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Closed Session Minutes – Tuesday, September 9, 2008

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

**PORTION REGARDING THE WALLACE PROPERTY NEXT TO THE MUNICIPAL BUILDING AT 202 SOUTH 8<sup>TH</sup> STREET RELEASED NOVEMBER 12, 2013**

**PORTION REGARDING JIB RELEASED NOVEMBER 9, 2010 COUNCIL MEETING**

**PORTION REGARDING THE NORTH 7<sup>TH</sup> STREET LAWSUIT RELEASED AT THE TUESDAY, AUGUST 11, 2009, TOWN COUNCIL MEETING**

**APPROVED AND SEALED AT THE TOWN COUNCIL MEETING ON TUESDAY, OCTOBER 7, 2008**

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

**TUESDAY, SEPTEMBER 9, 2008**

The Council met in CLOSED SESSION in the Municipal Chambers at 202 South 8<sup>th</sup> Street, Morehead City, N.C., following the Regular Meeting of the Town Council held on Tuesday, September 9, 2008, at 5:30 p.m. Those in attendance were: Mayor Gerald A. Jones, Jr., Councilmen Paul W. Cordova, David Horton, John F. Nelson, Demus L. Thompson, City Manager R. Randy Martin, City Attorney Derek Taylor, Mike Thomas, and City Clerk Jeanne M. Giblin. Councilman George W. Ballou was absent, excused.

**Property Acquisition adjacent to the Ballfield Park [Davis & Avery Properties]**

Manager Martin requested Council's authorization for him to acquire the Avery property near the new ballfield park. Funding of \$100,000 was approved in the Utility Department budget to acquire the Davis property for the utility lines and the Avery property for the reuse water tank site and to eliminate any boundary issues with the site of the ballfield park. The acquisition of both the Avery and Davis properties would amount to \$95,000 based upon negotiations with the owners.

Manager Martin continued that the consensus of the Council at an earlier CLOSED SESSION was to not pursue at this time the authorized condemnation proceedings for the back portion of the Davis property that is not listed in the property deed and to acquire the property through a contract with Mr. Davis. The acquisition of the Avery and Davis properties as noted would clear up any boundary issues between the properties.

Councilman Horton questioned if the acquisition of the Avery property was necessary for the ballfield park.

Manager Martin replied that the acquisition of the Avery property would allow the City not to have to redesign Phase II of the park in the future and acquisition would allow the location of the trail as designed. The City currently has an engineering grant to design the reuse water tank system. The acquisition of the Avery property is primarily to ensure adequate property to locate and buffer the future reuse water tank with the Davis property providing site and utility access.

Councilman Horton requested a letter from the City Attorney stating that it is legal to run water and sewer lines across the portion of the Davis property for which the City will not have clear title. He stated he would not want his name associated with the project unless it is legal.

City Attorney Derek Taylor stated that the City would not be able to give clear title for the back portion of the Davis property because of a potential interest of the Lawton heirs and that if the City were to obtain a grant the City would have to acquire the property through condemnation proceedings; otherwise, the City could acquire Mr. Davis' interest and wait to see if any other claims materialize. Mr. Davis has paid taxes on all the property since he acquired it in the 1960's and he believes he owns it entirely.

Councilman Horton commented that if the only reason the City is acquiring the property is for the water reuse tank, the acquisition should be done by means of condemnation.


Manager Martin advised that the grant requested for the water reuse tank and distribution system was \$3 million. If the City does not get the grant, the City will still have the need for installing the water, sewer and reuse lines directly through the Davis property which will serve the park.

Councilman Horton questioned the costs of acquiring future properties and the costs of development of those properties.

Manager Martin recommended that the City purchase the Avery property with the funds already allocated. He also noted that the Council had previously authorized acquisition of the Davis property, but had not specifically authorized the Avery acquisition.

With the exception of Councilman Horton, the Board concurred and authorized the City Manager to acquire the Avery property as recommended.

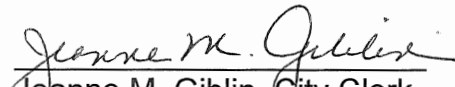
***Councilman Nelson MOVED, seconded by Councilman Thompson, and carried unanimously [Councilman Ballou absent, excused], to return to OPEN SESSION.***



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Gerald A. Jones, Jr., Mayor

Attest:



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Jeanne M. Giblin, City Clerk

