



AGENDA
MOREHEAD CITY TOWN COUNCIL
Tuesday, June 9, 2015 at 5:30 p.m.
Municipal Chambers
202 South 8th Street

- I. Regular Meeting Call to Order, Invocation and Pledge of Allegiance
- II. Adoption of the CONSENT AGENDA:
 - A. Approval of Minutes: Tuesday, May 12, 2015 -- Regular Meeting
Tuesday, May 26, 2015 – Special Meeting
 - B. Approve the Requests for Release of Overpayment of Ad Valorem Taxes for May 2015, in the amount of \$1,592.69; and Accept the Tax Collector and Finance Director Reports for May 2015
 - C. Request for a Certificate of Convenience and Necessity [Taxi Franchise] for Old Town Taxi, LLC, Charles McDonald [Owner], 316 Marsh Street, Beaufort, N.C. – Set the date of the Public Hearing for Tuesday, July 14, 2015 at 5:30 p.m.
 - D. Adopt Ordinance 2015-21 Re-adopting Ordinance 2003-37 Due to a Clerical Error in the Original Ordinance
 - E. Award of Phase I – Immediate Response Debris Clearing and Phase II – Vegetative and C & D Debris Removal Contracts
 - F. Recommendation of Arendell Engineers of Morehead City for the Webb Memorial Library Building -- Structural and Building Systems Assessment
- III. Public Hearings:
 - A. Receive Comments on FY2015/2016 Proposed Budget and Possible Adoption
 - B. Contiguous Annexation Request from APATB Group, LLC, for property located at 3203 Old Gate Road, Tax PIN 6376-1165-7664-000, approximately .73 acres, zoned R-20 [Single Family Residential] District -- Adopt Ordinance 2015-14

- C. **Request Submitted by David Horton, on Behalf of James and Carol Sloan to Rezone Tax Parcel #6366-0127-9888-000, Located at 137 Gloria Dawn Road from R15M [Single-Family Residential/Manufactured Home] District to CH [Highway Commercial] District – Adopt Resolution 2015-29 and Ordinance 2015-16**
- D. **Request Submitted by Phil Lewis to Amend Article 14-31[L] of the Unified Development Ordinance to Add an Exception to the Regulations Pertaining to Residential Docks and Piers which would Permit an Accessory Use Dock on a Waterfront Lot or Multiple Adjoining Lots within Areas Shown on the Official Map of Morehead City in Map Book 1, Page 131 of the Carteret County Registry and Which Would be a Common Dock for Use by the Contiguous Waterfront Lot Owners and Non-Waterfront Lot Owners within the Same Platted Block Subject to Conditions – Adopt Resolution 2015-30 and Ordinance 2015-17**
- E. **City-Initiated Request to Amend Article 12-2.5[D] of the Unified Development Ordinance to Adjust Regulations Pertaining to Sidewalk Cafes Permitted in the Downtown Business [DB] and Downtown Commercial [CD] Districts – Adopt Resolution 2015-31 and Ordinance 2015-18**
- F. **Request for Review and Approval of the Pamlico Sound Regional Hazard Mitigation Plan -- Adopt Resolution 2015-28**
- IV. **New Business: Request from Stroud Engineering, P.A., on behalf of Charles S. Hester, Jr., for Sketch Plan Review for Mitchell Village Business Park, located at the southern terminus of Byrd Street, accessed by Executive Drive from the north**
- V. **Citizen Requests/Comments: [2 minute time limit]**
- VI. **City Manager’s Report: Request to Consider Elimination of Morehead City’s Commercial Mail Receiving Agency [CMRA]**
- VII. **Council Requests/Comments**
- VIII. **Approve CLOSED SESSION Minutes of Tuesday, March 10, 2015**
- IX. **Adjournment**

As the Minute and Ordinance Books are microfilmed and kept on file with the North Carolina Department of Cultural Resources Division of Archives, no changes are permitted once these minutes are microfilmed. Therefore, it is requested that the Council adopt Ordinance 2015-21 Re-adopting the corrected Ordinance 2003-37. This will not only correct the error but also allow for an easier tracking of the ordinance for the future.

Adopt Ordinance 2015-21 Readopting Ordinance 2003-37 due to a clerical error in the original ordinance.

II.E. Award of Phase I -- Immediate Response Debris Clearing and Phase II -- Vegetative and C & D Debris Removal Contracts

At the last meeting of the Public Works Committee of the Council, an evaluation of the Storm Debris bids received on March 17, 2015, by City consultant, Johnson Environmental & Disaster Consulting Services, was reviewed. The City conducts an annual request for bids for storm services for the upcoming hurricane and winter storm seasons using guidelines established by the Army Corp of Engineers.

Bids are received for Phase I Immediate Response Debris Clearing and Phase II Vegetative and C&D Debris Removal. Phase I work is limited to "pushing" debris out of the way to clear primary routes into and around the City to expedite responses from emergency and utility crews for up to a maximum of 70 hours. Phase II work is for the actual loading, hauling and disposing of storm related debris from public and private property, when placed alongside street right of ways for collection.

The City's consultant has made a recommendation identifying the low bid contractor and second call, or backup contractor, for each phase of the work. For both phases of work, the Federal Emergency Management Agency [FEMA] allows both a primary and secondary contract. If the primary contractor fails to respond in a timely manner, the City has the right to proceed to the secondary contractor. Also included in the consultant's recommendation is the evaluation and background processes employed in this recommendation.

Johnson Environmental & Disaster Consulting Services of Wilmington, N.C., the firm which the City hires to review and regulate the bidding results, has determined for 2015/2016 Phase I -- Immediate Response -- Debris Clearing that DRC Emergency Services of Mobile, Alabama be awarded the primary contract [or first call] and that J.B. Coxwell Contracting, Inc., of Jacksonville, Florida be awarded the secondary contract [or second call].

For 2015/2016 Phase II -- Vegetative and C & D Debris Removal, Johnson Environmental & Disaster Consulting Services has recommended DRC Emergency Services, LLC of Mobile, Alabama as the primary award [first call] with Asplundh Environmental Services, Inc., of Willow Grove, Pennsylvania, as the secondary award [second call].

The Public Works Committee of the Council concurred with the recommendations.

Award 2015/2016 Phase I - Immediate Response -- Debris Clearing to DRC Emergency Services, LLC, of Mobile, Alabama, as the primary contract [or first call] and that J.B. Coxwell Contracting, Inc., of Jacksonville, Florida be awarded the secondary contract [or second call].

Award 2015/2016 Phase II – Vegetative and C & D Debris Removal to DRC Emergency Services, LLC of Mobile, Alabama as the primary award [first call] with Asplundh Environmental Services, Inc., of Willow Grove, Pennsylvania, as the secondary award [second call].

II.F. Recommendation of Arendell Engineers of Morehead City for the Webb Memorial Library Building -- Structural and Building Systems Assessment

The City solicited proposals from building professionals for a detailed assessment of the structural and building systems of the Webb Memorial Library at 812 Evans Street. On May 21, 2015, Morehead City received responses to a request for qualifications from the following firms:

Andrew Consulting Engineers, PC
Arendell Engineers

The overall objective of the building assessment is to provide the City with detailed information on the condition of the building structural and utility systems and costs and priorities for rehabilitation and repairs to accommodate existing and future uses. A committee of City staff consisting of City Manager David Whitlow, Assistant Public Services Director Graham Strother, Acting Library Director James Swann and Public Services Director Daniel Williams reviewed the statements of qualifications and recommended Arendell Engineers of Morehead City.

Approve the selection of Arendell Engineers of Morehead City for the Webb Memorial Library Building structural and building systems assessment.

Recommended Action: Adopt the CONSENT AGENDA in 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, May 12, 2015

The Honorable Council of the Town of Morehead City met in Regular Session on Tuesday, May 12, 2015, at 5:30 p.m., in the Municipal Chambers located at 202 South 8th Street, Morehead City, North Carolina. Those in attendance were:

MAYOR:	Gerald A. Jones, Jr.
MAYOR PRO-TEM:	George W. Ballou
COUNCIL:	William F. Taylor
	Demus L. Thompson
	Harvey N. Walker, Jr.
	Diane C. Warrender
CITY MANAGER:	David S. Whitlow
CITY CLERK:	Jeanne M. Giblin
CITY ATTORNEY'S OFFICE:	Nelson W. Taylor, III; Derek Taylor, Mike Thomas
OTHERS:	Holly Fletcher; Mark Hibbs, Reporter, THE CARTERET NEWS TIMES; Crystal Hesmer; John Wade; Donald L. Gray; Savannah Myers; Jody Merritt; Norma Wagaman; Kam Gwynn; Chris Taylor; Mitch Gray; Dale Gillikin; Mindy Fitzpatrick; Carolyn Giles; Corinne Geer; Kitty Brawley Kate Murphy, Stephannie McIntyre; Sally Lumpkin; Carol Campbell; 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. Mayor's Proclamation – May is Mental Health Month in the Town of Morehead City – Kate Murphy

CoastalCare is the local government agency that provides access and oversight of services for Mental Health, Intellectual/Developmental Disabilities and Substance Abuse in the five [5] counties of Brunswick, Carteret, New Hanover, Onslow and Pender. Mayor Jones read the proclamation proclaiming May as Mental Health Month in the Town of Morehead City. Kate Murphy, Member Communication Specialist, accepted the proclamation on behalf of CoastalCare and stated that last year CoastalCare received 26,000 phone calls for help.

II.B. Resolution of Retirement in Appreciation to Sandra W. "Sandy" Bell upon her Retirement with the Webb Memorial Library on February 10, 2015

Sandra W. "Sandy" Bell began working at the Webb Memorial Library in October 2005. Under her tenure the Library blossomed while still remaining true to the tenets of the original "unique flavor" since its inception. Sandy became the Library Director in 2013, a position which she held until her retirement on February 10, 2015. Ms. Bell was unable to attend the meeting, however, Mayor Jones made a statement and thanked her for all her work for the City throughout the years.

II.C. Military Appreciation Day [MAD] Plaque Presented to the Town of Morehead City in Gratitude for Morehead City's Support -- Don Gray

This is the eighth year that Military Appreciation Day is being held in Morehead City on Saturday, May 30th. Morehead City provides the organization with the use of Jaycee Park, dock space and City Park in addition to ancillary services so that the event can be held. Don Gray, Director of MAD in Morehead City thanked the Council and City for its services and presented a plaque to Mayor Jones and the Council.

II.D. Big Rock/Blue Marlin Fishing Tournament

Crystal Hesmer, Director of the Big Rock thanked the Council and City for everything they do for the events held in Morehead City for the Big Rock Fishing Tournament. The Big Rock greatly appreciates all the help and especially the completion of the Jib project. She stated that Swansboro Rotary is moving their whole fishing tournament to Tournament Central in Morehead City. With the completion of their new facilities, the Big Rock has moved into a new era and Morehead City and the downtown area will continue to grow. Over the years the organization has donated over \$3.3 million to charities.

She stated the Big Rock was aware of the necessity for ingress and egress to City streets and assured that the barricades on Evans Street will be monitored to allow for vehicular access.

Mayor Jones thanked the Big Rock for their continued investment in Downtown Morehead City.

II.E. North Carolina Seafood Festival

Mindy Fitzpatrick, Chairman of the North Carolina Seafood Festival [NCSF], stated that one of its greatest assets was the ability to work with such a great Board of Directors. She continued that she is amazed at how the NCSF Board is involved with the community and how involved the community is with the Festival itself. She appreciated the Festival being held in Downtown Morehead City and stated that the goal of their organization was to make the festival better every year and to maintain the event at the highest levels. The NCSF has been named one of the Top 20 Free Festivals by National Geographic.

Mayor Jones thanked the members of the NCSF Board and all the volunteers for doing a fantastic job year after year.

III. Adoption of the CONSENT AGENDA:**III.A. Approval of Minutes: Tuesday, April 14, 2015 -- Regular Meeting**

Approved the Council Minutes of Tuesday, April 14, 2015, Regular Meeting and dispensed with the reading.

III.B. Approve the Requests for Release of Overpayment of Ad Valorem Taxes for April 2015, in the amount of \$86.61; and Accept the Tax Collector and Finance Director Reports for April 2015

Approved the requests for release of overpayment of ad valorem taxes for April 2015, in the amount of \$86.61; and accepted the Tax Collector and Finance Director Reports for April 2015. [The Financial Reports are attached to and made a part of the minutes herein by reference.]

III.C. Adopt Resolution 2015-23 Endorsing the Big Rock/Blue Marlin [Crystal Coast Tournaments, Inc.] Fishing Tournament and Authorizing Action Necessary for the Event to be held June 5 through June 13, 2015, on the Morehead City Waterfront

This is the 57th year for this sportsfishing tournament which promotes conservation and raises money for charities and worthwhile community projects. Since 1988, the tournament has donated over \$3.3 million to charities. This is the first year that the Big Rock will hold this tournament in their new quarters, Tournament Central, located at 710 Evans Street and on the Jib Plaza. The proposed resolution, therefore, has necessarily changed their needs and requests. The Public Works Committee of the Council reviewed the request at their last meeting and recommended adoption.

Councilwoman Warrender questioned the intended street closings, especially Evans Street.

City Manager Whitlow explained that the closed off area on Shepard Street will be at the entrance to the parking lot at Red Fish Grill for the duration of the festival. No parking places will be lost except for those that Red Fish Grill uses on the Jib site, however, the proprietor did not have a problem with the loss. Evans Street will be monitored by the Big Rock organization with cars being allowed on an as-need basis.

The Big Rock/Blue Marlin Concert will be held on the Jib site on Saturday, May 30th, with the area being closed for the concert happenings.

Adopted Resolution 2015-23 Endorsing the Big Rock/Blue Marlin [Crystal Coast Tournaments, Inc.] Fishing Tournament and authorizing action necessary for the event to be held June 5 through June 13, 2015, on the Morehead City Waterfront. [Resolution 2015-23 is attached to and made a part of these minutes herein by reference.]

III.D. Resolution 2015-24 Endorsing the North Carolina Seafood Festival [NCSF] and Authorizing Action Necessary for the Event to be Held October 2-4, 2015, on the Morehead City Waterfront

This is the 29th year for the festival which promotes seafood and the fishing industry in North Carolina. The festival has great economic impact to Morehead City and the Crystal Coast and also fosters monetary support for the various charities that participate. The Public Works Committee of the Council reviewed the request at their last meeting and recommended approval.

Adopted Resolution 2015-24 Endorsing the North Carolina Seafood Festival and Authorizing Action Necessary for the Event to be Held October 2-4, 2015, in Downtown Morehead City. [Resolution 2015-24 is attached to and made a part of these minutes herein by reference.]

III.E. Contiguous Annexation Request from APATB Group, LLC, for property located at 3203 Old Gate Road, Tax PIN 6376-1165-7664-000, approximately .73 acres, zoned R-20 [Single Family Residential] District -- Adopt Resolution 2015-25 Directing the Clerk to Investigate the Petition and Resolution 2015-26 Setting the date of the Public Hearing for Tuesday, June 9, 2015 at 5:30 p.m.

The property under consideration for annexation (6376-1165-7664-000) is contiguous to the present City limits. The parcel contains approximately 0.73 acres and is zoned R20 (Single-Family Residential). The site is part of the Mandy Farms subdivision, the majority of which is located outside of the corporate limits. Therefore, the proposal will fragment a subdivision. The current tax value of the property is estimated to be \$162,939. Based on a 33-cent tax rate, \$537.70 in tax revenues would be generated. Water and sewer will be accessed from Old Gate Road. All costs associated with extending the water/sewer service to the newly annexed property will be the responsibility of the owner.

Adopted Resolution 2015-25 Directing the Clerk to Investigate the Petition and Resolution 2015-26 Setting the date of the Public Hearing for Tuesday, June 9, 2015 at 5:30 p.m. [Resolutions 2015-25 and 2015-26 are attached to and made a part of these minutes herein by reference.]

III.F. Award of Contract No. 91 – Pump Station 11 Renovation to the low bidder, KBS Construction in the Adjusted Amount of \$131,205.00

The following bids were received on March 24, 2015, for the above contract:

1.	KBS Construction Company	\$136,705.00
2.	Thomas Simpson Construction	\$158,050.00
3.	T and H Construction	\$199,050.00

City staff recommended the award to KBS Construction Company in the adjusted amount of \$131,205.00 after deducting the \$5,000.00 allowance in the bid form via Change Order No. 1. The Public Utilities Committee of the Council recommended awarding the bid to the low bidder.

Awarded Contract No. 91 – Pump Station 11 Renovation to the low bidder, KBS Construction in the adjusted amount of \$131,205.00.

III.G. Adopt Budget Ordinance Amendment 2015-15 to Recognize a Donation from Big Rock in the amount of \$15,000 and Increase Transfer to Jib Waterfront Access Capital Project Fund in the amount of \$105,000; Adopt Budget Ordinance Amendment 2015-16 to Recognize Donation of \$15,000, Transfer of \$105,000 and Expenditure of \$4,850 of Original Budgeted amount of \$10,000 due to Interfund Loan Quicker Payoff

The purpose of Budget Ordinance Amendment 2015-15 is to adjust the budget as follows:

- To increase transfers to other funds-Jib Waterfront Access Capital Project Fund in the amount of \$105,000 for additional improvements and decrease Contingency the same amount. There is no change in the total amount of the budget.

The purpose of Budget Ordinance Amendment 2015-16 is to amend the budget as follows:

- Increase revenue to recognize an additional donation from Big Rock in the amount of \$15,000 and increase expenditures the same amount related to improvements at the Tournament Central weigh station area.
- Increase Transfers from General Fund-Acquisition/Improvements in the amount of \$105,000 and increase expenditures the same amount related to additional project improvements.
- Decrease Transfers from General Fund-Loan/Interest Payments in the amount of \$5,150 and decrease expenditures the same amount. This item reduces transfers \$5,150 to recognize the difference between the original budget of \$10,000 for interest on the interfund loan for property acquisition and the actual expenditure of \$4,850 (rounded) because the interfund loan was paid off faster than anticipated.

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

Adopted Budget Ordinance Amendment 2015-15 to recognize a donation from Big Rock in the amount of \$15,000 and increase transfer to Jib Waterfront Access Capital Project Fund in the amount of \$105,000; and adopted Budget Ordinance Amendment 2015-16 to recognize donation of \$15,000, transfer of \$105,000 and expenditure of \$4,850 of original budgeted amount of \$10,000 due to interfund loan quicker payoff. [Budget Ordinance Amendments 2015-15 and 2015-16 are attached to Ordinance Book #7 in the vault.]

III.H. Adopt Resolution of Retirement 2015-27 in Appreciation to Sandra W. “Sandy” Bell upon her Retirement with the Webb Memorial Library on February 10, 2015

Adopted Resolution of Retirement 2015-27 in appreciation to Sandra W. “Sandy” Bell upon her retirement with the Webb Memorial Library on February 10, 2015.

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

IV. Public Hearing: Contiguous Annexation Request from Ridge Care, LLC, on behalf of 35th Street Professional Center, LLC, for property located at 221 Friendly Road, Tax PIN 636616949402000, approximately 7.0 acres, zoned RMF [Residential Multifamily] and R20 [Single Family Residential] District -- Adopt Ordinance 2015-11

Planning Director Linda Staab explained that the Parcel Identification Number under consideration for annexation (636616949402000) is contiguous to the present City limits, contains approximately 7.00 acres and is zoned RMF (Residential Multifamily) and 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 \$202,080. Based on a 33-cent tax rate, \$666.86 in tax revenues would be generated. Water and sewer will be accessed from Friendly 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 approval of the annexation.

Mayor Jones opened the public hearing.

Sam Hooker, co-owner of Ridge Care, LLC, the applicant, introduced himself and stated he would be happy to entertain any questions. He continued that his organization, which is based in Kernersville, N.C., is excited to have a presence in eastern North Carolina.

Mayor Jones closed the public hearing.

Councilman Thompson MOVED, seconded by Councilman Taylor, and carried unanimously, to adopt Ordinance 2015-11 granting the contiguous annexation request from Ridge Care, LLC, on behalf of 35th Street Professional Center, LLC, for property located at 221 Friendly Road, Tax PIN 636616949402000, approximately 7.0 acres, zoned RMF [Residential Multifamily] and R20 [Single Family Residential] District. [Ordinance 2015-11 is attached to Ordinance Book #7 in the vault.]

V. New Business: Authorize a Fire/EMS Department “Piggyback” Bid Waiver of Competitive Bidding, as per G.S. 143-129[g], for the Purchase of One [1] New All-Poly PT 2 2000 Tanker Apparatus

City Manager Whitlow reported that G.S. 143-129[g] allows a governmental unit to waive the competitive bidding requirement and “piggyback” the contract of another unit that has already received competitive bids at the same or a more favorable terms as long as the other unit has purchased the desired apparatus, materials and/or equipment after having completed a public, formal bid process within the last 12 months. After research, Fire/EMS Chief Jamie Fulk recommended the City piggyback the purchase of a new All-Poly PT 2 2000 Tanker that was acquired by the City of Ashby, Minnesota. The Fire/EMS Department would like to waive the formal bidding process and piggyback with Ashby, Minnesota.

The funding source for the tanker is from monies from the Fire District of Mitchell Village and Crab Point. At the January 13, 2015 Council Meeting, Fire/EMS Chief Jamie Fulk reported that he had attended the Carteret County Board of Commissioners Meeting in which \$208,000 from the county was approved for Morehead City to purchase a new tanker. The City has already received the check from the County. The Public Safety Committee of the Council recommended the authorization and waiver of the bid process for the new tanker.

Councilman Walker MOVED, seconded by Councilman Ballou, and carried unanimously, to authorize a Fire/EMS Department “Piggyback” bid waiver of competitive bidding, as per G.S. 143-129[g], for the purchase of one new All-Poly PT 2 2000 Tanker Apparatus.

VI. Citizens Requests/Comments:

Holly Fletcher of 209 North 20th Street, Morehead City, thanked the Council for allowing the Reelin’ for Research Fishing Tournament to be held in Morehead City on the

first weekend in May. The organization raised \$410,000 for the North Carolina Children's Promise.

VII. City Manager's Report:

VII.A. FY 2015/2016 Budget Introduction and Setting Dates for Work Sessions

City Manager David Whitlow distributed a copy of a portion of the FY 2015/2016 Proposed Budget stating that it will be a challenging year. He made a recommendation of a tax increase of 6.5 cents. He continued that in the county-wide revaluation this year the real estate values have decreased mandating a revenue neutral rate of a tax increase of 1.4 cents just to produce the same revenue as FY2014/2015. The loss of the Privilege License fees equates to a loss of \$65,000, or a 0.035 cent increase. The debt service on the acquisition of Katherine Davis Park equates to 0.95 cents; and the debt service on the Jib Plaza Project equates to 0.44 cents.

City Manager Whitlow continued that this is the final year for the implementation of the Employee Compensation Plan which equates to 3 cents. He continued that looking at the history from the past years, the implementation of this plan indicated 3 cents per year for 3 [three] years. In Year #1 of the Compensation Plan the Council did fund the 3 cents, last year the tax increase was 1.5 cents with the additional funding coming from Capital Reserve. The Unrestricted Fund Balance has been reduced by \$804,000. Departmental requests were \$13.9 million which has been further reduced by \$2 million. The proposed budget recommends no additional positions, the only expenditures are two [2] pickup trucks and one [1] dump truck for the Public Works Department, and two [2] SUV's for the Police Department.

The Council set the dates of Tuesday, May 26, 2015, at 3:00 p.m., and Tuesday, June 2, 2015, at 3:00 p.m., in the Municipal Chambers at 202 South 8th Street, Morehead City, for Special Meetings/Budget Work Sessions.

VII.B. Continued City Manager's Report:

City Manager Whitlow reported that the weigh station and deck are in place on the Jib and he encouraged the Council to visit the site.

He continued that an e-mail was received from "Nerd Wallet" which stated that Morehead City was selected as the fifth best place to start a business in North Carolina from a pool of 115 towns.

Mayor Jones commented that the above speaks highly of Morehead City and he thanked all who contribute to this great city.

VIII. Council Requests/Comments:

Councilwoman Warrender questioned the logistics of the Big Rock Concert on Jib Plaza on May 30th.

City Manager Whitlow explained that the City has been coordinating with the Big Rock and the Downtown Morehead City Revitalization Association [DMCRA] in addition to

working with the vendor doing the staging. The Morehead City Police are well aware of all the events that day and weekend. The Big Rock and the DMCRA have been granted a thirty minute waiver on the noise ordinance for the concert event and Evans Street will not be closed, but monitored by the event organizations.

Upon a questioned of seeking bids from an architectural firm for the structural evaluation of the Webb Memorial Library it was ascertained that money was placed in the budget for this evaluation.

Councilman Taylor commented he was pleased with the potential for the fishing tournament moving from Swansboro to Morehead City as he felt this provided more opportunity for our businesses downtown. He further commented that the FY 2015/2016 Budget will be challenging and avoiding an increase may not be possible.

Councilman Walker commented in looking at the budget, the Council should remember what was promised and to do what was necessary to keep the City running in a positive form.

Councilman Thompson stated he was very disappointed with the proposed budget. He admonished the Department Heads that they and the Council owed the people in the community to review every line item. He continued that he was sorry the governor saw fit to take out the privilege license tax. He felt that the proposed Morehead City tax increase hurts everyone.

IX. Approve CLOSED SESSION Minutes of Tuesday, March 10, 2015

There was no CLOSED SESSION.

X. Adjournment

There being no further business, the meeting was adjourned at 6:30 p.m.

Gerald A. Jones, Jr., Mayor

Attest:

Jeanne M. Giblin, City Clerk

**Town Council Minutes
Morehead City, North Carolina****Tuesday, May 26, 2015 at 3:00 p.m.
Special Meeting/Budget Session**

The Honorable Council of the Town of Morehead City met in a Special Meeting/Budget Session on Tuesday, May 26, 2015, in the Council Chambers, Morehead City Municipal Building, 202 South 8th Street, Morehead City, North Carolina. The purpose of the Special Meeting/Budget Session was a review of the Morehead City FY 2015/2016 Budget. 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
	Diane C. Warrender

CITY MANAGER:	David Whitlow
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CITY CLERK:	Jeanne M. Giblin
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OTHERS:	Fire/EMS Chief Jamie Fulk; Anna Harvey, Reporter, <u>The Carteret News Times</u> ; Police Chief Bernette Morris; Finance Director Ellen Sewell; Assistant Finance Director Jewell Lasatar; Public Services Director Daniel Williams; Recreation Director Craig Lands and Downtown Morehead City Revitalization Association Director Tom Kies
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Proposed FY2015/2016 Budget:

City Manager David Whitlow reported that in comparing this year's budget with last year's budget there are a few differences. Since the last budget meeting, there has been opportunity to discuss the proposed budget separately with each Council Member. City Manager Whitlow initially reported that a 6.5 cent tax rate increase was necessary in order to fully fund all the obligations that the City had made and which the City Council had wished to continue in the upcoming budget. With the exception of a couple of items, this present budget addresses those obligations and wishes. One of those items which are not included in the recommended budget is the three [3] additional Fire/EMS positions, however, more funds have been built in for part time salaries.

Work has continued on reducing the proposed tax rate increase as much as possible and City Manager Whitlow explained that an alternative budget balancing proposal was distributed just prior to this meeting. There were a few more reductions such as office supplies; gas, oil and tires; the legal services line item, etc. In order to do the remount for the Fire/EMS ambulance with this proposal, money would be transferred from the Capital Reserve which is in the Fire/EMS Fund. The Contingency Fund would be reduced by \$43,000; bringing it to \$250,000. The sum total of those changes was \$182,000 which equates to approximately 1 cent on the tax rate. [Attached to and made a part of these minutes is a Chart reflecting these proposed changes.]

The best estimate is that the Unassigned Fund Balance should have \$3,372,000 as of June 30, 2015. It is recommended that \$105,600 be taken from Unrestricted Fund Balance to fund capital outlay equipment needs of two [2] vehicles for the Police Department, finger

print machine and some cameras for police vehicles, the replacement of the weight room flooring at the Recreation Department is another \$30,000, and a few other operating items amounting to \$2,700. The three [3] items of debt which must be funded are: the Jib loan which is a zero percent [0%] interest loan for five [5] years at \$81,400 per year; and anticipated principal and interest on Katherine Davis Park at \$96,000 and \$78,000 respectively. The funding for all the above items amounts to \$644,700, keeping in mind that it has already been recommended for \$109,000 to be taken from Fund Balance to balance the budget. This budget would fund all the items except for the additional fulltime positions in the Fire/EMS Department.

A two cent [2 cent] increase in the ad valorem tax rate from the current \$0.33 per \$100 to \$0.35 per \$100 would be achievable with a projected Fund Balance of \$2,680,000 which is within the limits which the Council has previously set. This proposed budget would fund the third year of the Employee Compensation Plan as previously adopted by the Council. The debt service obligations must be funded.

City Manager Whitlow commented that with this proposed budget he would anticipate that next year's budget would necessitate an immediate 1.5 cents increase in the ad valorem rate in order to fund everything that was in the budget plus the debt service items.

The initial proposed budget which was presented to the Council a few weeks ago is the recommended budget based on those items the Council had obligated and proposed. This budget presented now is doable in the coming year for a 2 cent increase rather than the \$6.5 cent increase. The revenue neutral rate would require an increase of \$0.0114.

Mayor Jones commented that the City did not know when the obligation for Katherine Davis Park would be finalized as this is the first time that the state has sold property on an installment contract basis. Morehead City will hold the deed to the park outright. Currently, a full year interest has been budgeted.

Councilwoman Warrender commented that last year the legal line item was reduced by a substantial amount.

When a discussion arose about the necessity of a new Department of Public Works garage it was ascertained that the Town of Beaufort and Carteret County also needed new garage facilities and that a collaborative effort could be undertaken with the preferred location being in Morehead City.

Mayor Jones commented that the funding from taxes is the taxpayers' money, and that the Council needs to be good stewards of the funds. The Fund Balance money should be used for capital outlay and not for operating expenses.

Councilman Ballou commented that the Council made a commitment to fully implement the Employee Compensation Plan.

Mayor Jones recommended lowering the Contingency Fund to \$100,000.

City Manager Whitlow explained that City staff tried to be conservative on the projections for revenue and expenses. If not for the loss of the privilege license fees and the decrease of ad valorem tax value after the county revaluation, the proposed increase would be 1.5 cents less. The City has experienced a good year in terms of expenses for gas, and is experiencing a good rate of construction. The values of the ad valorem taxes will continue to increase. He further commented that he would not have proposed a budget which the City could not meet.

Finance Director Ellen Sewell reported that the sale tax revenues have been positive.

Upon a question by Councilwoman Warrender if the 2 cent increase would stretch the City too thinly, City Manager Whitlow replied that the recommended budget of a 6.5 cent increase was based on a higher tax which placed the City in a more substantial position.

Mayor Jones commented that the proposed budget could work, however, nothing is being placed in savings. He also commented that if the City does not acquire Katherine Davis Park within six [6] months, there would be a savings this year in the money which has been set aside for this transaction.

Councilman Taylor was concerned that the Council needed to explain to the public that the Council was taking some unusual steps to minimize the increase in property taxes. However, the commitments which the City has obligated will still need to be funded in the future.

Discussion followed on the ramifications of the recommended 6.5 cent tax increase versus the proposed 2 cent tax increase.

Councilman Walker commented he was proud of the City staff and that three [3] years ago the Council promised to fund the Employee Compensation Plan.

Public Utility Fees:

City Manager Whitlow reminded the Council that the utility fees were due to rise six percent [6%] on January 1, 2016, as a continuation of the water & sewer rate studies and plan which was implemented a few years ago.

Adjournment:

The Council concurred to cancel the Special Meeting/Budget Session which was scheduled for Tuesday, June 2, 2015 at 3:00 p.m., in the Council Chambers at 202 South 8th Street, Morehead City, N.C. and set the Public Hearing for the Proposed FY2015/2016 Budget for Tuesday, June 9, 2016, at 5:30 p.m., during the Regular Council Meeting held in the Council Chambers at 202 South 8th Street, Morehead City, N.C.

There being no further business, the meeting was adjourned at 4:00 p.m.

4.

Morehead City Special Meeting/Budget Session –
Tuesday, May 26, 2015 at 3:00 p.m.

Gerald A. Jones, Jr., Mayor

Attest:

Jeanne M. Giblin, City Clerk

B.

TOWN OF MOREHEAD CITY
 REQUESTED REFUNDS
 AS OF 5/31/2015
 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
2013	NEIL WEBB	461300	NEIL WEBB 800 COUNTRY CLUB RD U39 MOREHEAD CITY, NC 28557	2.72		2.72	OVERPAYMENT; 10-2132-006
2013	MILTON NEIL WEBB	129029	NEIL WEBB 800 COUNTRY CLUB RD U39 MOREHEAD CITY, NC 28557	1.74		1.74	OVERPAYMENT; 10-2132-006
2013	SEWELL MANAGEMENT	404538	SEWELL MANAGEMENT PO BOX 10731 WILMINGTON, NC 28404	15.65		15.65	OVERPAYMENT; 10-2132-006
2013	KATIE HONEYCUTT	25272	KATIE HONEYCUTT C/O DEBORAH H UPCHURCH 5217 PENNY RD RALEIGH, NC 27606	4.00		4.00	OVERPAYMENT; 10-2132-006
2013	THOMAS LAMBERT	471476	THOMAS LAMBERT 277 EAST OLD SPRING HOPE RD NASHVILLE, NC 27856-9739	28.76		28.76	OVERPAYMENT; 10-2132-006
2013	GEORGE W COATS JR ETUX KAY M	393960	GEORGE W COATS JR 4906 HOLLY LN MOREHEAD CITY, NC 28557	67.01		67.01	OVERPAYMENT; 10-2132-006
2013	GEORGE W COATS JR ETUX KAY M	393960	GEORGE W COATS JR 4906 HOLLY LN MOREHEAD CITY, NC 28557	56.91		56.91	OVERPAYMENT; 10-2132-006
2013	ANTHONY DUDLEY	24824	ANTHONY A DUDLEY 111 CLAYFIELD DR GARNER, NC 27529	3.02		3.02	OVERPAYMENT; 10-2132-006
2013	ANTHONY DUDLEY	25172	ANTHONY A DUDLEY 111 CLAYFIELD DR GARNER, NC 27529	1.44		1.44	OVERPAYMENT; 10-2132-006
2013	VIVIAN SANDERSON REF: PRIVILEGE LICENSE	8020	VIVIAN SANDERSON D/B/A HAIR DESIGNS 2213 BRIDGES ST-1 MOREHEAD CITY, NC 28557	10.00		10.00	OVERPAYMENT; 10-2132-007
2013	JANE BRADY REF: R DANIEL BRADY	447546	JANE BRADY PO BOX 6473 RALEIGH, NC 27628-6473	42.34		42.34	OVERPAYMENT; 10-2132-006
2013	BARRIER ISLAND ADVENTURES	24916	BARRIOR ISLAND ADVENTURES 207 N 10TH ST MOREHEAD CITY, NC 28557	15.08		15.08	OVERPAYMENT; 10-2132-006
2013	TEXAS S&S RESTAURANTS REF: STORE MASTER FUNDING	29269	TEXAS S&S RESTAURANTS 27 E. SHERIDAN AVE. STE 200 OKLAHOMA CITY, OK 73104	10.22		10.22	OVERPAYMENT; 10-2132-006
2013	ROBERT M MARTIN	407901	ROBERT M MARTIN 3783 LITTLEBROOK DR CLEMMONS, NC 27012	172.37		172.37	OVERPAYMENT; 10-2132-006
2013	GEORGE J STAMPS	24779	GEORGE J STAMPS 331 ROBINWOOD ST	3.88		3.88	OVERPAYMENT; 10-2132-006

Year	Company Name	Account Number	Address	Amount	Remarks
2013	ITAC 109 LLC	35397	HOT SPRINGS, AR 71901 ITAC 109 LLC PO BOX 1679 MOREHEAD CITY, NC 28557	1148.05	1148.05 DOUBLE PYMT; 1ST MADE 8/28/13
2012	LIME ENERGY REF: PRIVILEGE LICENSE	12094	LIME ENERGY 16810 KENTON DR SUITE 240 HUNTERSVILLE, NC 28078	4.50	4.50 OVERPAYMENT; 10-2132-007
2013	SOUND CORP REF: PRIVILEGE LICENSE	19210	SOUND CORP PO BOX 2271 BEAUFORT, NC 28516	5.00	5.00 OVERPAYMENT; 10-2132-007
					1,592.69

DATE _____

BOARD APPROVED _____

REMARKS _____

CITY CLERK _____

MOREHEAD CITY NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



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

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

TO: Honorable Mayor and Town Council

FROM: Shirl Meadows, Tax Collector

SUBJECT: Tax Collection Report

DATE: June 1, 2015

TOWN LEVIED TAXES:

The following taxes were collected for the month of May 2015:

2014	\$ 8,199.20	2009	\$ 0.00	2004	\$ 0.00
2013	\$ 532.05	2008	\$ 0.00	2003	\$ 0.00
2012	\$ 686.83	2007	\$ 0.00		
2011	\$ 10.06	2006	\$ 0.00	OTHER	
2010	\$ 0.00	2005	\$ 0.00	PENALTIES	\$ 1,363.92

The following is fiscal year to date tax information through April 30th, 2015 with comparatives to 2014:

	<u>2015</u>	<u>2014</u>
Tax Scroll (Net Levy)	6,131,180.62	5,865,417.13
Taxes collected (incl. discounts, net of refunds)	6,079,218.33	5,795,988.56
Balance due on taxes	51,962.29	69,428.57
Percentage of tax collected to date	99.15%	98.82%
Prior year taxes collected to date (net of refunds)	45,351.67	46,987.02
Prior year taxes outstanding	39,313.83	34,248.59
Interest and penalties collected to date (net of refunds)	20,612.92	30,458.45

Notes:

1. Overpayments for May 2015 totaled \$1,449.40. Refunds requested totaled \$1,592.69.
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 April 30th, 2015 with comparative information for 2014. The County collects and remits these taxes to the Town, net of a collection fee.

	<u>4/30/15</u>	<u>4/30/14</u>	
Fiscal year to date tax levy	201,115.12	239,146.81	A
Interest billed on taxes	152.64	553.42	B
Total billed	201,267.76	239,700.23	C
Current year taxes collected	202,398.17	225,688.67	D
Prior year taxes collected	6,155.13	20,090.01	E
Interest collected	2,382.33	4,238.77	F
Collection fee charged (Both sys)	12,400.72	9,579.22	G
Percentage of tax collected to date	100.96%	94.37%	H

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. The method of calculating the collection percentage for motor vehicles changed with the new Tax & Tag system. The expected collection percentage is at or near 100%.

MOREHEAD CITY NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



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

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: Ellen Sewell, Finance Director
SUBJECT: Finance Report
DATE: June 1, 2015

Reported below are cash and investment balances and interest rates for the Town of Morehead City for May, 2015. Also, reported are prior year comparative balances for the same period:

Central Depository Funds	<u>May, 2015</u>	<u>May, 2014</u>
<u>Unrestricted Funds</u>		
Branch Bank & Trust-General disb. acct. (A)	\$ 2,572,132.16	\$ 2,580,810.34
Branch Bank & Trust-Money Rate acct. (.10%)	5,074,723.87	3,934,834.34
Branch Bank & Trust Cert. Of Deposit	-0-	1,000,000.00
North Carolina Capital Mgmt. Trust-		
Cash Account (.05%)	318,284.69	839,112.06
Term Account (.10)	7,079,914.62	3,904,514.57
Finistar (.17%)	<u>2,161,792.19</u>	<u>2,158,087.87</u>
Total-unrestricted cash and investments	<u>17,206,847.53</u>	<u>14,417,359.18</u>
<u>Restricted Funds</u>		
Branch Bank & Trust-Employee reimb. acct.	6,695.94	5,940.47
Branch Bank & Trust-USDA required restricted acct.	140,891.77	-0-
Branch Bank & Trust-USDA required restricted CD	<u>22,139.00</u>	<u>97,163.00</u>
Total-restricted cash and investments	<u>169,726.71</u>	<u>103,103.47</u>
Total cash and investments-May 31	17,376,574.24	14,520,462.65
Total cash and investments-April 30	17,951,881.50	15,137,794.16
Increase (decrease)	(575,307.26)	(617,331.51)
Interest received May	1,310.14	1,165.24
Interest received fiscal year to date	\$ 14,648.53	\$ 17,371.13

(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%.

C.

**APPLICATION FOR A CERTIFICATE OF CONVENIENCE & NECESSITY
[TAXI FRANCHISE]**

To the Mayor and Honorable City Council of the Town of Morehead City:

The undersigned hereby makes application for a taxi franchise under the provisions of North Carolina General Statute 160A-304, and presents to the Honorable Council the following information:

1. That the applicant is familiar with the ordinances of Morehead City relating to liability insurance, driver regulations, regulation of rates, and other matters pertaining to the operation of taxicabs.

2. That the individual, corporate or trade name and business address for the applicant is:

Name: Old Town Taxi, LLC

Address: 316 Marsh St. Beaufort, NC 28516

Business Phone: 252-838-2316 Fax: _____

Cell Phone: 252-838-1277 E-mail: CMCDONALD001@CENTURY21.NC.NET

3. That the applicant is:

A. An individual and sole owner of the taxi business to be operated under the above name.

B. LLC [Limited Liability Corporation]: [attached hereto is a copy of the Certificate of Limited Liability Corporation filed with the state] under the laws of North Carolina in the year 2014 and Officers of the Limited Liability Corporation are:

Name[s]: Charles McDonald Business Address: 316 Marsh Street, Beaufort, NC 28516

C. A corporate chartered [attached hereto is a copy of Certificate of Incorporation filed with the state] under the laws of North Carolina in the year _____ and Officers of the Corporation are:

Name[s]: _____ Business Address: _____

D. A partnership [attached hereto is a copy of Agreement of Partnership].

Name[s]: _____ Business Address: _____

4. That the applicant operates in the following cities: Beaufort

5. That the applicant is requesting franchise to operate 3 vehicles.

6. That in support of this application there is attached hereto and made a part of hereof the following exhibits:

✓ EXHIBIT A: A full statement of facts [not arguments or conclusions] which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.

EXHIBIT B: A complete list of applicant's motor equipment showing year, make, model and carrying capacity of each unit.

✓ EXHIBIT C: Financial statement showing assets, liabilities, and net worth of applicant.

✓ EXHIBIT D: Statement showing applicant has made complete arrangements for off-street parking of all said motor vehicles.

✓ EXHIBIT E: Statement of proposed fares for transportation of persons and property.

✓ EXHIBIT F: Statement of experience of applicant in conducting taxi business.

✓ EXHIBIT G: Proof of Common Carrier Insurance/Automobile Liability Insurance as stated in the ordinance.

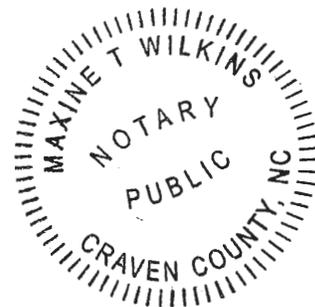
✓ EXHIBIT H: If business is operating under an assumed name, applicant must furnish a copy of the Certificate filed with the Register of Deeds in this county.

Signed: Charles McDaniel
Name of applicant

Sworn and subscribed before me this the 27th day of April 2015.

Maxine T. Wilkins
Notary

My Commission expires: 6/17/18



D.

IV.D. PUBLIC HEARING: REQUEST FROM WILLIAM C. MILLER, JR., TO REZONE TRACTS 2 AND 3 ON MILLER FARM ROAD PIN #6367-0010-7666 AND 6367-0121-1098 FROM R-20 TO R-15SM CONDITIONAL USE TO ALLOW A MAXIMUM OF TWO [2] MOBILE HOMES ON 20 ACRES [ONE PER LOT] – ORDINANCE 2003-37

Planning Director Staab commented that Mr. Miller submitted a request to rezone two – 10 acres tracts from R-20 to R-15SM-Conditional Use. There is currently a mobile home on Tract 3 and Mr. Miller wishes to install one [1] additional mobile home on lot 2. Access is gained to the property via Gloria Dawn Road to Pond Drive then north on Miller Farm Road [private road].

Surrounding development and zoning is as follows: Property to the south is zoned IP and is developed as Jones Brothers Marine; east is zoned IP and R15SM/CU and is owned and developed as M. Ray Willis Landscaping and Construction. Mr. Willis has a conditional use permit that will allow five [5] single-family mobile homes [one per lot]. Property to the north is zoned R-20 and is part of Wildwood River Ridge Subdivision with single-family homes accessed by Old Airport Road; to the west is zoned R-20 and is owned by Progress Energy and is developed as a transformer station.

The Land Use Plan classification is Urban Transition and it is located in Neighborhood 8. The request does not appear to conflict with any of the policy statements for this neighborhood.

Property owners within 300 feet were notified of the Planning Board meeting as well as the date of the public hearing. The property has been posted.

At the Planning Board Meeting on July 15, 2003, it was unanimously recommended to grant the rezoning request. The Planning Committee of the Council also recommended the rezoning request.

City Manager Martin commented that the rezoning is on existing ten [10] acre tracts.

Mayor Jones opened the public hearing. No one spoke for or against the zoning change.

Mayor Jones closed the public hearing.

Councilman Thompson MOVED, seconded by Councilman Chadwick, and carried unanimously [Councilman Howard absent] to adopt Ordinance 2003-37 to rezone Tracts 2 and 3 on Miller Farm Road PIN #'s 6367-0010-7666 and 6367-0121-1098 from R-20 to R15SM Conditional Use to allow a Maximum of two [2] Mobile Homes on 20 acres [one per lot]. [Ordinance 2003-37 is attached to Ordinance Book #5 in the vault.] ✓

MOREHEAD CITY
NORTH CAROLINA

GERALD A. JONES, JR., Mayor

FLOYD M. CHADWICK, JR., Mayor Pro-Tem
Council
PAUL W. CORDOVA
ROBERT B. HOWARD, JR.
JOHN F. NELSON
DEMUS L. THOMPSON

706 ARENDELL ST
P.O. DRAWER M
MOREHEAD CITY, NC 28557-4234
TEL (252) 726-6848
FAX (252) 726-2267
EMAIL townofmc@nternet.net



R. RANDY MARTIN
City Manager

060811

Original

ORDINANCE NO. 2003-37

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE AND MAP OF THE TOWN OF MOREHEAD CITY

WHEREAS, an application has been filed with the Town Council of the Town of Morehead City requesting an amendment to the Unified Development Ordinance and Zoning Map to include in the R15SM (Single-Family Residential/Single-Family Mobile Home District), that property described below, and now zoned R20 (Single-Family Residential District); that said property is owned by William C. Miller, Jr. and are known as Tax PIN #'s 636700107666 & 636701211098, as evidenced by deed recorded in Book 666, Page 132 of the Registry of Deeds of Carteret County; and

WHEREAS, the Planning Board meeting date 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, 2003, 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:

1) The Unified Development Ordinance and Map of the Town of Morehead City is hereby amended to include in the R15SM (Single-Family Residential/Single-Family Mobile Home District), the following described properties:

PROPERTY DESCRIPTION: Tax PIN #'s 636700107666 & 636701211098 located on Miller Farm Road.

2) That this ordinance shall become effective August 31, 2003.

3) 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 effect the validity of the remaining portions of this ordinance.

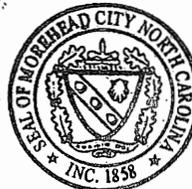
DULY ADOPTED THIS 12th day of August, 2003, by a vote of Commissioner(s)
Chadwick, Cordova, Nelson & Thompson voting for;
Commissioner(s) None voting against; and
Commissioner(s) Howard absent.

TOWN OF MOREHEAD CITY

Gerald A. Jones, Jr.
Gerald A. Jones, Jr., Mayor

ATTEST:

Jeanne M. Giblin
Jeanne Giblin, City Clerk



**TOWN OF MOREHEAD CITY
ORDINANCE 2015-21
AMENDING ORDINANCE NO. 2003-37 DUE TO A CLERICAL ERROR**

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE AND MAP OF THE TOWN OF MOREHEAD CITY

WHEREAS, an application has been filed with the Town Council of the Town of Morehead City requesting an amendment to the Unified Development Ordinance and Zoning Map to include in the R15SM (Single-Family Residential/Single-Family Mobile Home District), that property described below, and now zoned R20 (Single-Family Residential District); that said property is owned by William C. Miller, Jr. and are known as Tax PIN #'s 636700107666 & 636701211098, as evidenced by deed recorded in Book 666, Page 132 of the Registry of Deeds of Carteret County; and

WHEREAS, the Planning Board meeting date 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, 2003, 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:

1) The Unified Development Ordinance and Map of the Town of Morehead City is hereby amended to include in the R15SM-CU (Single-Family Residential/Single-Family Mobile Home District, Conditional Use), the following described properties:

PROPERTY DESCRIPTION: Tax PIN #'s 636700107666 & 636701211098 located on Miller Farm Road.

2) That this ordinance shall become effective August 31, 2003.

3) 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 12th day of August, 2003, by a vote of Commissioners Chadwick, Cordova, Nelson and Thompson voting for; None voting against; and Commissioner Howard absent.

AND

DULY ADOPTED THIS 9th day of June, 2015, by a vote of Commissioner[s] _____
_____ voting for; Commissioner[s] _____ voting against; and
Commissioner[s] _____ absent.

TOWN OF MOREHEAD CITY

Gerald A. Jones, Jr., Mayor

ATTEST:

Jeanne Giblin, City Clerk

E.



**JOHNSON ENVIRONMENTAL
& DISASTER CONSULTING SERVICES**

429 CAMWAY DR. • WILMINGTON, NC 28403
PH (910) 791-9361 • FAX (910) 796-9918
E-MAIL: mail@johnsonenv.com

April 16, 2015

Mr. Daniel Williams, Public Services Director
Town of Morehead City
706 Arendell St.
Morehead City, NC 28557

RE: CONTRACTOR RECOMMENDATIONS

- 2015/2016 Immediate Response - Debris Clearing

Primary Contractor

DRC Emergency Services, LLC. (DRC) of Mobile, AL

Second Call Contractor

J.B. Coxwell Contracting, Inc. (Coxwell) of Jacksonville, FL

Dear Mr. Daniel Williams,

On March 17, 2015 the Town of Morehead City conducted a bid reading and tabulation for preposition **Immediate Response - Debris Clearing** and Phase II – Vegetative and C&D Debris Removal contracts as part of our response and preparedness program. The participation in these “Request for Proposals” was considered satisfactory. Four (4) companies bid on this **Immediate Response - Debris Clearing Contract**.

Phase I was then evaluated and one contractors’ bid, CrowderGulf, for Phase I work was conditional on the award of the Phase II contract. From the Phase I evaluation attached you will find that CrowderGulf’s bids are shown, but crossed out and not utilized in the determination of placement. The evaluated 1st place contractor is now determined as **DRC Emergency Services, LLC. (DRC)** and **J.B. Coxwell Contracting, Inc. (Coxwell)** as 2nd overall lowest bidder.

Due diligence documentation submission was not required under the Bidders Instructions for this contract. However, both of these contractors have been evaluated for award this year and have been found as responsible contractors. Each of these contractors have experience in disaster activated debris removal operations. They also appear to have sufficient equipment and subcontractor relationships to perform the services required for the Immediate Response Debris Clearing Contract. Each contractor has presented sample Certificates of Insurance and liability limits meet or exceed the contractual requirements. Contractors were also evaluated for Federal debarment and a summary of the results are below:

Federal Debarment Analysis

The Federal Government System for Award Management (SAM) located at <https://www.sam.gov/portal/public/SAM>, was searched for: **DRC Emergency Services LLC, DRC, and Mark Stafford** (officer submitting bid), on March 20, 2015, and was not found as an excluded entity from any governmental agency either procurement or non-procurement contracts.

The Federal Government System for Award Management (SAM) located at <https://www.sam.gov/portal/public/SAM>, was searched for: **J.B. Coxwell Contracting, Inc., and John B. Coxwell** (officer submitting bid), on April 6, 2015, and was not found as an excluded entity from any governmental agency either procurement or non-procurement contracts.

It is our recommendation that ***DRC Emergency Services, LLC*** be awarded the primary contract (or 1st call) for Immediate Response - Debris Clearing Contract and that ***J.B. Coxwell Contracting, Inc.*** be awarded the secondary contract (or 2nd call) for Immediate Response - Debris Clearing Contract.

Sincerely,



Barry L. Johnson

Enclosures:

Morehead City - Bid Evaluation
Phase I - Debris Clearing

DATE: March 17, 2015
TIME: 2:00PM

Equipment	Company Submitting Bid							
	JB Coxwell		DRC Emerg. Services		* Crowder-Gulf		TFR Enterprises	
	# units	rate \$	# units	rate \$	# units	rate \$	# units	rate \$
6-10cy Dump Truck/ hourly rate	3	\$62.00	as needed	\$85.00	as-needed	\$55.00	20	\$90.00
12-18cy Dump Truck/ hourly rate	5	\$68.00	as needed	\$85.00	as-needed	\$70.00	25	\$110.00
19-25cy Dump Truck/ hourly rate	4	\$74.00	as needed	\$85.00	as-needed	\$72.00	25	\$120.00
26+cy Dump Truck/ hourly rate	3	\$83.00	as needed	\$85.00	as-needed	\$80.00	25	\$230.00
Knuckelboom	3	\$163.00	as needed	\$110.00	as-needed	\$100.00	15	\$310.00
Excavator (1-2cy bucket)	2	\$135.00	as needed	\$160.00	as-needed	\$110.00	10	\$205.00
Excavator (2-3cy bucket)	2	\$150.00	as needed	\$170.00	as-needed	\$120.00	10	\$260.00
Backhoe/loader (1cy bucket)	2	\$85.00	as needed	\$85.00	as-needed	\$66.00	10	\$180.00
Backhoe/loader (1.5cy bucket)	2	\$140.00	as needed	\$115.00	as-needed	\$75.00	10	\$205.00
Front-end Loader (1.5-3cy bucket)	2	\$115.00	as needed	\$115.00	as-needed	\$110.00	15	\$205.00
Front-end Loader (3-4cy bucket)	2	\$165.00	as needed	\$140.00	as-needed	\$115.00	10	\$260.00
Chainsaw w/ operator (min 16"bar)	6	\$46.00	as needed	\$45.00	as-needed	\$32.00	40	\$85.00
Laborer w/ Hand Tools	10	\$32.50	as needed	\$37.00	as-needed	\$28.00	40	\$60.00
All Units Cost / hour		\$1,318.50		\$1,317.00		N/A		\$2,320.00

Legend 1st place 2nd place 3rd Place

* Contractor's bid was conditional, They will only complete Phase I if they are the winner of Phase II - Curbside, therefore removed from consideration

**Morehead City - Bid Evaluation
Phase I - Debris Clearing**

**DATE: March 17, 2015
TIME: 2:00PM**

	1st place	2nd place	3rd Place
Company submitting proposal	1st Place Bids	2nd Place Bids	3rd Place Bids
JB Coxwell	9	4	0
DRC Emerg. Services	6	7	0
* Crowder-Gulf	not evaluated	not evaluated	not evaluated
TFR Enterprises	0	0	

* Contractor's bid was conditional, They will only complete Phase I if they are the winner of Phase II - Curbside, therefore removed from consideration



**JOHNSON ENVIRONMENTAL
& DISASTER CONSULTING SERVICES**

429 CAMWAY DR. • WILMINGTON, NC 28403
PH (910) 791-9361 • FAX (910) 796-9918
E-MAIL: mail@johnsonenv.com

April 13, 2015

Mr. Daniel Williams, Public Services Director
Town of Morehead City
706 Arendell St.
Morehead City, NC 28557

RE: **CONTRACTOR RECOMMENDATIONS**

- **2015/2016 Phase II – Vegetative and C&D Debris Removal Contract**
 - **Primary Award (1st Call) – DRC Emergency Services, LLC; of Mobile, AL**
 - **Secondary Award (2nd Call) – Asplundh Environmental Services, Inc.; of Willow Grove, PA**

Dear Mr. Williams,

For the past several years it has been our emergency planning objective to award a primary contract and secondary contractor for both the Phase I – Immediate Clearing and the **Phase II – C&D and Vegetative Removal Contracts**. For the 2015/2016 fiscal year the bidding produced 5 bidders for **Phase II- C&D and Vegetative Debris Removal Contract**. Attached are the bid evaluations from the bid opening 2:00PM, March 17, 2015. These evaluations lead us to the ultimate determination of 1st and 2nd place proposal contractors.

CrowderGulf's bid was evaluated and determined irresponsible due to an error in the bidding value, they promptly requested removal from consideration. Therefore, we have removed their bid evaluation from the Bidding Results and the tabulation is attached. The evaluation does not clearly show a contractor lowest on both scopes of services. We have applied the contract stipulation 5.04 of the Instructions to Bidders to determine our primary and secondary contractor (see below):

5.04 If there are no bidders that are clearly lowest on both scopes of work in the Form of Proposal, lowest overall and 2nd lowest overall will be determined by estimated total cost for debris removal utilizing hybrid USACE Category 3 estimated event scenario... for the Town of Morehead City, this has been calculated as having C&D generation of 87,537 cy, Vegetative Debris generation of 131,305 cy. However, this does not imply a minimum or maximum quantity for the award.

When evaluating all contractors under the scenario referenced above, it is determined that **DRC Emergency Services, LLC (DRC); of Mobile, AL**, is the lowest “overall” bidder.

Specifically: C&D from rights of way, \$53.92/ton is a first place bid and Vegetative Debris, \$8.98/cy. DRC's overall USACE Hybrid Cat. 3 Model extrapolated cost would be a first place estimate of \$3,539,116.42.

The next overall bidder (2nd place) as evaluated would be **Asplundh Environmental Services, Inc. (AES); of Willow Grove, PA** is the next lowest "overall" bidder. Specifically: C&D from rights of way, \$96.47/cy is a 2nd place bid and Vegetative Debris, \$8.35/cy. AES's overall USACE Hybrid Cat. 3 Model extrapolated cost would be a second place estimate of \$5,318,743.95.

The following summarizes the due diligence completed for each contractor:

Summary of Findings for DRC- Primary Contract Recommendation

DRC presented a comprehensive support document with their bid package. A Certificate of Insurance (COI) was evaluated with Part 1, Section 6.0 of the Bidders Instructions contract requirements with current enforcement. DRC's currently enforced insurance meets all contractual liability limits.

Federal Debarment Analysis

The Federal Government System for Award Management (SAM) located at <https://www.sam.gov/portal/public/SAM>, was searched for: **DRC Emergency Services LLC, DRC, and Mark Stafford** (officer submitting bid), on March 20, 2015, and was not found as an excluded entity from any governmental agency either procurement or non-procurement contracts.

DRC provided a financial statement, insurance contacts; reference list of recent clients, list of equipment, list of subcontractors and equipment, and the results of calls to a sample of these references is also included with the due diligence documents.

DRC is an Alabama company, recently purchased with new operating officers in 2013. The company's is now held primarily in partnership by the Bank of New York Mellon and United Insurance Company of America. Financially, DRC appears to be significantly improved from the new ownership and financing. The financial report was evaluated for the period ending May 31, 2014 and we find DRC's assets, project revenues, and retained earnings to be one of the best in the industry. DRC has a successful bonding program and with the influx of new capital and increased bonding capacity. The bonding company confirms a bonding program of single bonds to \$40+M, and aggregate capacity of \$100+M. Therefore, under the requirements set forth in the Disaster Response/Recovery Contracts DRC should be able to manage cash flow and obtain the required bonding.

Regarding the reference and experience evaluation of this contractor, we found DRC to have significant experience in the debris removal and debris disposal business. The provided experience directly relates to debris removal and to the Phase II – Debris Operations contracts they have bid on. DRC Emergency Services, LLC was the City of Wilmington's selected contractor performing Phase II – Debris Removal services following the February 2014 Ice Storm. DRC completed this debris removal project of approximately 175,000cy in 42 days. Staff's opinion of DRC's work and professionalism was excellent. Additional sampling of the contractor's references were

called and their experience with DRC was discussed. All references reached would rehire DRC and were satisfied with performance.

Summary of Findings for AES- Secondary Contract Recommendation

Federal Debarment Analysis

The Federal Government System for Award Management (SAM) located at <https://www.sam.gov/portal/public/SAM>, was searched for: **Asplundh Environmental Services Inc., and David A. Fleischner** (officer submitting bid), on April 7, 2015, and was not found as an excluded entity from any governmental agency either procurement or non-procurement contracts.

Asplundh Environmental Services, Inc. (AES) provided limited documents for the qualification requirements with their proposal package. Over several days and communications more information was provided, from the information we find Asplundh Environmental Service, Inc. to be a wholly owned subsidiary of Asplundh Tree Experts, Inc. (ATE). ATE has multiple companies under their umbrella, but total companies have revenues annually of nearly \$3.5Billion. Corporation is headquartered near Philadelphia, Pennsylvania, and claiming to grown to employ 30,000 service professionals throughout the U.S., Canada, New Zealand and Australia.

A summary financial statement was received for years ending 2013 and 2012 for Asplundh Environmental Services, Inc. only. AES requested that their financial report be treated confidentially and be utilized to qualify them as they didn't share information with Dunn & Bradstreet. Per documentation provided AES will receive bonding, financial support and equipment and personnel from the parent company ATE as needed.

A follow-up letter was received by FEDEX carrier on 4/13/15 from the bonding company, Travelers. The letter provided confirms Asplundh as a highly regarded client for more than 20 years and they have written bonds in excess of \$50M. They stand ready to provide necessary performance and payment bonds.

A Certificate of Insurance (COI) was received and evaluated with Part 1, Section 6.0 of the Bidders Instructions contract requirements with current enforcement. AES's currently enforced insurance meets all contractual liability limits.

Regarding experience, AES incorporated in 1996 and has been doing storm related work since the early 2000's. A list of fifteen (15) debris related experiences were received from AES. Several projects confirmed disaster debris operations in excess of \$5M. We were able to evaluate some more recent experience and all clients that could discuss AES work said they were overall pleased with their work and would hire them for future work.

It is our recommendation that ***DRC Emergency Services, LLC (DRC)*** be awarded the primary contract and ***Asplundh Environmental Services, Inc. (AES)*** be awarded the secondary contract for **Phase II – Vegetative and C&D Debris Removal** for the period

July 1, 2015 through June 30, 2016, these contractors being respectively 1st and 2nd place "lowest overall" qualified bidders and responsible as determined through the due diligence evaluation completed.

Sincerely,

A handwritten signature in cursive script that reads "Barry L. Johnson".

Barry L. Johnson

Enclosures:

**Morehead City - Bid Evaluation
Phase II - Vegetative and C and D Debris Removal**

**DATE: 3/17/15
TIME: 2:00PM**

Company submitting proposal	Veg & C&D Debris Proposal		USACE Estimates for Evaluation Only		
	1) C&D Debris Removal (Roads, rights of ways, and Public Property) / CY	2) Veg Debris (Roads, rights of ways, and Public Property) / CY	C&D Total Cost Estimate (Using USACE Model for Cat 3)	Vegetative Total Cost Estimate (Using USACE Model for Cat 3)	Total Cost Estimate (Using USACE Model for Cat 3)
DRC Emergency Services, LLC	\$53.92	\$8.98	\$2,359,997.52	\$1,179,118.90	\$3,539,116.42
* CrowderGulf, LLC	\$19.20	\$6.80	not evaluated	not evaluated	not evaluated
Asplundh	\$96.47	\$8.35	\$4,222,347.20	\$1,096,396.75	\$5,318,743.95
JB Coxwell	\$91.00	\$10.20	\$3,982,933.50	\$1,339,311.00	\$5,322,244.50
TFR Enterprises	\$130.00	\$7.67	\$5,689,905.00	\$1,007,109.35	\$6,697,014.35

 - First Place Bid
 - Second Place Bid

Constants

<u>Cat 3 - C&D estimated cy</u> 87537	<u>Cat 3 - Veg estimated cy</u> 131305
<u>Cat 3 - C&D estimated Tons</u> 43768.5	

FEMA 325 guidance conversion for C&D = 2cy/ton

*CrowderGulf withdrew from consideration due to error in unit pricing

TOWN OF MOREHEAD CITY
PHASE II - DEBRIS REMOVAL CONTRACT

PART III - FORM OF PROPOSAL

TO: Mr. Gerald A. Jones, Jr., Mayor
Town of Morehead City
706 Arendell Street
Morehead City, NC 28557

DATE: 3-16-15 FROM: DRC Emergency Services, LLC
(Bidder/CONTRACTOR)

PHONE: 251-402-3052 ADDRESS: 740 Museum Drive
Mobile, AL 36608

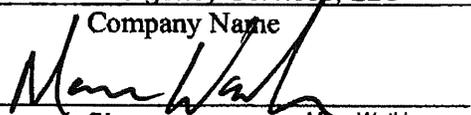
UNIT PRICE BID: The undersigned, having carefully examined the Instructions to Bidders, ***TOWN OF MOREHEAD CITY, PHASE II - DEBRIS REMOVAL CONTRACT*** dated February 17, 2015 including the following addenda:

ADDENDUM # NONE ISSUED DATED: _____

ADDENDUM # _____ DATED: _____

As well as the premises and conditions affecting the work, proposes to furnish all services, labor, materials and equipment called for to complete the project in accordance with the contract documents for the following unit price amounts.

- 1) Unit Price No. 1 \$ 53.92 / ton
2) Unit Price No. 2 \$ 8.98 / cubic yard

DRC Emergency Services, LLC
Company Name

Signature Marc Watkins

Vice President of Estimating
Title

Alabama
State of Incorporation

(Corporate Seal)

TOWN OF MOREHEAD CITY
PHASE II - DEBRIS REMOVAL CONTRACT

PART III – FORM OF PROPOSAL

TO: Mr. Gerald A. Jones, Jr., Mayor
Town of Morehead City
706 Arendell Street
Morehead City, NC 28557

DATE: 3/13/15 FROM: Asplundh Environmental Services
(Bidder/CONTRACTOR)

PHONE: 215-784-4333 ADDRESS: 708 Blair Mill Road
Willow Grove, PA 19090-1784

UNIT PRICE BID: The undersigned, having carefully examined the Instructions to Bidders, **TOWN OF MOREHEAD CITY, PHASE II - DEBRIS REMOVAL CONTRACT** dated February 17, 2015 including the following addenda:

ADDENDUM # None DATED: _____

ADDENDUM # _____ DATED: _____

As well as the premises and conditions affecting the work, proposes to furnish all services, labor, materials and equipment called for to complete the project in accordance with the contract documents for the following unit price amounts.

- 1) Unit Price No. 1 \$ 96.47 /ton
2) Unit Price No. 2 \$ 8.35 /cubic yard

Asplundh Environmental Services
Company Name

David A. Fleischner
Signature
David A. Fleischner
Pennsylvania
State of Incorporation

President
Title

(Corporate Seal)

F.

Statement of Qualifications

**Town of Morehead City
Public Works Department**

**Webb Library Building
Structural and Building Systems Assessment**

May 21, 2015

Submitted to:

Graham Strother, P.E.
Morehead City Public Works Department
706 Arendell St.
Morehead City, NC 28557
Telephone: (252) 726-6849

Submitted by:

 **ARENDELL
ENGINEERS**
CIVIL • COASTAL • ENVIRONMENTAL
105 North 10th Street, Suite 4
Morehead City, North Carolina 28557
(252) 622-4338

On behalf of the project team including

Applegate Architecture

 **STROUD ENGINEERING, P. A.**


ENGINEERING

**Webb Library Building
Structural and Building Systems Assessment**

STATEMENT OF QUALIFICATIONS

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Resume – John J. Wade, P.E.

Applegate Architects

Resume – Earl A. Applegate, AIA, LEED, AP

TAE, Inc.

Resume – J. Michael Talley, P.E.

Stroud Engineering, P.A.

Resume - L. Michael Stroud, P.E., LEED, AP

Project Experience with Town of Morehead City

Timetable for Project Completion

History of Schedule Compliance

Litigation and Project Dismissal or termination in last 5 years

Preliminary Project Schedule

Project Team Contact Information

Arendell Engineers

105 N. 10th Street, Suite 4

Morehead City, NC 28557

James W. (Bill) Forman, Jr., P.E., President
(252) 622-4338

TAE, Inc.

4917 Professional Court, Suite 105

Raleigh, NC 27609-4970

J. Michael Talley, S.E., P.E. – President
(919) 871-0744

Applegate Architecture, Inc.

Post Office Box 100

New Bern, NC 28563

Earl A. Applegate, AIA, LEED, AP, Principal
(252) 633-5603

Stroud Engineering, P.A.

107 B Commerce Street

Greenville, NC 27858

L. Michael Stroud, P.E., LEED, AP
(252) 756-9352

Town of Morehead City
Public Works Department

Webb Library Building
Structural and Building Systems Assessment

STATEMENT OF QUALIFICATIONS

May 21, 2015

Project Team: ARENDELL ENGINEERS – APPLGATGE ARCHITECTS – TAE, INC. – STROUD ENGINEERING

INTRODUCTION

The Town of Morehead City is soliciting proposals from building professionals for a detailed assessment of the Webb Memorial Library Building at 812 Evans Street. Building construction is of masonry exterior walls and timber frame floor and roof construction.

In 1929, Mr. Earle W. Webb, Sr., CEO of Ethyl Corporation in NYC and native Morehead City resident, began construction of a commercial building on the corner of 9th and Evans Streets in downtown Morehead City, North Carolina. For the first few years the building had doctors' offices downstairs and a training facility for the local garment factory upstairs. When the upstairs noise became too much for the downstairs occupants, the garment factory left. Mrs. Webb, a member of the Morehead Woman's Club, asked her husband if the club could move its 300 book library to one of the upstairs rooms. When he agreed, the library was moved.

A few years later in 1936, the Webb's son, Earle W. Webb, Jr., became ill and died. In honor of their son, Mr. and Mrs. Webb dedicated the building as the Earle W. Webb Jr. Memorial Library and Civic Center and opened it to all the citizens of Morehead City for community use. The Town of Morehead City has operated the building as a public library and civic center facility since 2005.

PROJECT OBJECTIVES:

The overall objective of the building assessment is provide Town of Morehead City with detailed information on the condition of the building structural and utility systems and costs and priorities for rehabilitation and repairs to accommodate existing and future uses. The project team proposes to determine the condition of structural and building systems including footings, foundation, floor, interior and exterior walls, ceiling, roof and electrical, security, communications, and data systems.

PROJECT APPROACH AND UNDERSTANDING:

The following preliminary approach proposed to meet the project objectives has been developed by the project team based on some local knowledge of the Webb Library Building, review of reports completed by Williams Townes, P.E. in 1988 and Francis Architecture completed in 2003, the experience of the project team on similar work, and on ASCE 11-99-2000, *Guideline for Structural Condition Assessment of Existing Buildings*. Our approach includes the following:

1. **Preliminary Assessment** - Conduct preliminary observations of the building prior to the detailed studies to determine needs for specialized equipment, supplies and personnel and to prepare a plan and schedule for inspection for presentation to PWD. Based on the preliminary observations, prepare a plan for acceptance by PWD that includes the professional services, equipment and supplies required to conduct the detailed building systems observations, testing, reporting and administrative services required to meet the project objectives.
2. **Coordination with Client** - Upon receipt of a notice to proceed, conduct meetings with PWD and other town officials to further define the objectives and special requirements of the project including, but not limited to, existing uses, expansion of existing uses, and possible future uses and requirements for the building.

3. **Research Building History** - Research building history, building codes, other regulatory requirements and conduct detailed reviews of previous reports prepared by Williams Townes, P.E. and Francis Architecture and any other graphic or written information related to building, construction, use and maintenance history. This task includes conducting an interview with the General Contractor for the elevator installation to obtain his description of the building structural conditions observed during the elevator installation project recently completed.
4. **Detailed Assessment** - Based on the research, interviews, preliminary observations and the proposal for professional services, conduct detailed observations of building systems using non-destructive methods to the extent possible. The assessment includes observations of the roof, flashings, gutters, and moisture protection systems, exterior and interior wall and ceiling systems, footings and foundations, floor framing, window, door and access systems, and plumbing, electrical, fire protection, security and data and communication systems. Space utilization and emergency and handicap access will also be addressed.
5. **Analysis of Findings** - Determine loading conditions for existing and potential building uses and evaluate the structural systems for support of those loads. Loads might include wind loads on the building exterior and internal framing systems, floor loads for various building uses, and earthquake loads as required by the N.C. State Building Code. Evaluate current plumbing, mechanical, electrical and communication requirements and develop renovation measures to meet current and future needs.
6. **Report Preparation** - Prepare a detailed report presenting findings of the building systems observations, structural capacity evaluations, Current Building Code requirements, an inventory of building systems, materials and methods, building site conditions, and recommendations for repairs, rehabilitation prioritized in order of importance. The report will provide opinions of probable construction costs for the recommended rehabilitation and repairs and estimates of construction times, contingencies, special requirements and construction contract requirements for implementation. Submit the report to PWD and revise the report as required by PWD.
7. **Presentation to PWD** - The project team will meet with PWD and other town officials to present the findings of the report in public or private forums as required by PWD.

PROJECT TEAM

A project team composed of Arendell Engineers, Applegate Architects, TAE, Inc. and Stroud Engineering is proposed. This multi-disciplinary team is proposed to provide the PWD with the a team of highly qualified professionals with specific experience with historic buildings and building systems, structural evaluation of existing structures and mechanical and electrical systems. Members of the project team have worked together on various other projects in Eastern North Carolina.

Arendell Engineers will be the lead firm and the point of contact between PWD and the project team and will be responsible for coordinating the activities of the project team and meeting the schedule milestones proposed. The role of each firm on the project team is as follows:

Arendell Engineers – Arendell Engineers will provide project management, local presence and knowledge, and engineers with expertise in evaluation of building systems and field evaluation of similar structures. Bill Forman and John Wade will be the principal engineers for Arendell Engineers.

Applegate Architecture - Applegate Architects will provide extensive understanding of overall building systems, building code requirements, and space utilization and access requirements. Earl Applegate will be the principal architect.

TAE, Inc. - TAE will provide structural engineering expertise for detailed evaluation of foundations, and building framing systems. J. Michael Talley, P.E. will be the principal structural engineer for TAE.

Stroud Engineering, P.A. – Stroud Engineering will provide plumbing, mechanical, electrical and communications/data engineering. L. Michael Stroud, P.E. will the principal PM&E Engineer.



Our Brief History

Arendell Engineers was started as a veteran owned small business engineering firm on October 13, 2014 in Morehead City, North Carolina as a partnership of the new and the old in engineering experience. James W. (Bill) Forman joined with John J. Wade to form the company and to provide general civil and waterfront engineering services in Eastern and Coastal North Carolina. Although a new firm, the principals bring over 40 years of experience in specific practice areas including waterfront and coastal development, construction administration, environmental engineering and sustainable development, building systems evaluation, dredging and navigation engineering, coastal engineering, small craft harbor and marina engineering, and municipal engineering.

Our clients have included individuals, private developers, property managers, property owners associations, municipal, county, state and federal governments, the military and public utility companies.

Partnering and Collaboration

Our experience allows us to bring a broad geographic perspective to local projects. Our network of associate engineering, surveying, environmental, planning, urban design, landscape architecture and architectural firms allows us to assemble teams that have prior experience working together on complicated projects and bring a high level of technical expertise to our client's projects that would not otherwise be locally available.

Our Mission

Deliver solutions to problems that are innovative, practical, cost-effective and efficient while distinguishing ourselves from the competition with broad ranging experience solving problems with creativity and integrity for many client and project types.

Our Vision

At Arendell Engineers, creativity and client satisfaction are our business. We view ourselves as problem solvers with the experience to clearly define problems and then apply technical expertise and creativity to the solutions. We strive to be the best that we can be at what we do. We remain committed to providing innovative solutions and to being at the industry forefront in technology.

Building Systems Evaluation - Project Experience of Professional Engineers, 2011 – 2015

Sea Spray Condominiums, Atlantic Beach, NC – Foundation rehabilitation of stack 33.

Client: York Properties

Building type: Modular units stacked on timber piles

Services provided: Stack 33 pile foundation and header rehabilitation design and construction administration.

Sea Spray Condominiums, Atlantic Beach, NC – Preliminary assessments

Client: York Properties

Building type: Modular units stacked on timber piles

Services provided: Preliminary assessment of several condominium units in different buildings for water damage and building settlement due to structural deficiencies.

Sea Spray Condominiums, Atlantic Beach, NC – Membrane roof assessment and rehabilitation.

Client: York Properties

Building type: Modular timber frame residential units stacked on timber piles

Services provided: Membrane roof assessment and design and administration of replacement work for 80,000 s.f. of membrane roof.

Island Beach & Racquet Club, Atlantic Beach, NC – Porch, railing and porch & deck structural rehabilitation
Client: Jimmie Beckom, Homeowner's Association Representative.
Building type: Modular timber frame residential units stacked on timber piles.
Services provided: Conducted preliminary and detailed assessments of exterior access structures, including porches, walkways and stairways.

Harborview Rehabilitation Center – Morehead City – Preliminary assessment.
Client: Tom Gatewood, Gatewood Healthcare Management Services
Building type: Concrete & steel structure.
Services provided: Preliminary assessment of building systems for separation from adjoining structure.

Pebble Beach Condominiums – Emerald Isle, NC – Preliminary and detailed assessments.
Client: Johnny Cameron, Crystal Coast Management Consultants, Inc.
Building type: Timber frame three story condominium structure on timber pile foundation and timber frame three story condominium structure on concrete slab foundation.
Services provided: Conducted preliminary and detailed assessments of timber stairwells, flashing, handrail attachments, deck analysis; and replacement of three-story timber decks.

Pebble Beach Condominiums, Emerald Isle, NC - Fire Rehabilitation.
Client: Bill Boulia, Boulia Construction & Restoration.
Building type: Timber frame three story condominium structure on concrete slab and CMU foundations.
Services provided: Designed and administered structural repairs caused by fire damage to roof rafters and wall framing.

Queen's Court Condominiums – Emerald Isle, NC – Detailed assessment.
Client: Nick Markham, Homeowner's Association President
Building type: Timber frame three-story condominium complex on timber pile foundation.
Services provided: Conducted preliminary and detailed assessment of three-story timber decks and three-story timber common walkways.

Bogue Shore Club – Pine Knoll Shores, NC – Conducted annual assessments in 2012 and 2015 of concrete and steel structure on sound and ocean side of oceanfront structure. Recommended and administered repairs in 2012.
Client: Johnny Cameron, Crystal Coast Management Consultants, Inc.
Building type: Concrete & steel framed structure with exterior stucco
Services provided: Inspected concrete & steel structure to identify locations of deterioration

Ocean Reef Condominiums, Emerald Isle, NC – Preliminary and detailed assessment of exterior timber deck and stair, porch and deck structures.
Client: Johnny Cameron, Crystal Coast Management Consultants, Inc.
Building type: Timber frame two-story condominium structures.
Services provided: Inspected timber decks to provide for future replacement.

RESUME

JAMES W. (BILL) FORMAN, JR., P.E.

President/Senior Engineer

EDUCATION **B.S.C.E./1976/Civil Engineering/North Carolina State University**
M.S./1978/Civil Engineering & Marine Sciences/North Carolina State University

REGISTRATION **Professional Engineer North Carolina 1983, #10733, Commonwealth of Virginia 1995,**
#025876, South Carolina 2004, #23707

Mr. Forman is a founder of Arendell Engineers and has 36 years of civil, municipal and coastal engineering project experience for private, government and military clients. His experience includes marina projects with over 6000 slips in both wet and dry storage facilities, dredging projects totaling over 12 million cubic yards and some \$60 million in construction costs (including beach nourishment), and bulkhead projects with over 2 miles of vinyl, steel and concrete structures. Mr. Forman specializes in projects with waterfront components including urban waterfront redevelopment, marinas, waterfront parks, residential and commercial development, and redevelopment of industrial waterfronts.

Projects for which he has been the project engineer include the following:

- **Newport River Pier Extension, Morehead City, North Carolina** – Completed environmental permitting and construction plans for a 152' extension of a timber public fishing pier. Provided bidding & negotiation and construction administration services for the Town.
- **Morehead Waterfront, Morehead City, North Carolina** – Assisted with the development of a master plan for the Town of Morehead City's waterfront. Worked with Town officials, business owners, and other interested parties to develop waterfront redevelopment plan.
- **Moss Landing, Washington, North Carolina** – Completed construction documents for phase 2 of the 40 single family lots Moss Landing project including low pressure sewer collection systems, and grading stormwater management and erosion control predesign and permitting.
- **10th Street Groin and Pier – Town of Morehead City, North Carolina** – Completed design and preparation of plans and specifications for rehabilitation of groin and timber pier and Town of Morehead municipal park and boat launching facility.
- **Shepard Street Bulkhead Rehabilitation – Town of Morehead City, North Carolina** – Completed design and preparation of plans and specifications for rehabilitation of existing concrete bulkhead and reinforced concrete cap replacement.
- **Continental Shelf Vessel Berth – Town of Morehead City, North Carolina** – Completed design and preparation of plans and specifications for rehabilitation of timber dock and berth for commercial head boat.
- **Sea Spray Roof Replacement – Atlantic Beach, North Carolina** - Prepared plans and Contract Documents and provided construction administration services for roof replacement for three condominiums buildings with new single ply membrane roof and drainage systems with over 72,000 square feet.
- **Deep Head Swash Ocean Outfall, City of Myrtle Beach, SC** – Design of 1500 linear foot ocean outfall including horizontal directional drill for three 48 inch pipes and an alternate bid for direct burial installation of two 72 inch concrete pipes beneath active beach offshore to 25 ft. water depth.
- **Williams Wharf Landing – Mathews County Land Conservancy, Mathews, VA** – Redevelopment of historic landing, boat yard and shell fish facility to 4-acre waterfront public access facility located on the East River including rowing training and competition facilities, preservation of historic resources and structures, permitting through VDOT, Mathews County, Virginia Marine Resources Commission (VMRC), Virginia Department of Health (VDH) and Virginia Department of Historic Resources (DHR), and design and construction administration services for upland development, piers and floating docks.

Affiliations: American Society of Civil Engineers – Member, National Society of Professional Engineers, American Shore and Beach Preservation Society, Chi Epsilon.

RESUME

JOHN J. WADE, P.E.

Vice President/Project Engineer/Civil

Education: B.S.C.E. West Virginia University, Morgantown, WEST VIRGINIA, 2010

Registration: Professional Engineer North Carolina 2014, #42158

Mr. Wade is Vice President and co-founder of Arendell Engineers. He has worked in the consulting engineering business for over four years as a project civil engineer and project manager. He has developed specialties through experience in waterfront development, structural engineering of waterfront structures including bulkheads and docks, building system evaluation and analysis, environmental and municipal engineering including stormwater management and treatment, design of gravity and low pressure sewer collection systems, water distribution systems, streets and sidewalks, condition assessments of gravity sewer and administration of construction contracts. Mr. Wade's clients have included individuals, developers, municipalities, property management firms, and homeowners associations. Projects for which he has had responsible charge on include:

- **Island Beach and Racquet Club, Atlantic Beach, North Carolina** – Completed several renovation projects for the Homeowner's Association ranging from \$200,000 to \$900,000. Determined scope of projects to be completed within the HOA's budget. Provided specifications, bidding & negotiating services, and construction administration for the project.
- **Pebble Beach Condominiums, Emerald Isle, North Carolina** – Provided design, bidding, and construction administration services for replacement of unsafe oceanfront decks. Completed structural inspection of common stairwells to provide the Homeowner's Association. Developed project scope for renovation work to townhome buildings.
- **Newport River Pier Extension, Morehead City, North Carolina** – Completed environmental permitting and construction plans for a 152' extension of a timber public fishing pier. Provided bidding & negotiating and construction administration services for the Town.
- **Morehead Waterfront, Morehead City, North Carolina** – Assisted with the development of a master plan for the Town of Morehead City's waterfront. Worked with Town officials, business owners, and other interested parties to develop waterfront redevelopment plan.
- stormwater management and erosion control predesign and permitting.
- **10th Street Groin and Pier – Town of Morehead City, North Carolina** – Completed design and preparation of plans and specifications for rehabilitation of groin and timber pier and Town of Morehead municipal park and boat launching facility.
- **Shepard Street Bulkhead Rehabilitation – Town of Morehead City, North Carolina** – Completed design and preparation of plans and specifications for rehabilitation of existing concrete bulkhead and reinforced concrete cap replacement.
- **Continental Shelf Vessel Berth – Town of Morehead City, North Carolina** – Completed design and preparation of plans and specifications for rehabilitation of timber dock and berth for commercial head boat.
- **Sea Spray Roof Replacement – Atlantic Beach, North Carolina** - Prepared plans and Contract Documents and provided construction administration services for roof replacement for three condominiums buildings with new single ply membrane roof and drainage systems with over 72,000 square feet.

Affiliations: American Society of Civil Engineers - Member

Applegate Architecture

Applegate Architecture is located in New Bern, North Carolina. Since 1977, the firm has provided comprehensive planning, design, and engineering services for a very wide variety of projects, including: Medical, Office & Commercial, Retail, Residential, Educational & Institutional, and Land Planning, as well as a large number of very diverse project types for the Department of Defense (more than 150 individual projects).

Mr. Applegate has served as the principal of Applegate Architecture, Inc., for the past 36 years, he has been responsible for the successful design and completion of more than 250 individual projects. Facilities designed by Applegate Architecture, Inc. range, in size, up to \$50,000,000 (the AIMD facility at MCAS Cherry Point, NC). Mr. Applegate is a LEED Accredited Professional, he was responsible for developing and implementing the LEED strategies which resulted in the Silver LEED Certification for the First Environments Early Learning Center at Research Triangle Park, Durham, NC.

Applegate Architecture has completed numerous building renovation projects including many historic renovations to meet the Secretary of Interior Standards for Historic Preservation. Over many years the firm has prepared numerous building surveys and assessments of existing building conditions. Including the analysis and proposed renovations for the historic Elk's Building in New Bern.

Applegate Architecture has received design and performance awards for completed projects; including the Washington Performing Arts Center, Washington, NC; the AIMD Facility at MCAS Cherry Point, NC, and the Courthouse Bay Bachelor Enlisted Quarters at MCB Camp Lejeune, NC.

Relevant Project Experience:

The Donaghey Building, Little Rock, Arkansas - Adaptive use redesign: converting office building to apartment building.

Client: William Campbell

Services provided: Analysis and evaluation of historic 14-story concrete frame office building, approximately 200,000 gross square feet in size. The comprehensive building analysis defined the existing condition of all building systems. The design was completed to meet the Secretary of Interior Standards for Historic Renovation.

The Elk's Building, New Bern, North Carolina – Detailed building systems assessment.

Client: Hotel New Bern, LLC, Jack Daft.

Services provided: Comprehensive building analysis of all building elements including: building shell, structural elements, mechanical, electrical, and plumbing components, roof, windows and doors, as well as historic decorative finishes. The adaptive use design provided for the conversion of the existing office building to a 50 room boutique hotel. All work was designed to meet the Secretary of Interior Standards for Historic Renovation.

Building Evaluation Studies & Reports for Craven County, Beaufort County, and Carteret County School Systems-More than a dozen evaluations and reports for existing school facilities. The work, varied in nature, was utilized to assist in planning and budgeting for the repairs and renovations (or abandonment) of existing facilities.

RESUME

EARL A. APPLGATE, AIA, LEED AP

Project Assignment: Project Architect

Name of Firm: **Applegate Architecture, Inc.**

Years of experience with this firm: 36

Years of experience with others: 4

Education (years/degrees/specialization): 1972 / Bachelor of Architecture / Architecture

Active Professional Registration (number / state / year): #3071 / North Carolina / 1977, #7793 / South Carolina / 2007
#8562 / Arkansas / 2013

Mr. Earl Applegate has served as the principal of Applegate Architecture, Inc., for the past 36 years. During that time he has completed numerous building evaluations and studies. His experience includes the adaptive use and renovations design for many historic structures. Relevant project experience includes:

The Donaghey Building, Little Rock, Arkansas - Analysis and evaluation of an historic 14 story concrete frame office building, approximately 200,000 gross square feet in size. Adaptive use redesign: converting office building to apartment building. The comprehensive building analysis defined the existing condition of all building systems. The design was completed to meet the Secretary of Interior Standards for Historic Renovation.

The Elk's Building, New Bern, North Carolina - Comprehensive building analysis of all building elements including: building shell, structural elements, mechanical, electrical, and plumbing components, roof, windows and doors, as well as historic decorative finishes. The adaptive use design provided for the conversion of the existing office building to a 50 room boutique hotel. All work was designed to meet the Secretary of Interior Standards for Historic Renovation.

Building Evaluation Studies & Reports for Craven County, Beaufort County, and Carteret County School Systems
More than a dozen evaluations and reports for existing school facilities. The work, varied in nature, was utilized to assist in planning and budgeting for the repairs and renovations (or abandonment) of existing facilities.



TAE, Inc. was founded in 1995 by J. Michael Talley, P.E. as a Structural Engineering consulting firm. Our staff has over 50 years of combined engineering experience to form a diverse and extensive resource base. Our staff has been involved in projects with construction costs ranging up to \$600 million and has worked extensively for both private sector and public sector clients. TAE, Inc. has the knowledge base and design capabilities to help make projects successful both functionally and financially.

The capabilities and experience of TAE includes the following:

Structural Systems:

Moment resisting frames
Eccentrically braced frames
Independent steel frames
Masonry structures
Industrial buildings
Rigid steel frames
Reinforced concrete frames
Concrete pan-joint floor systems
Pre-stressed concrete
Double tees, inverted tee
Girders, columns, spandrels,
Hollow core slabs, sandwich
Wall panels, piles
Reinforced concrete
Multi-story flat slabs and
Flat plates, waffle slabs,
Retaining walls, shear walls,
Special moment resistant
Frames, post-tensioned flat
Slabs and beams
Heavy timber construction
LVL, glulam, wood I-joists

Conveyor truss structures
Equipment support foundations
Industrial equipment towers
Partial moment resistant frames
Composite steel beams/conc. Slabs

Building Types:

Multi-story commercial office buildings
University and Institutional facilities
Gymnasiums
Continuing education facilities
Warehouses
Educational buildings
Postal facilities
Military facilities
R&D laboratory facilities
Corporate headquarter buildings
Resort facilities
Heavy industrial facilities
Correctional facilities
Coastal/marine facilities
Forensic analysis
Material handling facilities
Manufacturing plants

Relevant Project Experience

Wilson County Public Library - Wilson, North Carolina - Structural engineering design of temporary shoring systems to allow modification and retrofit to an existing library building in Wilson, NC.

Selma Train Station - Selma, North Carolina - Structural engineering services for temporary shoring and retrofit and renovations to an existing train station in Selma, NC.



J. Michael Talley, SE, PE

Mr. Talley's professional career encompasses a broad base of engineering design and management. He holds graduate degrees in both structural engineering and business administration. His project experience includes semiconductor manufacturing facilities, chemical plants, pharmaceutical facilities, food processing facilities, commercial office buildings, major transportation structures, educational buildings, industrial and manufacturing facilities, bulk material handling systems, operational and feasibility studies, project permitting, and military facilities.

EDUCATION

- 1985 Bachelor of Science
Civil Engineering
North Carolina State University
Raleigh, North Carolina

■

- 1986 Master of Science
Structural Engineering
North Carolina State University
Raleigh, North Carolina

■

- 1991 Master of Business Administration
Duke University
Fuqua School of Business
Durham, North Carolina

EXPERIENCE

- 1986 - 1987 American Engineers
Raleigh, North Carolina
Structural Engineer
Bridge Structures

■

- 1987 - 1991 Moffatt & Nichol, Engineers
Raleigh, North Carolina
Project Manager
Heavy industrial and military

■

- 1991 - 1995 Ellinwood Design Associates,
Ltd.
Raleigh, North Carolina
Vice President - Structural
Engineering
Commercial/Industrial

■

- 1995 - Pres. TAE, Inc.
Raleigh, North Carolina
President

LICENSES

Professional Engineer - NC, VA, SC, GA, FL, NV Structural Engineer - IL

Member of ACEC, ASCE, NFPA, NSPE



Stroud Engineering, P. A. is a professional engineering and land surveying company with offices operating in the eastern North Carolina of Greenville, Morehead City and Wilmington. Founded in 1972 as a civil engineering and surveying company, our firm has grown steadily to its present staff of over 25 employees offering significantly expanded services. Stroud Engineering has built on its successful tradition of surveying and civil engineering and now provides turnkey services in land planning and design, environmental permitting, water and wastewater, storm water, MEP (mechanical, electrical and plumbing) engineering, and construction administrative services. Our clients include regional and national real estate development firms, municipalities, utilities, universities, State and Federal agencies, architecture firms and building contractors. Our business has succeeded because of our history of providing highly professional technical services, our responsiveness to the needs of our clients, and our competitive rates.

Plumbing, mechanical and electrical projects recently completed by Stroud Engineering:

Beaufort Town Hall, Beaufort NC – Renovation of Plumbing, mechanical and electrical systems.

Client: Town of Beaufort Mr. Charlie Burgess

Project Description: Stroud Engineering served as an engineering consultant to Burnette Architecture and Planning. The Town of Beaufort purchased the existing United States Post Office in Beaufort from the United State Federal Government for the purpose of relocating the Town of Beaufort's offices to this location. We evaluate the existing systems and prepared a design to accommodate the Town's needs. This included renovations to the HVAC system that include demolition and reworking of existing systems as well as adding zone controls and supplementary units. The project also included demolition and modifications to the electrical and plumbing systems including all new lighting and bathroom facilities.

Bath High School, Bath, NC – Adaptive reuse of historic school building.

Client: Weinstein Friedlein Architects, Ken Friedlein.

Project Description: Bath High School was completed in the early 1920s with last graduating class being in 1989. For several years, the building remained vacant with the local school board voting to demolish the building in 2005. A group of concerned graduates and other residents of Bath stepped in to save the building which is now owned by the Town of Bath and is cared for by the Bath High School Preservation.

Alliance One, Farmville, NC – Corporate offices renovation.

Client: Alliance One, Terry Koonce

Project Description: Stroud Engineering provided design services for the replacement of the HVAC systems for approximately 34,000 sf of corporate office space at the tobacco processing facility in Farmville, NC. We also provided the structural, electrical and gas design modifications to accommodate the changes in equipment type and locations. The redesign of the system resulted in significant energy savings in addition to increased occupant comfort and control.

Pitt Community College Welding Building, Greenville, NC – Shop area renovations.

Client: Pitt community College, Guerry Barbee

Project Description: Stroud Engineering provided design, bidding and construction administration services for the renovation of 2,400 sf of shop area for use by Pitt Community College's rapidly growing welding department. The area was formerly used for PCCs masonry program. The project included electrical distribution and spot ventilation for 16 new welding stations.

RESUME

L. MICHAEL STROUD, PE, LEED AP MECHANICAL, ELECTRICAL & PLUMBING ENGINEER

Project Role

Mechanical, Electrical & Plumbing
Design & Inspections

Education

B.S. Electrical Engineering, North
Carolina State University, 1990

Years of Experience

19 Years of Experience with Stroud
Engineering, P. A.

5 Years of Previous Experience

Professional Registrations

PE, NC, 1996, #21990
LEED AP

Mr. Stroud began with Stroud Engineering in 1996 after five years as an electrical engineer with Framatome Technologies in the nuclear power industry. He obtained his Professional Engineer registration in 1996 and worked diligently to expand his knowledge base to include commercial HVAC and plumbing engineering. In 2009, Mr. Stroud met the requirements to become LEED-AP certified through the US Green Building Council. This demonstrates Mr. Stroud's drive to produce mechanical and electrical designs that are environmentally friendly and cost effective to the owner.

Mr. Stroud has performed mechanical, electrical and plumbing designs for a wide variety of projects in eastern North Carolina. He has experience in electrical distribution in commercial and industrial facilities, interior and exterior lighting, commercial plumbing and commercial HVAC. He has extensive knowledge of all the North Carolina State Building Codes, the National Electrical Code and the North Carolina State Construction process. Project types that Mr. Stroud has experience with include emergency facilities, restaurants, churches, office complexes, community college buildings, mercantile spaces and water and wastewater treatment facilities.

Project Specific Experience

Griffins Volunteer Fire Department – Williamston, NC

The Griffins Volunteer Fire Department is a 11,480 sf fire department for the Griffins Township near Williamston, NC built in 2010. This station includes truck bays, meeting/training areas and a kitchen. Mr. Stroud was responsible for HVAC, plumbing and electrical design for this facility.

Parker Honda – Morehead City, NC

Mr. Stroud was the Principal Engineer for the HVAC, electrical and plumbing systems for a new 23,186 sf automobile dealership.

Wallace Wastewater Treatment Plant – Wallace, NC

Mr. Stroud was the Electrical Engineer for a new 5.42 mgd regional waste treatment plant. The design included power distribution, standby power, controls & instrumentation and SCADA.

Carteret County Public Office & Library – Beaufort, NC

Mr. Stroud provided the mechanical, electrical and plumbing design and inspection services for a 23,418 square foot former IGA grocery store that was adapted to accommodate the relocation of the Carteret County Board of Elections, Soil & Water Conservation and Parks and Recreation Departments as well as the Main Branch of the Carteret County Library.

PROJECT EXPERIENCE WITH TOWN OF MOREHEAD CITY

The principals of Arendell Engineers have a history of successful project completion for the Town of Morehead City. Some of those projects include:

Newport River Pier Extension – Principals of Arendell Engineers and Mike Stroud of Stroud Engineering completed structural and electrical engineering for design and expansion the existing timber pier including lighting systems, permitting and construction administration of the timber pier adjacent to the boat ramp on Radio Island.

Morehead Waterfront, Morehead City, North Carolina – Assisted with the development of a master plan for the Town of Morehead City's waterfront. Worked with Town officials, business owners, and other interested parties to develop waterfront redevelopment plan.

10th Street Groin and Pier – Town of Morehead City, North Carolina – Completed design and preparation of plans and specifications for rehabilitation of groin and timber pier and Town of Morehead municipal park and boat launching facility.

Shepard Street Bulkhead Rehabilitation – Town of Morehead City, North Carolina – Completed design and preparation of plans and specifications for rehabilitation of existing concrete bulkhead and reinforced concrete cap replacement.

Continental Shelf Vessel Berth – Town of Morehead City, North Carolina – Completed design and preparation of plans and specifications for rehabilitation of timber dock and berth for commercial head boat.

Charles Wallace Property (Old Cape Lookout High School Site) - Completed site planning for reuse of the school property multi-use building maintaining and highlighting the historic features of the site and building. Included public input and consensus building.

TIMETABLE FOR PROJECT COMPLETION

A preliminary schedule is provided on the following page. We estimate that the project tasks outlined on our approach will require 15 weeks from the date we receive a notice to proceed. The project team is prepared to begin work on the project during June 2015 with report completion by the middle of October. This is a preliminary schedule and can be adjusted to meet the objectives of PWD.

HISTORY OF SCHEDULE COMPLIANCE – As a rule, we do not take on work that cannot be done within the time frame required by our Clients. Project schedules are as important to the project team as to their Clients. Our histories of schedule compliance are very good. We will do all we can to meet the schedule requirements of the PWD. Part of our initial coordination with PWD will be to establish the project schedule.

LITIGATION AND PROJECT DISMISSAL OR TERMINATION IN LAST 5 years – Arendell Engineers or its principals, as employees of other firms, have not been involved in or threatened with litigation in the last 5 years. We have terminated relationship with one client since our founding in October 2014. That termination was upon the advice of our professional liability insurance carrier to prevent an uninsurable situation.

**WEBB LIBRARY STRUCTURAL & BUILDING SYSTEMS ASSESSMENT
TOWN OF MOREHEAD CITY**

**PRELIMINARY PROJECT SCHEDULE
ARENDELL ENGINEERS, APPLGATE ARCHITECTS - TAE, INC. - STROUD ENGINEERING**

Task#	Description	Jun-15			Jul-15			Aug-15			Sep-15			Oct-15		
	Project start		*													
1	Preliminary assessment															
2	Coordination with PWD															
3	Research															
4	Detailed assessment															
5	Analysis of findings															
6	Report preparation															
7	Present to PWD															
	Project Completion														*	
Project Time - 15 Weeks																

TOWN OF MOREHEAD CITY

AGENDA ITEM: III.A.

DATE: June 9, 2015

REQUEST FOR TOWN COUNCIL ACTION

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Public Hearing: Receive Comments on FY2015/2016 Proposed Budget and Possible Adoption

Background Information Attached: Yes X No

The proposed budget is advertised for public hearing on June 9th. The advertisement is based upon City Manager Whitlow's recommended budget with the understanding that it is the intent of the Council to adopt a budget more in line with the discussions held at the Special Meeting/Budget Session held on Tuesday, May 26th.

A budget ordinance has been prepared that encompasses the changes discussed on May 26th in anticipation of Council action to adopt the budget with those additional reductions, a transfer of the additional \$644,700 from the fund balance, and a contingency of \$250,028. This will reduce the required increase in the ad valorem rate to \$.02. The revenue neutral rate would require an increase of \$.0114. The loss of privilege license fees amounts to \$.0035. These combined losses account for \$.0149 of the proposed \$.02 ad valorem rate increase.

The approval of the proposed budget, with the reductions discussed at May 26th Meeting, fully funds the third and final stage in the compensation program and funds those critical equipment needs of the Town. It does not include any new positions or programs. It does anticipate the full first year debt service for the purchase of Katherine Davis Park which may or may not occur during this coming fiscal year.

Recommended Action: Conduct the public hearing. If the Council so desires adopt FY2015/2016 Budget Ordinance 2015-20.

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

MEMORANDUM

TO: Honorable Mayor
Members of Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Proposed FY 2015—2016 Budget

DATE: June 4, 2015

The proposed budget is advertised for public hearing on June 9. The advertisement is based upon the Manager's recommended budget with the understanding that it is the intent of the Council to adopt a budget more in line with the discussions held on May 26.

Ellen and Jeanne have prepared a budget ordinance that encompasses the changes discussed on the 26th in anticipation of Council action to adopt the budget with those additional reductions, a transfer of the additional \$644,700 from the fund balance, and a contingency of \$250,028. This will reduce the required increase in the ad valorem rate to \$.02. The revenue neutral rate would require an increase of \$.0114. The loss of privilege license fees amounts to \$.0035. These combined losses in account for \$.0149 of the proposed \$.02 ad valorem rate increase.

The approval of the proposed budget, with the reductions discussed on May 26, fully funds the third and final stage in the compensation program and funds those critical equipment needs of the Town. It does not include any new positions or programs. It does anticipate the full first year debt service for the purchase of Katherine Davis Park which may or may not occur during this coming fiscal year.

As always, the staff makes an effort to spend only those funds that are necessary to complete those tasks and functions approved by the Council. Spending allocations that are not fully utilized revert to the General Fund and ultimately are available to the Council in the unrestricted fund balance.

MOREHEAD CITY
NORTH CAROLINA

Gerald A. Jones, Jr., Mayor



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

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

NOTICE OF PUBLIC HEARING ON PROPOSED FY2015-16 BUDGET

Notice is hereby given that in accordance with the provisions of *N.C.G.S. 159-12*, the proposed budget for the fiscal year beginning July 1, 2015, for the Town of Morehead City has been submitted to the Mayor and Council and is available for public inspection between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted, in the City Hall located at 706 Arendell Street and the Morehead City Municipal Building located at 202 South 8th Street. The document is also on the Morehead City website at www.moreheadcity.nc.gov.

Notice is hereby given that a public hearing will be held in the Morehead City Municipal Building located at 202 South 8th Street, Morehead City, on Tuesday, June 9, 2015, beginning at 5:30 p.m., for the purpose of receiving input from citizens wishing to comment on the proposed budget for FY2015-2016.

The following is a summary of the proposed budget:

General Fund	\$ 12,095,000
Fire/EMS Service Fund	\$ 4,709,800
Water/Sewer Fund	\$ 6,834,500
Sanitation [Solid Waste] Fund	\$ 937,000
Water/Sewer Capital Projects	\$ 942,500
Water/Sewer Capital Reserve [Combined]	\$ 101,400
TOTAL	\$ 25,620,200

The proposed FY2015-2016 Budget recommends the Ad Valorem Tax Rate of \$ 0.395 per \$100 property valuation, an increase of \$0.065 over the current year. The public is invited to be present and make comments. The FY2015-2016 Budget must be approved by the Morehead City Council prior to July 1, 2015.

Prior to and following the public hearing on the FY2015-2016 Budget, the Council will hold Special Work Sessions as per *N.C.G.S. 143.318.12*. Work Sessions will be announced as prescribed by law in compliance with the Local Government Budget & Fiscal Control Act.

David S. Whitlow
City Manager/Budget Officer

LEGAL NOTICES

TOWN OF MOREHEAD CITY

NOTICE OF PUBLIC HEARING ON PROPOSED FY2015-16 BUDGET

Notice is hereby given that in accordance with the provisions of N.C.G.S. 159-12, the proposed budget for the fiscal year beginning July 1, 2015, for the Town of Morehead City has been submitted to the Mayor and Council and is available for public inspection between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted, in the City Hall located at 706 Arendell Street and the Morehead City Municipal Building located at 202 South 8th Street. The document is also on the Morehead City website at www.moreheadcity.nc.gov.

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Prior to and following the public hearing on the FY2015-2016 Budget, the Council will

Prior to and following the public hearing on the FY2015-2016 Budget, the Council will hold Special Work Sessions as per N.C.G.S.143.318.12. Work Sessions will be announced as prescribed by law in compliance with the Local Government Budget & Fiscal Control Act.

David S. Whitlow
City Manager/Budget Officer
My29

TOWN OF MOREHEAD CITY

AGENDA ITEM: III.B.

REQUEST FOR TOWN COUNCIL ACTION

DATE: June 9, 2015

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Public Hearing: Contiguous Annexation Request from APATB Group, LLC, for property located at 3203 Old Gate Road, Tax PIN# 6376-1165-7664-000, approximately .73 acres, zoned R-20 [Single Family Residential] District -- Adopt Ordinance 2015-14

Background Information Attached: Yes X No

The property under consideration for annexation (6376-1165-7664-000) is contiguous to the present City limits. The parcel contains approximately 0.73 acres and is zoned R20 (Single-Family Residential). The site is part of the Mandy Farms subdivision, the majority of which is located outside of the corporate limits. Therefore, the proposal will fragment a subdivision. The current tax value of the property is estimated to be \$162,939. Based on a 33-cent tax rate, \$537.70 in tax revenues would be generated. Water and sewer will be accessed from Old Gate Road. All costs associated with extending the water/sewer service to the newly annexed property will be the responsibility of the owner. The Planning Board and the Planning Committee of the Council reviewed the proposed annexation.

Recommended Action: Conduct the public hearing. If the Council so desires, adopt Ordinance 2015-14 granting the request for contiguous annexation to APATB Group, LLC, for property located at 3203 Old Gate Road, Tax PIN #6376-1165-7664-000, approximately .73 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

RE: Old Gate Road Annexation Request

DATE: April 27, 2015

- A. The Parcel Identification Number under consideration for annexation (637611657664000) is contiguous to the present city limits. The parcel contains approximately 0.73 acres and is zoned R20 (Single-Family Residential).
- B. The site is part of the Mandy Farms subdivision, the majority of which is located outside of the corporate limits. Therefore, the proposal will fragment a subdivision.
- C. The current tax value of the property is estimated to be \$162,939. Based on a 33-cent tax rate, \$537.70 in tax revenues would be generated.
- D. Water and sewer will be accessed from Old Gate 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.

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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 May, 2015.



Jeanne M. Giblin
Jeanne M. Giblin, City Clerk

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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www.moreheadcity.nc.gov

David S. Whitlow
City Manager

RESOLUTION NO. 2015-25

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

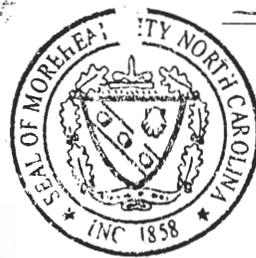
WHEREAS, a petition requesting annexation of an area described in said petition has been received by the Town Council of the Town of Morehead City; and

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:

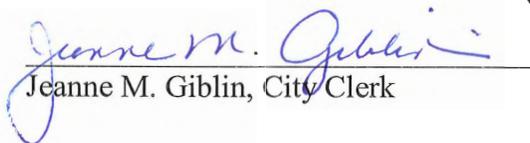
That the City Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation.



A handwritten signature in black ink, appearing to read "Gerald A. Jones, Jr.", is written over a horizontal line.

Gerald A. Jones, Jr., Mayor

ATTEST:



Jeanne M. Giblin, City Clerk

ADOPTED: Tuesday, May 12, 2015

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

RESOLUTION NO. 2015-26

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 12th day of May, 2015.

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

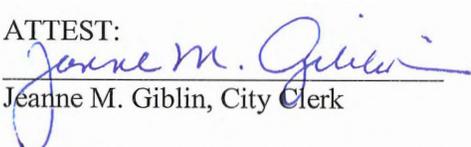
Exhibit "A"

MANDY FARMS SECTION 3, LOT 17, BLOCK EE

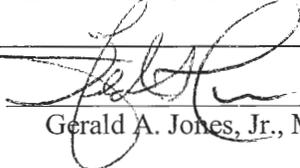
BEGINNING AT A PK NAIL FOUND AT THE CENTERLINE INTERSECTION OF OLD GATE ROAD & THE PT (POINT OF TANGENCY OR END CURVE) IN OLD GATE ROAD, THENCE S 24.5255 W 32.26' TO AN IRON PIPE FOUND ON THE SOUTHERN RIGHT OF WAY OF OLD GATE ROAD, BEING THE POINT AND PLACE OF BEGINNING, THENCE CONTINUING WITH SAID RIGHT OF WAY BEING A CURVE WITH THE FOLLOWING DATA: Curve Length: 11.57, Radius: 983.31, Delta: 0-40-27, Tangent: 5.78 Chord: 11.57 Course: S 86-41-26 E TO AN IRON PIPE FOUND, THENCE CONTINUING WITH OLD GATE ROAD SOUTHERN RIGHT OF WAY S 86-08-00 E 122.43' TO AN IRON PIPE FOUND, THENCE LEAVING THE SOUTHERN RIGHT OF WAY OF OLD GATE ROADS 03-52-00 W 263.60 TO AN IRON PIPE FOUND, THENCE N 75-34-10 W 78.65 TO AN IRON PIPE FOUND, THENCE N 89-46-30 W 39.28 TO AN IRON PIPE FOUND, THENCE N 00-06-30 W 252.17 TO AN IRON PIPE FOUND ON THE SOUTHERN RIGHT OF WAY OF OLD GATE ROAD, BEING THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 31,841 SQ. FT. OR 0.73 ACRES BY COORDINATES.

ATTEST:


Jeanne M. Giblin, City Clerk




Gerald A. Jones, Jr., Mayor

ADOPTED: Tuesday, May 12, 2015

MOREHEAD CITY NORTH CAROLINA



COUNCIL

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

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

LEGAL NOTICES

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ger

TOWN OF MOREHEAD CITY

NOTICE OF PUBLIC HEARING ON REQUEST

FOR CONTIGUOUS ANNEXATION

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 June, 2015, at the Council Chambers, 2nd floor, 202 South 8th Street on the question of annexing the following territory, located at 3203 Old Gate Road, requested by petition filed pursuant to G.S. 160A-31, as amended.

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 June, 2015, at the Council Chambers, 2nd floor, 202 South 8th Street on the question of annexing the following described contiguous territory, located at 3203 Old Gate Road, Morehead City, requested by petition filed pursuant to G.S. 160A-31, as amended.

Exhibit "A"

MANDY FARMS SECTION 3, LOT 17, BLOCK EE

BEGINNING AT A PK NAIL FOUND AT THE CENTERLINE INTERSECTION OF OLD GATE ROAD & THE PT (POINT OF TANGENCY OR END CURVE) IN OLD GATE ROAD, THENCE S 24.5255 W 32.26' TO AN IRON PIPE FOUND ON THE SOUTHERN RIGHT OF WAY OF OLD GATE ROAD, BEING THE POINT AND PLACE OF BEGINNING, THENCE CONTINUING WITH SAID RIGHT OF WAY BEING A CURVE WITH THE FOLLOWING DATA: Curve Length: 11.57, Radius: 983.31, Delta: 0-40-27, Tangent: 5.78 Chord: 11.57 Course: S 86-41-26 E TO AN IRON PIPE FOUND, THENCE CONTINUING WITH OLD GATE ROAD SOUTHERN RIGHT OF WAY S 86-08-00 E 122.43' TO AN IRON PIPE FOUND, THENCE LEAVING THE SOUTHERN RIGHT OF WAY OF OLD GATE ROADS 03-52-00 W 263.60 TO AN IRON PIPE FOUND, THENCE N 75-34-10 W 78.65 TO AN IRON PIPE FOUND, THENCE N 89-46-30 W 39.28 TO AN IRON PIPE FOUND, THENCE N 00-06-30 W 252.17 TO AN IRON PIPE FOUND ON THE SOUTHERN RIGHT OF WAY OF OLD GATE ROAD, BEING THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 31,841 SQ. FT. OR 0.73 ACRES BY COORDINATES.

Exhibit "A"

MANDY FARMS SECTION 3, LOT 17, BLOCK EE BEGINNING AT A PK NAIL FOUND AT THE CENTERLINE INTERSECTION OF OLD GATE ROAD & THE PT (POINT OF TANGENCY OR END CURVE) IN OLD GATE ROAD, THENCE S 24.5255 W 32.26' TO AN IRON PIPE FOUND ON THE SOUTHERN RIGHT OF WAY OF OLD GATE ROAD, BEING THE POINT AND PLACE OF BEGINNING, THENCE CONTINUING WITH SAID RIGHT OF WAY BEING A CURVE WITH THE FOLLOWING DATA: Curve Length: 11.57, Radius: 983.31, Delta: 0-40-27, Tangent: 5.78 Chord: 11.57 Course: S 86-41-26 E TO AN IRON PIPE FOUND, THENCE CONTINUING WITH OLD GATE ROAD SOUTHERN RIGHT OF WAY S 86-08-00 E 122.43' TO AN IRON PIPE FOUND, THENCE LEAVING THE SOUTHERN RIGHT OF WAY OF OLD GATE ROADS 03-52-00 W 263.60 TO AN IRON PIPE FOUND, THENCE N 75-34-10 W 78.65 TO AN IRON PIPE FOUND, THENCE N 89-46-30 W 39.28 TO AN IRON PIPE FOUND, THENCE N 00-06-30 W 252.17 TO AN IRON PIPE FOUND ON THE SOUTHERN RIGHT OF WAY OF OLD GATE ROAD, BEING THE POINT AND PLACE OF BEGINNING. CONTAINING AN AREA OF 31,841 SQ. FT. OR 0.73 ACRES BY COORDINATES.

Jer

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Please advertise: Once

Legal Section: The Carteret News Times, Sunday May 24, 2015, F

Jeanne M. Giblin,
City Clerk

My24



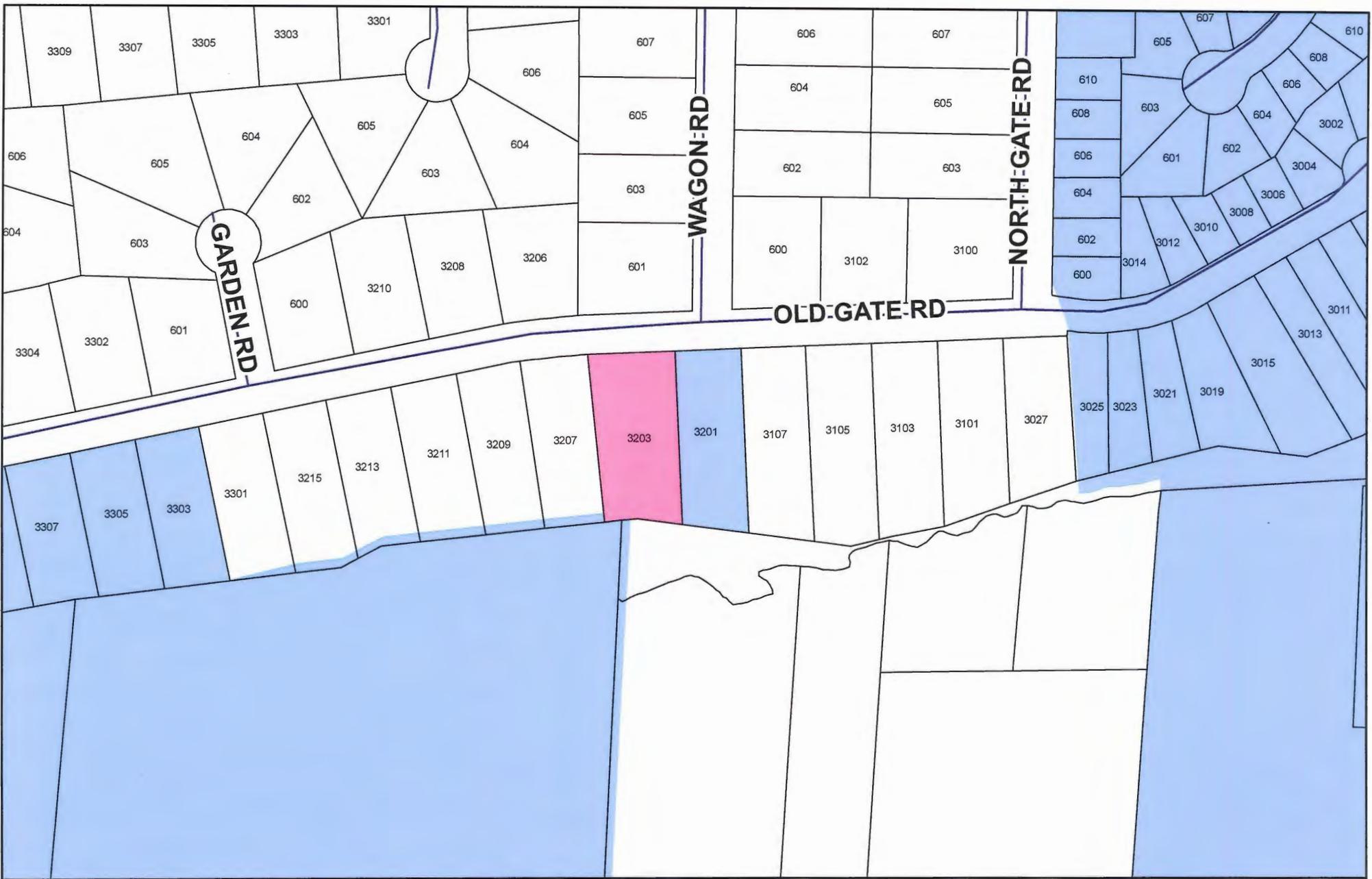
Contiguous Annexation Request



APATB Group, LLC
3203 Old Gate Road



Prepared by: Town of Morehead City
Planning Department
April 2015



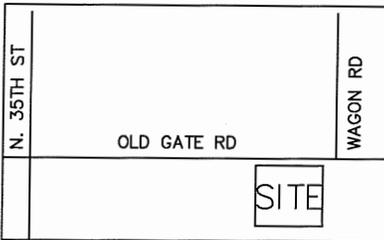
Contiguous Annexation Request



APATB Group, LLC
 3203 Old Gate Road

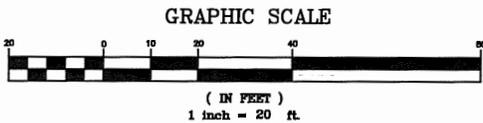


Prepared by: Town of Morehead City
 Planning Department
 April 2015



VICINITY MAP NOT TO SCALE

CURVE TABLE			CHORD 11.57'
CURVE	LENGTH	RADIUS	
C1	11.57	983.31	S86°41'26"E



(16)

THOMAS EDWARD STRICKLAND, III PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE DESCRIPTION REFERENCED AS SHOWN ON THE FACE OF THIS PLAT) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____ THAT THE METHOD OF PROVISION AS CALCULATED BY LATITUDES AND DEPARTURES IS VALID AND ALL AREAS WERE CALCULATED BY COORDINATE COMPUTATION THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS DAY OF 4/14/15



Thomas Edward Strickland, III
THOMAS EDWARD STRICKLAND, III P.L.S.
L-3776
REGISTRATION NUMBER

STATE OF NORTH CAROLINA, COUNTY OF CARTERET
I, _____ REVIEW OFFICER
OF CARTERET COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH
THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS
FOR RECORDING.

REVIEW OFFICER _____ DATE _____

NORTH CAROLINA
CARTERET COUNTY

FILED FOR REGISTRATION AT _____ O'CLOCK
ON THE _____ DAY OF _____, 20____
RECORDED IN MAP BOOK _____ PAGE _____

REGISTER OF DEEDS CARTERET COUNTY

I, THOMAS EDWARD STRICKLAND, III PROFESSIONAL LAND SURVEYOR L-3776, CERTIFY TO
ONE OR MORE OF THE FOLLOWING AS INDICATED:

- That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; This is an annexation survey.

4/14/15
DATE _____ Thomas Edward Strickland, III
THOMAS EDWARD STRICKLAND, III P.L.S. 3776

ADOPTED BY THE TOWN OF MOREHEAD CITY TOWN COUNCIL ORDINANCE NO. _____

Date: _____

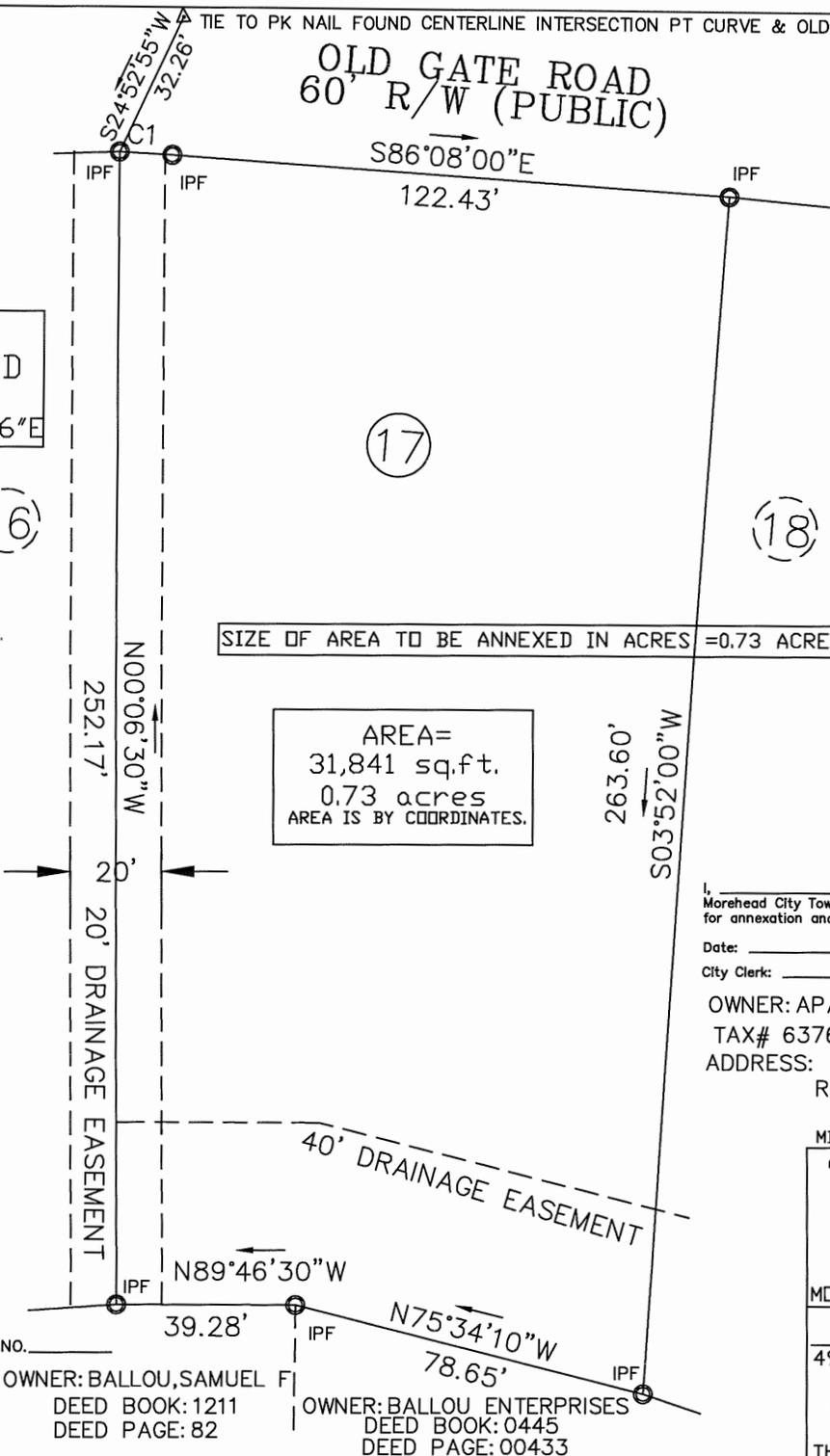
EFFECTIVE DATE OF ORDINANCE: _____

OWNER: BALLOU, SAMUEL F
DEED BOOK: 1211
DEED PAGE: 82

OWNER: BALLOU ENTERPRISES
DEED BOOK: 0445
DEED PAGE: 00433

SIZE OF AREA TO BE ANNEXED IN ACRES = 0.73 ACRES

AREA =
31,841 sq.ft.
0.73 acres
AREA IS BY COORDINATES.



LEGEND

- IPF IRON PIPE FOUND
- N/F NOW OR FORMERLY
- DB DEED BOOK
- MB MAP BOOK
- PG PAGE
- R/W RIGHT OF WAY
- MBL MINIMUM BUILDING LINE



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: _____

OWNER: APATB GROUP 306 LLC
TAX# 637611657664000
ADDRESS: 3203 OLD GATE ROAD, MOREHEAD CITY
REFERENCE:

DEED BOOK: 1136
DEED PAGE: 97

MB 18 PG 21
ANNEXATION SURVEY FOR
PHIL JOHNSON

MANDY FARMS, SECTION 3
LOT 17, BLOCK EE, SECTION 3

MOREHEAD TWSP., CARTERET COUNTY, N.C.

STRICKLAND SURVEYING, P.A.
4915 ARENDELL ST, STE J, PMB 132
MOREHEAD CITY NC 28557
(252) 727-1970 (C-1496)

SURVEYED: 4/14/15
INV# / FB# 4714
DATE: 4/14/15
SCALE: 1" = 20'

THOMAS EDWARD STRICKLAND III P.L.S.

2248 Meridian Blvd
Suite H
Minden NV, 89423

APATB Group, LLC

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

Dear Manager:

April 23, 2015

RE: Voluntary Annexation Request

As the owners of the below-referenced property, we would like the Town Council to consider our request for annexation. The property in question is located at 3203 Old Gate Road (street address with lot and block numbers, if applicable). The property is currently developed with a single family house and is zoned R20. The size of the tract is 0.730 acres and it is contiguous to the city limits .

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

1. Tax Parcel Number(s)

637611657664000

2. Owner(s) as listed on Deed APATB Group 306, LLC

3. Tax Value (by parcel) \$179,233

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

1. Water/Sewer (estimated gallons per day) 375 gallons per day

C) The anticipated impact fee is \$500 water \$1000 sewer. 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.)

Our Local Mailing address is: APATB Group
4915 Arendell St
Suite 175
Morehead City, NC 28557

Any additional information may be obtained by contacting Phil Johnson at
(252) 349-2550.

Thank you for your time and consideration.

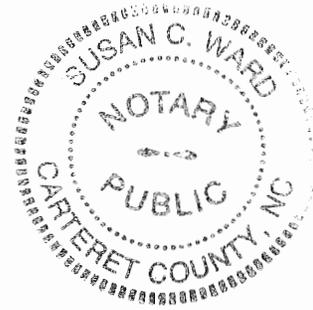
Sincerely,



Phil Johnson
VP Alchemy Property Group, Manager of
APATB Group 306, LLC

I, Susan C. WARD witnessed Phil Johnson sign
this document on April 23, 2015.

Susan C. Ward
(SUSAN C. WARD)
NOTARY PUBLIC



April 23, 2015

My Commission Expires 2-8-19



LIMITED LIABILITY COMPANY ANNUAL REPORT

E-Filed Annual Report
5601255

Do not data enter manually.

NAME OF LIMITED LIABILITY COMPANY: *APATB GROUP 306, LLC*

REPORT FOR THE YEAR: *2015*

STATE OF INCORPORATION: *NV*

SECRETARY OF STATE L.L.C. ID NUMBER: *0658637*

NATURE OF BUSINESS: *Property Holding Company*

REGISTERED AGENT: *Paracorp Incorporated*

REGISTERED OFFICE MAILING ADDRESS: *3125 Poplar Wood Court #100*

Raleigh, NC 27604-1020

REGISTERED OFFICE STREET ADDRESS: *3125 Poplar Wood Court #100*

Raleigh, NC 27604-1020 Wake County

PRINCIPAL OFFICE TELEPHONE NUMBER: *800-600-1760*

PRINCIPAL OFFICE MAILING ADDRESS: *2248 Meridian Blvd., Suite H*
Minden, NV 89423-8620

PRINCIPAL OFFICE STREET ADDRESS: *2248 Meridian Blvd., Suite H*
Minden, NV 89423-8620

Company Officials:

Name: Alchemy Property Group, Inc.

Title: Manager

Address:

2248 Meridian Blvd.

Minden, NV 89423

CERTIFICATION OF ANNUAL REPORT MUST BE COMPLETED BY ALL LIMITED LIABILITY COMPANIES

Alchemy Property Group, Inc., by Nancy Lake - President

2/20/2015

FORM MUST BE SIGNED BY A MANAGER/MEMBER

DATE

Alchemy Property Group, Inc., by Nancy Lake - President

Manager

TYPE OR PRINT NAME

TYPE OR PRINT TITLE

ANNUAL REPORT FEE: E-Paid MAIL TO: Secretary of State • Corporations Division • Post Office Box 29525 • Raleigh, NC 27626-0525

ORDINANCE NO. 2015-14

**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 June, 2015; 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 June, 2015.

Exhibit "A"

MANDY FARMS SECTION 3, LOT 17, BLOCK EE

Ordinance No. 2015-14

BEGINNING AT A PK NAIL FOUND AT THE CENTERLINE INTERSECTION OF OLD GATE ROAD & THE PT (POINT OF TANGENCY OR END CURVE) IN OLD GATE ROAD, THENCE S 24.5255 W 32.26' TO AN IRON PIPE FOUND ON THE SOUTHERN RIGHT OF WAY OF OLD GATE ROAD, BEING THE POINT AND PLACE OF BEGINNING, THENCE CONTINUING WITH SAID RIGHT OF WAY BEING A CURVE WITH THE FOLLOWING DATA: Curve Length: 11.57, Radius: 983.31, Delta: 0-40-27, Tangent: 5.78 Chord: 11.57 Course: S 86-41-26 E TO AN IRON PIPE FOUND, THENCE CONTINUING WITH OLD GATE ROAD SOUTHERN RIGHT OF WAY S 86-08-00 E 122.43' TO AN IRON PIPE FOUND, THENCE LEAVING THE SOUTHERN RIGHT OF WAY OF OLD GATE ROADS 03-52-00 W 263.60 TO AN IRON PIPE FOUND, THENCE N 75-34-10 W 78.65 TO AN IRON PIPE FOUND, THENCE N 89-46-30 W 39.28 TO AN IRON PIPE FOUND, THENCE N 00-06-30 W 252.17 TO AN IRON PIPE FOUND ON THE SOUTHERN RIGHT OF WAY OF OLD GATE ROAD, BEING THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 31,841 SQ. FT. OR 0.73 ACRES BY COORDINATES.

Section 2. Upon and after the 30th day of June, 2015, 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 _____, 2015.

Gerald A. Jones, Jr., Mayor

ATTEST:

Jeanne Giblin, City Clerk

Ordinance No. 2015-14

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 June 9th, 2015, 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 _____, 2015.

Jeanne Giblin, City Clerk

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 _____, 2015.

Notary Public

My commission expires on: _____

TOWN OF MOREHEAD CITY

AGENDA ITEM: III.C.

REQUEST FOR TOWN COUNCIL ACTION

DATE: June 9, 2015

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Public Hearing: Request Submitted by David Horton, on Behalf of James and Carol Sloan to Rezone Tax Parcel #6366-0127-9888-000, Located at 137 Gloria Dawn Road from R15M [Single-Family Residential/Manufactured Home] District to CH [Highway Commercial] District – Adopt Resolution 2015-29 and Ordinance 2015-16

Background Information Attached: Yes X No

Mr. David Horton has submitted a request to rezone an approximately 1.123 acre tract located at 137 Gloria Dawn Road from R15M [Single-Family Residential/Manufactured Home District] to CH [Highway Commercial District]. The property is located within the extraterritorial jurisdiction. Existing land use of the property includes manufactured homes and storage buildings.

The zoning classification of adjacent properties is CH to the north, south, and west and R15M across Gloria Dawn Road to the east. Surrounding land use includes agricultural uses to the north and west, a storage building to the south, and manufactured homes and a public utility building across Gloria Dawn Road to the east.

The property is located in Neighborhood 8 of the CAMA Land Use Plan and is classified as Low Density Residential. Property owners within 300 feet of the property were notified of the Planning Board meeting as well as the date of the public hearing scheduled for June 9, 2015. The property has been posted.

At the Planning Board Meeting on May 19, 2015, Tom Outlaw made the motion, seconded by Jackie Maucher, and carried unanimously, to recommend approval of the rezoning request and Resolution No. 2015-0004. The Planning Committee of the Council reviewed the proposed rezoning.

Recommended Action: Conduct the public hearing. If the Council so desires adopt Resolution 2015-29 and Ordinance 2015-16 granting the request submitted by David Horton, on behalf of James and Carol Sloan to rezone Tax Parcel #6366-0127-9888-000, located at 137 Gloria Dawn Road from R15M [Single-Family Residential/Manufactured Home] District to CH [Highway Commercial] District.

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



MEMORANDUM

TO: Jeanne Giblin, City Clerk

FROM: Sandi Watkins, Planner

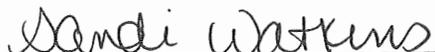
SUBJECT: Request submitted by David Horton, on behalf of James and Carol Sloan, to rezone property located at 137 Gloria Dawn Road from R15M (Residential Single-Family/Manufactured Home District) to CH (Highway Commercial)

DATE: June 2, 2015

I certify that on May 14th and May 22nd, a copy of the notice of public hearing for the above referenced rezoning request was mailed to property owners within 300' of the proposed rezoning site. I have attached a copy of the legal advertisement and mailing list for your reference.

I have also attached color maps and a draft ordinance for inclusion in the Council Agenda packet for June 9, 2015.

The Planning Board discussed this item at their May 19, 2015, public meeting, and a copy of that report follows.


Sandi Watkins
Planner

REZONING REQUEST: Rezoning Request from David Horton, on behalf of James and Carol Sloan, to rezone Tax PIN #636601279888000 located at 137 Gloria Dawn Road from R15M [Single-Family Residential/Manufactured Home District] to CH [Highway Commercial District] - Flood Zone: AE 9/Shaded X/X

*Planning Board Update (May 19, 2015): Tom Outlaw made **MOTION**, seconded by Jackie Maucher, to recommend approval of the rezoning request and Resolution No. 2015-0004. The motion carried unanimously.*

Mr. David Horton has submitted a request to rezone an approximately 1.123 acre tract located at 137 Gloria Dawn Road from R15M [Single-Family Residential/Manufactured Home District] to CH [Highway Commercial District]. The property is located within the extraterritorial jurisdiction. Existing land use of the property includes manufactured homes and storage buildings.

The zoning classification of adjacent properties is CH to the north, south, and west and R15M across Gloria Dawn Road to the east. Surrounding land use includes agricultural uses to the north and west, a storage building to the south, and manufactured homes and a public utility building across Gloria Dawn Road to the east.

The property is located in Neighborhood 8 of the CAMA Land Use Plan and is classified as Low Density Residential. Attached is a draft land use consistency resolution for review and consideration.

Property owners within 300 feet of the property were notified of the Planning Board meeting as well as the date of the public hearing which is scheduled for June 9, 2015. The property has been posted.

Traditional Rezoning Request:

Traditional rezoning requests require consideration of all the uses permitted in the CH and R15M districts because potentially any of those uses may be located on the site. Looking at all the permitted and special uses in both districts and the development standards, which is the more appropriate zoning classification for the property, CH or R15M?

No site plan is required and decisions cannot be based upon a specific use of the property, even though the property owner may speak to a specific use



**PLANNING BOARD
RESOLUTION No. 2015-0004**

**Plan Consistency Statement
for Case #PB15-005**

Request to rezone 137 Gloria Dawn Road from R15M to CH

WHEREAS, David Horton, on behalf of James and Carol Sloan, has requested to rezone 137 Gloria Dawn Road (Tax PIN #636601279888000) from R15M (Single-Family Residential/Manufactured Home District) to CH (Highway Commercial District); and

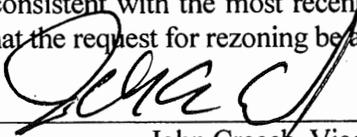
WHEREAS, effective January 1, 2006, North Carolina General Statute 160A-383 requires that "prior to adopting or rejecting any zoning amendment" each local governing board "shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board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

WHEREAS, this rezoning request was duly advertised and was the subject of a public meeting of the Morehead City Planning Board on May 19, 2015, during which the applicant, interested parties, and staff were given the opportunity to comment on the application; and

WHEREAS, the Planning Board has made the following findings and conclusions:

1. The proposed rezoning 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, Policy #3.
2. The proposed rezoning is in the public interest because:
 - The subject property is located in an area with access to adequate public infrastructure, including water and sewer utilities and adequate roadway access.
 - The adjacent property, with the exception of property across Gloria Dawn Road to the east, is zoned CH.
3. The proposed amendment does not appear to conflict with other plans.

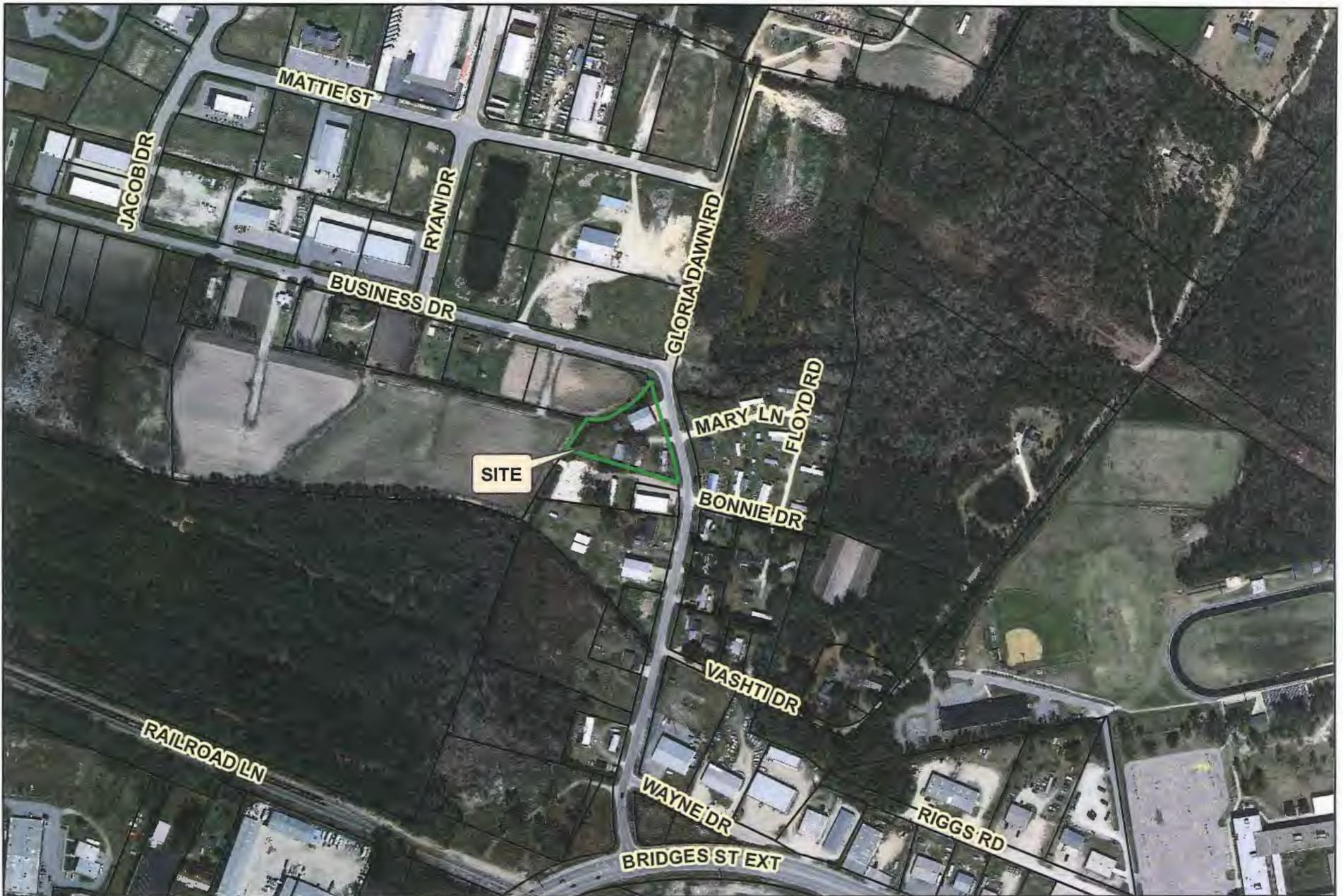
NOW, THEREFORE, BE IT RESOLVED, on the basis of the foregoing findings and conclusions, that the Morehead City Planning Board does hereby find the rezoning request consistent with the most recently adopted CAMA Land Use Plan and recommends to the Morehead City Council that the request for rezoning be approved.



John Creech, Vice-Chairman

05/19/2015

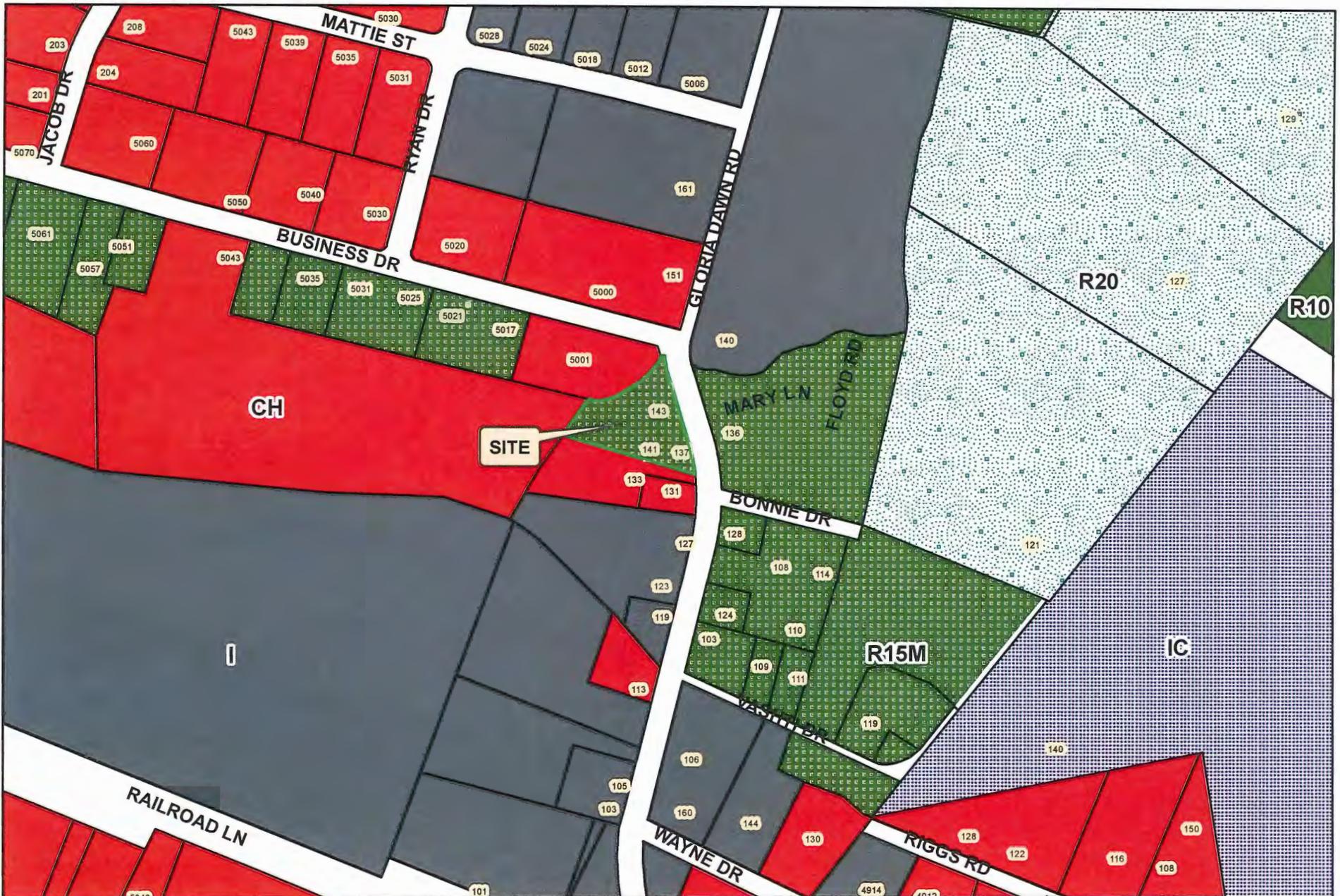
Date



Rezoning Request - James & Carol Sloan

137 Gloria Dawn Road - R15M to CH

Prepared by: Town of Morehead City
Planning Department
April 2015



Rezoning Request - James and Carol Sloan
 137 Gloria Dawn Road - R15M to CH

Prepared by: Town of Morehead City
 Planning Department
 April 2015

TOWN OF MOREHEAD CITY

NOTICE OF PUBLIC HEARING

June 9, 2015

Notice is hereby given that the Morehead City Planning Board will hold a public meeting on Tuesday, May 19, 2015, at 5:30 p.m., in the Municipal Building Auditorium, 202 South Eighth Street, to discuss the following proposal:

Request submitted by David Horton, on behalf of James and Carol Sloan, to rezone Tax Parcel #636601279888000 located at 137 Gloria Dawn Road from R15M (Single-Family Residential/Manufactured Home District) to CH (Highway Commercial District).

The public hearing will be conducted by the Morehead City Town Council on Tuesday, June 9, 2015, at 5:30 p.m. in the Municipal Building Auditorium, 202 South Eighth Street.

The Council and Planning Board may consider other appropriate or reasonably similar based upon comments received during the public hearing.

The public is invited to be present at both meetings and comment. Copies of this request are on file in the Morehead City Planning and Inspections Office, 706 Arendell Street, Morehead City, NC (252) 726-6848, ext. 140.

Sandi Watkins
Planner

Please advertise three times as follows:

Friday, May 15, 2015

Friday, May 29, 2015

Friday, June 5, 2015

Please bill charges to:
Town of Morehead City
PO# 61947

LEGAL NOTICES
TOWN OF MOREHEAD CITY

NOTICE OF
PUBLIC HEARING

June 9, 2015

Notice is hereby given that the Morehead City Planning Board will hold a public meeting on Tuesday, May 19, 2015, at 5:30 p.m., in the Municipal Building Auditorium, 202 South Eighth Street, to discuss the following proposal:

Request submitted by David Horton, on behalf of James and Carol Sloan, to rezone Tax Parcel #636601279888000 located at 137 Gloria Dawn Road from R15M (Single-Family Residential/Manufactured Home District) to CH (Highway Commercial District).

The public hearing will be conducted by the Morehead City Town Council on Tuesday, June 9, 2015, at 5:30 p.m. in the Municipal Building Auditorium, 202 South Eighth Street.

The Council and Planning Board may consider other appropriate districts which are less intense or reasonably similar based upon comments received during the public hearing.

The public is invited to be present at both meetings and comment on the proposed rezoning. Copies of this request are on file in the Morehead City Planning and Inspections Office, 706 Arendell Street, Morehead City, NC (252) 726-6848, ext. 140.

Sandi Watkins
Planner

My15,29,Ju5

intense
rezoning.
Arendell



Sloan Mailing List

Tuesday, June 02, 2015

9:37:32 AM

Owner Name	Mailing Address	City, State ZIP
David & Lee Ann Baldwin	1908 Red Fox Lane	Morehead City, NC 28557
Jimmie & Megan Eady	2006 Champion Drive	Morehead City, NC 28557
Fitzula Properties LLC	P.O. Box 2073	Morehead City, NC 28557
David Albert Horton	604 Blair Pointe Road	Morehead City, NC 28557
Cassie Jones	1107 W Wyoming Ave 2nd Fl	Philadelphia, PA 19140
Deaver Rouse McNeil	123 Pete Road	Newport, NC 28570
Ronald & Delores Mooring	4709 San Juan Circle	Morehead City, NC 28557
NC State Ports Authority	P.O. Box 9002	Wilmington, NC 28402
Doanh Quoc Nguyen	111 Buena Vista Drive	Newport, NC 28570
Richard W. See	P.O. Box 1076	Morehead City, NC 28557
James & Carol Sloan	377 Wildwood River Ridge Road	Newport, NC 28570
Jim H. Sloan	5243 Webb Court	Morehead City, NC 28557
Spacey Projects LLC	608 Ann Street	Beaufort, NC 28516
U.S.C.G. Station Fort Macon	2301 East Fort Macon Road	Atlantic Beach, NC 28512

Street Address: _____



**TOWN OF MOREHEAD CITY
BASIC REZONING APPLICATION**

STREET ADDRESS: 137 Gloria Dawn

PROPERTY OWNER INFORMATION:

Name: James + Carol Sloan
Address: 377 Wildwood River Ridge Newport 28570
Phone Number: 241-3697
Email Address: jsloan@ec.nc.com

APPLICANT INFORMATION (if different from property owner):

Name: David Horton
Address: Bx 688 Morehead City, NC 28557
Phone #: 252 574-1966
Email Address: dhorton77@embargo@mail.com

PROPERTY INFORMATION:

Tax PIN#(s) 636601279888000
Total Acreage 1.123
Property Dimensions irregular
Flood Zone(s) _____
Current Zoning Designation(s): R-15m (non-conforming)
Proposed Zoning Designation(s): CH
Land Use Plan Classification: Low Density Residential
Land Use Plan Neighborhood: 8
Corporate Limits (Check):
 Located in Morehead City limits.
 Located in Morehead City extraterritorial jurisdiction.
 Annexation application submitted and is pending.

NOTE: Applications are due 28 days prior to the Planning Board meeting.
Incomplete applications will not be accepted and will be returned.
(A basic rezoning complete application includes this application, filing fee, a statement on what impacts the rezoning will have on City services as it relates to public health, safety and welfare and a statement on how the rezoning fits with the development policies outlined in the Land Use Plan.)

I understand that if the application is not complete that I will have to resubmit and this item will not be scheduled as a Planning Board agenda item until the application is complete.

James H Sloan 4/13/2015
Applicant Signature & Date

+++++
To Be Completed by Staff:
Application Received On: 4/13/15
Application Status: Complete Incomplete Amount of Filing Fee Paid: \$ 325
Application Review Completed by: GW Date: 4/15/15

The proposed rezoning would take a non-conforming property that is currently zoned R15M to CH. There is CH that abuts this property to the South, West and North. This property has two older mobile homes and a large fairly new Metal building/garage. The current use of the property is non-conforming with R15m.

The new zoning would fit the land use plan and neighborhood as the area transitions from mobile homes and mobile home parks to more Commercial and Industrial. There are no neighbors who would be impacted and Mr. Sloan also owns the mobile home park directly across the street from this property.

Jeannie Drake

From: Linda Staab [lindastaab@bizec.rr.com]
Sent: Tuesday, April 14, 2015 9:42 AM
To: Jeanne Vaughan
Subject: FW: agent

Please include this in the file.

Thanks,

Linda

From: David Horton [mailto:dhorton77@embarqmail.com]
Sent: Tuesday, April 14, 2015 6:50 AM
To: Linda Staab
Subject: Fwd: agent

Let me know if you need something more formal. Feel free to contact Mr Sloan too.

Thanks
David b

Sent from my iPhone

Begin forwarded message:

From: Jim Sloan <jsloan21@ec.rr.com>
Date: April 14, 2015 at 5:11:19 AM EDT
To: David Horton <dhorton77@embarqmail.com>
Subject: agent

David I would appreciate you acting as my agent on the rezoning of my property that joins yours on Gloria Dawn Road. Thanks, Jim Sloan

CH District

Permitted Uses

- Accessory Building/Use
- Accessory Outdoor Displays
- Accessory Outdoor Storage*
- Adult Establishment*
- Animal Hospital/Veterinary Clinic
- Auction House
- Automobile Repair Garage*
- Automobile Service Station*
- Bar/Cocktail Lounge*
- Bus Terminal
- Car Wash
- Cemetery, Pet
- Club or Lodge, Private*
- Communication Services
- Dry Cleaning/Laundry Establishment
- Fabricating Shop (majority of products sold at retail on premises)
- Financial Institution
- Flea/Farmer's Market
- Funeral Home
- Garden Center
- Government Building/Use
- Itinerant Merchant/Vendor*
- Kennel*
- Library, Museum, Art Gallery
- Motel
- Motor Vehicle Sales
- Office, All
- Outdoor Vending Self-Service Machine*
- Parking Facility
- Passenger Transportation and Associated Services
- Railroad Transportation and Associated Services

- Personal Services
- Printing, Publishing and Allied Industries (SIC #27)
- Public Utility Building/Use*
- Recreation Use, Indoor
- Recreation Use, Outdoor
- Recreation Use, Governmental
- Recycling Collection Point
- Restaurant
- Restaurant, Drive-In
- Retail, Indoor with Gas Pumps and Storage
- Retail, Marine-Related With or Without Outdoor Storage
- Retail and Wholesaling, Indoor
- Retail and Wholesaling, Marine Related With or Without Outdoor Storage
- Self-Service Storage Facility
- Sign, Outdoor Advertising
- Sign, Principal Use
- Sign, Temporary
- Sign Shop
- Studio
- Tattoo and/or Body Piercing Establishment
- Taxi Stand
- Theater
- Warehousing and Distribution

Special Uses

- Adult Day Care Center
- Boat Storage
- Child Day Care
- Child Day Care, Afterschool
- Church*

R15M District

Permitted Uses

- Accessory Building/Use
- Cemetery*
- Church*
- Cluster Housing Development*
- Dwelling, Single-Family Detached
- Family Care Home*
- Manufactured Home*
- Manufactured Home Park*
- Public Utility Building/Use*
- Recreation Use, Governmental
- Sign, Temporary

Special Uses

- Adult Day Care Center, Family
- Child Day Care, Home*
- Church*
- Family Shelter Home
- Government Building/Use
- Home Occupation*
- School*
- Sign, Principal Use

RESOLUTION NO. 2015-29

RESOLUTION OF PLAN CONSISTENCY IN ACCORDANCE WITH G.S. 160A-383 FOR A REZONING OF PROPERTY LOCATED AT 137 GLORIA DAWN ROAD, MOREHEAD CITY, NC, FROM R15M (SINGLE-FAMILY RESIDENTIAL/MANUFACTURED HOME) DISTRICT TO CH (HIGHWAY COMMERCIAL) DISTRICT.

WHEREAS, David Horton, on behalf of James and Carol Sloan, has requested to rezone an approximately 1.123 acre tract from Single-Family Residential/Manufactured Home (R15M) District to Highway Commercial (CH) District; and

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 June 9, 2015, 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. During its meeting on May 19, 2015, the Morehead City Planning Board recommended approval of rezoning 137 Gloria Dawn Road from R15M to CH.
2. The proposed rezoning 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, Policy #3.
3. The proposed rezoning is in the public interest because:
 - a. The subject property is located in an area with access to adequate public infrastructure, including water and sewer utilities and adequate roadway access.
 - b. The adjacent property, with the exception of property across Gloria Dawn Road to the east, is zoned CH.
4. The proposed map 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: _____

ORDINANCE NO. 2015-16

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE AND MAP OF THE TOWN OF MOREHEAD CITY TO INCLUDE IN THE CH DISTRICT THAT PROPERTY KNOWN AS TAX PIN 636601279888000:

WHEREAS, an application has been filed with the Town Council of the Town of Morehead City requesting an amendment to the Unified Development Ordinance and Zoning Map to include in the CH (Highway Commercial) District that property described below, and now zoned R15M (Single-Family Residential/Manufactured Home) District, that said property is owned by James and Carol Sloan, and is known as Tax PIN #636601279888000; and

WHEREAS, the Planning Board meeting date 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, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance rezoning the following described property is consistent with the adopted land use plan and that the adoption of the ordinance rezoning following described property is reasonable and in the public interest due to its consistency with the land use plan and, as a result, its furtherance of the goals and objectives of the land use plan; and

WHEREAS, the said public hearing was actually conducted at 5:30 p.m., Tuesday, June 9, 2015, 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:

- 1) That the Unified Development Ordinance and Map of the Town of Morehead City is hereby amended to include in the area CH (Highway Commercial) District, Tax PIN #636601279888000 located at 137 Gloria Dawn Road.
- 2) That this ordinance shall become effective upon its adoption.
- 3) 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 on the 9th day of June, 2015, by a vote of Commissioner(s) _____ voting for;
Commissioner(s) _____ voting against; and Commissioner(s) _____ absent.

ATTEST:

TOWN OF MOREHEAD CITY

Jeanne M. Giblin, City Clerk

Gerald A. Jones, Jr., Mayor

TOWN OF MOREHEAD CITY

AGENDA ITEM: III.D.

REQUEST FOR TOWN COUNCIL ACTION

DATE: June 9, 2015

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Public Hearing: Request Submitted by Phil Lewis to Amend Article 14-31[L] of the Unified Development Ordinance to Add an Exception to the Regulations Pertaining to Residential Docks and Piers which would Permit an Accessory Use Dock on a Waterfront Lot or Multiple Adjoining Lots within Areas Shown on the Official Map of Morehead City in Map Book 1, Page 131 of the Carteret County Registry and Which Would be a Common Dock for Use by the Contiguous Waterfront Lot Owners and Non-Waterfront Lot Owners within the Same Platted Block Subject to Conditions – Adopt Resolution 2015-30 and Ordinance 2015-17

Background Information Attached: Yes X No

An owner of eight [8] lots in the 1008 block of Shepard Street, Phil Lewis, wishes to deed waterfront lot boat slips to lots on the north side of the block which would otherwise be without waterfront access. The current ordinance does not accommodate this concept. In addition, two [2] boat slips is the maximum number which can currently be accommodated on a lot without a primary structure.

During its April meeting, the Planning Committee discussed this item and suggested that any ordinance amendment should require that properties where this would be applicable would be either directly abutting or be separated only by a cross-alley, that only deeded property owners could utilize such boat slips, that the slips be deeded to specific lots, that the number of piers be minimized to the extent practicable, and that there be a minimum 15' setback from the edge of the pier to any adjacent property.

At the Planning Board Meeting on May 19,2015, Gordon Thayer made the motion, seconded by Tom Outlaw, to recommend approval of the ordinance amendment and Resolution No. 2015-0005. The motion carried 5 to 1, with Jackie Maucher abstaining. The Planning Committee of the Council reviewed the request.

Recommended Action: Conduct the public hearing. If the Council so desires, approve the request submitted by Phil Lewis to amend Article 14-31[L] of the Unified Development Ordinance to add an exception to the Regulations Pertaining to Residential Docks and Piers which would permit an Accessory Use Dock on a Waterfront Lot or Multiple Adjoining Lots within Areas Shown on the Official Map of Morehead City in Map Book 1, Page 131 of the Carteret County Registry and which would be a common dock for use by the contiguous waterfront lot owners and non-waterfront lot owners within the same platted block subject to conditions – Adopt Resolution 2015-30 and Ordinance 2015-17.

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

ORDINANCE AMENDMENT: Request submitted by Phil Lewis to amend Article 14-31(L) of the Unified Development Ordinance to add an exception to the regulations pertaining to residential docks and piers which would permit an accessory use dock on a waterfront lot or multiple adjoining lots within areas shown on the official map of Morehead City in Map Book 1, Page 131 of the Carteret County Registry and which would be a common dock for use by the contiguous waterfront lot owners and non-waterfront lot owners within the same platted block subject to conditions.

Planning Board Update (May 19, 2015): Gordon Thayer made **MOTION**, seconded by Tom Outlaw, to recommend approval of the ordinance amendment and Resolution No. 2015-0005. The motion carried 5 to 1, with Jackie Maucher abstaining.

An owner of 8 lots in the 1008 block of Shepard Street, Phil Lewis, wishes to deed waterfront lot boat slips to lots on the north side of the block which would otherwise be without waterfront access. The current ordinance does not accommodate this concept. In addition, two boat slips is the maximum number which can currently be accommodated on a lot without a primary structure.

During its April meeting, the Planning Committee discussed this item and suggested that any ordinance amendment should require that properties where this would be applicable would be either directly abutting or be separated only by a cross-alley, that only deeded property owners could utilize such boat slips, that the slips be deeded to specific lots, that the number of piers be minimized to the extent practicable, and that there be a minimum 15' setback from the edge of the pier to any adjacent property.

Please find attached a copy of the applicant's proposed text amendment.

14-31 - Accessory Uses or Buildings

An accessory use or building as defined in this Ordinance shall be governed by the following requirements:

14-31.1 All accessory uses and buildings shall be required to meet the setback requirements established in section 13-1, except that such buildings and uses may be located in the rear yard of any R district, provided it is located at a distance of not less than five (5) feet from the rear and side lot lines.

14-31.2 Accessory uses and buildings may consist of the following structures:

- (A) Garage;
- (B) Greenhouse;
- (C) Playhouse;
- (D) Pump house;
- (E) Recreational area;
- (F) Storage shed;
- (G) Swimming pool - Swimming pools shall be installed in accordance with applicable North Carolina State Building Codes;
- (H) Tool shed;
- (I) Workshop;
- (J) Dog pen;
- (K) Antenna;
- (L) Docks and piers subject to the following conditions and requirements:
 - 1) Only one dock or pier may be located on a residential lot.
 - 2) Docks and piers shall be single (one deck only), private and noncommercial.
 - 3) Without a primary structure, no more than two (2) water craft may be docked at any one time per residential lot.
 - 4) All docks shall be built in accordance with the Coastal Area Management Act (CAMA) regulations.
 - 5) Docks shall be built in accordance with the North Carolina State Building Code.
 - 6) No living quarters, boathouses, or recreational buildings or structures shall be placed on a dock or pier nor shall any houseboat, boat, or floating structure be moored at the dock or pier to be used as a residence except they may be so used for periods not to exceed seven (7) consecutive days nor more than twenty (20) days in any calendar month.
 - 7) Docks and piers must be maintained in a good and safe condition.
 - 8) Within twenty-four (24) hours of any work on a pier or dock, all building materials used to build, repair, or for maintenance of the pier or dock shall be cleared away from the shore, bottom and water to proper disposal area. Nails left on the shore or bottom constitute a particular danger. Storage of materials must be such so as to prevent them from being floated on high or storm tides.
 - 9) All federal and state laws and regulations concerning piers and docks shall be observed and obeyed.
 - 10) Exception: *Common Docks*. Notwithstanding paragraphs 1 and 3 above, the owner(s) of a 100% interest in a waterfront lot, or multiple adjoining waterfront lots, where such lot or lots are located within a single block platted and shown on the

official map of the Town of Morehead City (Map Book 1, page 131, Carteret County Registry), may submit to the Town an application for an accessory use dock which will be a “common dock” for use by the contiguous waterfront lot owners and non-waterfront lot owners within the same platted block. Each waterfront lot shall be limited to two (2) boat slips and each non-waterfront lot shall be limited to one (1) boat slip provided the total number of boat slips does not exceed nine (9).

The application must be accompanied by:

- a. An application processing fee in accordance with the City’s Fee Schedule.
- b. A drawing indicating the configuration, dimensions and location of the common dock to be constructed and the location of the lots of all participating owners.
- c. All necessary CAMA and other governmental permits required for construction of the common dock.
- d. A written instrument, suitable for recording in the records of the Carteret County Register of Deeds, signed by all of the participating, contiguous waterfront owners and all of the participating owner(s) of other lots in the same platted block who will share use of the common dock (collectively “participating owners”). The instrument shall include:
 - i) Provision for the management, maintenance and upkeep of the dock structure, utilities, and all access ways.
 - ii) Prohibition of trash, debris, and storage in the easements or on the common dock.
 - iii) Provision for easements and cross easements where necessary to be used by participating owners for access to and maintenance of the common dock.
 - iv) Restrictions limiting use of the common dock to no more than one slip per participating non-waterfront lot, and two slips per participating waterfront lot, such slips to be used only by that participating lot owner only, and prohibition of slip rental, lease, or occupation by a vessel not owned by a participating lot owner, except that a participating owner may allow a guest to temporarily use a slip to which that lot owner has a right of occupancy for not more than ten days per calendar year.
 - v) Provision for signage, legible from both land and water, indicating that the common dock is private property and not for public use.
 - vi) A means to distribute the costs of maintenance and upkeep of the common dock among the users and to enforce collection of such funding.
 - vii) A method for providing insurance policies for protection against injuries and property damage from hazards and negligence.

- viii) A list of all participating lot numbers which must include all waterfront lots that will have their riparian areas affected, and a provision that all heirs, successors, and assigns of such lot owners shall be bound by the instrument's provisions.
- ix) Provision of a method for assignment of boats slips on a one to one, or one to two basis for each relevant lot.
- x) Provision that all future deeds associated with the relevant lots shall reference and be bound by the terms of the instrument.
- xi) Provision for creation and enforcement of Rules and Regulations applicable to the use of the common docks and easement areas.
- xii) Prohibition of nuisances, whether from active or passive activities, including, but not limited to, activity which is noisy, producing noxious fumes or odors or otherwise interfering with the peace and quiet of the owners within the block.
- xiii) That each waterfront owner associated with the common dock has or shall release their appurtenant littoral rights.
- xiv) That in the event that all lot owners unanimously agree to release all of their rights to and use of the common dock, the instrument shall be cancelled of record, the littoral rights of the waterfront owners shall be restored, and the common dock shall be removed or reconfigured and brought back into compliance with the Town's ordinances for individual lot accessory dock structures.
- xv) Provision granting the Town of Morehead City the right to enter upon the properties of the participating owners and the common dock for purposes of inspection and enforcement of the provisions of the instrument, such inspection and enforcement not being an obligation, but rather within the sole discretion of the Town.
- xvi) Provision that the participating owners will provide to each other and, upon request, to the Town, a list of all vessels owned by the participating owners and the slips assigned to each and shall maintain that list so that it remains current.
- xvii) Provision that the Town of Morehead City, at the collective expense of the participating owners, may remove and store, or fully dispose of, any obstruction to any easement area and any vessel occupying a slip which is not shown on the list of vessels provided to the Town or confirmed in writing upon request as being a vessel owned by a guest of a participating owner.

e. Common docks must adhere to and comply with items 2, and 4 through 9, of 14-31.2, subsection L, as provided above.

(M) Communication tower on a parcel where a public utility electrical substation exists subject to the requirements of section 14-45



**PLANNING BOARD
RESOLUTION No. 2015-0005**

**Plan Consistency Statement
for Case #OA15-001**

Request to amend Article 14-31(L) of the Unified Development Ordinance to add an exception to the regulations pertaining to residential docks and piers which would permit an accessory use dock on a waterfront lot or multiple adjoining lots within areas shown on the official map of Morehead City in Map Book 1, Page 131 of the Carteret County Registry and which would be a common dock for use by the contiguous waterfront lot owners and non-waterfront lot owners within the same platted block subject to conditions.

WHEREAS, Phil Lewis has submitted a request to amend the Unified Development Ordinance to add an exception to the regulations pertaining to residential docks and piers which would permit an accessory use dock on a waterfront lot or multiple adjoining lots within areas shown on the official map of Morehead City in Map Book 1, Page 131 of the Carteret County Registry and which would be a common dock for use by the contiguous waterfront lot owners and non-waterfront lot owners within the same platted block subject to conditions and review by the City Attorney; and

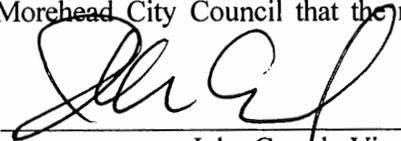
WHEREAS, effective January 1, 2006, North Carolina General Statute 160A-383 requires that "prior to adopting or rejecting any zoning amendment" each local governing board "shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board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

WHEREAS, this ordinance amendment request was duly advertised and was the subject of a public meeting of the Morehead City Planning Board on May 19, 2015, during which the applicant, interested parties, and staff were given the opportunity to comment on the application; and

WHEREAS, the Planning Board has made the following findings and conclusions:

1. The proposed text amendment does not appear to conflict with policies in the CAMA Land Use Plan and is consistent with the Vision Statement.
2. The proposed amendment does not appear to conflict with other plans.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the foregoing findings and conclusions, that the Morehead City Planning Board does hereby find the ordinance amendment request consistent with the most recently adopted CAMA Land Use Plan and recommends to the Morehead City Council that the request for ordinance amendment be approved.



John Creech, Vice-Chairman
05/19/2015

Date

TOWN OF MOREHEAD CITY

NOTICE OF PUBLIC HEARING

June 9, 2015

Notice is hereby given that the Morehead City Planning Board will hold a **public meeting** on Tuesday, May 19, 2015, at 5:30 p.m., in the Municipal Building Auditorium, 202 South 8th Street, to discuss the following proposal:

Request submitted by Phil Lewis to amend Article 14-31(L) of the Unified Development Ordinance to add an exception to the regulations pertaining to residential docks and piers which would permit an accessory use dock on a waterfront lot or multiple adjoining lots within areas shown on the official map of Morehead City in Map Book 1, Page 131 of the Carteret County Registry and which would be a common dock for use by the contiguous waterfront lot owners and non-waterfront lot owners within the same platted block subject to conditions.

The **public hearing** will be conducted by the Morehead City Town Council on Tuesday, June 9, 2015, at 5:30 p.m., in the Morehead City Municipal Building, 202 South 8th Street.

The public is invited to be present at both meetings. Copies of this request are on file in the Morehead City Planning Office, 706 Arendell Street, Morehead City, NC (252) 726-6848, ext. 140.

Sandi Watkins
Planner

Please advertise three times as follows:

Friday, May 15, 2015

Friday, May 29, 2015

Friday, June 5, 2015

Please bill charges to:

Town of Morehead City

PO# 61948

**NOTICE OF
PUBLIC HEARING**

June 9, 2015

Notice is hereby given that the Morehead City Planning Board will hold a public meeting on Tuesday, May 19, 2015, at 5:30 p.m., in the Municipal Building Auditorium, 202 South 8th Street, to discuss the following proposal:

Request submitted by Phil Lewis to amend Article 14-31(L) of the Unified Development Ordinance to add an exception to the regulations pertaining to residential docks and piers which would permit an accessory use dock on a waterfront lot or multiple adjoining lots within areas shown on the official map of Morehead City in Map Book 1, Page 131 of the Carteret County Registry and which would be a common dock for use by the contiguous waterfront lot owners and non-waterfront lot owners within the same platted block subject to conditions.

The public hearing will be conducted by the Morehead City Town Council on Tuesday, June 9, 2015, at 5:30 p.m., in the Morehead City Municipal Building Auditorium, 202 South 8th Street.

The public is invited to be present at both meetings and comment on the proposed amendment. Copies of this request are on file in the Morehead City Planning and Inspections Office, 706 Arendell Street, Morehead City, NC (252) 726-6848, ext. 140.

Sandi Watkins
Planner

My15,29,Ju5

NOTICE TO CREDITORS

RESOLUTION NO. 2015-30

RESOLUTION OF PLAN CONSISTENCY IN ACCORDANCE WITH G.S. 160A-383 FOR AN AMENDMENT TO ARTICLE 14-31(L) OF THE MOREHEAD CITY UNIFIED DEVELOPMENT ORDINANCE TO ADD AN EXCEPTION TO THE REGULATIONS PERTAINING TO RESIDENTIAL DOCKS AND PIERS WHICH WOULD PERMIT AN ACCESSORY USE DOCK ON A WATERFRONT LOT OR MULTIPLE ADJOINING LOTS WITHIN AREAS SHOWN ON THE OFFICIAL MAP OF MOREHEAD CITY IN MAP BOOK 1, PAGE 131 OF THE CARTERET COUNTY REGISTRY AND WHICH WOULD BE A COMMON DOCK FOR USE BY THE CONTIGUOUS WATERFRONT LOT OWNERS AND NON-WATERFRONT LOT OWNERS WITHIN THE SAME PLATTED BLOCK SUBJECT TO CONDITIONS.

WHEREAS, Phil Lewis has submitted a request to amend the Unified Development Ordinance to add an exception to the regulations pertaining to residential docks and piers which would permit an accessory use dock on a waterfront lot or multiple adjoining lots within areas shown on the official map of Morehead City in Map Book 1, Page 131 of the Carteret County Registry and which would be a common dock for use by the contiguous waterfront lot owners and non-waterfront lot owners within the same platted block subject to conditions and review by the City Attorney; and

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 of the Morehead City Council on June 9, 2015, 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. During its meeting on May 19, 2015, the Morehead City Planning Board recommended approval of the text amendment.
2. The proposed text amendment does not appear to conflict with policies in the CAMA Land Use Plan and is consistent with the Vision Statement.
3. The proposed amendment does not appear to conflict with other 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: _____

ORDINANCE #2015-17

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOREHEAD CITY, NC, TO AMEND ARTICLE 14-31(L) OF THE UNIFIED DEVELOPMENT ORDINANCE TO ADD AN EXCEPTION TO THE REGULATIONS PERTAINING TO RESIDENTIAL DOCKS AND PIERS WHICH WOULD PERMIT AN ACCESSORY USE DOCK ON A WATERFRONT LOT OR MULTIPLE ADJOINING LOTS WITHIN AREAS SHOWN ON THE OFFICIAL MAP OF MOREHEAD CITY IN MAP BOOK 1, PAGE 131 OF THE CARTERET COUNTY REGISTRY, AND WHICH WOULD BE A COMMON DOCK FOR USE BY THE CONTIGUOUS WATERFRONT LOT OWNERS AND NON-WATERFRONT LOT OWNERS WITHIN THE SAME PLATTED BLOCK SUBJECT TO CONDITIONS:

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, June 9, 2015, 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 14-31.2(L)(10) as follows: Exception: Common Docks. Notwithstanding paragraphs 1 and 3 above, the owner(s) of a 100% interest in a waterfront lot, or multiple adjoining waterfront lots, where such lot or lots are located within a single block platted and shown on the official map of the Town of Morehead City (Map Book 1, Page 131, Carteret County Registry), may submit to the Town an application for an accessory use dock which will be a "common dock" for use by the contiguous waterfront lot owners and non-waterfront lot owners within the same platted block. Each waterfront lot shall be limited to two (2) boat slips and each non-waterfront lot shall be limited to one (1) boat slip provided the total number of boat slips does not exceed nine (9). The application must be accompanied by the following:
2. Add Article 14-31.2(L)(10)(a) as follows: An application processing fee in accordance with the City's Fee Schedule.
3. Add Article 14-31.2(L)(10)(b) as follows: A drawing indicating the configuration, dimensions and dlocation of the common dock to be constructed and the location fo the lots of all participating owners.
4. Add Article 14-31.2(L)(10)(c) as follows: All necessary CAMA and other governmental permits required for construction of the common dock.
5. Add Article 14-31.2(L)(10)(d) as follows: A written instrument, suitable for recording in the records of the Carteret County Register of Deeds, signed by all participating, contiguous waterfront owners and all of the participating owner(s) of other lots in the same platted block who will share use of the common dock (collectively "participating owners"). The instrument shall include:
6. Add Article 14-31.2(L)(10)(d)(i) as follows: Provision for the management, maintenance and upkeep of the dock structure, utilities, and all access ways.

7. Add Article 14-31.2(L)(10)(d)(ii) as follows: Prohibition of trash, debris, and storage in the easements or on the common dock.
8. Add Article 14-31.2(L)(10)(d)(iii) as follows: Provision for easements and cross easements where necessary to be used by participating owners for access to and maintenance of the common dock.
9. Add Article 14-31.2(L)(10)(d)(iv) as follows: Restrictions limiting use of the common dock to no more than one slip per participating non-waterfront lot, and two slips per participating waterfront lot, such slips to be used only by that participating lot owner, only, and prohibition of slip rental, lease, or occupation by a vessel not owned by a guest to temporarily use a slip to which that lot owner has a right of occupancy for not more than ten days per calendar year.
10. Add Article 14-31.2(L)(10)(d)(v) as follows: Provision for signage, legible from both land and water, indicating that the common dock is private property and not for public use.
11. Add Article 14-31.2(L)(10)(d)(vi) as follows: A means to distribute the costs of maintenance and upkeep of the common dock among the users and to enforce collection of such funding.
12. Add Article 14-31.2(L)(10)(d)(vii) as follows: A method for providing insurance policies for protection against injuries and property damage from hazards and negligence.
13. Add Article 14-31.2(L)(10)(d)(viii) as follows: A list of all participating lot numbers which must include all waterfront lots that will have their riparian areas affected, and a provision that all heirs, successors, and assigns of such lot owners shall be bound by the instrument's provisions.
14. Add Article 14-31.2(L)(10)(d)(ix) as follows: Provision of a method for assignment of boat slips on a one to one, or one to two basis for each relevant lot.
15. Add Article 14-31.2(L)(10)(d)(x) as follows: Provision that all future deeds associated with the relevant lots shall reference and be bound by the terms of the instrument.
16. Add Article 14-31.2(L)(10)(d)(xi) as follows: Provision for creation and enforcement of Rules and Regulations applicable to the use of the common docks and easement areas.
17. Add Article 14-31.2(L)(10)(d)(xii) as follows: Prohibition of nuisances, whether from active or passive activities, including, but not limited to, activity which is noisy, producing noxious fumes or odors or otherwise interfering with the peace and quiet of the owners within that block.
18. Add Article 14-31.2(L)(10)(d)(xiii) as follows: That each waterfront owner associated with the common dock has or shall release their appurtenant littoral rights.
19. Add Article 14-31.2(L)(10)(d)(xiv) as follows: That in the event that all lot owners unanimously agree to release all of their rights to and use of the common dock, the instrument shall be cancelled of record, the littoral rights of the waterfront shall be restored, and the common dock shall be removed or reconfigured and brought back into compliance with the Town's ordinances for individual lot accessory dock structures.
20. Add Article 14-31.2(L)(10)(d)(xv) as follows: Provision granting the Town of Morehead City the right to enter upon the properties of the participating owners and the common dock for purposes of inspection and enforcement of the provisions of the instrument, such inspection and enforcement not being an obligation, but rather within the sole discretion of the Town.

21. Add Article 14-31.2(L)(10)(d)(xvi) as follows: Provision that all participating owners will provide to each other and, upon request, to the Town, a list of all vessels owned by the participating owners and the slips assigned to each and shall maintain that list so that it remains current.
22. Add Article 14-31.2(L)(10)(d)(xvii) as follows: Provision that the Town of Morehead City, at the collective expense of the participating owners, may remove and store, or fully dispose of, any obstruction to any easement area and any vessel occupying a slip which is not shown on the list of vessels provided to the Town or confirmed in writing upon request as being a vessel owned by a guest of a participating owner.
23. Add Article 14-31.2(L)(10)(e) as follows: Common docks must adhere to and comply with items 2, and 4 through 9, of 14-31.2, subsection L, as provided above.
24. That this ordinance shall become effective immediately upon its adoption.
25. 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 on the 9th day of June, 2015, by a vote of 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

REQUEST FOR TOWN COUNCIL ACTION

AGENDA ITEM: III.E.
DATE: June 9, 2015

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Public Hearing: City-Initiated Request to Amend Article 12-2.5[D] of the Unified Development Ordinance to Adjust Regulations Pertaining to Sidewalk Cafes Permitted in the Downtown Business [DB] and Downtown Commercial [CD] Districts – Adopt Resolution 2015-31 and Ordinance 2015-18

Background Information Attached: Yes X No

Staff recently received a model ordinance from the North Carolina Department of Transportation [NCDOT] for sidewalk cafes along state rights-of-way. The proposed amendment provides consistency with this model ordinance and adjusts the restaurant definition for sidewalk café activities on city streets in the downtown area. The Planning Committee discussed sidewalk cafes during its meeting in April and determined that sidewalk cafes are generally desirable in the downtown area and staff is not aware of any recent complaints concerning existing operations of this nature.

The proposed amendment:

- Stipulates that sidewalk café permits are valid for one year and are not transferable as per the NCDOT model sidewalk café ordinance.
- Adjusts the definition of “Restaurant” under the sidewalk café section from the ABC statute definition to the Public Health statute definition, in accordance with the NCDOT model sidewalk café ordinance.
- Establishes a definition for “Premises” to include any area under the control of the sidewalk café operator, as set forth in the NCDOT model sidewalk café ordinance.
- Adjusts the definition of “Restaurant” for sidewalk cafes located along city streets in the downtown area.

At the Planning Board Meeting held on May 19, 2015, Jackie Maucher made the motion, seconded by Ronetta Gaskill, and carried unanimously, to recommend the approval of the ordinance amendment including the proposed change to item (2)(j) and Resolution No. 2015-0006. The Planning Committee of the Council reviewed the proposed amendment.

Recommended Action: Conduct the public hearing. If the Council so desires approve the City-Initiated Request to Amend Article 12-2.5[D] of the Unified Development Ordinance to Adjust Regulations Pertaining to Sidewalk Cafes Permitted in the Downtown Business [DB] and Downtown Commercial [CD] Districts – Adopt Resolution 2015-31 and Ordinance 2015-18

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

ORDINANCE AMENDMENT: City-initiated request to amend Article 12-2.5(D) of the Unified Development Ordinance to adjust regulations pertaining to sidewalk cafes permitted in the Downtown Business (DB) and Downtown Commercial (CD) districts.

*Planning Board Update (May 19, 2015): Jackie Maucher made **MOTION**, seconded by Ronetta Gaskill, to recommend approval of the ordinance amendment including the proposed change to item (2)(j) and Resolution No. 2015-0006. The motion carried unanimously.*

Staff recently received a model ordinance from the NCDOT for sidewalk cafes along state rights-of-way. The proposed amendment provides consistency with this model ordinance and adjusts the restaurant definition for sidewalk café activities on city streets in the downtown area. The Planning Committee discussed sidewalk cafes during its meeting in April and determined that sidewalk cafes are generally desirable in the downtown area and staff is not aware of any recent complaints concerning existing operations of this nature.

The proposed amendment:

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- Establishes a definition for “Premises” to include any area under the control of the sidewalk café operator, as set forth in the NCDOT model sidewalk café ordinance.
- Adjusts the definition of “Restaurant” for sidewalk cafes located along city streets in the downtown area.

A copy of the section of the Unified Development Ordinance pertaining to sidewalk cafes is attached and includes the proposed text amendments.

12-2.5(D) *Sidewalk cafes:*

- (1) *Application.* Any restaurant desiring to operate a sidewalk cafe shall prepare and file an application with the city manager or his designee, which shall contain the following information:
 - (a) The name, address and telephone number of the restaurant desiring to operate a sidewalk cafe.
 - (b) The name, address and telephone number of the restaurant operator.
 - (c) The type of food, beverage or food product to be sold and served at the sidewalk cafe.
 - (d) The hours of operation of the restaurant and the proposed hours of operation of the sidewalk cafe.
 - (e) A drawing or site plan showing the section with dimensions of sidewalk or pedestrian way to be used for the sidewalk cafe, and the section with dimensions to be kept clear for pedestrian use, and depicting the proposed placement and dimensions of tables, chairs, umbrellas, barricades, and other furnishings on the sidewalk or pedestrian way and any proposed openings or ingress/egress points to and from the outdoor dining area. The site plan shall be accompanied by photos or drawings of all components of the outdoor dining space to include type of furniture, umbrellas and type and dimensions of barricades.
 - (f) Evidence of adequate insurance or other forms of security to hold the city and its taxpayers harmless from claims arising out of the operation of the sidewalk café, as determined by the city manager. The North Carolina Department of Transportation must be listed as an additional insured if the sidewalk café is located adjacent to a state right-of-way.
 - (g) An indemnity statement approved by the city attorney, whereby the restaurant operator agrees to indemnify and hold harmless the city and its officers, agents, and employees from any claim arising from the operation of the sidewalk café. The North Carolina Department of Transportation must also be included in the indemnity statement for any sidewalk café operation located adjacent to a state right-of-way.
 - (h) A copy of all permits and licenses issued by the state or the city, including health and ABC permits and business licenses, necessary for the operation of the restaurant business.
 - (i) Federal Highway Administration approval for those sidewalk cafes physically located along Arendell Street.
 - (j) A sworn statement describing any violation by the restaurant operator of any laws, regulations, or ordinances relating to the possession, sale, consumption or transportation of intoxicating beverages or controlled substances during the five (5) years immediately preceding the date of the permit application.
 - (k) Such additional information as may be requested by the city manager or his designee to determine compliance with this section.

- (1) A fee as provided in Morehead City's fee schedule to cover the cost of processing and investigating the application and issuing the permit.
- (2) *Issuance of permit.* No permit for the operation of a sidewalk cafe may be issued unless the application is complete and unless the following requirements are met:
 - (a) The sidewalk cafe must be associated with an operating restaurant such that it is under the same management and shares the same food preparation facilities, restroom facilities and other customer convenience facilities as the restaurant.
 - (b) The sidewalk cafe must be operated under the same name as the restaurant and may not be opened or operated at any time when the restaurant is not open for business.
 - (c) The operation of the sidewalk cafe must be clearly incidental to the associated restaurant business.
 - (d) The sidewalk café permit shall be valid for no more than one year and is not transferable or assignable.
 - (e) The placement of tables, chairs and other furnishings, as shown in the drawing submitted with the site plan, must be done in such a manner not to extend more than five (5) feet from the property line, provided that at least four (4) feet of unobstructed space remains on the sidewalk or pedestrian way for the passage of pedestrians. Tables, chairs, and other furnishings associated with a sidewalk café located along a state right-of-way must be placed a minimum of six (6) feet from any travel lane in such a manner that at least five (5) feet of unobstructed space remains clear for the passage of pedestrians that complies with the Americans with Disabilities Act. Trees, poles, signs, sandwich board signs, planters, benches, hydrants, trash receptacles, tree grates, etc. are all considered obstructions. Provided however, a tree grate shall not be considered an obstruction if:
 1. The owner of the sidewalk cafe pays the full cost of installing a tree grate approved as complying with the Americans with Disabilities Act as an acceptable surface for pedestrians and wheelchairs; and
 2. The owner maintains the grate so that it provides a smooth and level surface for passage.
 - (f) The area designated for the sidewalk cafe shall be physically separated from the remaining sidewalk by visible, continuous barricades with a height of at least thirty-six (36) inches and no more than forty-two (42) inches. The barricades must be constructed of materials of a finished quality, including, but not limited to, planters, picket fences or velvet ropes.
 1. Although a wide variety of styles and designs are permitted to be used for outdoor dining barricades, metal or wood sectional fencing is encouraged due to its portability and its inability to be shifted by patrons or pedestrians.
 2. Bases for the vertical supporting device of a barricade shall be flat and measure no more than one-half (½) inch above the sidewalk surface in order to not become a tripping hazard.
 3. Planters may be used in addition to or in place of other barricade designs provided the planter does not exceed a height of thirty-six (36) inches above

the level of the sidewalk and the plants may not exceed a height of one hundred eight (108) inches (eight (8) feet) above the sidewalk. The planter should be in line with the barricade with no portion extending into the unobstructed sidewalk space. Planters with artificial plants, dead plants, only ground cover (i.e., mulch, dirt, etc.) and planters that are empty must be removed.

4. Barricades must be freestanding and easily removable.
 5. Any access opening within the barrier must measure no less than forty-four (44) inches in width and should clearly distinguish the sidewalk cafe from the sidewalk or pedestrian way.
- (g) The restaurant seeking to operate the sidewalk café must front on and open onto the sidewalk or pedestrian way proposed for the sidewalk café. The placement of tables, chairs and other furnishings may not extend beyond the sidewalk or pedestrian way frontage of the associated restaurant. Two (2) or more tables must be contained within visible barricades. The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for a sidewalk café operation shall not be greater than forty-five (45) miles per hour.
- (h) The tables, chairs, barricades and other furnishings used in the sidewalk café shall be of a type that is easily removed from the public right-of-way. Tables, chairs, barricades and other furnishings used in the operation of the sidewalk café shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilation area, or ramp necessary to meet accessibility requirements under the Americans with Disabilities Act and must be removed within twenty-four (24) hours of notice from the city. If such items are not removed within twenty-four (24) hours' notice, the city shall have the right to remove and dispose of these items and may assess the property owner for the cost of such removal and disposal. The city shall also have the right to remove such items immediately in emergency situations. The city shall not be responsible for damage to the public sidewalk café barricades and furnishings under any circumstances.
- (i) Except as elsewhere permitted, the operation or furnishing of the sidewalk cafe shall not involve any permanent alteration to or encroachment upon any street, sidewalk or pedestrian way or to the exterior of the associated restaurant. The owner of the sidewalk cafe shall be responsible for repairing any incidental damage to public sidewalks resulting from the operation of the sidewalk cafe.
- (j) The sidewalk cafe shall only be open when the restaurant is open. After such hours, the furnishings of the sidewalk cafe shall be removed. No person shall consume alcoholic beverages in a sidewalk cafe after such hours.
- (k) *Alcoholic beverages.* Notwithstanding the provisions of section 10-38 of the Code of Ordinances, alcoholic beverages may be served and consumed at sidewalk cafes providing the following requirements are met:

1. The sidewalk cafe shall be part of a restaurant as defined in subsection 12-2.5(D)(4) and shall otherwise be authorized, permitted or licensed under the state law and city codes to serve and sell alcoholic beverages for on-premise consumption.
2. The portion of the sidewalk cafe where alcohol is or may be served shall be enclosed by clearly visible barricades and shall have not more than two (2) points of ingress or egress.
3. The sidewalk cafe must be included as part of the premises for which an ABC permit is issued pursuant to G.S. 18B-1001 for the purposes of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages.
4. Signs shall be posted, visible at all exit points from the sidewalk cafe, that it is unlawful to remove alcoholic beverages in open and unsealed containers from the premises.
5. The restaurant operator shall not have violated any law, regulation or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the five (5) years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe.

(l) *Denial.* A permit may be denied if it is found that the granting of the permit would not be in the public interest. Any applicant denied a permit to operate a sidewalk cafe shall receive a written statement, outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the city council within fifteen (15) working days after the date of the written denial and the city council may take such corrective action as it shall find necessary. The findings and determination of the city council shall be final.

(m) *Permit revocation.* The city manager may revoke a permit issued pursuant to this section, if he finds that the restaurant operator has:

1. Deliberately misrepresented or provided false information in the permit application.
2. Violated any provision of the Morehead City codes or county health department regulations.
3. Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances.
4. Operated the sidewalk cafe in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the sidewalk cafe area clean and free of refuse.
5. Failed to maintain any health, business or other permit or license required by law for the operation of a restaurant business. Before the revocation of a permit, the city manager shall notify the permit holder of his intent to revoke the permit and the reasons therefore and shall afford the permit holder a

reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the city manager shall notify permit holder in writing of the decision and the reasons therefore. A decision of the city manager to revoke permit may be appealed to the city council in accordance with the provision of this Ordinance.

(n) Reserved.

(o) *Furniture and fixtures.* A wide range of furniture styles, colors and materials are permitted, however smaller, space-efficient furniture is recommended.

1. All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion or chipped or peeling paint.
2. All furniture and fixtures must be maintained in a clean condition at all times.
3. All furniture and fixtures must be durable and of sufficiently sturdy construction as not to blow over with normal winds.
4. Furniture and fixtures shall not be secured to trees, lampposts, street signs or any other street infrastructure whether during restaurant operating hours or at times when the restaurant is closed.
5. Furniture other than tables, chairs and umbrellas is prohibited in sidewalk cafes.
6. Tables:
 - a. The size and shape of tables strongly affects the functionality of an outdoor dining area.
 - b. Square or rectangular tables are encouraged because they fit flush against a building's wall and can permit more useable surface area for patrons while at the same time, leave more space available for pedestrians.
 - c. Smaller, space-efficient tables are encouraged over larger tables.
 - d. Tables may be colored or of a natural material. Plastic tables shall not be permitted unless covered with a tablecloth.
7. Chairs:
 - a. Chairs may be colored or of a natural unpainted material and may be upholstered. White plastic or fluorescent chairs are not permitted.
 - b. All chairs used within a particular establishment's outdoor seating area must match each other by being of visually similar design, construction and color.
 - c. Seating capacity is limited to 50% of the interior seating capacity of the associated restaurant.
8. Umbrellas:
 - a. Umbrellas that are appropriately designed and sized are permitted.
 - b. Umbrellas must be free of advertisements and be contained within the outdoor dining area with the lowest dimension, including fringe and

other ornamentation, being at least seven (7) feet above the sidewalk surface and no higher than ten (10) feet above the level of the sidewalk.

- c. Umbrellas and other shading devices shall not infringe on the free movement of pedestrians along the sidewalk.
- d. Umbrella colors must blend appropriately with the surrounding built environment and are recommended to be of one solid color.
- e. Market style umbrellas are encouraged.
- f. Umbrella covers must not be made of a rigid material.

9. Fixtures—Misters and gas heaters:

- a. Misters for cooling and gas heaters for heating shall be permitted.

(3) *Pedestrian way*. An improved walk or passageway intended for use by pedestrians, but not adjacent to any city street.

(4) *Restaurant*. For purposes of subsection 12-2.5(D), a restaurant located along a state right-of-way is defined as a food or lodging establishment that prepares and serves drinks or food as regulated by the N.C Commission for Public Health pursuant to G.S. § 130A-247. A restaurant located on a city street is defined for purposes of subsection 12-2.5(D) as an establishment, such as a retail store which has a lunch counter or other section where food and beverage is sold to be consumed on the premises. This definition does not include food vendors selling food as part of a festival or nonprofit event.

(5) *Restaurant operator*. The person, firm or corporation operating a restaurant and associated sidewalk cafe. As used in this section, this definition includes the owner and manager, if different from the owner of the restaurant and associated sidewalk cafe.

(6) *Sidewalk*. That portion of a public street between the curb line, or the lateral lines of the roadway if there is no curb and the adjacent property line that is intended for the use of pedestrians.

(7) *Premises*. All areas, whether inside or outside the licensed premises, where the permittee has control of the property through a lease, deed or other legal process in accordance with § G.S. 18B-101(12a).

TOWN OF MOREHEAD CITY

NOTICE OF PUBLIC HEARING

June 9, 2015

Notice is hereby given that the Morehead City Planning Board will hold a **public meeting** on Tuesday, May 19, 2015, at 5:30 p.m., in the Municipal Building Auditorium, 202 South 8th Street, to discuss the following proposal:

City-initiated request to amend Article 12-2.5(D) of the Unified Development Ordinance to adjust regulations pertaining to sidewalk cafes permitted in the Downtown Business (DB) and Downtown Commercial (CD) districts.

The **public hearing** will be conducted by the Morehead City Town Council on Tuesday, June 9, 2015, at 5:30 p.m., in the Morehead City Municipal Building Auditorium, 202 South 8th Street.

The public is invited to be present at both meetings and comment. Copies of this request are on file in the Morehead City Planning and Inspections Office, 706 Arendell Street, Morehead City, NC (252) 726-6848, ext. 140.

Sandi Watkins
Planner

*Please advertise three times as follows:
Friday, May 15, 2015
Friday, May 29, 2015
Friday, June 5, 2015*

*Please bill charges to:
Town of Morehead City
PO# 61949*

LEGAL NOTICES

day of August, 2015 or this notice will be plead in bar of their recovery. All persons indebted to said estate will please make prompt payment.

Lynn W. Overman
Executor

My15,22,29,Ju5P

TOWN OF MOREHEAD CITY

NOTICE OF PUBLIC HEARING

June 9, 2015

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The public is invited to be present at both meetings and comment on the proposed amendment. Copies of this request are on file in the Morehead City Planning and Inspections Office, 706 Arendell Street, Morehead City, NC (252) 726-6848, ext. 140.

Sandi Watkins
Planner

My15,29,Ju5



**PLANNING BOARD
RESOLUTION No. 2015-0006**

**Plan Consistency Statement
for Case #OA15-002**

Request to amend Article 12-2.5(D) of the Morehead City Unified Development Ordinance to adjust regulations pertaining to sidewalk cafes permitted in the Downtown Business (DB) and Downtown Commercial (CD) districts.

WHEREAS, the City has initiated a request to amend the Unified Development Ordinance to revise regulations pertaining to sidewalk cafes in the Downtown Business (DB) and Downtown Commercial (CD) zoning districts; and

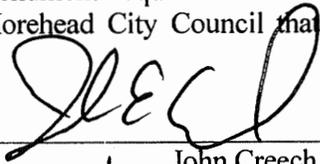
WHEREAS, effective January 1, 2006, North Carolina General Statute 160A-383 requires that “prior to adopting or rejecting any zoning amendment” each local governing board “shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board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

WHEREAS, this ordinance amendment request was duly advertised and was the subject of a public meeting of the Morehead City Planning Board on May 19, 2015, during which the applicant, interested parties, and staff were given the opportunity to comment on the application; and

WHEREAS, the Planning Board has made the following findings and conclusions:

1. The proposed text amendment does not appear to conflict with policies in the CAMA Land Use Plan and is consistent with the Vision Statement.
2. The proposed text amendment will provide consistency between the Morehead City Unified Development Ordinance and N.C.G.S. 136-27.4 as well as the North Carolina Department of Transportation’s model ordinance recommendations for sidewalk cafes located along state rights-of-way.
3. The proposed amendment does not appear to conflict with other plans.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the foregoing findings and conclusions, that the Morehead City Planning Board does hereby find the ordinance amendment request consistent with the most recently adopted CAMA Land Use Plan and recommends to the Morehead City Council that the request for ordinance amendment be approved.



John Creech, Vice-Chairman
05/19/2015

Date

RESOLUTION NO. 2015-31

**RESOLUTION OF PLAN CONSISTENCY IN ACCORDANCE WITH G.S. 160A-383
FOR AN AMENDMENT TO ARTICLE 12-2.5(D) OF THE MOREHEAD CITY
UNIFIED DEVELOPMENT ORDINANCE TO ADJUST REGULATIONS RELATED TO
SIDEWALK CAFES AND TO ENSURE CONSISTENCY WITH G.S. 136-27.4.**

WHEREAS, the city has initiated a request to amend the Unified Development Ordinance to revise regulations pertaining to sidewalk cafes in the Downtown Business (DB) and Downtown Commercial (CD) zoning districts.

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 meeting of the Morehead City Council on June 9, 2015, 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 proposed text amendment does not appear to conflict with policies in the CAMA Land Use Plan and is consistent with the Vision Statement.
2. The proposed text amendment will provide consistency between the Morehead City Unified Development Ordinance and N.C.G.S. 136-27.4 as well as the North Carolina Department of Transportation’s model ordinance recommendations for sidewalk cafes along state rights-of-way.
3. The proposed amendment does not appear to conflict with other 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: _____

ORDINANCE #2015-18

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOREHEAD CITY, NC, TO AMEND ARTICLE 12-2.5(D) OF THE UNIFIED DEVELOPMENT ORDINANCE TO AMEND REGULATIONS PERTAINING TO SIDEWALK CAFES IN THE DB AND CD DISTRICTS:

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, June 9, 2015, 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. Amend Article 12-2.5(D)(1)(h) as follows: A copy of all permits and licenses issued by the state or the city, including health and ABC permits and business licenses, necessary for the operation of the restaurant business. ~~A sworn statement describing any violation by the restaurant operator of any laws, regulations, or ordinances relating to the possession, sale, consumption or transportation of intoxicating beverages or controlled substances during the five (5) years immediately preceding the date of the permit application. Such additional information as may be requested by the city manager or his designee to determine compliance with this section. A fee as provided in Morehead City's fee schedule to cover the cost of processing and investigating the application and issuing the permit.~~
2. Add Article 12-2.5(D)(1)(i) as follows: Federal Highway Administration Approval for those sidewalk cafes physically located along Arendell Street.
3. Add Article 12-2.5(D)(1)(j) as follows: A sworn statement describing any violation by the restaurant operator of any laws, regulations, or ordinances relating to the possession, sale, consumption or transportation of intoxicating beverages or controlled substances during the five (5) years immediately preceding the date of the permit application.
4. Add Article 12-2.5(D)(1)(k) as follows: Such additional information as may be requested by the city manager or his designee to determine compliance with this section.
5. Add Article 12-2.5(D)(1)(l) as follows: A fee as provided in Morehead City's fee schedule to cover the cost of processing and investigating the application and issuing the permit.
6. Amend Article 12-2.5(D)(2)(d) as follows: The sidewalk café permit shall be valid for no more than one year and is not transferable or assignable. ~~The seating capacity of the sidewalk café may not be more than fifty (50) percent of the interior seating capacity of the associated restaurant.~~
7. Amend Article 12-2.5(D)(2)(j) as follows: The sidewalk café shall only be open when the restaurant is open. After such hours, the furnishings of the sidewalk café shall be removable ~~removed~~. No person shall consume alcoholic beverages in a sidewalk café after such hours.

8. Amend Article 12-2.5(D)(2)(k)(1) as follows: The sidewalk café shall be part of a **standard** restaurant as defined in subsection 12-2.5(D)(4) and shall otherwise be authorized, permitted or licensed under the state law and city codes to serve and sell alcoholic beverages for on-premises consumption.
9. Amend Article 12-2.5(D)(4) as follows: *Restaurant.* For purposes of subsection 12-2.5(D), a restaurant located along a state right-of-way is defined as a food or lodging establishment that prepares and serves drinks or food as regulated by the N.C. Commission for Public Health pursuant to G.S. § 130A-247. A restaurant located on a city street is defined for purposes of subsection 12-2.5(D) as an **An** establishment **engaged in the business of regularly and customarily selling food, primarily to be eaten on the premises, including businesses that are referred to as restaurants,** such as a retail store ~~drug stores,~~ which ~~has~~ **have** a lunch counter or other section where food and beverage is sold to be consumed ~~eaten~~ on the premises. This definition does not include food vendors selling food as part of a festival or nonprofit event. ~~In accordance with G.S. 18B-1000(6), the gross receipts from food and nonalcoholic beverages at sidewalk cafes located along state rights-of-way shall not be less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. Restaurants located along state rights-of-way shall also have a kitchen and an inside dining area with seating for at least thirty six (36) people.~~
10. Add Article 12-2.5(D)(7) as follows: All areas, whether inside or outside the licensed premises, where the permittee has control of the property through a lease, deed or other legal process in accordance with G.S. § 18B-101(12a).
11. That this ordinance shall become effective immediately upon its adoption.
12. 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 on the 9th day of June, 2015, by a vote of 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: III.F.

REQUEST FOR TOWN COUNCIL ACTION

DATE: June 9, 2015

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Request for Review and Approval of the Pamlico Sound Regional Hazard Mitigation Plan -- Adopt Resolution 2015-28

Background Information Attached: Yes X No

In late 2013, the City began exploring the possibility of participating in the Pamlico Regional Hazard Mitigation Plan, partially as a result of the recent emphasis of the federal government on regional mitigation planning. Through participation in a regional mitigation planning project, the Town of Morehead City aims to pool mitigation planning resources with communities facing similar hazards and to consider potential hazards and mitigation activities from a perspective which emphasizes coordination within and between affected communities. The Pamlico Sound Regional Hazard Mitigation Plan includes Carteret County and its municipalities as well as the counties of Beaufort, Craven, Hyde and Pamlico.

In accordance with the Federal Disaster Mitigation Act of 2000, communities must have a hazard mitigation plan in place in order to request federal funds for disaster relief or mitigation activities. Morehead City is currently under the Carteret County Hazard Mitigation Plan, since the Morehead City Hazard Mitigation Plan expired during the time when the regional plan was under its initial review by the Federal Emergency Management Agency [FEMA]. FEMA has preliminarily approved the regional plan and has requested that local communities review and adopt the plan by June.

The plan document is available online at <http://www.pamlicosoundhmp.org/>.

In addition, a review of mitigation activities intended to augment information contained in Appendix G for Community Rating System credit under Step 7 of Section 510 or the CRS Coordinator's Manual is available online at: http://townofmoreheadcity.com/moreheadwp/documents/planning-inspections/Pamlico_Sound_HMP_Supplement.pdf. At the Planning Board Meeting on May 19, 2015, Jackie Maucher made the motion, seconded by Gordon Thayer, and carried unanimously, to recommend approval of the Pamlico Sound Regional Hazard Mitigation Plan. The Planning Committee of the Council reviewed the plan.

Recommended Action: Adopt Resolution 2015-28 Approving the Pamlico Sound Regional Hazard Mitigation Plan.

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

Request for Review and Approval of the Pamlico Sound Regional Hazard Mitigation Plan:

Planning Board Update (May 19, 2015): Jackie Maucher made MOTION, seconded by Gordon Thayer, to recommend approval of the Pamlico Sound Regional Hazard Mitigation Plan. The motion carried unanimously.

In late 2013, the City began exploring the possibility of participating in the Pamlico Regional Hazard Mitigation Plan, partially as a result of the recent emphasis of the federal government on regional mitigation planning. Through participation in a regional mitigation planning project, the Town of Morehead City aims to pool mitigation planning resources with communities facing similar hazards and to consider potential hazards and mitigation activities from a perspective which emphasizes coordination within and between affected communities. The Pamlico Sound Regional Hazard Mitigation Plan includes Carteret County and its municipalities as well as the counties of Beaufort, Craven, Hyde, and Pamlico.

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TOWN OF MOREHEAD CITY
NOTICE OF PUBLIC HEARING
ON THE PAMLICO SOUND REGIONAL
HAZARD MITIGATION PLAN
June 9, 2015

Notice is hereby given that the Morehead City Planning Board will hold a **public meeting** on Tuesday, May 19, 2015, at 5:30 p.m., in the Municipal Building Auditorium, 202 South Eighth Street to discuss the following proposal:

Request for adoption of the Pamlico Sound Regional Hazard Mitigation Plan.

The **public hearing** will be conducted by the Morehead City Town Council on Tuesday, June 9, 2015, at 5:30 p.m. in the Municipal Building Auditorium, 202 South Eighth Street.

A copy of the plan is available for public review at the following web address: <http://www.pamlicosoundhmp.org>. For additional information, please contact Morehead City Planning and Inspections Office, 706 Arendell Street, Morehead City, NC (252) 726-6848, ext. 140.

Sandi Watkins
Planner

Please advertise in The Carteret News Times Legal Section three [3] times as follows
Friday, May 15, 2015
Friday, May 29, 2015
Friday, June 5, 2015

Please bill charges to:
Town of Morehead City
PO# 62090

Chief
My15

TOWN OF MOREHEAD CITY
NOTICE OF PUBLIC
HEARING ON THE PAMLICO
SOUND REGIONAL HAZARD
MITIGATION PLAN

June 9, 2015

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Sandi Watkins
Planner

My15,29,Ju5

Memorandum

To: All Municipalities Participating in the Pamlico Sound Regional HMP

From: Landin Holland, AICP, MPA, CZO, Senior Planner

Date: April 24, 2015

Subject: MANDATORY Adoption Procedures

The Pamlico Sound Regional Hazard Mitigation Plan (HMP) has received preliminary approval from the Federal Emergency Management Agency (FEMA) stating that all jurisdictions should proceed with adoption. A digital copy of the draft Regional HMP can be accessed via the project website at <http://www.pamlicosoundhmp.org>.

Adoption of the Regional HMP will require the scheduling of a public hearing and adoption of a resolution by your elected board. **NOTE: Failure to adopt the plan immediately could jeopardize your ability to secure emergency response funding in the event of a natural disaster.** A sample resolution is attached for your use. Please modify this draft resolution to comply with any necessary local requirements. The following steps should be carried out to ensure that the Regional HMP is certified by FEMA in an expedient manner:

- Schedule a public hearing for your **May or June meeting**, if possible. Provide your elected board members with the draft plan. **Once a public hearing date has been set, please forward the meeting date and time to Cindy Anderson via email at canderson@hcpplanning.com or by phone at 910/392-0060.**
- Arrange to publish a public hearing advertisement in a local newspaper of your choice. **The advertisement should be published at least ten days before the public hearing date.** In computing such period, the day of publication is not to be included, but the day of the hearing shall be included. A sample advertisement has been attached for your review and use.
- Hold the public hearing at the regularly scheduled meeting of your governing body on the scheduled date. Following the public hearing, the governing body should consider adopting the plan through approval of the attached resolution. If your governing body elects to table the adoption of the plan for any reason, please contact me immediately so that we may address any problems and/or concerns.
- Forward the executed adoption resolution to **Holland Consulting Planners, Inc., 3329 Wrightsville Avenue, Suite F, Wilmington, NC 28403, Attention: Cindy Anderson, *immediately*** following the public hearing.
- Secure an affidavit of publication for the public hearing notice from the newspaper and forward the affidavit of publication to **Holland Consulting Planners, Inc. (address provided above)** as soon as possible following the public hearing.

You may contact Cindy Anderson at 910/392-0060 if you have any questions or concerns regarding these instructions.

MOREHEAD CITY NORTH CAROLINA



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, N.C.

RESOLUTION 2015-28

ADOPTING THE PAMLICO SOUND REGIONAL HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within Carteret County are subject to the effects of natural hazards and man-made hazard events that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to flooding, high winds, coastal hazards, and severe winter weather; and

WHEREAS, the County and participating municipal jurisdictions desire to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6 of Article 1A of Chapter 166A of the North Carolina General Statutes, stated in Item 19.41(b)(2): "For a state of emergency declared pursuant to G.S. 166A-19.20(a) after the deadline established by the Federal Emergency Management Agency pursuant to the Disaster Mitigation Act of 2002, P.L. 106-390, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act;" and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, the County and its participating municipal jurisdictions have performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and have updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the County Board of Commissioners to fulfill this obligation in order that the county will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County; and

WHEREAS, the Town of Morehead City actively participated in the planning process of the Pamlico Sound Regional Hazard Mitigation Plan and has fulfilled all their part of the multi-jurisdictional planning elements required by FEMA;

NOW, THEREFORE, be it resolved that the Town Council of the Town of Morehead City hereby:

1. Adopts the Pamlico Sound Regional Hazard Mitigation Plan; and
2. Separately adopts the sections of the plan that are specific to the Town of Morehead City; and
3. Vests the City Manager with the responsibility, authority, and the means to:

- (a) Inform all concerned parties of this action.
 - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- 4. Appoints the City Manager to assure that, in cooperation with Carteret County the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Morehead City Town Council for consideration.
- 5. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the 2015 Pamlico Sound Regional Hazard Mitigation Plan.

Adopted this the 9th day of June, 2015.

Gerald A. Jones, Jr., Mayor
Town of Morehead City, N.C.

ATTEST:

Jeanne M. Giblin, City Clerk

(SEAL)

TOWN OF MOREHEAD CITY

AGENDA ITEM: IV.
DATE: June 9, 2015

REQUEST FOR TOWN COUNCIL ACTION

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: New Business: Request from Stroud Engineering, P.A., on behalf of Charles S. Hester, Jr., for Sketch Plan Review for Mitchell Village Business Park, located at the southern terminus of Byrd Street, accessed by Executive Drive from the north

Background Information Attached: Yes X No

Zoned CH. Flood Zone: X. Total Area: 4.37 acres. Minimum lot size: 52,850 square feet. Average Lot Size: 58,910 square feet.

Stroud Engineering, on behalf of Charles Hester Jr., is requesting sketch plan review for a proposed three-lot commercial subdivision located at the southern terminus of Byrd Street which is accessed off of Executive Drive. The total area of the tract is 4.37 acres and it is zoned Highway Commercial (CH). The tract is currently undeveloped and is located within the corporate limits. The subdivision will be serviced by City water and sewer subject to required impact fees, tap fees and deposits. One [1] of the lots includes a pond which provides stormwater services for the remaining two [2] lots in the subdivision, as well as adjacent lots.

A cul-de-sac is to be constructed at the terminus of Byrd Street on the subject property. As proposed, the cul-de-sac street will not exceed the recommended 500' length. The applicant will be required to improve the existing portion of Byrd Street in order to access the subdivision. Street lights will not be required since the area of the lots is greater than 40,000 square feet. No recreational/open space areas are required because this is a commercial subdivision.

The sketch plan was submitted to the other City departments for review. The sketch plan, including any Planning Board comments, will be forwarded to the Town Council for consideration during its meeting on June 9th.

At the Planning Board Meeting on May 19, 2015, Gordon Thayer made the motion, seconded by Jackie Maucher, and carried unanimously, to recommend approval of the Sketch Plan for Mitchell Village Business Park conditioned upon receiving clarification regarding the outflow of the existing stormwater pond. The Planning Committee of the Council reviewed the proposed sketch plan.

Recommended Action: If the Council so desires, grant the request from Stroud Engineering, P.A., on behalf of Charles S. Hester, Jr., for Sketch Plan Review for Mitchell Village Business Park, located at the southern terminus of Byrd Street, accessed by Executive Drive from the north.

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

SUBDIVISION REQUEST: Request from Stroud Engineering, P.A., on behalf of Charles S. Hester, Jr., for Sketch Plan Review for Mitchell Village Business Park, located at the southern terminus of Byrd Street, accessed by Executive Drive from the north. Zoned CH. Flood Zone: X. Total Area: 4.37 acres. Minimum lot size: 52,850 square feet. Average Lot Size: 58,910 square feet.

*Planning Board Update (May 19, 2015): Gordon Thayer made **MOTION**, seconded by Jackie Maucher, to recommend approval of the Sketch Plan for Mitchell Village Business Park conditioned upon receiving clarification regarding the outflow of the existing stormwater pond. The motion carried unanimously.*

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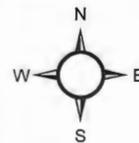
Sketch (Conceptual) Plan:

City Departments, Planning Board and Council review the Sketch Plan. This is an opportunity to comment on and suggest changes to the project design. This is also the stage that a developer would request a variance if necessary. The sketch plan shows the entire development.



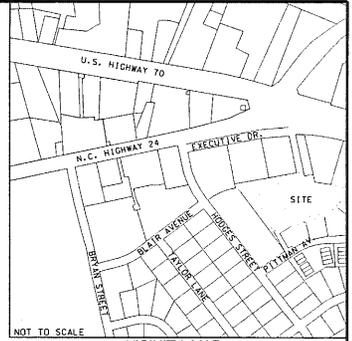
Mitchell Village Business Park

Sketch Plan - 3 Commercial Lots - Executive Drive



Prepared by: Town of Morehead City
Planning Department
April 2015

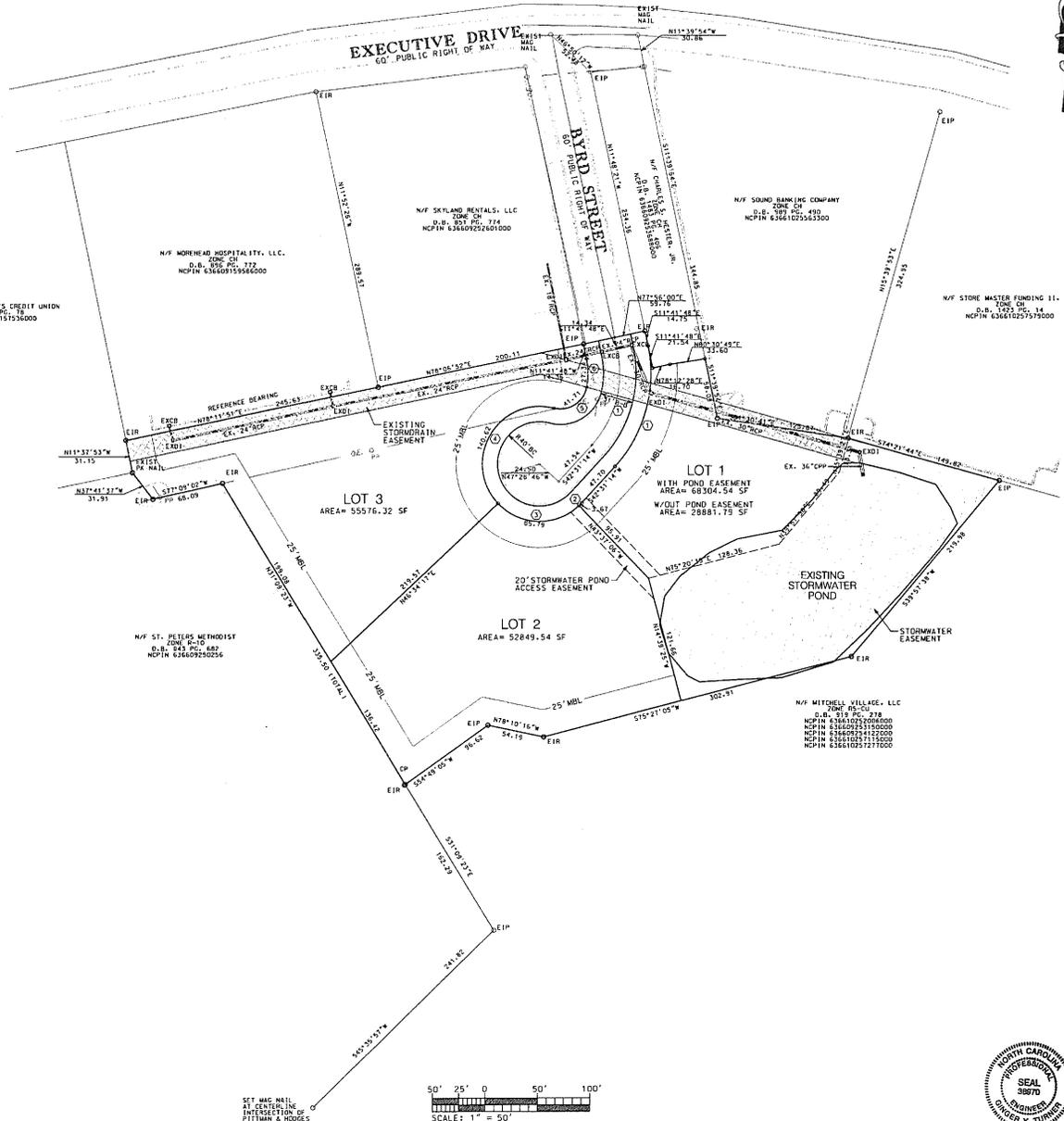




SITE DATA

TOTAL TRACT ACREAGE = 190,170.18 SF
 (4.37 AC)
 NC PIN = 6366.09.25.3302
 DEED BOOK/PAGE = 910/53
 PROPOSED NUMBER OF LOTS = 3
 MINIMUM LOT SIZE = 52,849.54 SF
 MBL SETBACKS
 FRONT = 25'
 REAR = ABUTTING DISTRICT
 R-10 = 25'
 R-5CU = 25'
 SIDE = ABUTTING DISTRICT
 ZONING CLASSIFICATION = CH
 STREET LENGTH 160' PUBLIC RIGHT OF WAY
 EX. BYRD STREET = 297.46 LF
 PROPOSED BYRD STREET = 156.26 LF

NOTE: EXISTING STORMDRAIN EASEMENT TO BE MODIFIED INCORPORATING EXISTING STRUCTURES AND PIPING LOCATED OUTSIDE OF THE EXISTING EASEMENT.



CENTERLINE CURVE DATA

RADIUS ① = 100.00
 LENGTH = 94.63
 CHORD = 91.14
 CHORD DIRECTION = S15°24'43"W

LOT CURVE DATA

RADIUS ① = 130.00
 LENGTH = 123.01
 CHORD = 118.48
 CHORD DIRECTION = S15°24'43"W
 RADIUS ② = 54.50
 LENGTH = 3.67
 CHORD = 3.67
 CHORD DIRECTION = S44°27'04"W
 RADIUS ③ = 54.50
 LENGTH = 85.79
 CHORD = 77.29
 CHORD DIRECTION = N89°31'24"W
 RADIUS ④ = 54.50
 LENGTH = 140.62
 CHORD = 104.75
 CHORD DIRECTION = N30°29'23"E
 RADIUS ⑤ = 25.50
 LENGTH = 41.71
 CHORD = 37.22
 CHORD DIRECTION = N57°32'37"E
 RADIUS ⑥ = 70.00
 LENGTH = 27.34
 CHORD = 27.16
 CHORD DIRECTION = N02°30'31"W

LEGEND:

- B-B BACK TO BACK
- BC BACK OF CURB
- D.B. DEED BOOK
- ECM EXISTING CONCRETE MONUMENT
- EIP EXISTING IRON PIPE
- EXR EXISTING IRON ROD
- EXM EXISTING PK. MALL
- OF NOW OR FORMERLY
- OE OVERHEAD ELECTRIC
- PG PAGE
- HP POWER POLE
- R RADIUS
- R/R RIGHT-OF-WAY
- R/W RAILROAD SPIKE
- SE SQUARE FEET
- TEL TELEPHONE PEDESTAL
- STORMWATER EASEMENT
- TREE LINE
- EXISTING STORMDRAIN EASEMENT

SHEET 1 OF 1
 PROJECT NO: PM109-22-002
 DESIGN FILE: 109/PM109-22-002 CONSTRUCTION.DGN



REFERENCES:
 OWNER: N/F CHARLES HESTER, JR.
 D.B. 910 PG. 53
 NC PIN 636609253302000
 D.B. 1483 PG. 408
 NC PIN 636609253368000

NO.	DATE	DESCRIPTION
1	07/14/2015	UNC COMMENTS

SKETCH PLAN
MITCHELL VILLAGE BUSINESS PARK
 MOREHEAD TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

CLIENT: CHARLES HESTER, JR. DESIGNED: RDC/GYT
 ADDRESS: 1926 MAY BANK HWY DRAWN: RDC/GYT
 CHARLESTON, SC 29412 CHECKED: RDC
 PHONE: (843) 991-2104 APPROVED: RDC

STROUD ENGINEERING, P.A. LICENSE NO. C-0647
 107-B COMMERCE STREET DATE: 4/16/15
 GREENVILLE, N.C. 27958 GINGER Y. TURNER P.E.
 (252) 758-9355 SCALE: 1" = 50'



TOWN OF MOREHEAD CITY
SUBDIVISION APPLICATION

SUBDIVISION NAME: Mitchell Village

PROPERTY OWNER INFORMATION:

Name: Charles S. Hester, Jr.

Address: 1926 May Bank Highway, Charleston, SC 29412

Phone Number: (843) 991-2104

Email Address: charleshesterjr@comcast.net

APPLICANT INFORMATION (if different from property owner):

Name:

Address:

Phone Number:

Email Address:

NOTE: Applications are due 28 days prior to the Planning Board meeting. Incomplete applications will not be accepted and will be returned.

An application is deemed complete if it contains:

- * Required # of copies of the plat that contains all information. (25 sketch/18 preliminary/12 final)
* Filing fee
* List of state/federal permits required (sketch)
* Copies and/or status of state/federal permits required (preliminary)
* Copies of all state/federal permits (final)

I understand that if the application is not complete that I will have to resubmit and this item will not be scheduled as a Planning Board agenda item until the application is complete.

** Check box in lieu of signature to indicate

agreement with the above statement if submitting electronically.

Handwritten signature: Charles Hester, Date: 4-15-15

Applicant Signature & Date

To be completed by Staff:

Date Application Received: 4/21/15 Application Status: Complete Incomplete
Application Review Completed by: Date:

Filing Fee Paid: \$300 (initial)

PROPERTY OWNER INFORMATION:

Owner's Name: Charles S. Hester, Jr.

Tax PIN #(s): 6366.09.25.3302.000

Total Acreage: 4.42

Flood Zone(s): N/A

Zoning Designation(s): CH

Corporate Limits: Property is located within Morehead City corporate limits.

SUBDIVISION INFORMATION:

Type of Subdivision (Check All That Apply):

<input type="checkbox"/> Single-Family Residential	_____
<input type="checkbox"/> Duplex	_____
<input type="checkbox"/> Planned Development	_____ lots/ _____ multifamily units
<input checked="" type="checkbox"/> Commercial	_____ 3 _____
<input type="checkbox"/> Industrial	_____
Total # of Lots:	_____ 3 _____

Minimum Lot Size: 26,087 SF Average Lot Size: 44,841 SF Density/Acre: N/A

Water/Sewer Service:

Morehead City Water and Sewer

Septic Tank and Well

Other (please explain) _____

State/Federal Permits Required:

	Yes	No	Status
DOT Driveway Permit	<input type="radio"/>	<input checked="" type="radio"/>	_____
State Sedimentation/Erosion Control	<input checked="" type="radio"/>	<input type="radio"/>	To be submitted
State Stormwater	<input checked="" type="radio"/>	<input type="radio"/>	To be submitted
Federal Wetlands Permit	<input type="radio"/>	<input checked="" type="radio"/>	_____
Septic Tank Permit	<input type="radio"/>	<input checked="" type="radio"/>	_____
Water/Sewer Extension Permit	<input checked="" type="radio"/>	<input type="radio"/>	To be submitted

Recreation Information for Residential Subdivisions (if not applicable, skip to next item)

Developer is proposing to: pay fee in lieu of dedication

provide a recreation area of _____ sq. ft.

Note: Waterfront developments are required to provide public water access in addition to the required recreation area. This is not optional.

Subdivision Name: Mitchell Village

The following items shall be included on the plat. The required elements for each approval are identified. Please check that item is included or indicate N/A if not applicable for the plat approval being requested.

	Sketch	Preliminary	Final
Title Block	^ Included	^	^
Vicinity Map	^ Included	^	^
Corporate Boundaries	^ N/A	^	^
Surveyor/Engineer Contact Information	^ Included	^	^
Surveyor/Engineer Registration #	^ Included	^	^
Surveyor/Engineer Seal	^ Included	^	^
North Arrow/Orientation	^ Included	^	^
Bearings/Distance of Subdivision Boundaries	^ Included	^	^
Names of Adjoining Property Owners or Subdivisions	^ Included	^	^
Existing Property Lines on Tract and Abutting Tract(s)	^ Included	^	^
Total Acreage	^ Included	^	^
Total # of Lots	^ Included	^	^
Minimum Lot Size	^ Included	^	^
Total Acreage in Parks/Recreation Areas and other non-residential uses	^ N/A	^	^
Minimum Building Setback Lines	^ Included	^	^
Zoning Classification of Tract and Adjoining Parcels	^ Included	^	^
Existing buildings or other structures	^ Included	^	^
Location of storm drains, culverts, etc.	^ Included	^	^
Consecutively numbered lots	^ Included	^	^
Approximate lot lines	^ Included	^	
Exact lot lines and dimensions	N/A		^
Location of CAMA AECs, 404 Wetlands, Flood Hazard Areas and Natural features	^ N/A	^	^
Variance Request Statement, if applicable	^ N/A		
Topographic data with contour intervals no greater than 2' at a scale of not less than 1"=100' for existing and finished grades	Included	^	
Square footage of wetlands and upland areas per lot	N/A	^	^
Detailed Street Data, including: proposed layout, ROW location/width, street cross-section, street names, type of dedication, site distances, street length, street disclosure statement, engineering data for all corners/curves.	N/A	^	^
Location/Dimensions of all easements, buffers, park/recreation areas, public/private water/sewer lines (including profiles), if applicable	^ Included		
Name/location of National Register of Historic Places/Districts, if applicable	^ N/A	^	
DOT Driveway Permit, if required	N/A	^	
Identification of Phases	N/A	^	
Water/Sewer Utility Plans	N/A	^	
Proposed Deed Restrictions/Covenants	N/A	^	
Final Deed Restrictions/Covenants	N/A		^
Stormwater Permit	N/A	^	

	Sketch	Preliminary	Final
Septic Tank Permit	N/A	^	
Erosion/Sedimentation Control Permit	N/A	^	
Appropriate Certifications	N/A		^
Major CAMA Permit, if required	N/A	^	
Digital copy of map (i.e., PDF, JPEG)	^ Included	^	^
Landscaping Plan	N/A	^	^

If you are requesting SKETCH plan review, please indicate that you have read and understand the following statements by entering your initials in the space provided.

CH No grading, clearing, construction, or installation of improvements shall commence until the preliminary plat has been approved and all plans and specifications required by the Ordinance have been approved by the appropriate authorities.

CH The subdivision process is a three-step approval process and the land is not considered subdivided until final plat approval is granted and the plat is recorded in the Carteret County Register of Deeds.

CH No property may be transferred until the plat is officially recorded.

CH If subdivision is proposed to be completed in phases, then the developer must submit a proposed schedule for completion for all improvements that are proposed for the benefit of the entire subdivision. Once the schedule is approved, no lots shall be sold unless it complies with the schedule.

CH Street lights will be provided at a rate of 1 per 400 linear feet of street, at intersections and major street alignments.

CH Underground utilities are required in subdivisions when the smallest lot size is less than 40,000 square feet.

TOWN OF MOREHEAD CITY

REQUEST FOR TOWN COUNCIL ACTION

AGENDA ITEM: V.
DATE: June 9, 2015

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: VI.
DATE: June 9, 2015

REQUEST FOR TOWN COUNCIL ACTION

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: City Manager's Report: Request to Consider Elimination of Morehead City's Commercial Mail Receiving Agency [CMRA]

Background Information Attached: Yes X No

Morehead City operates a Commercial Mail Receiving Agency [CMRA] through the offices of the Revenue, Billing & Collection Department. A CMRA acts as an agent to receive mail for entities other than themselves. Currently the Town collects and boxes mail for box holders Monday through Friday except Federal holidays when the U S Post Office (USPS) is closed. This includes collecting and boxing mail on days that are City but not Federal holidays (e.g. Good Friday, Thanksgiving Friday, Christmas Eve and the additional Christmas holiday that the City provides). The City no longer collects and boxes mail on Saturday. Saturday mail service by the City was recently eliminated as a cost savings measure.

The City has 242 boxes available for rent. Currently only 36 are rented. The number of boxes utilized has decreased over the years from around 175 or so to the current 36 now rented. The City receives approximately \$2,500 - \$3,000 per year in revenue from the rent of the boxes.

In addition to the above, the City also sells stamps and accepts boxes and other packages and sells postage to mail those. This requires the City to carry a diverse inventory of postage and to deliver the mail and packages daily to the main Post Office in Morehead City. The City sells the stamps at face value and there is no revenue generated from the sale of postage.

The Finance Department requests consideration of elimination of postal services to the general public effective with sufficient notice. The City chose to offer postal services to the public in the 1970's, when the City purchased the old postal facility which is now City Hall. Many of the options now available to the public to purchase postage and/or send packages were not available or as prevalent at that time.

Selling stamps, accepting packages and weighing and selling the appropriate amount of postage for them, and receiving and boxing mail is not congruent with the operation of the Billing & Collection Department. City staff believes that staff time could be better utilized serving customers in our core functions of utility and tax billing and collection.

The Finance and Administration Committee of the Council reviewed this proposal at their meeting on May 6, 2015, and recommended to eliminate operation of the CMRA on December 31, 2015.

Recommended Action: Consider the request to eliminate Morehead City's Commercial Mail Receiving Agency [CMRA] located at City Hall, 706 Arendell Street.

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

To: Mayor and Town Council

From: Dave Whitlow, City Manager
Ellen Sewell, Finance Director

Subject: Recommendation of the Administration/Finance Committee to Eliminate Town Operated Commercial Mail Receiving Agency (CMRA)

Date: June 2, 2015

Elimination of the Town's postal operation, known as a Commercial Mail Receiving Agency or CMRA, was discussed at the May 2015 Administration/Finance Committee meeting. The Committee recommended elimination of the CMRA with adequate notice to the public. Time to give adequate notice was determined to be approximately 6 months and the suggested date for termination of CMRA services is December 31, 2015. Further explanation about the CMRA and the reasons for elimination are as follows:

- The Town has operated either a Contract Post Office or a CMRA to provide postal services to the downtown area since the Town purchased the building known as City Hall in the 1970s from the U S Postal Service (USPS). Postal services currently provided include the following:
 - Renting of mail boxes to the public and collection and distribution of mail for those boxes. There are 242 boxes available for rent. There has been a steady decline in the number of boxes rented and currently less than 40 are rented. The Town receives approximately \$2,500 - \$3,000 annually from the rent of the mail boxes.
 - Acceptance of envelopes and packages for mailing and the sale of stamps. The Town has to purchase and maintain an inventory of stamps in varying values in order to have appropriate postage available. The Town sells the stamps at face value so there is no income generated from the sale of postage.
 - The Town currently provides mail delivery for box holders on all days that the USPS operates, except Saturday. Saturday delivery was recently eliminated as a cost saving measure. Mail is collected and boxed on Town holidays that are not also USPS holidays resulting in overtime costs.
- Many of the options now available to the public to purchase postage and/or send packages were not available or as prevalent in the 1970s when the Town took over the postal operation including purchasing postage online, at grocery and other retail facilities, scheduling the USPS to pick up packages at home/business instead of having to deliver them to a postal facility, and sending packages via UPS, FEDEX, or other similar carriers. Home/business delivery of mail at no cost by the USPS is the default choice for delivery of mail.
- The operation of a postal facility is not congruent with the functions of the Billing & Collection Department. We believe that staff time could be better utilized serving customers in our core functions of utility and tax billing and collection.
- The postal operation has always cost the Town more than any revenue provided to pay for it.

TOWN OF MOREHEAD CITY

REQUEST FOR TOWN COUNCIL ACTION

AGENDA ITEM: VII.
DATE: June 9, 2015

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 _____

TOWN OF MOREHEAD CITY

REQUEST FOR TOWN COUNCIL ACTION

AGENDA ITEM: VIII.
DATE: June 9, 2015

TO: The Honorable Mayor and Town Council

FROM: David S. Whitlow, City Manager

SUBJECT: Approve CLOSED SESSION Minutes of Tuesday, March 10, 2015

Background Information Attached: Yes No X

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