

1. Closed Session Minutes -- Tuesday, January 10, 2006

**REMAINING PORTION RELEASED AND SPREAD UPON THE MINUTES ON
FEBRUARY 12, 2019**

**RELEASED THE PORTION REGARDING MINUTE APPROVAL AND
AUTHORIZATION OF CONDEMNATION PROCEEDINGS FOR LOTS 5, 6, 7, 8, 9, 10
AND 11, BLOCK 162 [NORTH 7TH STREET] FOR CITY DOCK AND PARK**

APPROVED AND REMAINED SEALED -- TUESDAY, FEBRUARY 14, 2006

**CLOSED SESSION MINUTES
MOREHEAD CITY, NORTH CAROLINA**

**TUESDAY, JANUARY 10, 2006
AT TOWN COUNCIL MEETING**

The Morehead City Town Council met in CLOSED SESSION on Tuesday, January 10, 2006, after the regular session meeting in the Municipal Building Auditorium at 202 South 8th Street, Morehead City, North Carolina. 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 and City Clerk Jeanne M. Giblin. The purpose of the meeting as per G.S. 143.318.11[A][5] was to approve the CLOSED SESSION MINUTES of Monday, December 12, 2005, and to consult with the City Attorneys on property acquisition and policies.

Councilman Nelson MOVED, seconded by Councilman Cordova, and carried unanimously, to enter into CLOSED SESSION.

Alley Closing Policy

City Attorney Nelson Taylor advised that, with regard to the permanent alley closings requested by KA Morehead Partners, LLC, for the southern portion [150 feet] of the western north/south alley, the entire eastern north/south alley and the entire east/west cross alley in the 2200 Block between Arendell Street and Bridges Street [Block 40], the Council must determine if such closures would [1] deny convenient access to other properties and [2] will the best public interests be served. He continued that the state statute determines that if a public alley is closed, then the property is divided equally between the owners on each side. There is nothing in the statute about compensation. The serious question is does the City have a right to close an alley only if it receives compensation? The North Carolina School of Government was contacted and agrees that a municipality currently has no specific authority to get compensation for such an act and there is no case law in North Carolina on this subject.

Councilman Horton commented that if the City cannot receive compensation, it opens the door for other possibilities.


City Attorney Nelson Taylor advised, for example, that the donation of parks and recreation funds must not be a condition of closing the alley. A policy, in his opinion, likely cannot be established stating that in the future the City will require developers to make a contribution of 25 percent of the fair market value of the alley property for an alley closing.

Discussion centered on the ambiguity of #7 of the Alley Closing Policy which states, "The City will have the right to request a dedication to the public of property deemed by it to be suitable in size, and comparable in value and location to that of the alley proposed to be closed." It was the consensus of the Council that this policy would go back to committee for further review.

The Council was charged with determining whether the closure of the alleys in question would not interfere with the public ingress and egress and that it was not against the best public interests.

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

TOWN OF MOREHEAD CITY



Gerald A. Jones, Jr., Mayor

Attest:



Cathy Campbell, City Clerk

