

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

**ITEM #2 – PCS PHOSPHATE RELEASED AND SPREAD UPON THE RECORD  
OCTOBER 11, 2011**

**APPROVED & SEALED AT THE FEBRUARY 8, 2011, TOWN COUNCIL MEETING**

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

**TUESDAY, JANUARY 11, 2011**

The Council met in CLOSED SESSION in the Municipal Chambers at 202 South 8<sup>th</sup> Street, Morehead City, N.C., during the Regular Meeting of the Town Council held on Tuesday, January 11, 2011, at 5:30 p.m., to approve the CLOSED SESSION Minutes of December 14, 2010; to consult with the City Attorney and discuss personnel and property acquisition as per G.S. 143.318.11[a][3][5][i][6]. Those in attendance were: Mayor Gerald A. Jones, Jr., Councilmen George W. Ballou, Paul W. Cordova, David Horton, John F. Nelson, Demus L. Thompson, City Manager R. Randy Martin, City Attorneys Nelson W. Taylor, III, Derek Taylor, Mike Thomas and City Clerk Jeanne M. Giblin.

**1] Blair Farms Conservation Easement Property**

City Manager R. Randy Martin advised the Council that he received a letter from Attorney Doug Goines on behalf of the Blair Farm Homeowners Association [HOA] regarding the conservation easement property in Blair Farms.

Councilman Horton stated that he is in favor of the HOA acquiring the property and asked if he should be excused from the proceedings.

City Attorney Nelson Taylor advised that as he does not have a financial interest there is no conflict which would disqualify him from the proceedings.

Both City Attorneys Nelson Taylor and Derek Taylor reminded the Council that Closed Session discussions should not be made public.

Councilman Horton continued that if the HOA was not going to try to acquire the property, he would prefer that the City acquire it.

Councilman Nelson stated he was concerned that if the HOA were to acquire the property, they may try to sell it in the future.

Councilman Horton was of the opinion that the HOA would more likely let the property remain undeveloped than if the City would acquire it.

Mayor Jones commented that the whole process disturbs him in that the City has acquired public property in the past, but never had any one else try to purchase it out from under the City.

Councilman Horton stated that he did not think the HOA could have the deed restrictions lifted.

Attorney Nelson Taylor stated that a problem is that no one can find anyone on the Board of Directors to allow an entity to acquire a deed.

The Council discussed options for the property should it be acquired by Morehead City. A deed restriction that it should never be developed was discussed. Manager Martin advised to be careful in how restrictions would bind the property for future use. He further advised that when this was originally brought to his attention, the property was identified as an opportunity for the City to have a recreational area in that part of the City for an undeveloped water access or bird watching, etc.

Attorney Derek Taylor explained that if the corporation which owns the property does not exist, its value escheats to the state and he also was not sure if the HOA could purchase the property as the HOA was not a bonafide 5013C organization because of the tax situation, whereas Morehead City is a qualified entity which could hold the deed.

Attorney Nelson Taylor suggested the he meet with Attorney Doug Goines to see if a compromise between the City and the HOA could be reached.

Mayor Jones commented that the Council previously directed the Attorneys to continue to pursue acquiring the property.

Manager Martin stated that the land was appraised for \$20,000.

Councilman Nelson commented that the City wants to acquire the property and it should not step aside for the HOA.

Manager Martin commented that the Council should determine how the property should be used in the future within the provided guidelines, how much the City wants the property and what the City is willing to give to obtain it.

City Attorney Nelson Taylor clarified, based upon guidance from the Council, it was his understanding that Morehead City is still interested in acquiring the property; would prefer to acquire it by deed; if this is not possible, acquire it through tax foreclosure at a predetermined amount.

Councilman Horton was not in favor of going against the Blair Farms HOA.

### 3] City Manager R. Randy Martin Review by Council

The City Attorneys and Clerk were then excused from the meeting.

The Mayor and City Council proceeded to conduct an evaluation of the City Manager's performance. The members expressed continued overall positive satisfaction in the Manager's performance. Each member shared comments and gave feedback to the Manager on performance positives as well as any areas of concerns or suggestions for improvement. The City Manager thanked the Council members for their continued support and expressed his appreciation for their evaluation and feedback. He acknowledged the support he continues to receive from the City's fine staff which has resulted in significant progress for the City over the years. The Mayor noted that this was the formal evaluation, but the Council has been doing an ongoing evaluation on a day-to-day basis. He acknowledged the Manager's leadership especially during the recent difficult years.

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



Town of Morehead City

  
Gerald A. Jones, Jr., Mayor

Attest:

  
Jeanne M. Giblin, City Clerk