

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

Tuesday, July 13, 2010

The Honorable Council of the Town of Morehead City met in regular session on Tuesday, July 13, 2010 at 5:30 p.m., in the Municipal Building Auditorium at 202 South 8th Street, Morehead City, North Carolina. Those in attendance were:

MAYOR:	Gerald A. Jones, Jr.
MAYOR PRO TEM:	George W. Ballou
COUNCILMEN:	Paul W. Cordova David Horton John F. Nelson Demus L. Thompson [Absent, excused]
CITY MANAGER:	R. Randy Martin
CITY CLERK:	Jeanne M. Giblin
CITY ATTORNEY'S OFFICE:	Nelson W. Taylor, III, Derek Taylor, Michael Thomas
OTHERS:	Jennie Galantis, Nikki Galantis, Dr. Joe Barwick, Bill Taylor, Mike Shutak, Planning Director Linda Staab, Larry & Thelma Barnette, Captain Richard Abell, Betty Lewis, Mike Shutak, Reporter, THE CARTERET NEWS TIMES

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

Mayor Jones called the meeting to order, Councilman Ballou gave the invocation and all joined in The Pledge of Allegiance.

II. Special Presentation: Resolution of Sympathy in Memory of Nicholas "Nick" Galantis, former Mayor and Councilman

The City wished to express its condolences to the family of Nick Galantis who passed away on Saturday, June 5, 2010. Nick Galantis served the Town of Morehead City for nearly 30 consecutive years serving as Mayor, Mayor Pro-Tem, Councilman and Commissioner of the Fire, Public Works, Police and Recreation Departments in addition to serving on many civic and community organizations in Morehead City. He will be remembered for his joy of life and his dedication to the welfare of others.

Mayor Jones presented the Resolution of Sympathy to the family members and friends saying Mayor Galantis did a lot of good for Morehead City, but most of all he was a good man.

Councilman Ballou MOVED, seconded by Councilman Nelson, and carried unanimously to excuse Councilman Thompson from the meeting.

III. Adoption of the CONSENT AGENDA

AGENDA AMENDMENT: Adopt Resolution 2010-29 In Support of MCAS Cherry Point, Fleet Readiness Center East, and the Stationing of the F-35B Joint Strike Fighter as Item III.H. on the CONSENT AGENDA.

**III.A. Approval of Minutes: Thursday, June 3, 2010, Special Meeting
Thursday, June 3, 2010, Budget Public Hearing
Tuesday, June 8, 2010, Regular Meeting
Tuesday, June 22, 2010, Special Meeting**

Councilman Horton requested that the minutes of June 8, 2010 Regular Meeting not be considered for approval at this time as he wanted his comments of that meeting included.

Approved the Town Council minutes of Thursday, June 3, 2010, Special Meeting; Thursday, June 3, 2010, Budget Public Hearing; and Tuesday, June 22, 2010, Special Meeting and dispensed with the reading.

III.B. Approve the Requests for Release of Overpayment of Ad Valorem Taxes for June 2010, in the amount of \$17.87; and Accept the Tax Collector and Finance Director Reports for June 2010

Approved the Requests for Release of Overpayment of Ad Valorem Taxes for June 2010, in the amount of \$17.87; and Accepted the Tax Collector and Finance Director Reports for June 2010.

III.C. Receipt of Tax Collector’s Settlement for FY2009/2010; Distribution of Tax Records/Receipts of Tax Collections for FY2009/2010; Outstanding Taxes FY2009/2010; Real Estate Delinquent Report for Tax Year 2009; Barred Tax List Effective September 1, 2010; and Insolvents List

The Tax Collector’s Settlement for FY2009/2010 taxes as of June 30, 2010, and the Insolvent report were presented. The total disposition of tax records and receipts for the 2009 tax year was \$5,047,299.63 with the percentage of collection at 99.11 percent as of June 30, 2010. The tax collections including discounts for 2009 were \$4,970,085.02. Morehead City’s outstanding taxes as of June 30, 2010, were \$64,586.22 and the real estate delinquent report for tax year 2009 was \$43,434.27. The barred tax list effective September 1, 2010, is \$235.54. The insolvents list, which is a list of taxpayers who listed no real estate taxes and who have not paid their personal taxes by the time the report was filed was in the amount of \$1,126.76. Collection efforts on these accounts will continue.

Acknowledged receipt of Tax Collector’s Settlement for FY2009/2010; Distribution of Tax Records/Receipts of Tax Collections for FY2009/2010; Outstanding Taxes FY2009/2010; Real Estate Delinquent Report for Tax Year 2009; Barred Tax List Effective September 1, 2010; and Insolvents List. [All reports are attached to and made a part of these minutes.]

III.D. Authorize Collection of FY2010/2011 Ad Valorem Taxes

As per G.S. 205.321, the Council must adopt and enter into the minutes [after July 1st and prior to September 1st] an order charging the Tax Collector with the duty of collecting FY2010/2011 Ad Valorem Tax. By the adoption of this directive, the governing body is hereby authorizing the Tax Collector to comply. The tax bills are projected to be mailed in July.

Authorized the Collection of FY2010/2011 Ad Valorem Taxes.

III.E. Adopt Resolution 2010-27 in Remembrance of Nicholas “Nick” Galantis, former Mayor and Councilman who died on Saturday, June 5, 2010

Adopted Resolution 2010-27 in Remembrance of Nicholas “Nick” Galantis, former Mayor and Councilman who died on Saturday, June 5, 2010. [Resolution 2010-27 is attached to and made a part of these minutes.]

III.F. Adopt Resolution 2010-26 Awarding Mayberry Loop Road Sidewalk Improvements to S. F. Ballou, Inc., of 301 Commerce Avenue, Morehead City in the amount of \$29,070.00 pending NCDOT concurrence

The bids received on the 2009 Sidewalk Improvements for Contract No. 63 – Mayberry Loop Road/Kings Terrace Sidewalk project were:

S. F. Ballou, Inc., dba S. F. Ballou Construction Company	\$29,070.00
Sunland Builders, Inc.	\$40,528.00
Thomas Simpson Construction	\$44,953.00
Hardy Construction	\$48,600.00

The Public Works Committee of the Council reviewed the bids at their last meeting and recommended award of the project to the low bidder S. F. Ballou, Inc., of 301 Commerce Avenue, Morehead City in the amount of \$29,070.00. As the North Carolina Department of Transportation [NCDOT] is funding part of this project, the award is pending NCDOT concurrence.

Adopted Resolution 2010-26 Awarding Mayberry Loop Road Sidewalk Improvements to S. F. Ballou, Inc., of 301 Commerce Avenue, Morehead City in the amount of \$29,070.00 pending NCDOT concurrence. [Resolution 2010-26 is attached to and made a part of these minutes.]

III.G. Adopt Resolution 2010-28 Declaring Personal Property/Equipment as Surplus and Authorizing for Disposal

Periodically the City needs to dispose of property that is deemed surplus. The adoption of Resolution 2010-28 formally declares specific items as surplus and authorizes the City Manager to offer the items for sale at an online auction site at www.govdeals.com beginning July 26th.

Adopted Resolution 2010-28 Declaring Personal Property/Equipment as Surplus and authorizing for disposal on www.govdeals.com beginning July 26, 2010. [Resolution 2010-28 is attached to and made a part of these minutes.]

III.H. Adopt Resolution 2010-29 In Support of MCAS Cherry Point, Fleet Readiness Center East, and the Stationing of the F-35B Joint Strike Fighter

The Council was requested to adopt a resolution to endorse MCAS Cherry Point, North Carolina as the principal home base location for the F-35B Joint Strike Fighter squadron. The Marine Corps is considering four [4] alternative basing scenarios that divide the squadrons in a variety of ways between MCAS Cherry Point and MCAS Beaufort, South Carolina. The surrounding communities of MCAS Cherry Point are in support of Alternative #2 wherein MCAS Cherry Point will receive 11 F-35B operational squadrons.

Adopt Resolution 2010-29 In Support of MCAS Cherry Point, Fleet Readiness Center East, and the Stationing of the F-35B Joint Strike Fighter. [Resolution 2010-29 is attached to and made a part of these minutes.]

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

IV. Public Hearing: Request submitted by Justin Narron to Amend Article 11 of the Unified Development Ordinance [UDO] to Allow “Kennel” as a Permitted Use in the IP [Port Industrial] District – Adopt Ordinance 2010-30

Planning Director Linda Staab reported that a request was submitted by Justin Narron to amend Article 11-1 to include “kennel” as a permitted use in the IP [Port Industrial] District. An individual would like to construct and operate a kennel within Narron Business Park, which is zoned IP. Article 2-2.140 of the Unified Development Ordinance [UDO] defines a “kennel” as “an establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.”

The requirements of Article 14-19 which are applicable to kennels in the CH [Highway Commercial] District would also apply in the IP district:

- The minimum lot size shall be one [1] acre and the building shall not be located closer than 50 feet to any property line;
- Kennels shall be enclosed by a sound-proof barrier and be screened.

At the Planning Board Meeting on June 15, 2010, John Creech made the motion, second by Gordy Patrick, to recommend approval of the amendment. The amendment carried with a vote of five [5] to one [1] with Curtis Fleshman opposed because he did not want to “water down” the IP district with kennels. The Planning Committee of the Council reviewed the amendment.

Mayor Jones opened the public hearing.

Joe Barwick of 203 Prancer Drive, Beaufort, N.C., stated that he and his wife, Vicki, have pursued opening and running a kennel in Morehead City and are in support of this permitted use change.

Upon a question from Councilman Nelson it was ascertained that Justin Narron is the owner of the properties where Joe and Vicki Barwick would like to construct and run a kennel.

Mr. Barwick continued that he has looked at other properties, but felt that most were less compatible with the surrounding neighborhoods. It was his opinion that a kennel located in the IP [Industrial Port] District would cause less neighborhood disturbance.

Mayor Jones closed the public hearing.

Councilman John Nelson questioned if this request could be considered spot zoning.

Planning Director Staab explained no because this proposed change is a text amendment and will be added to the list of permitted uses in the entire IP district.

Councilman Nelson questioned if this proposed change were adopted would it open a “Pandora’s Box” in this industrial park for allowable uses.

Councilman Ballou questioned why the candidate did not pursue a conditional use permit.

Planning Director Staab explained a conditional use permit was not advised for this instance as a kennel is not an IP permitted use allowed on this property.

Mayor Jones commented that the IP Zone allows for the most offensive uses of property in the UDO.

Manager Martin commented that most of the noise complaints received by the City are from kennels that adjoin residential areas.

Planning Director Staab explained that the property owners will need to meet the landscaping requirements and provide a sound proof barrier as required by code.

Councilman Horton MOVED, seconded by Councilman Cordova, and carried unanimously [Councilman Thompson absent, excused] to adopt Ordinance 2010-30 to amend Article 11 of the Unified Development Ordinance [UDO] to allow “kennel” as a permitted use in the IP [Port Industrial] District. [Ordinance 2010-30 is attached to Ordinance Book #6 in the vault.]

V.A. New Business: Appointment to Morehead City/Beaufort Airport Authority

The current appointed Morehead City Representative to the Beaufort/Morehead City Airport Authority, David Radford, tendered his resignation due to his move to Atlantic Beach as of June 30th. The Airport Authority requested that Mayor Jones be appointed as his replacement. Mayor Jones agreed to serve if appointed. The Morehead City Council has the authority to appoint the Morehead City representative.

Councilman Nelson MOVED, seconded by Councilman Cordova, and carried unanimously [Councilman Thompson absent, excused] to appoint Mayor Gerald A. “Jerry” Jones, Jr. as the Morehead City Representative to the Beaufort/Morehead City Airport Authority to complete the unexpired term of David Radford until August 2011.

V.B. New Business: Adopt Ordinance 2010-29 Amending the Code of Ordinances of the Town of Morehead City, Part II, Chapter 10, Sections 10-18 Regarding Begging

Planning Director Staab explained that a review of Chapter 10, Sections 10-18 and 10-19 of the Code of Ordinances revealed that the current ordinance on begging is outdated. The Planning and Police Departments staff developed a draft ordinance which was reviewed by the Planning Committee of the Council at their June meeting. The Planning Committee recommended that the draft ordinance be forwarded to Council for consideration. The City Attorney also reviewed the proposed ordinance and his changes have been incorporated into the draft presented.

Mayor Jones suggested to omit the word “City Manager” and just say “needed a permit”.

Councilman Horton questioned was there any condition that the City could give someone the okay to beg.

Manager Martin replied that, consistent with the current rules, the intent of the proposed ordinance was to regulate begging by establishing guidelines not restrict who could or could not beg.

City Attorney Nelson Taylor stated that begging is not an illegal occupation or activity.

Discussion ensued about the legalities of certain individual/organizations and begging. It was the Council's concern that the proposed amendment could prohibit educational and recreational organizations from soliciting funds.

City Attorney Nelson Taylor suggested adding educational organization to the list of exemptions.

Councilman Horton suggested adding organized nonprofit fund raisers to the exemption list.

Councilman Ballou suggested that the proposed amendment should be made as broad as possible so that educational/recreational organizations do not need a permit to fundraise.

Councilman Nelson suggested further review of the proposed ordinance.

It was suggested that the Police Department should do the paperwork and permitting.

City Attorney Derek Taylor questioned the stated concerns about convicted felons being allowed to beg.

Manager Martin reiterated that the proposed regulations were not drafted with the intent to prohibit anyone from begging in mind, just to regulate it.

The Council concurred to table this item for further review.

VI. Citizen Requests/Comments: None

VII. City Manager's Report: None

VIII. Council Requests/Comments: None

IX. Approve the CLOSED SESSION Minutes of Tuesday, June 8, 2010.

Councilman Ballou MOVED, seconded by Councilman Cordova, and carried unanimously [Councilman Thompson absent, excused], to approve and seal the CLOSED SESSION Minutes of June 8, 2010.

There being no further business, the meeting was adjourned at 6:20 p.m.

Gerald A. Jones, Jr., Mayor

Attest:

Jeanne M. Giblin, City Clerk

