

APPROVED AND SEALED AT THE TOWN COUNCIL MEETING ON TUESDAY, SEPTEMBER 14, 2004.

CLOSED SESSION MINUTES
TOWN OF MOREHEAD CITY
TUESDAY, OCTOBER 7, 2003

The Morehead City Council met in Closed Session following the regular Council Meeting to review a personnel matter with the City Attorney and to have the City Attorney update the Council on a boundary dispute, which was initially disclosed in Closed Session on Tuesday, July 8, 2003, between the Town of Morehead City and William F. Britt regarding property on 25th Street and Bay Street near the Public Works Building. Those present were: Mayor Gerald A. Jones, Jr., Councilmen Floyd M. Chadwick, Jr., Paul Cordova, Robert Howard, John Nelson, Demus Thompson, City Manager R. Randy Martin, City Attorney Nelson W. Taylor, III, and City Clerk Jeanne Giblin [City Clerk was not present for the personnel matter].

Boundary Dispute on 25th Street and Bay Street:

City Attorney Nelson Taylor noted that William Britt is still adamant that his survey is correct. His survey depicts a straight line across the northern boundaries of all the lots shown, with the exception of an area on the northern boundary of Mr. Britt's property. Mr. Britt has a fence encompassing a portion of the City's property.

City Attorney Taylor disclosed that Mr. Britt has retained the law services of C. R. Wheatly, Jr. Mr. Britt claims that the survey done by John Collier is correct, the one done by Jimmy Powell [which the City says is accurate] is wrong. City Attorney Taylor commented that the John Collier survey is from an old map done years ago. If one were to take the measurements on that map, which are repeated in the deed, they are in line with the Collier survey.

The lady next door has hired Attorney Wes Collins, who has sent a letter to Attorney Taylor in which he stated that she too wants to claim the property that would go up to the disputed boundary line.

Attorney Taylor further stated he believes that the Powell survey is correct, and that the Britt title is poorly written and would be difficult to prove.

Attorney Taylor recommended not to pursue the dispute with Mr. Britt. Mr. Britt has a fence which comes over on City property, however, it is not interfering with the City at this point. However, the lady next door is claiming property and the City should now insist that the Powell survey boundary line is correct. The owners of the disputed property claim that the area where the City owns was at one time used as a dump and that area stopped short of their property because the City knew that it did not own the disputed property.

The City Attorney continued that City Manager Randy Martin investigated that area and there was no sign of any rubbish landfill activities were not done on the property in question.

The City Attorney recommended that the City maintain its position that City's boundary line is correct. If others want to prove the boundary is not correct, they can take legal action.

Manager Martin stated that the City has not disrupted the property Mr. Britt has fenced, however, the City has cleared and is using the other disputed property [the lady next door]. He suggested that the City continue to pursue the development of the property. If the owners have a complaint, let them pursue it. He continued that the City should not give up any property without considering the impact of creating a potential precedent.

He continued that for the long term the City would prefer the fence be removed so that Mr. Britt could not make some adverse possession claim.

Councilman Thompson commented that in 25 years of business, he has never known Jimmy Powell to be incorrect.


Manager Martin commented he would prefer to complete the project before dealing with this issue.

Personnel Matters:

Manager Martin reported to the Council that Chief of Police Sammie Turner had discussed with him his plans to retire by year end. The Manager stated that he would advise the Council when he received his letter of resignation.

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

TOWN OF MOREHEAD CITY



Gerald A. Jones, Jr., Mayor

Attest:



Cathy Campbell, City Clerk

