

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

Tuesday, December 13, 2022

The Honorable Council of the Town of Morehead City held the Regular monthly meeting on Tuesday, December 13, 2022, in the Council Chambers at City Hall located at 1100 Bridges Street, Morehead City, North Carolina.

COUNCIL PRESENT: Mayor Gerald A. Jones, Jr. and Councilmembers George Ballou, David Horton, William Taylor, and Diane Warrender.

Councilmember Harvey Walker was absent.

STAFF PRESENT: City Attorney Derek Taylor, Interim City Manager Chris Turner, Finance Director/Assistant City Manager Jewel Lasater, Public Services Director/Assistant City Manager Daniel Williams, Police Chief Bryan Dixon, Human Resources Director Susan Nixon, Communications Director Alize Proisy, Fire-EMS Chief Courtney Wade, Deputy Fire-EMS Chief Kane Johnson, Deputy Chief/Fire Marshal Dykeman Baily, Interim Parks and Recreation Director Victoria Ward, City Clerk Cathy Campbell, as well as a large contingent of Fire-EMS Department staff.

OTHERS PRESENT: Katherine Metts of Downtown Morehead City Inc., Chris Hilbert of Insight Planning-Development, Beth Duff, Faye Ethridge, Conner Fulcher, Ginger Fulcher, Joe Fulcher, Sue Fulcher, Jane Gordon, Robert Grantham, Bob Hamilton, Susan Hollarnd, Brandon McKeel, David & Lori McNiel, Gloria McCarther, LJ Palmer-Moloney Gordon Quillen, Melissa Oden, John & Rebecca Taylor, Jane Willis.

Mayor Jones called the Regular meeting of the Morehead City Town Council to order at 5:30 p.m. with a quorum present. Councilmember Ballou read the poem, *Year Round Joy* by Kerry-Lee Huskisson, and then he gave the invocation and Mayor Jones led the pledge of allegiance.

PRESENTATIONS

Presentation of Resolution 2022-R-64 In Appreciation to Joseph Fulcher

Mayor Jones presented Resolution 2022-R-65 to Fire Captain Joseph Fulcher in appreciation for his many years of service to the Town of Morehead City. Captain Fulcher retired from the Morehead City Fire-EMS Department on October 1, 2019; however, recognition of his retirement was delayed due to COVID.

Captain Fulcher began his career with the Town of Morehead City as a volunteer on October 1, 1965, and faithfully served the Department for 54 years helping to grow it into a professional institution. He is believed to be the longest serving member of the Department. Mayor Jones stated that emergency service is something that chooses you rather than you choosing it, and it becomes a personal passion.

Captain Fulcher said he has seen many changes over the years, and he thanked the Town Council for their continued support by providing the necessary equipment, vehicles, and professional staff to grow the Department.

Fire Chief Courtney Wade thanked him for his service and presented him with his service helmet and badge.

CONSENT AGENDA ITEMS

Mayor Jones asked if there were any questions concerning the Consent Agenda items. Councilmember Ballou made a motion **to approve the Consent Agenda as presented.** Councilmember Horton seconded and the motion carried unanimously. (4-0)

Included within the Consent Agenda were the following approvals:

- A. Approve the minutes of the November 8, 2022 Regular Town Council Meeting as presented.
- B. Approve the minutes of the November 10, 2022 Special Town Council Meeting as presented.
- C. Accept the Finance Director and Tax Collector Reports as presented.
- D. Accept the Notice of Ad Valorem Tax Overpayments in the amount of \$3,694.66 for the month of November 2022, as presented.
- E. Approve the Requests for Refunds of Overpayment of Ad Valorem Taxes in the amount of \$0.00 for November 2022, as presented.
- F. Accept the Estimated Fund Balance Report as presented.
- G. Accept the Contingency Emergency Budget Amendment Report as presented.
- H. Adopt Governmental Capital Project Budget Ordinance Amendment 2022-47 as presented, recording receipt of the Big Rock Foundation contribution and allocating funding for approved projects and necessary park repairs.
- I. Adopt the amended 2023 Town Council meeting schedule as presented.

- J. Adopt Resolution 2022-R-65, in appreciation to Joseph Fulcher upon his retirement from the Morehead City Fire Department.
- K. Adopt Resolution 2022-R-66, adopting the Carteret County Emergency Operations Plan as updated May 2022.
- L. Approve annual certification of Morehead City firefighters for the North Carolina Firefighters' Association as presented.

All above noted ordinances are filed in Ordinance Book #9. Resolutions are attached to and made a part of the minutes herein.

PUBLIC HEARINGS

Consider Adoption of Ordinance 2022-O-13, Ordering the Permanent Closure of the Southern Portion of a 20-Foot-Wide Lane Running North to South Between Midyette Avenue and Holly Lane

Mayor Jones reconvened the public hearing, recessed at the November 8, 2022, regular Town Council meeting, to consider the request submitted by Attorney Jane Gordon, on behalf of Kyle Quillen and Marc and Laura Montocchio, to close the southern portion of a 20-foot-wide lane located between Midyette Avenue and Holly Lane.

Although no additional public notices were required, notices of the recessed hearing were posted on the City's website and on the bulletin boards in City Hall.

Mayor Jones invited anyone who wanted to speak in favor of or in opposition to the proposed road closure to come forward.

PUBLIC COMMENTS

Attorney Jane Gordon, Kirkman, Whitford, Brady, Berryman & Gordon, P.A.: Attorney Gordon asked the Council to recess the public hearing again to the January 2023 meeting in order to give the applicants an opportunity to work with the staff in identifying an equally beneficial solution.

Rebecca Taylor, 5124 Midyette Avenue: Mrs. Taylor shared that she had a stroke causing her to walk with a cane. She asked that the roadway be kept open and be paved as she and her family use it regularly for exercise. The roadway allows them to cut their walks down to a manageable distance for her.

Lori McNeil, 5119 Holly Lane: She and her family have used this roadway since she was a child to safely visit family members who lived on the opposite side of this roadway. She hopes that her grandchildren will be able to visit her in the same way.

John Taylor, 5124 Midyette Avenue: Mr. Taylor asked that the public be allowed to hear and comment on any alternate proposals presented by Attorney Gordon. He would like to see the roadway remain open and maintained as it provides a safe place to walk. He noted that someone was recently hit by a car in this area.

L.J. Palmer-Moloney, 5002 Midyette Avenue: Ms. Palmer-Moloney stated that this is a very nice pathway, and she would like to see it stay open.

Robert Grantham, 5132 Midyette Avenue: Mr. Grantham stated that he lived at this address for a number of years before moving away and plans to move back within the next few months. He stated that he would just as soon see it closed as he never saw it used much when he lived there before.

David McNeil, 5119 Holly Lane: Mr. McNeil asked if a study would be conducted of this and other similar pathways that would guide future decision-making for this type of request. Mayor Jones confirmed that a study would be done.

Faye Ethridge, 5103 Holly Lane: Ms. Ethridge said that she uses the roadway to avoid traffic on Bryan Street and noted that it provides a shorter walk for the elderly. She asked that the irrigation issues be addressed to make it a more usable path.

Attorney Gordon: Attorney Gordon addressed the comments stating that paving the roadway would not be a good solution as it would promote vehicular use. She suggested that the roadway be closed with an easement for a footpath. Again, she requested a recess to allow the applicants to talk with staff about an alternative solution.

Attorney Derek Taylor advised, upon request, that the public hearing can be recessed until the January meeting, or the Council may make a ruling during this meeting; it is the Council discretion. Some councilmembers indicated that it is preferable to act now on the request before them, and then allow the applicants to continue working with staff, if they like, to identify other solutions.

Councilmember Horton made a motion **to close the public hearing**. Councilmember Ballou seconded and the motion passed unanimously. (4-0)

Interim City Manager Chris Turner stated that Attorney Gordon proposed the same recommendation to him earlier by phone and he advised that any alternative solutions should be presented in a public forum.

Attorney Taylor reminded Council that a decision to close the roadway must be based on whether the closure is contrary to the public interest or if it will deprive individuals owning property in the vicinity of the roadway or within the subdivision in which the roadway is located of reasonable means of ingress and egress to their property.

Councilmember Horton made a motion **to deny the closure request.** Councilmember Taylor seconded and the motion carried unanimously. (4-0)

Attorney Taylor advised that it is possible that staff may be able to identify a mutually beneficial solution that will not require Council action.

Ordinance 2022-O-13 is on file in Ordinance Book #9.

Review the Budget and Activities Accomplished Through the 2019 CDBG-NR Program and Consider Closing Out the Program

Planning Director Sandi Watkins introduced the purpose for the public hearing stating that it is a requirement of the program to hold a public hearing to review the budget and activities that have been accomplished through the City's 2019 Community Development Block Grant Neighborhood Revitalization (CDBG-NR) Program as part of the close out process.

Mayor Jones then opened the public hearing inviting anyone who wanted to speak in favor of or in opposition to closing the project to come forward.

PUBLIC COMMENTS

Chris Hilbert, Community Development Director, Insight Planning-Development: Mr. Hilbert, acting as a consultant for the City's program, reported that they were able to reconstruct five (5) homes for low to moderate income homeowners through this CDBG-NR project. This included the demolition and reconstruction of two (2) dilapidated dwelling units, and rehabilitation of three (3) severely deteriorated dwelling units. This project was prolonged due to COVID related supply chain challenges. Approximately \$175,000 was spent on the reconstruction of these homes. Once this project is closed, the Town will be eligible to reapply for the 2023 cycle.

Hearing no other comments, Mayor Jones closed the public hearing.

Councilmember Warrender made a motion **to close the program** Councilmember Taylor seconded and the motion carried unanimously. (4-0)

NEW BUSINESS

Governing Body Appointments: *Parks and Recreation Advisory Board*

Interim Parks and Recreation Director Victoria Ward appeared before the Town Council to advise that Parks and Recreation Advisory Board In-City seats held by Jan Willis and Tim Wilson, as well as the Extraterritorial seat held by Michael Turner will expire on December 31, 2022, and the Town Council is asked to make appointments to fill these seats. The appointments will be three (3) year appointments to begin on January 1, 2023 and expire on December 31,

2025. Ms. Willis and Mr. Wilson are not interested in reappointment. Mr. Turner would like to continue serving.

As directed at the October 18, 2022, Parks and Recreation Committee meeting, staff advertised the upcoming vacancies on the City's website and through social media. Ten new applications were received: Blake Barreto, George Everett, Janet Jaworski, Jeff Johnson, Melissa "Missy" Oden, Dan Reitz, Pete Weber, and Clayton "Red" White have applied for an In-City seats, and N. Clay Frank and Alyce Kelly have applied for the ETJ seat.

Councilmember Taylor asked if there were attendance issue with any of the incumbent applicants. Ms. Ward stated that there was an attendance issue that was addressed and corrected.

Councilmember Horton suggested that the Advisory Board move to evening meetings like other boards and commissions, proposing that this might resolve some of the attendance issues, and recommended that appointments not be made until the vacancies can be advertised again with the new meeting time and date. Councilmember Horton also recommended that the meeting day and time be added to the application.

It was noted that the bylaws do not specify a meeting time indicating that it was intended that the Advisory Board would set their own meeting schedule.

Councilmember Horton made a motion **to table appointments until the Council can establish a specific meeting day and time.** Councilmember Ballou seconded and the motion was denied 3/2 (Horton and Ballou voted AYE; Warrender, Taylor voted NAY; Mayor Jones broke the tie voting NAY).

The Council then proceeded to appoint members as requested by written ballot.

After the vote by written ballot, Councilmember Warrender made a motion **to appoint George Everett and Dan Deitz to the Parks and Recreation Advisory Board In-City seats and reappoint Michael Turner to the ETJ seat for 3-year terms beginning on January 1, 2023 and expiring on December 31, 2025.** Councilmember Taylor seconded and the motion carried by majority vote. *(3-1; Horton was opposed) Record of written votes was as follows: Dan Reitz – 3 votes, George Everette – 2 votes, Jeff Johnson and Clayton White – 1 vote each; for the ETJ seat: Michael Turner – 3 votes, and N. Clay Frank – 1 vote)*

CITY MANAGERS REPORT

In providing his monthly report to Council, Interim City Manager Chris Turner reported on the following:

- He announced that city offices will be closed Friday, December 23rd, Monday, December 26th and Tuesday, December 27th in observance of Christmas; and also on Monday, January 2nd in observance of the New Year.
- Departments heads held a budget kickoff meeting on Friday, December 9th. They will be working through the city's revenue projections, budget detail and

justification to include Capital Improvement Plan review and strategic planning in preparation of the City Council's visionary session.

- Grants Manager interviews are underway. He is pleased with the applicant pool.
- He extended congratulations to Finance Director Jewel Lasater and Finance Staff for their 32nd consecutive Government Finance Officers Association's Annual Comprehensive Financial Report award. "This achievement stands as an unwavering testament to the professionalism of our finance team, its steadfast leadership, and the City's longstanding fiscal health."
- He welcomed veteran police officers Israel Carrillo-Orrego who comes to the city with three (3) years of experience and Ryan Adams who comes with eight (8) years of experience. He commended Police Chief Dixon on securing these officers.
- He extended thanks to the Big Rock Foundation for their \$12,000 grant to the Morehead City Fire Department which will be utilized to purchase a full-size inflatable fire safety house; an educational resource for children. He added that the Big Rock organization has donated over \$1 million this year to community centered projects. "Their positive footprint upon our community is a testament to the health and vitality of the city."

Mr. Turner took a moment to personally thank the men and women from Fire-EMS, Police and Public Services who stand watch 24/7 serving and protecting the city while the rest of us are enjoying the holidays with our family and friends. He stated that such sacrifice does not go unnoticed.

CITIZEN REQUESTS/COMMENTS (2 Minute Time Limit)

Beth Duff, 309 Mansfield Parkway: Ms. Duff addressed the Council regarding the loss of bird species in the area. She stated that trees, bushes, and vines are vital to the survival of birds, and the insects they feed on, and she asked the Council to actively seek to preserve indigenous plants in order to preserve our bird habitat.

Brandon McKeel, 1502 Avery Street: Mr. Keel stated that he was advised by the Planning staff that he cannot enclose the lower portion of their home which they desperately need to provide a home for a disabled child. Mr. Turner was asked to look into the matter.

Melissa Oden, 1412 Avery Street: Ms. Oden thanked Chief Dixon for the Police Department's Thanksgiving Day Meal Giveaway which fed 43 families across the county. She reiterated Mr. McNeil's comments regarding the maintenance of undeveloped roads and alleyways.

COUNCIL REQUESTS/COMMENTS

Councilmember Warrender wished everyone a Merry Christmas and Happy Holidays.

Councilmember Taylor wished everyone a Merry Christmas and safe holidays. He congratulated the Finance Department and other employees that support that department in their important efforts.

Councilmember Horton wished everyone Merry Christmas and Happy Holidays. He stated that we often take city services, like water, sewer, fire, and police, for granted which provide the peace, love, and protection that we all enjoy.

Councilmember Ballou wished everyone a Merry Christmas and Happy New Year. He stated that he is fortunate to see the hard work of city staff and how many go beyond the call of duty to help our citizens. Good things are happening in Morehead City, making it is a good place to live, work, and raise a family. He commended Mr. Turner for being available the morning of the parade to help.

APPROVE THE NOVEMBER 8 AND DECEMBER 6, 2022, CLOSED SESSION MINUTES AS PRESENTED

After a review of the minutes provided by City Clerk Cathy Campbell, Councilmember Taylor made a motion **to approve the November 8 and December 6, 2022 Closed Session minutes as presented.** Councilmember Warrender seconded and the motion carried unanimously. (4-0)

CLOSED SESSION

Councilmember Ballou moved **to enter into Closed Session** at 6:56 p.m. per 143-318.11(a)(3) to consult with the city attorney to consider and give instructions concerning a judicial action titled 19-CVS 1092 Morehead City v Bruta Murrell and to protect attorney client privilege. Councilmember Horton seconded and the motion carried unanimously. (4-0)

Councilmember Horton moved **to return to Open Session** at 8:04 p.m. Councilmember Taylor seconded and the motion carried unanimously. (4-0)

CONSIDER ADOPTION OF SETTLEMENT AGREEMENT: Morehead City v Murrell

Councilmember Ballou moved **to accept the settlement agreement as presented for the judicial action titled 19-CVS 1092 Morehead City v Bruta Murrell.** Councilmember Horton seconded and the motion carried unanimously. (4-0)

ADJOURNMENT

There being no other business to discuss, Mayor Jones adjourned the meeting 8:06 p.m.

Attest:

Gerald A. Jones, Jr., Mayor

Cathy Campbell, City Clerk