

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

Tuesday, September 10, 2013

The Honorable Council of the Town of Morehead City met in Regular Session on Tuesday, September 10, 2013, 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:	Harvey N. Walker, Jr. [Absent]
COUNCIL:	George W. Ballou Bill Taylor Demus L. Thompson Diane C. Warrender
CITY MANAGER:	David S. Whitlow
CITY CLERK:	Jeanne M. Giblin
CITY ATTORNEY'S OFFICE:	Nelson W. Taylor, III; Derek Taylor; Mike Thomas
OTHERS:	Tom Kies, Holly Fletcher, Sidney Horton, Rebecca Basden, Planning Director Linda Staab, Jeff Covington; Gerry M. Garner, Sr., Ann L. Garner, Gerry M. Garner, Jr., Ketty Brawley, Laura L. Murphy, Lynn Golitz, Mark Golitz, Ron Cullipher, Reporter Mark Hibbs, THE CARTERET NEWS TIMES, and several others

I. Regular Meeting Call to Order

Mayor Jones opened the meeting at 5:30 p.m. Councilman Thompson gave the invocation remembering Jack Goldstein, a founding member of the North Carolina Seafood Festival and a longtime resident of Indian Beach, who passed on Sunday. All joined in The Pledge of Allegiance.

II. Special Presentations

II.A. Mayor's Proclamation – September is National Recovery Month in the Town of Morehead City

Morehead City received a request from CoastalCare for a proclamation to publicize that September is National Recovery Month. CoastalCare is the local governmental agency that provides access and oversight of services for Mental Health, Intellectual/Developmental Disabilities and Substance Use. The agency serves five [5] counties including Brunswick, Carteret, New Hanover, Onslow and Pender. Rebecca Basden, a representative from CoastalCare, received the proclamation from Mayor Jones. [The Mayor's Proclamation is attached to and incorporated herein by reference.]

II.B. Mayor's Proclamation – In Support of Carteret Literacy Council's 12th Annual Literacy Spelling Bee Friday, October 18, 2013, at 6:00 p.m., at The History Place

This is the 12th year of the Carteret Literacy Council's Annual Literacy Spelling Bee. The event will be held on Friday, October 18, 2013, at 6:00 p.m., at The History Place at 1008 Arendell Street in Morehead City. The Literacy Council is a non-profit organization, founded in 1984, to provide free one-on-one tutoring through trained volunteers to adults, out of school youth, and high school, middle school and elementary school students. On behalf of the Literacy Council, a representative received the proclamation from Mayor Jones. [The Mayor's Proclamation is attached to and incorporated herein by reference.]

II.C. The Webb Memorial Library Children's Summer Reading Program "Dig Into Reading" – Laura Murphy, Children's Program Coordinator

The Webb Memorial Library just completed the Summer Reading Program. Over a hundred children participated in the program with a theme of "Dig Into Reading". To celebrate the theme, the Morehead City Public Works Department even parked a backhoe in front of the Library for the children to explore. Laura Murphy, Children's Program Coordinator gave a brief presentation outlining the goals of the program and the many activities in which the children participated.

Announcement

Mayor Jones announced that he received information from the applicants for Oceanside Yacht Club that they are still in the process of making arrangements and, therefore, could not present their application this evening. At the August 13th Council Meeting, this Agenda Item had been postponed until the September 10th Council Meeting. At this time, this item will be postponed indefinitely until the applicants are ready to come before the Council.

III. Adoption of the CONSENT AGENDA

III.A. Approval of Minutes: Tuesday, August 13, 2013, Regular Meeting

Approved the minutes of Tuesday, August 13, 2013, Regular Meeting, and dispensed with the reading.

III.B. Approve Requests for Release of Overpayment of Ad Valorem Taxes for August 2013, in the Amount of \$0; and Accept the Finance Director and Tax Collector Reports for August 2013

There were no requests for Release of Overpayment of Ad Valorem Taxes for August 2013. Accepted the Finance Director and Tax Collector Reports for August 2013. [The Financial Statements are attached to and incorporated herein by reference.]

III.C. Adopt Resolution of Retirement 2013-30 in Appreciation to S. Ellis Hankins, Executive Director of the North Carolina League of Municipalities

S. Ellis Hankins, the Executive Director of the North Carolina League of Municipalities [NCLM] announced his retirement on January 31, 2014. For over 30 years he served the citizens of North Carolina as a leader in municipal government. The citizens of the cities and towns in North Carolina have benefitted greatly through his tireless efforts in promoting good government. Resolution 2013-30 will join those of other municipalities in tribute to this gentleman who devoted his career to municipal government.

Adopted Resolution of Retirement 2013-30 in Appreciation to S. Ellis Hankins, Executive Director of the North Carolina League of Municipalities. [Resolution 2013-30 is attached to and incorporated herein by reference.]

III.D. Adopt Resolution 2013-29 Endorsing the “Leave It To The Locals” Event and Authorizing Action Necessary for the event to be held on Sunday, October 13, 2013, on the Morehead City Waterfront.

At the Public Works Committee of the Council Meeting held on August 22, 2013, the Committee discussed and reviewed Resolution 2013-29. The Committee recalled the same event held last year which caused very little disruption and was well received by the waterfront businesses. The Public Works Committee recommended approval of the resolution.

Adopted Resolution 2013-29 Endorsing the “Leave It To The Locals” Event and Authorizing Action Necessary for the event to be held on Sunday, October 13, 2013, on the Morehead City Waterfront. [Resolution 2013-29 is attached to and incorporated herein by reference.]

III.E. Adopt Budget Ordinance Amendment 2013-34 to Appropriate Restricted Fund Balance for Federal Drug Forfeiture Funds of \$17,275 not Requested in the Initial Budget

The purpose of this amendment is to adjust the budget to appropriate Restricted Fund Balance for Federal Drug Forfeiture Funds of \$17,275 not requested in the initial budget and increase expenditures in the Federal Forfeiture Funds “Department” by the same amount. The Finance Committee of the Council reviewed the proposed budget amendment and recommended adoption.

Adopted Budget Ordinance Amendment 2013-34 to Appropriate Restricted Fund Balance for Federal Drug Forfeiture Funds of \$17,275 not Requested in the Initial Budget. [Budget Ordinance Amendment 2013-34 is attached to Ordinance Book #7 in the vault.]

III.F. Accept Donation of a 2011 Toyota Tacoma Truck for use by the Morehead City Police Department

The Morehead City Police Department would like to accept a donation of a 2011 Toyota Tacoma Double Cab Truck VIN # 3TMLU4EN2BM056860 for its use. The truck is in very good condition with approximately 30,000 miles. The Kelly Blue Book value is \$26,420. The donor wishes to remain anonymous.

Accepted the donation of a 2011 Toyota Tacoma Double Cab Truck, VIN # 3TMLU4EN2BM056860 for use by the Morehead City Police Department.

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

IV.A. Public Hearing: City-initiated request to amend Article 19-9.5 of the Unified Development Ordinance to allow properties exempt from front setback requirements in CD & DB and along Bridges Street (per Article 13-1) to provide 0' setbacks from front property lines for signs as long as visibility at intersections is maintained -- Adopt Ordinance 2013-33

Planning Director Linda Staab reported that at the May 2013 Planning Board Meeting staff requested volunteers to serve on a committee to review the sign ordinance for possible updates. Jackie Maucher, John Creech and Tom Saunders volunteered. There were three [3] meetings of the committee and with one exception the changes were presented to the Planning Board for consideration in July. The following amendment was recommended by the subcommittee but was inadvertently excluded from the July Planning Board agenda:

- Amend Article 19-9.5 to allow properties exempt from front setback requirements in the CD and DB districts to provide 0' setbacks from front property lines for signs as long as visibility at intersections is maintained.

The section will read as follows:

19-9.5 Freestanding on-premises signs fronting on a street right-of-way shall be required to be set back at least ten (10) feet from any property line. Billboard/off-premises signs shall be required to be set back at least twenty-five (25) feet from the front property line. *Properties in the CD and DB district, as well as those exempt from front setbacks as outlined in Article 13-1, are exempt from the front setback requirement. However, signs may not be erected that in any way impede visibility at intersections.*

At the Planning Board Meeting on August 20, 2013, Tom Saunders made the MOTION, seconded by Tom Outlaw, and carried unanimously to recommend approval of the ordinance amendment. The Planning Committee of the Council recommended its approval also.

Mayor Jones opened the public hearing. No one spoke for or against the proposed amendment.

Mayor Jones closed the public hearing.

Councilman Thompson MOVED, seconded by Councilman Ballou, and carried unanimously [Councilman walker absent], to adopt Ordinance 2013-33 granting the City-initiated request to amend Article 19-9.5 of the Unified Development Ordinance to allow properties exempt from front setback requirements in CD & DB and along Bridges Street (per Article 13-1) to provide 0' setbacks from front property lines for signs as long as visibility at intersections is maintained. [Ordinance 2013-33 is attached to Ordinance Book #7 in the vault.]

V.A. New Business: Request for Sketch Plan Review of Phase II Wildwood West, Tax PIN # 635611574322000

Four [4] lots accessed by Turners Dairy Road from the south. Zoned CH. Flood Zone X. Total area: 2.9 acres. Minimum lot size: 21,752 square feet. Serviced by City water and sewer.

Planning Director Linda Staab reported that Stroud Engineering, on behalf of Dallas Harris and Miroslava Mentado, requested a subdivision of four [4] commercial lots located at the northern terminus of Turners Dairy Road. The total area of the tract is 2.9 acres and is zoned Highway Commercial (CH). The subdivision will be serviced by City water and sewer subject to required impact fees, tap fees and deposits. One of the lots includes a pond which provides stormwater services for the remaining three lots in Phase II as well as two additional lots fronting on Highway 70 to the north.

A cul-de-sac is to be constructed at the terminus of Turners Dairy Road on the subject property. As proposed, the cul-de-sac street will not exceed the recommended 500' length. Street lights will be required since the area of the lots is less than 40,000 square feet. No recreational/open space areas are required because this is a commercial subdivision.

The Sketch Plan was submitted to other City Departments for review.

At the Planning Board Meeting on August 20, 2013, Tom Saunders made the MOTION, seconded by Gordon Thayer, and carried unanimously, to recommend approval of the sketch plan. The Planning Committee of the Council reviewed the plan.

Councilman Taylor questioned if there were any plans for a road connection with the Gold's Gym property.

Planning Director Staab reported that when lots 3 & 4 are developed interconnection will be highly recommended as it has been a policy of the City to have interconnections with adjacent subdivisions. There will not be a direct access to this subdivision from Highway #70. Traffic will have to go through Gold's Gym property. The main entrance to this subdivision will be off High Street.

Councilman Taylor MOVED, seconded by Councilwoman Warrender, and carried unanimously [Councilman Walker absent], to approve the Sketch Plan Review of Phase II Wildwood West, Tax PIN # 635611574322000.

V.B. New Business: New Business: Adopt Resolution 2013-31 Endorsing the North Carolina East Sports Lookout Shootout Poker Run and Radar Run and Authorizing Action Necessary for the Event to be held September 27th, 28th & 29th, 2013, on the Morehead City Waterfront

Holly Fletcher of 209 North 20th Street, a representative for this event, reported that this happening is a scaled down version of the former Crystal Coast Superboat Grand Prix event which has been held for several years in Morehead City. The proceeds of the event are earmarked for SUDS [Soldiers Undertaking Disabled Scuba]. She explained the procedures, schedules and route of the Poker Run as well as the Radar Run. The above provided information satisfied the questions which had been raised by the Public Works Committee of the Council at their last meeting.

The Public Works Committee recommended approval of Resolution 2013-31.

Councilman Ballou MOVED, seconded by Councilman Thompson, and carried unanimously [Councilman Walker absent], to adopt Resolution 2013-31 Endorsing the North Carolina East Sports Lookout Shootout Poker Run and Radar Run and Authorizing Action Necessary for the Event to be held September 27th, 28th & 29th, 2013, on the Morehead City Waterfront. [Resolution 2013-31 is attached to and incorporated herein by reference.]

V.C. New Business: Review of South 11th Street Boat Storage and Use of Area

City Manager Whitlow reported that in response to adjoining property owners' concerns about the impact of boat storage and use of the South 11th Street beach access, the Public Works Committee of the Council revisited this issue last discussed in June.

The initial use of the access was for hand launch of kayaks and canoes. The problems include vessels extending over onto private property, unsightliness of the stored boats some of which are not seaworthy and the inability to maintain mowing of both the municipal and private properties due to boats not being removed. South 11th Street is the only street end in Morehead City that has traditionally been used for storage of small boats which are launched by hand.

To address these problems, the Public Works staff developed draft rules and registration examples for Council review. It appears that there is a sailing club active at the street end with many of the boats owned by non-neighborhood and non-City residents. As discussion on this matter developed, the Committee concluded that the use of the street end for boat storage was undesirable and concern was also expressed about the activities occurring on other street ends. In conclusion, the Committee agreed the only suitable activity occurring at street ends would be hand launching of small sailboats, canoes and kayaks with no overnight storage of any kind. Consideration would be given to adopting an ordinance for the regulations of this property. The recommendation was to keep the proposed ordinance consistent with the other City parks also.

Councilwoman Warrender, commented that she lives near the 11th Street boat launch area and has watched the storage of boats grow and grow. She observed that many of the boats are derelict and the area has become a dumping ground for unused boats. She acknowledged that the sail boats are fun to watch and the sailing club makes good use of the area, however, even with the adoption of a proposed ordinance, the small boat owners will still be welcome to use the facilities.

Mayor Jones said yesterday he observed a vehicle on the beach which is definitely prohibited.

City Manager Whitlow suggested that an ordinance citing no overnight storage of boats be drafted and adopted at the next Council Meeting. Once the ordinance is adopted, the City will advise the boat owners of the new ordinance as best as possible and give them 30 days to remove their vessels from the area. Those that remain after that time will be taken to the Public Works yard for immediate storage.

Mayor Jones countered that the City should notify the boat owners immediately that an ordinance was being proposed for adoption at the next Council Meeting and it will require no overnight storage of their vessels on public water accesses upon adoption.

Councilman Ballou commented that it was an eyesore to the community which needed attention.

Councilman Ballou MOVED, seconded by Councilwoman Warrender and carried unanimously [Councilman Walker absent] to authorize the City Manager to draft an ordinance, present it to the Public Works Committee for review and Council adoption at the next meeting.

Mr. Gerry Garner, one of the adjacent property owners, presented the Council with a photo of some of the decrepit vessels.

VI. Citizens Requests/Comments

Lynne Golitz, owner of Blue Sail Art Gallery in Morehead City, spoke about the disparity in the way in which artwork is sold in the community. She stated that consigned artwork for sale in her gallery adheres to all regulations with the proper taxes being paid. She spoke about artwork being displayed and sold at festivals and in restaurants without the proper taxes paid and the artists themselves without business licenses. She requested that the City offer some form of protection for the artists who follow the proper regulations.

City Attorney Taylor advised that the collection of sales taxes is a matter strictly for the state and the North Carolina Department of Revenue. A City privilege license is simply a tax under a different name and it is all that the City can require. He continued that in North Carolina, a city has very limited control over regulating business matters.

City Manager Whitlow commented that this was discussed with the Finance Director and Tax Collector. In checking City records, some of the restaurants did have the correct retail privilege license, while many direct the sale back to the artist. The City has no way of tracking these situations.

VII. City Manager's Report:

VII.A. FEMA Community Rating System Annual Progress Report

City Manager David Whitlow reported that Morehead City has been an active participant in FEMA's Community Rating System for a number of years. As a result, residents who have properties located within the flood zone get a 10 percent [10%] reduction in their flood insurance premiums. In accordance with the program, an Annual Progress Report for the Flood Plain Management Plan is presented for review by the public. A copy of the plan can be viewed at: [https://moreheadcity.nc.gov/moreheadwp/documents/planning-inspections/Hazard Mitigation Plan.pdf](https://moreheadcity.nc.gov/moreheadwp/documents/planning-inspections/Hazard_Mitigation_Plan.pdf).

The Council accepted and approved the FEMA Community Rating System Annual Progress Report. [Councilman Walker absent].

VII.B. Approval of a Temporary Synthetic Skating Rink at Katherine Davis Park During the Holiday Season

City Manager David Whitlow reported that City staff has been exploring the installation of a temporary, seasonal synthetic skating rink on the parking lot adjacent to Katherine Davis Park beginning with either the lighting of the Christmas Tree or the Christmas Parade as a way of enhancing community activities and drawing attention and participation to the downtown waterfront area during the holiday season. The rink is a synthetic material approximately 30' x 50' which is assembled on-site and can handle 40 skaters at a time. The rental company will provide the rink material, delivery to the site, set up and take down, rental skates and a liquid surface enhancer. The proposed cost and fees are stated in the attached memorandum, however, an estimate of cost to the City would be approximately \$12,211.62. This cost could be reduced with the addition of concession sales and sponsorships. A consensus of the Council was necessary to allow for the reservation and deposit in order to assure that the rink is available.

Mayor Jones discussed the social impact to have such a community event and the necessity of having it available during the entire holiday season.

It was ascertained that liability issues would be handled in the same manner as any City activity.

Planning Director Staab reported that Hospice was interested in helping with the project.

Councilman Taylor stated he was in favor of bringing in an activity such as this for young people.

Councilman Thompson commented it was worth a chance.

The Council gave its consensus to have the City Manager authorize the proper procedures to move forward with the temporary skating rink project during the holiday season. [Councilman Walker absent].

VII.C. Schedule a Special Meeting/Work Session to Review City Owned Real Properties

City Whitlow reported that a goal of the Council has been an assessment of real estate properties owned by the City which are underutilized. **A Work Session was set for Tuesday, October 22, 2013, at 9:00 a.m., in the Council Chambers at 202 South 8th Street for discussion of these properties and their future use or disposal.**

VIII. Council Requests/Comments

Councilman Ballou reported that the North Carolina Seafood Festival [NCSF] has been advised that PINPOINT Ministries is coming back to the Festival. The NCSF has arranged a conference call for advice from an attorney on September 17th at 10:30 a.m. in the NCSF office and he invited any interested parties to attend.

Councilwoman Warrender commented that she looking forward to the placement of the marlin sculpture on the Big Rock Fountain on September 18th.

IX. CLOSED SESSION per G.S. 143.318.11[a][3][6] to Approve the CLOSED SESSION Minutes of Tuesday, August 13, 2013; to Receive an Update on the Martin vs. Town of Morehead City Litigation from the City Attorney; to Discuss the Annual Evaluation of the City Manager; and to Discuss other Potential Litigation with the City Attorney

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

Councilman Taylor MOVED, seconded by Councilman Ballou, and carried unanimously [Councilman Walker absent], to return to OPEN SESSION.

Councilman Thompson MOVED, seconded by Councilwoman Warrender, and carried unanimously [Councilman Walker absent], to approve and seal the CLOSED SESSION MINUTES of Tuesday, August 13, 2013.

The Council agreed by consensus [Councilman Walker absent], to increase City Manager David Whitlow's salary utilizing the same procedure and system as was recently adopted for all City employees.

Gerald A. Jones, Jr., Mayor

Attest:

Jeanne M. Giblin, City Manager