

**RELEASED AT THE TUESDAY, NOVEMBER 8, 2016 COUNCIL MEETING**

**APPROVED & SEALED AT THE WEDNESDAY, JULY 11, 2012,  
COUNCIL SPECIAL MEETING**

**ACQUISITION OF 1208 MIZZELL DRIVE [WOMBLE PROPERTY] RELEASED  
FEBRUARY 10, 2015**

**CLOSED SESSION MINUTES  
MOREHEAD CITY, N.C.**

**TUESDAY, MAY 8, 2012**

The Council met in CLOSED SESSION in the Morehead City Train Depot, 1001 Arendell Street, Morehead City, N.C., during the Regular Meeting of the Town Council held on Tuesday, May 8, 2012, at 5:30 p.m., to approve Closed Session Minutes of Tuesday, April 10, 2012; to consult with the City Attorney and discuss potential litigation and property acquisition as per G.S. 143.318.11[a][3][5][i]. Those in attendance were: Mayor Gerald A. Jones, Jr., Councilmen George W. Ballou, William F. Taylor, Demus L. Thompson, Harvey N. Walker, Jr., Councilwoman Diane C. Warrender, Interim City Manager Peter T. Connet, City Attorneys Nelson W. Taylor, III, Derek Taylor, Public Works Director David McCabe and City Clerk Jeanne M. Giblin.

Interim City Manager Connet updated the Council on the personnel matter which was discussed at the April 10, 2012, CLOSED SESSION.

**POTENTIAL LITIGATION – POLICE DEPARTMENT BUILDING, 300 NORTH 12<sup>TH</sup> STREET**

Interim City Manager Connet reported on the damages to the new Morehead City Police Department building at 300 North 12<sup>th</sup> Street which occurred during Hurricane Irene. The water damage is still apparent in the building due to window leakage.

City Attorney Derek Taylor reported that the general contractor is supposed to fix the damage, however, there are discrepancies and disagreements between the general contractor, the subcontractors and the insurance company. The bottom line, however, is that the City wants the problems addressed. He recommended that a letter be sent to the general contractor stating that either they address the situation or the City will hire a firm to fix the problems and send the general contractor the bill.

Mayor Jones suggested giving the general contractor 30 days to either fix the problems or the City will sue.

Public Works Director McCabe reported that some of the repairs have been made, but are not complete and the general contractor is becoming less and less responsive to City requests. He commented that it is the general contractor's responsibility to make all the repairs and that the failure of the subcontractor to properly install the windows caused the water leaks.

Mayor Jones suggested that the Council authorize the City Attorneys to write a letter to the general contractor and if the general contractor does not acknowledge it, advise the general contractor that the City will get another firm to fix the damage and sue for the charges involved.

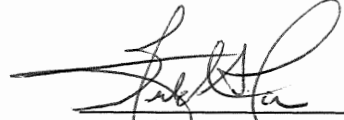
It was the consensus of the Council that the City Attorneys write a letter to the general contractor outlining City concerns. If there is no response, the City should start legal proceedings.

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

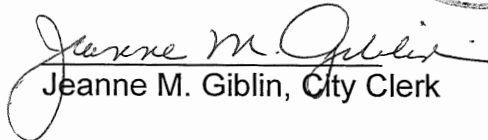
**Councilman Walker MOVED, seconded by Councilman Taylor, and carried unanimously, to approve and seal the CLOSED SESSION MINUTES of Tuesday, April 10, 2012.**



Town of Morehead City

  
Gerald A. Jones, Jr., Mayor

Attest:

  
Jeanne M. Giblin, City Clerk