

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

Tuesday, February 14, 2012

The Honorable Council of the Town of Morehead City met in Regular Session on Tuesday, February 14, 2012, 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:	Harvey N. Walker, Jr.
COUNCIL:	George W. Ballou
	William F. Taylor
	Demus L. Thompson
	Diane C. Warrender
CITY MANAGER:	R. Randy Martin
CITY CLERK:	Jeanne M. GIBLIN
CITY ATTORNEY'S OFFICE:	Nelson Taylor, III, Derek Taylor, Michael Thomas
OTHERS:	Keri McCann; Ellen B. Thompson; Katie Jeffries & Boynton Adams, Reporters, NEWS 12; Captain Bill Dixon, Major Garland Terry; Ken Wood; Roger Latham; Sandy Bell; Carolyn Dennis; Corinne Geer; Ellen Sewell; Susan Nixon; Tom Kies; Linda Staab; Captain Bernette Morris; Ken Humphrey; Mark Hibbs, Reporter, THE CARTERET NEWS TIMES; Interim City Manager Designee Pete Connet; Janet Hill; Ricardo Gomez; Tim Abell; Thomas Abell; Ralphen Abell; Richard Abell; Reverend John Pollock; Chief Wrenn Johnson, Sheila Martin and several others.

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

Mayor Jones called the meeting to order at 5:30 p.m. He introduced Peter Connet who will take over as the Morehead City Manager on an interim basis upon the retirement of City Manager Randy Martin. Mayor Jones stated that Mr. Connet will report to work at Morehead City Hall next Tuesday morning. Councilman Thompson gave the invocation and all joined in the Pledge of Allegiance.

II. Special Presentations: Resolution of Retirement for Morehead City Police Department Major Richard Abell

Resolution of Retirement for City Manager R. Randy Martin

Joan Cantor, Director of Family Promise

As is customary, the Town of Morehead City honors retirees with a Resolution of Retirement.

II.A. Resolution of Retirement to Morehead City Police Department Major Richard Abell

Police Major Richard Abell retired on February 1, 2012. He began his career with the Morehead City Police Department on November 17, 1977; was promoted to Police Captain on July 4, 1996; and promoted to Police Major on June 23, 2005; devoting over 35 years of service to the people of Morehead City. He was the recipient of many certifications, commendations and honors during this time and his obvious dedication to his job and to the citizens of our community showed every day of his life. The Town of Morehead City wished Richard many more happy and productive years in the future. Mayor Jones presented Richard Abell with the retirement resolution.

Mr. Abell stated that he had enjoyed his many years with the Town of Morehead City and stated that the City will continue to prosper and grow in the future.

II.B. Resolution of Retirement to City Manager R. Randy Martin

City Manager Randy Martin began his career with the Town of Morehead City on August 9, 1995. He will retire on March 1, 2012, with over 34 years of public service, the last 16 as the Manager for Morehead City. During his tenure Morehead City leveraged

millions in grant funds and donations and other contributions which minimized the local tax dollars needed to acquire and develop many major parks, trails, boat ramps and public beach accesses; renovated recreation facilities; upgraded water and sewer utilities; to develop a new Police/County E-911 Center; to acquire and build Fire/EMS facilities; to open the City's first public library; to oversee multiple street improvements and many other significant capital projects which have collectively contributed to the overall positive enhanced quality-of-life in Morehead City. His legacy will be the many innovative and beneficial projects and ideas which have made Morehead City the gem of the Crystal Coast both in his career, in his many volunteer roles and his unwavering dedication to his community. The Town of Morehead City wished Randy many more happy and productive years in the future. Mayor Jones presented City Manager Martin with a plaque, resolution of retirement and the coveted Order of the Long Leaf Pine from Governor Beverly Perdue. This recognition is the highest honor that the State of North Carolina can bestow on a citizen.

Manager Martin stated that all the honors and praise he has received during recent days was a humbling experience. He continued that it was a tremendous gift to be allowed to work in public service nearly all his adult life and he hoped that he is leaving Morehead City better than when he first came. He stated he had great confidence in the Council and City staff going forward. Morehead City will still be home and he was looking forward to coming back no matter where his next career move takes him.

Mayor Jones recognized Major Garland Terry, his promotion to Major, and expressed confidence in Major Terry's ability as a law enforcement officer to do an outstanding job.

II.C. Joan Cantor, Director of Family Promise

Mayor Jones stated that Ms. Cantor, the Director of Family Promise of Carteret County, an organization formed through collaboration with several local churches which provides safe housing and other needs to those in financial stress, had requested to make a presentation on the affect the Willis Trailer Park is having on the community. However, as she was unable to be in attendance due to illness, Mayor Jones read a statement which she provided regarding the conditions of the Willis Trailer Park and its occupants. [Attached to and made a part of these minutes is the letter dated February 14, 2012, from Ms. Joan Cantor.]

AGENDA AMENDMENT: Item III.G.--Addition of North Carolina Department of Transportation [NCDOT] Safe Routes to School Grant Extension.

Manager stated that currently Morehead City has two [2] grants regarding the Barbour Road sidewalk project. The Public Works Committee of the Council discussed the NCDOT Safe Routes to School [SRTS] grant and the other NCDOT grant to complete the project and recommended that the SRTS grant be acted upon in conjunction with Item III.G. on the CONSENT AGENDA. It was recommended that Morehead City agree to extend the timeframe for the two [2] grants.

Councilman Ballou MOVED, seconded by Councilman Thompson, and carried unanimously, to amend the CONSENT AGENDA to include the Safe Routes to School Grant with Item III.G. Barbour Road Sidewalk Project.

III. Adoption of the CONSENT AGENDA

**III.A. Approval of Minutes: Tuesday, January 10, 2012, Regular Meeting
 Tuesday, January 17, 2012, Recessed Meeting
 Monday, January 30, 2012, Special Meeting**

Approved the minutes of Tuesday, January 10, 2012, Regular Meeting; Tuesday, January 17, 2012, Recessed Meeting; and Monday, January 30, 2012, Special Meeting and dispensed with the reading.

III.B. Approve the Requests for Release of Overpayment of Ad Valorem Taxes for January 2012, in the amount of \$2,470.75; and Accept the Tax Collector and Finance Director Reports for January 2012

Approved the requests for release of overpayment of ad valorem taxes for January 2012, in the amount of \$2,470.75; and accepted the Tax Collector and Finance Director Reports for January 2012. [These reports are attached to and made a part of these minutes.]

III.C. Submittal of 2011 Delinquent Real Estate and Personal Property Tax Lists as per G.S. 105-369[a] including Interest Due and Authorize Tax Collector to Post and Advertise the 2011 Delinquent Tax List

The Tax Collector is required by statute to report to the Council the total amount of unpaid taxes for the current fiscal year and the Council must act to charge the Tax Collector to advertise liens between March 1st and June 30th. After the Council approves the advertisement of tax liens, a notice will be sent by first class mail to each property owner's last known address 30 days prior to the notice in the newspaper. This is a notice to the listed owners on file with the county as of December 31st of the affected tax year.

The reports were distributed at the Council Meeting.

Approved the submitted 2011 Delinquent Real Estate and Personal Property Tax Lists as per G.S. 105-369[a] including interest due and authorized the Tax Collector to post and advertise the 2011 Delinquent Tax List. [The 2011 Delinquent Real Estate and Personal Property Tax Lists are attached to and made a part of these minutes.]

III.D. Extend the Certificate of Convenience & Necessity for Tri-City Taxi until May 2012

Morehead City currently has four [4] taxi franchises operating within its boundaries. These franchises are renewed every two [2] years according to schedule, the majority of which are due to be reviewed for renewal in May of this year. In order to facilitate the expeditious monitoring and certification of these franchises, City staff requested and the owner of Tri-City Taxi has agreed to an extension of his taxi franchise renewal to coincide with the renewal of the other franchises on the same schedule in May, 2012.

Approved the extension of a Certificate of Convenience and Necessity for Tri-City Taxi until May 2012, to coincide with the other franchises.

III.E. Adopt Resolution 2012-04 Endorsing the Fifth Annual Crystal Coast Boat Show and Authorizing Action Necessary for the Event to be held May 18, 19 & 20, 2012

The Downtown Morehead City Revitalization Association [DMCRA] has requested the use of Jaycee Park and the adjacent riparian area and docks, Katherine Davis Park, the 6th Street riparian area day docks, the Train Depot, Sugarloaf Island and other ancillary areas and services to hold the Fifth Annual Crystal Coast Boat Show on May 18, 19, & 20, 2012. The event includes an in-water and land boat and yacht show, family oriented educational programs, an art show and associated gala events. The show promotes Morehead City and raises money in support of downtown revitalization efforts and worthwhile community projects within the township. The request is the same as previous years with the exception of the temporary closing of a portion of Evans Street to the vicinity of Dee Gees Store.

The Public Works Committee of the Council reviewed the request and recommended approval.

Adopted Resolution 2012-04 Endorsing the Fifth Annual Crystal Coast Boat Show and Authorizing Action Necessary for the Event to be held May 18, 19 & 20, 2012, on the Morehead City Waterfront. [Resolution 2012-04 is attached to and made a part of these minutes.]

III.F. Adopt Resolution of Retirement 2012-02 for Morehead City Police Department Major Richard Abell and Resolution of Retirement 2012-03 for City Manager R. Randy Martin

Adopted Resolution of Retirement 2012-02 for Morehead City Police Department Major Richard Abell and Resolution of Retirement 2012-03 for City Manager R. Randy Martin as presented. [Resolutions 2012-02 and 2012-03 are attached to and made a part of these minutes.

III.G. Extension of the North Carolina Department of Transportation [NCDOT] Sidewalk Grant Project Timetable Along Barbour Road until June 30, 2012 and the North Carolina Department of Transportation [NCDOT] Safe Routes to School Grant Project Timetable Along Barbour Road until September 2012

The Public Works Committee of the Council discussed and recommended that the Council approve the request from the North Carolina Department of Transportation [NCDOT] for the proposed extension of the NCDOT grant for Barbour Road sidewalk grant project timetable until June 30, 2012. This particular section of sidewalk begins at Mandy Lane and Barbour Road and will terminate at the northern property line of Eklesia where it will join with another sidewalk project grant entitled the Safe Routes to School Grant, which is recommended to be extended to September 2012, which will connect the current existing sidewalk which continues to Bridges Street. The Public Works Committee of the Council reviewed both timetable extensions for both grants and recommended approval.

Approved the extension of the North Carolina Department of Transportation [NCDOT] Sidewalk Grant Project Timetable along Barbour Road until June 30, 2012, and the extension of the NCDOT Safe Routes to School Grant Project Timetable along Barbour Road until September 2012. [Attached to and made a part of these minutes are the approved timetable extensions for both grants.]

III.H. Adoption of the FY2012/2013 Preliminary Budget Calendar

The draft preliminary FY2012/2013 Budget Calendar was presented for Council consideration. Municipalities in North Carolina are governed by the Local Government Budget and Fiscal Control Act which provides a uniform system of budget adoption, administration and monetary control. The adoption of this preliminary calendar sets a timetable for ultimate consideration of budget ordinance adoption at the regular Town Council Meeting on June 12, 2012. Work session and other meeting dates will be scheduled to minimize conflicts with individual schedules.

Adopted the FY2012/2013 Preliminary Budget Calendar as presented. [The Budget Calendar is attached to and made a part of these minutes.]

Councilman Thompson MOVED, seconded by Councilwoman Warrender, and carried unanimously, to adopt the CONSENT AGENDA.

IV.A. New Business: Appointment to the Morehead City Planning Board

With the recent election of Bill Taylor to the Council, his seat as an In-City member of the Morehead City Planning Board remains vacant. The term of office for this position will expire on August 15, 2012. Citizen participation applications from those residents who are eligible and who have expressed interest in serving on the Planning Board had been distributed to the Council prior to the meeting. The Planning Committee of the Council reviewed these applications at their last meeting.

Mayor Jones explained that it was important to try to have equal geographical representation from around all areas of the City.

Councilman Thompson stated that all the applications received were from very capable individuals, however, Tom Outlaw lives in the northern part of Morehead City which has little representation on the Planning Board.

Councilman Thompson nominated Tom Outlaw of 1406 Dill Creek Lane to serve as an In-City Member of the Planning Board for the seat vacated by Bill Taylor.

Councilman Thompson MOVED, seconded by Councilman Taylor, and carried unanimously, to close the nominations.

Councilman Thompson MOVED, seconded by Councilman Ballou, and carried unanimously, to appoint Tom Outlaw as In-City Member of the Morehead City Planning Board for the seat vacated by Bill Taylor with a term of office expiring on August 15, 2012.

IV.B. New Business: Authorize a Construction Contract for the Municipal Building Renovation to the Low Bidder Coastal Building

Manager Martin reported that once the Police Department vacated the municipal building last year, the planning began to do basic renovations to put some staff in the building to avoid it being vacant most of the time except for Council and other board meetings. The project priorities identified included replacement of the windows on the first floor of the historic structure that has been determined eligible for designation on the National Register of Historic Properties/Buildings. These windows are not original and in most cases fill only half the opening with plywood covering the balance where window air conditioning units once filled the openings prior to the installation of central heating and cooling downstairs several years ago. These single pane glass windows with plywood are obviously very energy inefficient and make adequate heating and cooling very challenging and expensive.

The other major deficiency in the building generally is the grossly inadequate number and condition of restrooms on both floors. With the continued use of the Council Chambers for public meetings and the daily occupancy by City staff until the entire structure is vacated in a few years once the Wallace Building as planned becomes the permanent City Hall location, the restrooms available need significant expansion and improvement.

The general condition of the floors, walls, electrical and lack of technology outlets available, as well as the provision of adequate central heating and cooling in the upstairs spaces other than the Council Chambers are also long overdue. In preparing the 2011/2012 budget, Public Works Director David McCabe requested approximately \$200,000 as his preliminary estimate to do these basic improvements. Management was able to only allocate \$150,000 in the recommended budget that was approved by Council thus authorizing the project.

Architect Charles Francis of New Bern, who has significant experience with Morehead City particularly doing renovation work [e.g. Recreation Center, Train Depot, Fire/EMS Stations No. #2 and #3, and the Webb Library renovation projects as well as the new amenities facilities in Jaycee Park] was engaged to complete project plans and staff proceeded to bid the project. Project bids were received and opened on January 26, 2012, with Coastal Building, a Morehead City firm, submitting the low base bid amount of \$198,499.00 and an alternate bid of \$1,950.00 for blinds for the windows.

In reviewing the Central Services departmental budget where funds for the project were allocated, City staff and Management have identified sufficient unencumbered funds drawn from unexpected but realized efficiencies in other line-items within the Central Services budget to cover the additional costs and allow awarding the contract. This information was shared recently with the Public Works Committee of the Council. The staff, with Committee concurrence, is in the process of negotiating with the low bidder to consider any identified value-engineering savings or alternatives to reduce project costs. One [1] item agreed upon by Committee and staff is to defer the exterior replacement concrete work until the end of the project for further evaluation. This has minimal effect on the low bid, however, since only a relatively small amount of cost is associated with the low bid scope of work to demo portions of the old sidewalk.

The Public Works Committee met on Friday, February 10, 2012, reviewed the schedule of values, other available information and feedback from the contractor, and made the recommendation to move forward with the project. As is customary when projects are awarded, the architect, management and staff recommended the Council authorize a contract with the low bidder Coastal Building in an amount not to exceed \$198,499.00 for the base bid and for Project Alternate G-1 in an amount up to \$1,950.00. This will allow the architect and the contractor to proceed with finalizing plans for the

project while further negotiations on cost-saving opportunities are finalized before contracts are executed.

A copy of the January 26, 2012, bid tabulation which shows that six [6] bids were received for the project ranging from a low of \$198,499.00 to a high of \$362,120.00 was distributed. [Attached to and made a part of these minutes is the bid calculation.] Manager Martin stated that it was also noteworthy that this renovation work will result in office relocations that will allow the vacating of the Hamilton Building next to the current City Hall located at 706 Arendell Street. The City leases approximately 1,700 square feet of office space at that location at an annual rental cost of \$15,000.00. This cost savings will be realized once the project is complete which is expected to take no more than 120 days once the notice to proceed is issued. It is hoped that the project can begin and be completed and the leased space vacated by June 30, 2012, to realize the maximum savings in next year's budget.

Manager Martin noted that this renovation will allow for staff relocation for the next few years until the Wallace Building is occupied. The basic renovation work planned, however, is necessary no matter who occupies the building in either the short or longer term with the vast majority of costs related to adequate restrooms, utilities and energy efficiency. Also, be reminded, this project is focused on the main portion of the building and does not impact on the old fire station portion of the building as no plans for use of that area have been developed at this time.

With the completion this summer of the municipal building project, the ongoing renovation of Fire/EMS Station No. #2 and the relocation of the west end satellite police station to that facility, the City will no longer have any City employees located in leased facilities which has been a priority goal for the last few years. The combined full year savings to the City's budget will be almost \$30,000.00 when both projects are complete.

Councilman Ballou stated he was pleased that the additional funds were available for this project without a budget amendment or use of reserves or contingency funds.

Councilman Ballou MOVED, seconded by Councilman Thompson, and carried unanimously, to authorize a contract with low bidder Coastal Building in a base bid amount not to exceed \$198,499.00 and Alternate G-1 in an amount not to exceed \$1,950.00.

IV.C. New Business: Mayor Pro Tempore Policy Amendment

Manager Martin reported that at a Council Meeting held on December 14, 2004, the Council considered and unanimously approved amending the Mayor Pro Tempore Policy. At that time the Council reviewed the purpose and state statutes regarding the Mayor Pro Tempore position. Tied solely to tradition, some elected bodies historically select the individual who garnered the most votes in the latest election. Morehead City apparently sometimes used this method in the past to select this position which is appointed at the biennial organizational meeting in early December following City elections. Over the years, some City Councilmembers expressed concern that this was not a valid method of selecting the Councilmember designate, so the Council elected to draft a policy that was intended to consider other factors in making the decision. In 2004, then Councilman Horton offered the opinion that the position and the City's best interests would be better served with selection on experience and qualifications with that criteria being the primary basis for the selection. This policy would then abandon any practice of basing the selection on vote totals which is difficult to justify when all members do not compete in the same election since terms are staggered. The Council agreed and adopted a policy to this effect on that date.

The intent of the adopted policy at the time was that instead of an inexperienced newly elected official becoming the Mayor Pro Tempore, the position should be offered to one of the previously elected more experienced members [sitting members]. It is now proposed that the qualifier of "prior Council experience" should be added to the policy as a determining factor in the selection process for Mayor Pro Tempore and that the current policy should include this clarification. This matter was raised and discussed by the Finance/Administration Committee of the Council recently and recommended for approval.

Councilman Taylor, Vice-Chair of the Finance/Administration Committee of the Council, reported that the Committee reviewed the mayor pro tem policy and recommended that the experience of being a member of the Council preferably for at least two [2] years would be an asset. The Committee recommended the amendment.

Councilman Taylor MOVED, seconded by Councilman Thompson, to amend the current Mayor Pro Tempore Policy to include a statement that prior Council experience should also be considered in the selection process for Mayor Tempore.

Councilman Walker questioned the qualifications for being the Mayor Pro Tem and/or the Mayor. He questioned the necessity of the Mayor Pro Tem having to have two [2] years prior experience on the Council versus the requirements for the Mayor which does not demand prior experience.

Councilman Thompson stated that the Mayor is qualified if elected by the people and in some instances, the highest vote getter was not the person best qualified to assume the position of Mayor Pro Tem. This amendment was to clarify the policy. The Mayor is elected by a vote of the citizens while the Mayor Pro Tem is appointed by the Council.

City Attorney Taylor stated that the qualifications for Mayor are set by statutes and the Council has no vote in that process. However, the Council can set what it perceives a good requirement for the election of Mayor Pro Tem.

Further discussion ensued.

Councilman Ballou commented that there has been controversy over this policy since it was amended in 2004, as citizens always felt that Mayor Pro Tem should go to the top vote getter.

Manager Martin stated that this policy was amended when Councilman Horton was on the Council and it apparently was former Councilman Horton's opinion that prior experience on the Council was an asset to becoming Mayor Pro Tem.

Councilwoman Warrender commented that people not knowing the correct procedure for Mayor Pro Tem creates the controversy and that it was the Council's responsibility to educate the public. She felt it was appropriate for the Council to decide the procedures for electing the Mayor Pro Tem.

Councilman Walker was of the opinion that the proposed amendment could prohibit a member of the Council from becoming Mayor Pro Tem. He understood that nothing beats experience, but was of the opinion that the Council could justify the election of the Mayor Pro Tem.

The Motion carried with a vote of three [3] to two [2] with Councilmen Ballou and Walker voting opposed. [Attached to and made a part of these minutes is the Mayor Pro-Tem policy.]

V. Citizen Requests/Comments

Reverend John Pollock of 1900 Fisher Street, Morehead City, gave a word of thanks for the many individuals who recently came together after a tragedy and helped out fellow citizens. With regard to the situation of the Willis Trailer Park and other such entities in Morehead City, he encouraged the Council to "think outside the box". There is an organization called DECLA [Down East Council on Latino Affairs] which will coordinate efforts in this regard. He thanked the City for all the efforts.

Richardo Gomez, stated that he was contracted by the Town of Morehead City as an interpreter during this process in addressing concerns at Willis Mobile Home Park. He stated that he knows the folks in distress and is extremely proud of the way the City has worked in this particular situation. He continued that he was proud and happy to be part of the process which will continue and he will do everything he could to expedite matters.

VI. City Manager's Report:

Manager Martin thanked all for the opportunity to serve and wished everyone Godspeed into the future.

VII. Council Requests/Comments:

Happy Valentine's Day!

VIII. CLOSED SESSION AS PER G.S. 143.318.11[A][6] TO APPROVE THE CLOSED SESSION MINUTES OF: TUESDAY, JULY 12, 2011; TUESDAY, JULY 21, 2011; THURSDAY, JULY 28, 2011; TUESDAY, AUGUST 9, 2011; THURSDAY, DECEMBER 8, 2011; TUESDAY, DECEMBER 13, 2011; TUESDAY, JANUARY 10, 2012; TUESDAY, JANUARY 17, 2012; AND MONDAY, JANUARY 30, 2012; TO CONSULT WITH THE CITY ATTORNEY AND DISCUSS PERSONNEL

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

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

Councilman Thompson MOVED, seconded by Councilman Ballou, and carried unanimously, to approve the CLOSED SESSION MINUTES of Tuesday, July 12, 2011; Tuesday, July 21, 2011; Thursday, July 28, 2011; Tuesday, August 9, 2011; Thursday, December 8, 2011; Tuesday, December 13, 2011; Tuesday, January 10, 2012; Tuesday, January 17, 2012; and Monday, January 30, 2012. The CLOSED SESSION MINUTES of Tuesday, July 21, 2011 and December 8, 2011 pertaining to the acquisition of the public utilities site along Country Club Road are to be released. All other CLOSED SESSION MINUTES are to remain sealed.

There being no further business, the meeting was adjourned at 7:05 p.m.

Gerald A. Jones, Jr., Mayor

Attest:

Jeanne M. Giblin, City Clerk