



**TOWN OF MOREHEAD CITY
ORDINANCE 2021-O-08**

**AN ORDINANCE ORDERING THE DIRECTOR OF INSPECTIONS
TO CAUSE DEMOLITION OF 1308 ARENDELL STREET
TAX PARCELL # 638618418721000, MOREHEAD CITY, NORTH CAROLINA,
AND REMOVAL OF ALL DEMOLITION DEBRIS,
PURSUANT TO NCGS 160A-426 THROUGH NCGS 160A-432
AND CREATING A LIEN ON THE REAL PROPERTY**

WHEREAS, the Town of Morehead City's Chief Building Inspector, Robert Davis, inspected the structure located at 1308 Arendell Street, Morehead City, North Carolina, more particularly described as Lots 1-16, Block 22 as shown on the official map of the Town of Morehead City recorded in Map Book 1, page 139, Carteret County Registry, Carteret County tax parcel # 638618418721000.

WHEREAS, Inspector Davis determined the structure to be dilapidated, unsafe and unfit for human habitation and more particularly that the structure is a fire or safety hazard; dangerous to life, health, or property; likely to cause or contribute to blight, disease, vagrancy, or a danger to children; and has the tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance.

WHEREAS, on January 8, 2020, Inspector Davis caused due and lawful publication and registered mail notice to be served upon Shelby M. Freeman Family LTD PR, the tax record owner of the dilapidated structure, of a hearing to held on January 17, 2020, at 3:00 p.m., at the Chief Building Inspector's office located at 706 Arendell Street, Morehead City, NC regarding the dilapidated building.

WHEREAS, the hearing before the Chief Building Inspector was held at the time and place noticed; and

WHEREAS, at the hearing, Mr. Stephen Freeman appeared before the Chief Building Inspector to testify. Chief Building Inspector Robert Davis stated that a visual inspection of the exterior of the structure was conducted by staff on January 6, 2020, and the structure was then

posted as unsafe. A subsequent interior inspection was conducted by staff on January 10, 2020. Chief Inspector Davis said that the commercial structure is in a dangerous state, and the structure will need to be demolished within sixty (60) days.

According to Mr. Freeman, the building has been damaged by multiple tornados and hurricanes. Both the water and electricity to the building have been disconnected. Mr. Freeman would like to secure the building until the three antique cars parked inside the front of the building are sold and then demolish the building. Chief Inspector Davis, on behalf of the City, offered a storage area, free of charge, for the antique cars. Mr. Freeman asked for the location of the storage area and whether or not it would be enclosed. Mr. Freeman also asked if the storage area would still be offered if the demolition order is appealed. Chief Inspector Davis replied he would have to speak with the City Manager and then respond to Mr. Freeman. Mr. Freeman said he probably wouldn't take the City up on their storage offer because his Dad, Mr. Shelby Freeman, likes to drive to 1308 Arendell Street and "visit" with his cars. Another location would either be too far or out-of-the-way for Mr. Shelby Freeman.

WHEREAS, following the hearing, the Chief Building Inspector determined that the dilapidated structure was an unsafe structure and more particularly that the structure is in violation of NCGS 160A-426 because it constitutes a fire and safety hazard; is dangerous to life, health, and property; is likely to cause or contribute to blight, disease, vagrancy, and danger to children; and has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance.

WHEREAS, on January 22, 2020, pursuant to NCGS 160A-429, the Chief Building Inspector issued an Order to the owner of the dilapidated structure stating that the structure must remain vacant and must be demolished within sixty (60) days of the Order.

WHEREAS, Shelby M. Freeman Family LTD PR was served with the Order by certified mail, return receipt, on January 24, 2020.

WHEREAS, an appeal from the Order was filed on January 30, 2020, prior to the deadline of February 1, 2020, requesting more time.

WHEREAS, a hearing was scheduled for March 10, 2020, before the City Council of the Town of Morehead City, at 5:30 p.m., at 202 South 8th Street, Morehead City, NC. to consider the appeal.

WHEREAS, the City Council of the Town of Morehead City met on March 10, 2020, and tabled the request for six (6) months.

WHEREAS, on September 8, 2020, the appeal hearing was held before the City Council of the Town of Morehead City, at 5:30 p.m., at 202 South 8th Street, Morehead City, NC.

WHEREAS, at the hearing, Mr. Freeman stated that he would like to remove the back portion with a metal roof, and seal the resulting opening in the back half of the building. Mr. Freeman stated that this portion of the building is not worth making structurally sound. He feels like the showroom would pass inspection as is. He could not answer whether or not they were willing to hire an engineer to render a ruling without consulting his father; however, he was in favor of having the opportunity to look into the option.

WHEREAS, the City Council of the Town of Morehead City voted to continue the appellant hearing until November 10, 2020, at 5:30 p.m. at which time the appellant will present evidence on the structural integrity of the building and compliance with building codes.

WHEREAS, on November 10, 2020, the appeal hearing was held before the City Council of the Town of Morehead City, at 5:30 p.m., at 202 South 8th Street, Morehead City, NC.

WHEREAS, at the hearing, Steve Freeman submitted a written report of findings from Stroud Engineering, P.A., which was included in the meeting packet. The report stated that the “masonry portion of the building showed no signs of structural deficiency or damage to supporting elements;” however, “the timber garage attached to the rear of the building exhibited signs of structural damage from the storm events and the construction of the structural elements did not appear adequate and would not meet current building requirements.” It was their recommendation that “all supporting elements and associated metal sheathing be removed up to the rear wall of the masonry portion of the building, after which all openings in the wall should be sealed, leaving only the structurally stable block and brick structure on the property.”

Mr. Freeman presented pictures showing the state of the building when it was first inspected and then after the inspection but before the appeal hearing. During this time, work was completed to seal the back portion from entry. He reiterated that the building is only being used for storage and there are no utilities active on the property. The back portion is only being used to seal up the back portion of the masonry building. Mr. Freeman stated that he had no concerns about tearing down the back portion, apart from the cost, to seal the back of the masonry building once removed. He said that his purpose in saving the masonry building was the need for storage, his father’s love of the building, and the knowledge that there is interest in the community to save the style of the building for future use.

Council expressed concerns that Mr. Freeman had not taken steps to comply with the engineer’s recommendation or make the building more attractive from the street. When

evaluating these properties, the Council considers safety first, then appearance, and then the impact on surrounding properties. It was stated that the condition of the property is affecting the value of surrounding properties.

WHEREAS, following the hearing, the City Council of the Town of Morehead City granted a sixty (60) day extension to demolish the unsafe back portion of the building and initiate construction to bring the remaining portion of the building into compliance with current standards to be completed within six (6) months.

WHEREAS, the time for appeal from the Order has expired and no appeal has been filed.

WHEREAS, the owner of the dilapidated structure has failed to demolish the offending structure as required by the Order.

NOW THEREFORE, IT IS HEREBY ORDAINED by the Town Council of the Town of Morehead City, North Carolina, that the Chief Building Inspector or his agent be authorized and is hereby ordered to forthwith proceed to have the dilapidated building located at 1308 Arendell Street, Morehead City, North Carolina, (Lots 1-16, Block 22; tax parcel #638618418721000) demolished and that all demolition debris be likewise removed, as provided by the Ordinances of the Town of Morehead City and North Carolina law. A lien for the cost incurred in such demolition, reduced by any amount realized from the sale of any property or materials saved from the demolition, shall be noted by the Tax Collector of Morehead City as a Special Assessment in accordance with North Carolina General Statutes. A copy of this Ordinance shall be forwarded to and recorded by the Registrar of Deeds of Carteret County and a Notice of Lien shall be recorded with the Carteret County Clerk of Superior Court.

ADOPTED, this the 9th day of February 2021.

EFFECTIVE: Upon adoption on February 9, 2021.

TOWN OF MOREHEAD CITY

ATTEST:

Cathy Campbell – Town Clerk

Gerald A. Jones, Mayor

(Town Seal)

**STATE OF NORTH CAROLINA
COUNTY OF CARTERET**

I, _____, a Notary Public, do hereby certify that Cathy Campbell personally came before me this day and, who being by me duly sworn, says and acknowledged that she is Town Clerk of the Town of Morehead City, a North Carolina municipal corporation, that she knows the common seal of said Town and is acquainted with the Mayor of said Town, Mr. Gerald A. Jones, Jr., and that, be authority duly given and as the act of the Town, the foregoing instrument was signed in her presence, in the Town's name by its Mayor, sealed with the Town's seal, and attested by him as the Mayor.

WITNESS my hand and notarial seal, this the ____ day of _____, 2021.

NOTARY PUBLIC

My commission expires:_____

(SEAL)