

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED REGULAR SESSION
December 13, 2000; 8:30 a.m.**

Closed Session (LEAVE SEALED UNTIL FURTHER REVIEW)

COMRS PRESENT: Mayor Pro Tem Robert Muller; Comr. George Farah III,
Comr. Doug Remaley; and Comr. Brant Murray

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Webb Fuller and Town Clerk Carolyn Morris

LITIGATION – COMFORT INN SOUTH

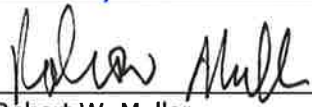
Town Manager Fuller summarized a litigation issue. Mr. Strickland was staying at the Comfort Inn South and was awakened by Nags Head Police knocking and requesting that he open his door, which he refused. Nags Head Police had responded to a "911" call by the Comfort Inn South night clerk who stated that she had been assaulted by two (2) intruders. Police located one intruder and were concerned that the second intruder was in Mr. Strickland's hotel room. Police later located the second intruder and removed the intruders from the premises (the night clerk did not press charges). Mr. Strickland was upset that no one ever contacted him that night to explain the details of the situation.



Carolyn F. Morris, Town Clerk

Date Approved: 3/7/01

Date Opened: 1/6/14

Mayor: 

Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
SPECIAL MEETING
February 21, 2001**

Closed Session (SEALED – LITIGATION – PER BOARD ACTION)

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem George Farah III;
Comr. Doug Remaley; Comr. Brant Murray; and Comr. Paula Flynn

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Webb Fuller; Planning Director Gary Ferguson; attorney Tony Hornthal; attorney Ike McRee; attorney Tom White; and Town Clerk Carolyn Morris

LITIGATION – FOX HARBOUR LAWSUIT

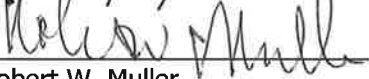
Attorney Ike McRee briefly reviewed the lawsuit filed by Fox Harbour concerning their canopy and their lighting. Mr. McRee stated that he believes that the town has a good opportunity for success in this lawsuit.



Carolyn F. Morris, Town Clerk

Approved: 3/7/01

Date Opened: 1/6/10

Mayor: 
Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
November 6, 2002**

CLOSED SESSION


COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem George Farah III;
Comr. Doug Remaley; Comr. Brant Murray and Comr. Anna Sadler

COMRS ABSENT: None

OTHERS PRESENT: Deputy Town Manager Rhonda Sommer; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris

Litigation – Weeks vs. Town of Nags Head

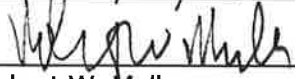
Town Attorney Ike McRee explained that the town has been served by Robert and Shirley Weeks, owners of the Village Playhouse, charging the town with improperly interpreting the ordinance – they feel that the ordinance does not specifically state who can redesignate parcels to a different classification; in addition, the town is charged with capriciously approving the Sunnyside Elevator property redesignation. Mr. McRee stated that he would provide an updated report at an upcoming session.



Carolyn F. Morris, Town Clerk

Approved: 4/23/03

Date Opened: 1/6/16

Mayor: 

Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
August 6, 2003**

CLOSED SESSION (Hold for Later Review)

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem George Farah III;
Comr. Brant Murray; and Comr. Anna Sadler

COMRS ABSENT: Comr. Doug Remaley

OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee;
Public Works Director Dave Clark; and Town Clerk Carolyn Morris

Possible Litigation

Mayor Muller reported to the Board that an elderly gentleman recently cracked his vertebrae when he leaned and broke the railing at the Gulfstream Beach Access. Mayor Muller noted that the Planning and Development Dept. Building Inspectors performed an inspection in 2002 of all beach accesses and this access was reported as needing immediate stabilization. It was pointed out that most of the issues identified by Planning and Development in 2002 have not yet been addressed yet.

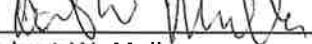
This is a possible litigation issue that Mayor Muller wanted Board members to be aware of.



Carolyn F. Morris, Town Clerk

Approved: February 4, 2004

Date Opened: 1/6/14

Mayor: 

Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
September 3, 2003**

CLOSED SESSION (Hold for Later Review)

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem George Farah III;
Comr. Doug Remaley; Comr. Brant Murray; and Comr. Anna Sadler

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris

Possible Legal Action

Town Manager Fuller explained that Ricky Mercer, property owner and builder of a house in the Lone Cedar Subdivision on the Causeway, mowed down his vegetative buffer a few days before occupancy. Zoning Administrator Courtney Gallop issued a "stop work" order although most of the work had been completed and it was noted that Mr. Mercer has now moved into the house.

Mr. Mercer had the vegetative buffer replaced with vegetation that is not thought to thrive in the area; the cost to him to replace the vegetation was \$15,900. Ms. Gallop did not allow for a bonding of the vegetative buffer as requested by Mr. Mercer's engineer Ralph Calfee.

Town Manager Fuller stated that Mr. Mercer has indicated that he may sue the Town for damages in the amount of \$15,900. Town Manager Fuller asked for Board direction. It was noted that Town Attorney Ike McRee has been consulted on this issue and concurs with the Town's actions.

It was Board consensus that Town Manager Fuller need take no action on this issue towards negotiation with Mr. Mercer as no issue exists as it is believed that Town staff took the correct actions and has several legal defenses in this situation.



Carolyn F. Morris, Town Clerk

Approved: February 4, 2004

Date Opened: 1/6/16

Mayor: 

Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
September 3, 2003**

CLOSED SESSION (Hold for Later Review)

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem George Farah III;
Comr. Doug Remaley; Comr. Brant Murray; and Comr. Anna Sadler

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris

Possible Legal Action

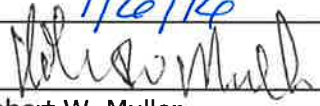
Town Manager Fuller reported that the older gentlemen who leaned on and broke the railing at the Gulfstream Beach Access and cracked his vertebrae earlier this year does not appear to be vindictive toward the Town. He is working with the Town and does not appear, at this time, to be interested in filing a lawsuit against the Town.



Carolyn F. Morris, Town Clerk

Approved: February 4, 2004

Date Opened: 1/6/14

Mayor: 

Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
November 5, 2003**

CLOSED SESSION (Hold for Later Review)

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem George Farah III;
Comr. Doug Remaley; and Comr. Anna Sadler

COMRS ABSENT: Comr. Brant Murray

OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee; and Town Clerk
Carolyn Morris

Litigation

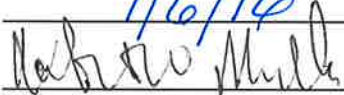
Town Attorney Ike McRee updated the Board on the lawsuit filed by Nags Head Construction concerning the Town's large residential structures ordinance. He stated that it is possible that the lawsuit may be dropped for procedural reasons, i.e., Nags Head Construction has not filed an application against the ordinance for the Town to approve/deny. He also noted that if the lawsuit is not dropped, he may file a motion to dismiss or a motion to extend the response date.



Carolyn F. Morris, Town Clerk

Approved: February 4, 2004

Date Opened: 1/6/14

Mayor: 

Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
November 5, 2003**

CLOSED SESSION (Hold for Later Review)

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem George Farah III;
Comr. Doug Remaley; and Comr. Anna Sadler

COMRS ABSENT: Comr. Brant Murray

OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee; and Town Clerk
Carolyn Morris

Potential Litigation

Town Attorney Ike McRee explained that the Wings owners are filing an appeal to the Board of Adjustment for having their site plan turned down by staff for not having the required number of architectural points to be exempt from the over 4500 square feet commercial structures moratorium.

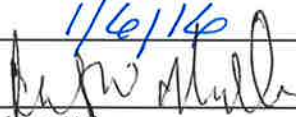
Mr. McRee explained that a lawsuit may follow challenging the moratorium based on the fact that it was not advertised for its final adoption on October 1, 2003. The moratorium was advertised for public hearing for the September 17, 2003, Board meeting which was cancelled because of the Hurricane Isabel State of Emergency – Mandatory Evacuation.



Carolyn F. Morris, Town Clerk

Approved: February 4, 2004 _____

Date Opened: 1/6/14 _____

Mayor: 

Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
November 5, 2003**

CLOSED SESSION (Hold for Later Review)

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem George Farah III;
Comr. Doug Remaley; and Comr. Anna Sadler

COMRS ABSENT: Comr. Brant Murray


OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee; and Town Clerk
Carolyn Morris

Property Acquisition Updates

Town Attorney Ike McRee updated the Board on possible property acquisitions of oceanfront property for the beach accesses required for the Federal Beach Nourishment Project. He explained that two (2) South Nags Head properties have been determined to be private accesses that are not conveyed to the Town. He will continue to look into the acquisition of property for this purpose.

Mr. McRee reported that his staff is investigating the Town easement at the Soundside Road outfall.

The anonymous letter requesting making the strip of land near the Outlaw Cottage in the Historic Cottage Row a beach access has been investigated and it was found that this land is not Town property.



Carolyn F. Morris, Town Clerk

Approved: February 4, 2004

Date Opened: 1/6/14

Mayor: 

Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
February 4, 2004**

CLOSED SESSION

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray;
Comr. Wayne Gray; and Comr. Bob Oakes

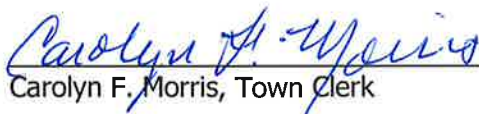
COMRS ABSENT: Comr. Anna Sadler

OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee, Jr., Public Safety
Director Charlie Cameron; and Town Clerk Carolyn Morris

Potential Litigation


Public Safety Director Charlie Cameron explained that a traffic violation in March 2003, revealed that the driver was wanted in Nags Head for a felony conviction. The driver, Warren Miller, was detained for 3½ days. It was later determined by the District Attorney's office that Mr. Miller, originally arrested for larceny of Bill Meredith's Waterworks business, had paid full restitution and the charges had been dropped; however, the District Attorney's office readily admitted that they failed to pass this information on to the Nags Head Police Division. Chief Cameron explained that Mr. Miller has requested \$4,008 in compensation for having been falsely arrested and for lost wages. Attorney Ike McRee noted that while the Town followed correct procedures, only the Town may be sued in this instance and not the District Attorney's Office. He also noted that the Town would most likely win in this instance.

In order to avoid undue adverse publicity as well as the legal costs that would be incurred, **it was Board consensus** to offer Mr. Miller \$1,500, to not exceed \$2,000, for his lost wages. **It was also Board consensus** that this issue be explained fully in Open Session when appropriate.


Carolyn F. Morris, Town Clerk

Approved: **February 2, 2005** _____

Date Opened: 1/6/16 _____

Mayor:  _____
Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED REGULAR SESSION
May 19, 2004**

CLOSED SESSION

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray; Comr. Anna Sadler
Comr. Wayne Gray; and Comr. Bob Oakes

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee, Jr., and
Town Clerk Carolyn Morris

Land Acquisition

Comr. Oakes requested an update on the possible acquisition of Dowdy's Amusement Park property located on US Highway 158 bypass.

Town Manager Fuller explained that he has had a discussion with the owners; they have indicated that they will talk to the Town if and when they decide to sell. Board members agreed that space for activities for children as well as space for larger special events will probably be needed for the Town in the years to come.

Comr. Sadler and Comr. Gray both stated that they had no knowledge of this possible acquisition; they expressed interest in being provided with more information about Town issues.

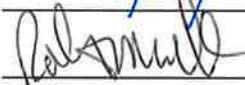
Mayor Muller and Town Manager Fuller said they would try to keep all Board members more current of items that occur especially concerning possible land acquisitions.



Carolyn F. Morris, Town Clerk

Approved: **February 2, 2005** _____

Date Opened: 1/6/14 _____

Mayor: 

Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED REGULAR SESSION
August 18, 2004**

CLOSED SESSION

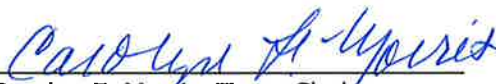
COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray; Comr. Anna Sadler
Comr. Wayne Gray; and Comr. Bob Oakes

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Webb Fuller, Town Attorney Ike McRee, and Deputy Town Clerk
Michelle Gray

Attorney/Client Privilege


Town Attorney Ike McRee updated the Board on the recent Robert/Shirley Weeks' lawsuit concerning the Board's July 7, 2004, denial of their preliminary subdivision plat for a proposed four-lot subdivision on Mall Drive. Mr. McRee explained that the Board can fight the lawsuit, approve the subdivision request, or enter into discussions with the Weeks' in order to come up with a resolution. It was also noted that the Weeks' are requesting that the Tom Alexander Soundside Road subdivision be denied.



Carolyn F. Morris, Town Clerk

Approved: **February 2, 2005** _____

Date Opened: 1/6/14 _____

Mayor: 

Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
October 6, 2004**

CLOSED SESSION

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray; Comr. Anna Sadler and Comr. Bob Oakes

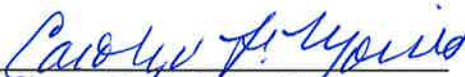
COMRS ABSENT: Comr. Wayne Gray

OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee; and Town Clerk Carolyn Morris

Land Acquisition

Town Manager Fuller provided some information about the recent appraisal that was received for the Dowdy's Amusement Park property on the bypass.

It was Board consensus that Town Manager Fuller talk to the property owners and offer a free option for 90 days and to provide the owners a copy of the appraisal. In addition, Town Manager Fuller is to request a financial report on the property, to be kept confidential, for the last five (5) years.



Carolyn F. Morris, Town Clerk

Approved: **February 2, 2005** _____

Date Opened: 1/6/14 _____

Mayor: 

Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
November 17, 2004**

CLOSED SESSION

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray; Comr. Anna Sadler
Comr. Wayne Gray; and Comr. Bob Oakes

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee; and Town Clerk Carolyn
Morris

Civil Penalties for Condemned Houses

Board members discussed the civil penalty fines owed by properties that were condemned as a result of Hurricane Isabel in September 2003 (see **attachment**).

It was Board consensus to waive the civil penalty fines for the Torsten/Peterson property located at 10215 Seagull and for the Nelson/Whetstone property located at 9639F E. Nansemond - these properties have completed actions removing them from condemned status - except for the legal fees.

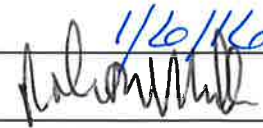
Town Attorney Ike McRee is to determine the legal fees owed by these properties and to notify each property owner of the Board's action. Board members agreed to proceed with litigation on the other properties that have not taken sufficient action to remove their properties out of condemned status.



Carolyn F. Morris, Town Clerk

Approved: **February 2, 2005** _____

Date Opened: 1/6/06 _____

Mayor: 

Robert W. Muller

500 11-17-04

NAME	ADDRESS	DESCRIPTION OF DAMAGE	DATE DECLARED A NUISANCE	DATE OF CITATIONS	AMOUNT	PERMIT STATUS	CITATION STATUS
NELSON/WHETSTONE	9639 F E NANSEMOND ST.	ELEC, MECH, EGRESS, GROUND FLOOR, SEPTIC, FOUNDATION	3/22/2004	4/25/04-09/17/04	14,600.00	CAMA 5/28/04 passed final inspection 9/17/2004 *	Unpaid
HARDESTY	111 E SURFSIDE DR.	ELEC, PLUMB, EGRESS, GROUND FLOOR, SEPTIC, FOUNDATION	3/26/2004	4/26/04-04/30/04	500.00	BP 9/25/03 CO 5/3/04	Rescinded
TORSTEN PETERSON	10215 E SEA GULL DR.	ELEC, MECH, PLUMB, EGRESS, GROUND FLOOR, SEPTIC, FOUNDATION	3/22/2004	4/26/2004-10/1/04	18,800.00	BP 6/16/04 passed final inspection 10/07/04	Unpaid
ARCHIBALD	10247 H E LOON COURT	PLUMBING, EGRESS, SEPTIC, FOUNDATION	3/22/2004	4/26/04-CURRENT	19,400.00	CAMA permit to demo to be issued	Unpaid
PEVEZ/SANSOTTA	202 & 204 E SMALL ST.	ELEC, PLUMB, STRUCTURAL, ROOF, STRUCTURAL WALL	3/22/2004	4/26/04-07/23/04	8,900.00	BP 5/4/2004 CO 7/27/04	Rescinded
MAURICE S. ROGERS	9715 E CAMELOT ST.	STRUC, ROOF, WALL, FOUNDATION, EGRESS, ELEC, PLUMB, MECH, SEPTIC	3/31/2004	4/14/04-04/28/04	1,500.00	REMOVED 4/30/04	Rescinded
COUNTRY NEST	9803 E SURFSIDE DR.	ELEC, PLUMB, MECH, PLUMB, EGRESS, SEPTIC, FOUNDATION	3/22/2004	4/26/04-CURRENT	19,400.00	CAMA permit for septic denied	Unpaid
FARDO	9701 K E NANSEMOND	COMPLETELY DESTROYED	3/25/2004	4/14/04-04/28/04	1,500.00	REMOVED 4/30/04	Rescinded
MARION PETERSON	9813 E SURFSIDE DR.	ELEC, MECH, PLUMB, EGRESS, SEPTIC, INTERIOR, WATER DAMAGE, FOUNDATION	3/22/2004	4/26/04-CURRENT	19,400.00	CAMA permit to demo to be issued	Unpaid
SEA SPRAY MOTEL	3529 S VA. DARE TR.	STORM DEBRIS, WINDOW DAMAGE	3/30/2004			Building secured, debris removed 4/27/04	N/A
JACOBS	9701 H E NANSEMOND ST.	ELEC, MECH, PLUMB, GROUND FLOOR, SEPTIC, INTERIOR WATER DAMAGE, WINDOW DAMAGE	5/17/2004			BP 6/11/04 CO 6/25/04	N/A
		*CONDEMNED AGAIN 9/18/04 (SEPTIC) AUTHORIZED TO REPAIR					

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
December 1, 2004**

CLOSED SESSION

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray; Comr. Anna Sadler
Comr. Wayne Gray; and Comr. Bob Oakes

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris

Civil Penalties for Condemned Houses

Board members discussed the Otto Peterson house and other properties with civil penalties as a result of Hurricane Isabel in September 2003.

It was Board consensus that any affected property owner that obtains a demolition permit and completes the demolition, i.e., the site is cleared, their legal fees are to be waived except for \$3,000 or payment of legal fees plus 10%, whichever is greater. In addition, the property owner is to convey the title to the demolished property, if it exists, to the Town.

Affected properties are the Gilliam Young, Whetstine, Otto Peterson, and Archibald properties. The Country Nest property tried to obtain a septic permit but was denied and has taken no further action.



Carolyn F. Morris, Town Clerk

Approved: **February 2, 2005** _____

Date Opened: 1/6/05 _____

Mayor:  _____
Robert W. Muller

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED REGULAR SESSION
January 19, 2005**

CLOSED SESSION

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray; Comr. Anna Sadler
Comr. Wayne Gray; and Comr. Bob Oakes

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee; Public Safety Director
Charlie Cameron; and Town Clerk Carolyn Morris

Attorney/Client Privilege - Red light camera program

Town Attorney Ike McRee reported on a current lawsuit in another County where a judge has determined that all proceeds from red light program violations should go to the School Board and none to the vendor or to the County.

Board members discussed entering an agreement with the School Board and with the vendor rather than requesting legislation at this time. Board members emphasized that safety has always been their reason for favoring the red light camera program and not additional revenues.

Comr. Sadler said that she would prefer to initiate the program after the current lawsuit concerning this issue has been resolved.

MOTION: Comr. Oakes made a motion to authorize the attorney and the Mayor to negotiate a contract with the School Board their receipt of the *clear proceeds* from the red light camera program, i.e., after expenses incurred are paid to the vendor and to the Town. Further that the Public Safety Director negotiate a contract with the vendor to receive payment of expenses incurred from the program and that both contracts be brought back for Board review. The motion was seconded by Mayor Pro Tem Murray which passed 4 - 1 with Comr. Sadler casting the NO vote.


Carolyn F. Morris, Town Clerk

Approved: January 4, 2006

Opened: 1/6/16

Mayor: 
Robert O. Oakes, Jr.

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
July 6, 2005**

CLOSED SESSION

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray; Comr. Anna Sadler; Comr. Wayne Gray; and Comr. Bob Oakes

COMRS ABSENT: None

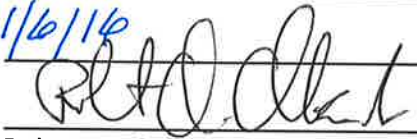
OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee; and Town Clerk Carolyn Morris

Land Acquisition

Town Manager Fuller brought forward the request from the Otto Peterson family to donate to the Town what remains of the Otto Peterson oceanfront lot in South Nags Head (**see attached map**). Town Attorney Ike McRee explained that this conveyance by the Peterson family of what is left of the property was a condition imposed by the Town to reduce the fees owed by the Petersons. Board members concurred with Mr. McRee.



Carolyn F. Morris, Town Clerk

Approved: January 4, 2006
Opened: 1/6/16
Mayor: 
Robert O. Oakes, Jr.

7/6/05 1300 OS



**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED REGULAR SESSION
July 20, 2005**

CLOSED SESSION

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray;
Comr. Wayne Gray; and Comr. Bob Oakes

COMRS ABSENT: Comr. Anna Sadler

OTHERS PRESENT: Town Manager Webb Fuller; Town Attorney Ike McRee;
Public Works Director Dave Clark; and Town Clerk Carolyn Morris

Litigation

Town Manager Webb Fuller, with assistance from Public Works Director Dave Clark, reported that The Taf Group, hired by the Town to oversee the South Nags Head Fire Station design and construction, have walked away from the project and liquidated their assets.

Town Attorney Ike McRee stated that this was the first he had heard of this issue and said that he would review the provisions provided in the contract concerning their default and he would then advise the appropriate steps to be taken.

It was Board consensus to authorize staff to enter an agreement with Edgar Mayo, who has been working on the project with The Taf Group, to serve as the Town's agent at the rate he was paid by The Taf Group. If Mr. Mayo is unavailable, then staff is authorized to contact Jimmy Hite, who oversaw the construction of the New Town Hall Building in 1996-1997, to see if he would be willing.



Carolyn F. Morris, Town Clerk

Approved: January 4, 2006

Opened: 1/6/16

Mayor: 

Robert O. Oakes, Jr.

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
September 7, 2005**

CLOSED SESSION

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray;
Comr. Anna Sadler; Comr. Wayne Gray; and Comr. Bob Oakes

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Seth Lawless; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris

Litigation


Town Attorney Ike McRee reported, for the Board's information, that Chief Building Inspector Ronnie Ballance met with owners of the Nelson-Whetstine house on Nansemond. The house has no septic system and the owners were given 90 days to comply or demolish. The property owners have filed a lawsuit seeking in excess of \$10,000 in damages for the regulatory taking of their house. Mr. McRee will keep the Board informed; he stated it was possible the owners may be able to obtain a septic permit from the Health Department.



Carolyn F. Morris, Town Clerk

Approved: January 4, 2006

Opened: 1/6/16

Mayor: 

Robert O. Oakes, Jr.

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION
September 7, 2005**

CLOSED SESSION

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray;
Comr. Anna Sadler; Comr. Wayne Gray; and Comr. Bob Oakes


COMRS ABSENT: None

OTHERS PRESENT: Town Manager Seth Lawless; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris

Land Acquisition

Comr. Sadler brought forward some land for possible Town acquisition (**see attached**). She asked Board members if they would be interested in 1/2 acre of land on the Causeway adjacent to Whalebone Tackle Shop - listed for \$449,000. The possibility of grants from the Dare County Tourism Board and Clean Water Management Trust Fund were noted.

It was Board consensus that staff obtain an appraisal of the property.



Carolyn F. Morris, Town Clerk

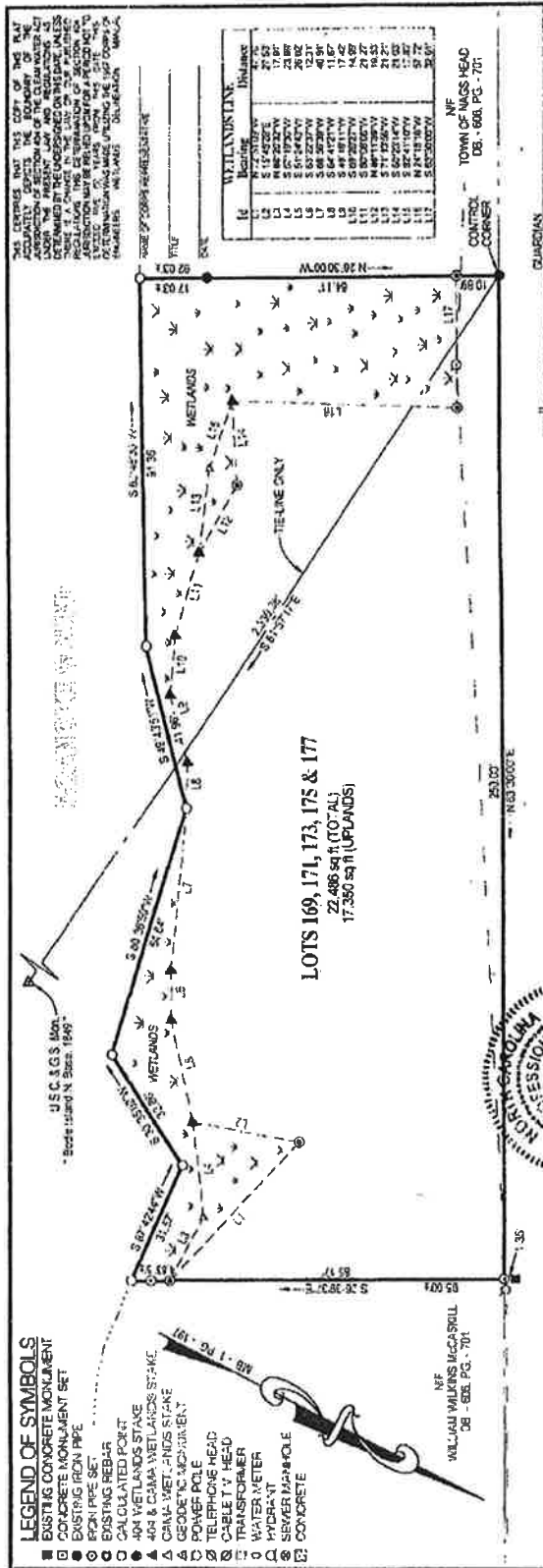
Approved: January 4, 2006

Opened: 1/6/16

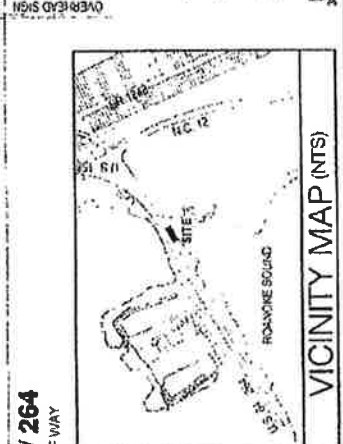
Mayor: 

Robert O. Oakes, Jr.

9/17/05
CS



ED COULBURN
 A WETLANDS PLAT OF
 LOTS 169, 171, 173, 175 & 177, ROANOKE BEACHES
 FOR
 NAGS HEAD TWPSP
 CARE COUNTY
 NORTH CAROLINA
 SURVEYED ON
 SURVEYED BY W.M. MEEKINS JR. & ASSOC., INC.
 DB - 68, PG - 3C



U.S. 64 / 264
 30' RIGHT OF WAY

NOTES:
 1. FIRM ZONE - AE - 9.0
 2. SUBJECT TO CHANGE BY FEMA.
 3. MAP REFERENCE MADE TO
 - ROANOKE BEACHES -
 DB - 33, PG - 182
 CARE COUNTY REGISTRY
 3. PIN # 1408001957024
 4. WAS BE DISCLOSED BY FULL AND
 ACCURATE TITLE SEARCH
 5. BUILDING LINES SHOWN HEREON MUST BE
 VERIFIED. THE SURVEYOR MAKES NO
 REPRESENTATION AS TO THE EXISTENCE OR
 RESTRICTIVE COVENANT SETBACKS

WESLEY M. MEEKINS, JR.
 W.M. MEEKINS, JR. & ASSOC., INC.
 Land Surveyors and Planners
 P.O. Box 1988
 Matineo, N.C. 27854
 Job No. MAG-1183-03 PLS - 1265

PROFESSIONAL SEAL
 WESLEY M. MEEKINS, JR.
 STATE OF NORTH CAROLINA
 LAND SURVEYOR
 No. 1265

LEGEND OF SYMBOLS

- EXISTING CONCRETE MONUMENT
- CONCRETE MONUMENT SET
- EXISTING IRON PIPE
- IRON PIPE SET
- EXISTING REBAR
- CALCULATED POINT
- 404 WETLANDS STAKE
- 404 & 604 WETLANDS STAKE
- CRANI-MET-FINDS STAKE
- GEODETIC MONUMENT
- POWER POLE
- TELEPHONE HEAD
- CABLE T.V. HEAD
- TRANSFORMER
- WATER METER
- WATER VALVE
- SEWER MANHOLE
- CONCRETE

U.S.C. & G.S. Mon.
 State of N.C. Since 1849

WALJAH WILKINS McCARROLL
 DB - 68, PG. 701

WETLANDS

TIE-LINE ONLY

LOT 169, 171, 173, 175 & 177
 22,486 sq ft (TOTAL)
 17,350 sq ft (UPLANDS)

ROANOKE BEACHES

ROANOKE SOUND

US HIGHWAY 17

OVERHEAD SIGN

CLUBSMAN

CONTROL CORNER

TOWN OF NAGS HEAD
 DB - 68, PG - 701

NEP



MLS #: 35225
 Status: ACT
 Type: Commercial
 Address: 7411 Highway 64/264
 City: Nags Head
 ZIP: 27959
 Area: Nags Head Westside
 Agent: Patton, Joel - (252)423-0352; Nags Head Realty - (252)441-4311

Class: Land
 Price: \$449,900
 For Sale

Waterfront: SF
 PropertyL: 0

11/10/05
 CS

General

Asking Price:	\$449,900	Water Frontage:	250
Company File #:	1852	Lot Faces:	N
Comp-BA:	05	Subdivision:	None
Comp-BA Other:	0	Info-Zoning:	Com
Comp-SA:	0	Info-Lot #:	169,
Comp-SA Other:	0	Pin #:	080019517024
Owner:	Thomas & Peggy Mustian	Deed-Book:	304
Listing Date:	06/13/2005	Deed-Book Page#:	662
Lot Size:	250 x 1007	County:	Dare
Lot Sq. Ft.:	25000	Directions:	Adjoins Whalebone Tackle
Number of Acres:	0.540000	DOM:	85
Street Frontage:	250		

Features

* LOT DESCRIPTION	* WATER	* FEB INCLUDES	* POSSESSION
Adj to Park Serv./Preserv	Municipal	None	1-30 Days
Water Frontage	* SEWER/SEPTIC	* DOCUMENTS ON FILE	* LISTING TYPE
Level	Private Septic	Land Survey	Exclusive Right to Sell
* VIEW DESCRIPTION	* ELECTRIC	Recorded Plat	
Sound	Available	* FINANCING AVAILABLE	
* TIMBER	* CABLE	Cash	
No	Available	Conventional	
* ROADS	* AMENITIES	* SHOWING INSTRUCTION	
Paved	Boat Ramp	Vacant	
Public	Sound Access	Call Agent	

Financial

Taxes:	62	Assoc Fee?1:	N
Tax Year:	2003	Ann Fee \$:	0

Remarks

Zoned Commercial, some site work done. Great for soundfront business or nice home. Good ramp and natural channel on property.

Additional Pics



This information is deemed reliable but not guaranteed.

09/06/2005 02:38 PM

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS**

REGULAR SESSION

October 5, 2005

CLOSED SESSION

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray; Comr. Anna Sadler;
Comr. Wayne Gray; and Comr. Bob Oakes

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Seth Lawless; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris

Nelson Whetstine litigation

Town Attorney Ike McRee reported at the September 7, 2005 Board meeting that the Brough Law Firm, on behalf of the owners of the Nelson-Whetstine house on Nansemond, has sued the Town for damages for the Town's regulatory taking of the Nelson-Whetstine house.

Mr. McRee reported that after contacting the NC League of Municipalities who provides the Town's insurance coverage that the Town does not provide any "regulatory taking" coverage for any of the municipalities in the State.

Board members felt that the League should be providing this type of coverage and agreed with Mr. McRee's suggestion that he write a letter to the League concerning this issue.


Carolyn F. Morris, Town Clerk

Approved: January 4, 2006

Opened: 1/6/16

Mayor: 
Robert O. Oakes, Jr.

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS**

REGULAR SESSION

November 2, 2005

CLOSED SESSION

COMRS PRESENT: Mayor Robert Muller; Mayor Pro Tem Brant Murray; Comr. Anna Sadler;
Comr. Wayne Gray; and Comr. Bob Oakes

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Seth Lawless; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris


Real Property Acquisition

The Board reviewed the appraisal received on the Mustian property on the Nags Head/Manteo Causeway adjacent to the Whalebone Tackle Shop. The appraised estimate is \$345,000; Comr. Sadler noted that the asking price was \$449,000.

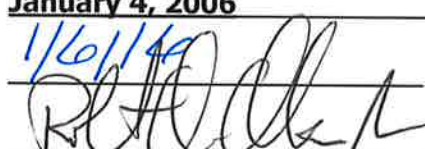
Comr. Gray stated that Outer Banks Visitors Bureau Director Carolyn McCormick indicated to him that the Tourism Board has some funding for Open Space projects.

Mayor Muller stated that the Town recently received a call from Sen. Basnight suggesting that the Town purchase the Oasis Restaurant site on the Causeway.

It was Board consensus to take no action at this time and to search for and acquire Open Space property in the future - at a time when the Town is more fiscally secure.



Carolyn F. Morris, Town Clerk

Approved: January 4, 2006
Opened: 1/6/06
Mayor: 
Robert O. Oakes, Jr.

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS**

REGULAR SESSION

December 7, 2005

CLOSED SESSION

COMRS PRESENT: Mayor Renée Cahoon; Mayor Pro Tem Anna Sadler; Comr. Wayne Gray;
Comr. Bob Oakes; and Comr. Doug Remaley

COMRS ABSENT: None

OTHERS PRESENT: Town Attorney Ike McRee; Planning Director Tim Wilson; and
Town Clerk Carolyn Morris

Possible Litigation

Comr. Remaley brought forward an issue brought to him by Nicole Northrup, resident of Nags Head Acres, whose husband Jim used to be employed by the Town as MIS Coordinator. The Northrups are currently going through a divorce. They have been issued civil citations of \$100/day for not complying with lot coverage issues stemming from the construction of their garage.

Planning Director Tim Wilson explained that the final inspection of the garage, performed by Planner Andy Garman, identified that lot coverage was over by 296 square feet. He also explained that he had already extended the deadline for the Northrups to November 21, 2005 and that no action had yet been taken to resolve the issue. Ms. Northrup was also told she could appeal to the Town Board of Adjustments for relief; no application has yet been filed.

It was Board consensus that the Northrups be required to comply with the Town's ordinances; civil citations are to continue until resolution of the lot coverage issue.


Carolyn F. Morris, Town Clerk

Approved: January 4, 2006

Opened: 1/6/06

Mayor: 

Robert O. Oakes, Jr.