 4<sup>th</sup>, and the Committee has recommended that the Council reject the bid as being too low and postpone further efforts to sell this property in order to give the market a chance to improve and hopefully get a higher price for the property sometime in the future.

***Councilman Walker MOVED, seconded by Councilman Taylor, and carried unanimously, to reject all bids and postpone further efforts to sell 304 North 25<sup>th</sup> Street [former Morehead City EMS Building] for the foreseeable future.***

#### **V.A. Work Session Schedule**

City Manager Whitlow suggested recessing to February 26, 2015 at 5:30 p.m., to review the Morehead City Departmental goals for the upcoming budget.

When the Council could not come to an agreement as to the date for the goal session, City Manager Whitlow suggested scheduling a Special Meeting sometime in the near future and he would be in further contact with the Council as to date and time.

## **VI. Council Requests/Comments**

Councilwoman Warrender stated that the Public Works Committee was working on an equitable policy for use of the South 11<sup>th</sup> Street Water Access and that this item would probably be on the Council Agenda for March 10, 2015.

Councilman Taylor concurred with the above assessment of the South 11<sup>th</sup> Street Water Access site.

Councilman Walker reported he was pleased with the progress at the Jib site and stated it was a great job.

Councilman Ballou stated it was an honor to serve and good to be here tonight.

Councilman Thompson commented on Mr. R. J. Lytle's comments about the balance of power under Citizen Requests/Comments. He continued that may be the case in big cities, but in a small town, this does not happen with the Council/Manager form of government. He continued that it was a pleasure serving with the present Council.

Mayor Jones commented that in a strong mayoral position the Mayor is the Chief Executive Officer, however in small cities, the authority of the mayor is regulated by the Council nor does the Mayor have the authority to hire or fire, this is the City Manager's job.

## **VII. Adjournment**

There being no further business, the meeting adjourned at 6:25 p.m.

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Gerald A. Jones, Jr., Mayor

Attest:

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Jeanne M. Giblin, City Clerk