

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION
March 7, 2007 - #3**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris

Attorney/Client privilege - Beacon Motor Lodge

Beacon Motor Lodge - It was Board consensus to require that the Beacon Motor Lodge remove its laundry utility building that is currently on Town property at the Baltic Street Beach Access.


Carolyn F. Morris, Town Clerk

Date Approved: **February 6, 2008**

Date Opened: 1/6/16

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION
March 7, 2007 - #4**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris

Attorney/Client privilege - Surfside Drive (Kirkpatricks)

Surfside Drive - Kirkpatricks - Town Attorney Ike McRee reported that the Kirkpatricks who own on Surfside Drive and have no parking or lot access, are requesting from the Board of Adjustments at the next BOA meeting in April 2007 a variance from the Town Code requirements for lot access/parking.


Carolyn F. Morris, Town Clerk

Date Approved: **February 6, 2008**

Date Opened: 1/6/16

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION
September 5, 2007**

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

COMRS ABSENT: Comr. Doug Remaley

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris

Attorney/Client Privilege - Randy Saunders BOA Case

Town Attorney Ike McRee requested direction from the Board on whether or not to file a Writ of Cert in Dare County Superior Court due to a recent Board of Adjustments (BOA) variance case concerning builder Randy Saunders. Mr. McRee explained that the BOA denied the variance request from Mr. Saunders in the first BOA meeting; at the second meeting the BOA continued the motion to dismiss the case; at the third meeting the BOA denied the motion to dismiss and granted the variance to Mr. Saunders.

Mr. McRee explained that several findings are required, by law, in order to grant a variance and the BOA openly acknowledged that the findings were not present but still granted the variance.

Mayor Cahoon confirmed with Mr. McRee that the question for the Board of Commissioners is whether or not the BOA violated the law by re-hearing the variance request with no new information, in addition to granting a variance without all of the required findings of fact.

It was Board consensus to direct Town Attorney Ike McRee to proceed with the appeal of the BOA case to the Dare County Superior Court.


Carolyn F. Morris, Town Clerk

Date Approved: February 6, 2008

Date Opened: 1/6/16

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED REGULAR SESSION**

**CLOSED SESSION
September 19, 2007 - #3**

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

COMRS ABSENT: Mayor Pro Tem Anna Sadler


OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney Ike McRee;
Deputy Town Manager Bill Richardson; and Town Clerk Carolyn Morris

Acquisition of real property - Duneburger property

Mayor Cahoon explained that the Duneburger property across from Jennette's Pier on the Beach Road could be used as a Town Beach Access for the Jennette's Pier Project - scheduled for completion in 2010. She stated that submittal of a Dare County Tourism Board Restricted Fund Grant application would request grant funds for FY 08/09. Board members discussed whether to submit a DCTB Restricted Fund Grant application on behalf of the Eure Outer Banks Art Center Project, for continued design/construction of the US 158 multi-use path, or for the purchase of the Duneburger property to be used as a regional beach access for Jennette's Pier.

It was Board consensus to support the Eure Outer Banks Art Center project.

The Board passed a motion, made by Comr. Oakes and seconded by Comr. Gray, to re-enter Open Session. The motion passed 4 - 0 (Mayor Pro Tem Sadler was absent.).


Carolyn F. Morris, Town Clerk

Date Approved: **February 6, 2008**

Date Opened: 1/6/14

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION
October 3, 2007 - #2**

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

COMRS ABSENT: Comr. Bob Oakes


OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris

Attorney/Client Privilege - Beacon Motor Lodge

Town Attorney Ike McRee stated that he has filed a complaint seeking a court order requesting the Beacon Motel to remove their laundry room structure at the Baltic St. Beach Access site; they propose filling in the building with sand and leaving the structure. Staff and the Motel's owners met on site earlier this week.

Town Manager Charlie Cameron explained that staff will meet with CAMA next week to determine if the proposal is feasible.

It was Board consensus that the Beacon Motel property owner is to remove their laundry room structure and after removal, the dune has to be re-established; the Motel's engineer is to seal that removal of the structure won't damage the Motel building when removed; the Town is to pay the cost of the asbestos inspection.


Carolyn F. Morris, Town Clerk

Date Approved: February 6, 2008

Date Opened: Closed 1/6/16

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION
October 3, 2007 - #3**

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

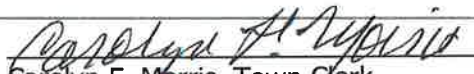
COMRS ABSENT: Comr. Bob Oakes

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris

Attorney/Client Privilege - Randy Saunders BOA Case

Mayor Pro Tem Sadler questioned the recent Board of Adjustments (BOA) case concerning the top plate request by builder Randy Saunders. She asked if Mr. Saunders could now continue his work with his requested top plate.

Attorney Ike McRee explained that the BOA order was signed by the BOA Chair last week. Mr. McRee will now file the appeal with the court and Mr. Saunders should not be issued any building permits after the appeal has been filed.


Carolyn F. Morris, Town Clerk

Date Approved: **February 6, 2008**

Date Opened: ~~Closed~~ 1/6/14

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION
November 7, 2007 - #2**

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

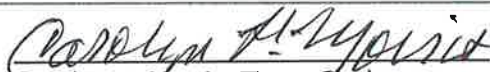
COMRS ABSENT: Comr. Bob Oakes

OTHERS PRESENT: Town Manager Charlie Cameron; Deputy Town Manager Bill Richardson;
Town Attorney Ike McRee; and Town Clerk Carolyn Morris

Attorney/Client Privilege - Surfside Drive easements

Town Attorney Ike McRee briefed the Board on an issue concerning back yard easements for the property owners to utilize for access to their property on Surfside Drive; the Town received a letter from Dominion Power indicating that the Town built a road in the Chawanook Cay Subdivision in South Nags Head which has jeopardized the Dominion Power facility and utility line easements. The letter requests payment from the Town to move electrical transformer/lines.

Mr. McRee stated that he has relayed information to Dominion Power that the Town has no obligation or responsibility because the road was built by property owners and not the Town - in part because one of the property owners, the Shonnards, are not allowing easements on the back of their property for their neighbors. Mr. McRee stated that he is providing this update to the Board for their information.


Carolyn F. Morris, Town Clerk

Date Approved: February 6, 2008

Date Opened: Closed 1/6/16

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION
December 5, 2007 - #1**

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

COMRS ABSENT: Comr. Doug Remaley

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney Ike McRee;
and Town Clerk Carolyn Morris

Attorney/Client Privilege - Surfside Drive (Kirkpatricks)

Town Attorney Ike McRee reported to the Board that the Kirkpatricks have filed a lawsuit against the Town for allowing Surfside Drive to remain unpaved charging that the Town has been negligent; they are making an inverse condemnation claim - it was noted that CAMA would not allow the Town to replace the road.

The Kirkpatricks allege that the Town issued an illegal CAMA permit for an easement in the Chawanook Subdivision to allow access to various properties.


Carolyn F. Morris, Town Clerk

Date Approved: **February 6, 2008**

Date Opened: **Closed 1/6/16**

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #1
January 9, 2008**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Dep. Town Manager Bill Richardson;
Town Attorney Ike McRee; and Town Clerk Carolyn Morris


Litigation - Baltic Street Access/Beacon Motel

Town Attorney Ike McRee reported that the attorney for the Beacon Motel property owners has indicated that his clients signed the amendment agreement in 1975 under duress; he informed Mr. McRee that his clients only signed the agreement because they needed a building permit. However, Mr. McRee noted that the building permit was issued by the Town prior to the agreement.

It was Board consensus to agree with Mr. McRee's request to continue with the summary judgment to be filed in this case. It was also Board consensus to move forward with the walkway for the Baltic Street Beach Access and to go back after resolution to remove the building.

Town Manager Cameron expressed his concern about preserving the grant funds from DCTB and CAMA.

Mayor Cahoon pointed out that the DCTB grant funds may be less due to less parking spaces being able to be established.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: Closed 1/6/10

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED REGULAR SESSION**

**CLOSED SESSION - #1
June 18, 2008**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney Ike McRee; Deputy Town Manager
Cliff Ogburn; Town Clerk Carolyn Morris

Litigation - US 158 Waterline Project

Town Attorney Ike McRee explained that the Town may end up in litigation with HML Corporation concerning the US 158 Waterline Project; a conference call took place today with Town staff, Town Attorney, and the Wooten Company; a letter has been received from the HML Corporation attorney stated that their client is facing financial ruin, etc. and wants the Town to be helpful in completing the project.

There are numerous issues with the project work such as by trying to cure a pressurization problem by removing a ball-clamp and installing a mechanical clamp which has not been approved by the Town Engineer. The contractor, HML, has been advised by Public Works Director Dave Clark to suspend work immediately - the Town is concerned about moving forward without a plan approved by the Town Engineer - the Town may need to go against the Performance Bond of HML in order to obtain completion of the project. Mr. McRee stated that it is hoped that the Plan of Action in place will be accepted by the Town Engineer so that HML can complete the project.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: Closed 1/6/16

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #1
August 6, 2008**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney Tom White;
Deputy Town Manager Cliff Ogburn; Town Clerk Carolyn Morris

Litigation

Town Manager Charlie Cameron briefly discussed with Board members possible litigation over the lack of action by HML Enterprises, contractor for the US 158 waterline extension project. Phillip Hornthal is the Town's attorney for this project. Numerous issues have occurred since the project began and may eventually have to be re-bid; It was originally scheduled to be completed by February 2008.

Board members expressed interest in calling for action on the Performance Bond which the Town is holding.

It was Board consensus that attorney Hornthal prepare an outline of options for the Board to consider during Closed Session at its September 3, 2008 Board of Commissioners meeting.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: Closed 1/6/16

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED REGULAR SESSION**

**CLOSED SESSION - #1
August 20, 2008**

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

COMRS ABSENT: Comr. Wayne Gray

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney John Leidy;
Town Clerk Carolyn Morris

Litigation

Attorney John Leidy and Manager Charlie Cameron reported on the possible litigation with the HML Corporation who was responsible for the US 158 waterline project. A meeting between the Town and HML and the surety company is expected the end of August 2008; at that time it is expected that a plan to complete the project will be provided or the Town will call the performance bond.

It was Board consensus to continue to move forward as indicated by Town Manager Cameron - staff is to continue to report back with updates.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: closed 1/6/16

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #1
September 3, 2008**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney John Leidy;
Deputy Town Manager Cliff Ogburn; and Town Clerk Carolyn Morris

Litigation

Town Attorney John Leidy reported on the litigation with the Kirkpatricks; the Kirkpatricks have sued the Town for negligence in not rebuilding Surfside Drive and subsequently being unable to rent their property after storms undermined the road. They claim that the road was washed out and the Town failed to repair it. Mr. Leidy speculated that the Kirkpatricks have sued in order to obtain full insurance on their property. Mr. Leidy also noted that he and his firm do not feel there will be any issue with the Town's defense of the Kirkpatricks' lawsuit.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: 1/6/14

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #2
September 3, 2008**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney John Leidy;
Deputy Town Manager Cliff Ogburn; and Town Clerk Carolyn Morris

Litigation

Town Attorney John Leidy updated the Board on the HML waterline dispute; the company was working on the US 158 bypass waterline for the Town; the contractor has been put on notice for default of the contract.

Town Manager Cameron reported that HML will be testing for leaks of the waterline during the week of September 8, 2008. He also noted that the HML Company feels they can complete the project; he also noted that the Town has suspended liquidated damages until after the leak testing is completed.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: Closed 1/6/14

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #1
October 1, 2008**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney John Leidy;
Deputy Town Manager Cliff Ogburn; Public Works Director Dave Clark;
and Town Clerk Carolyn Morris

Litigation - HML Corporation waterline project

Attorney John Leidy provided a status of the US 158 waterline project and the leaks that the HML Corporation has been unable to locate; HML hired a company to locate the leaks; a second meeting will be held after the leaks have been located to determine the next action. One of HML's subcontractors has filed a claim against the payment bond because they have not been paid. There are two (2) bonds in action - a performance bond and a payment bond - Mayor said that she hopes the issues will be resolved by the 2009 summer season.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: Closed: 1/16/14

Mayor: M. Renée Cahoon
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #2
October 1, 2008**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney John Leidy;
Deputy Town Manager Cliff Ogburn; and Town Clerk Carolyn Morris

Litigation - Baltic Street/Beacon Motor Lodge

Attorney John Leidy reported that the Town has served discovery papers to the Beacon Motor Lodge attorney, Charlie Aycock, who has obtained an extension until November 7, 2008 to respond. Mr. Leidy stated that he believes summary judgment may be obtained by the end of 2008.

Mayor Cahoon explained that there are two (2) ongoing projects at Baltic Street: to build the beach access and crossover; and to remove the motel laundry structure from the access area.


Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: closed 1/6/16

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED REGULAR SESSION**

**CLOSED SESSION - #1
October 22, 2008**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney John Leidy;
Deputy Town Manager Cliff Ogburn; Public Works Director Dave Clark;
and Town Clerk Carolyn Morris

Litigation - HML Corporation

Attorney John Leidy reported briefly on the status of the US 158 bypass waterline project. He stated that the Eagle Eye contractor firm has been in place locating and curing defects found in the installed waterline.

Public Works Director Dave Clark provided a more detailed status of the work being done by the Eagle Eye contractor which he stated has been very good.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: Closed 1/10/14

Mayor: M. Renée Cahoon
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED REGULAR SESSION**

**CLOSED SESSION - #2
October 22, 2008**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney John Leidy;
Deputy Town Manager Cliff Ogburn; and Town Clerk Carolyn Morris

Litigation - Beacon Motor Lodge

Attorney John Leidy reported that he and his staff have been in discussions with the Beacon Motor Lodge attorney, Mr. Aycock. In question is whether or not Mr. James, Beacon Motor Lodge owner, who is ill, will be testifying and who else, if anyone, will be called by Mr. Aycock to testify as a witness.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: Closed 1/6/10

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED REGULAR SESSION**

**CLOSED SESSION - #3
October 22, 2008**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney John Leidy;
Deputy Town Manager Cliff Ogburn; and Town Clerk Carolyn Morris

Litigation - Kirkpatrick

Attorney John Leidy provided a status of the Kirkpatrick lawsuit against the Town concerning the repair to Surfside Drive due to storm damage. He stated that he has received another request for data. He is not sure when summary judgment will take place but it will not be before the end of 2008.

Litigation - Kirkpatrick - Daniel Rohr inquiry

Attorney John Leidy reported that an email was received from Daniel Rohr who also owns property on Surfside Drive and who referred to the Kirkpatricks in his email. Mr. Rohr questioned why the Town does not close or abandon the road. Mr. Leidy is to respond to Mr. Rohr.

It was noted that Surfside Drive cannot be repaired/re-installed as there is no right-of-way. Mr. Leidy is to research the closure and/or abandonment of Surfside Drive for further discussion at the November 5, 2008 Board of Commissioners meeting - in Closed Session.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: Closed 1/6/16

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #1
November 5, 2008**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney John Leidy;
Deputy Town Manager Cliff Ogburn; Public Works Director Dave Clark;
and Town Clerk Carolyn Morris

Litigation - HML Corporation

Attorney John Leidy summarized the issue with the leaks in the US 158 bypass waterline installed by HML Corporation and now being examined/repared by Eagle Eye contractor.

Public Works Director Dave Clark reported that the contractor is doing a very good job and making excellent progress - he estimated that they are approximately 50% done.

Town Manager Cameron reported, for the Board's information, that the Town has received a claim from a vendor not receiving payment by HML Corporation. He also noted that the Northridge entrance is being repaired/fixd after being torn up by the Eagle Eye contractor when examining the waterline in that area.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009 _____

Date Opened: Closed 1/6/16 _____

Mayor: 

M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #2
November 5, 2008**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney John Leidy;
Deputy Town Manager Cliff Ogburn; and Town Clerk Carolyn Morris

Litigation - Kirkpatrick - Surfside Drive

Attorney John Leidy explained that property owners near the Kirkpatricks have requested that the Town close/withdraw Surfside Drive to allow them to push sand further in efforts to protect their property.

Mr. Leidy also reported that the Kirkpatricks have filed two (2) claims against the Town: an inverse condemnation claim and a negligence claim. Mr. Leidy and his associates believe that the Statute of limitations has expired on both claims. Concerning closing/withdrawing Surfside Drive, the Town does not want to do something which may cause the statute of limitations to continue and they do not want to spark additional lawsuits.

It was Board consensus to take no action at this time concerning closing/withdrawing Surfside Drive.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: 1/6/14

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #1
December 3, 2008**

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

COMRS ABSENT: Comr. Wayne Gray and Comr. Bob Oakes

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney John Leidy;
Deputy Town Manager Cliff Ogburn; Public Works Director Dave Clark;
and Town Clerk Carolyn Morris

Litigation - HML Corporation

Public Works Director Dave Clark provided an update to the Board of the progress made by the HML Corporation subcontractor, Eagle Eye. Good progress is being made as the pressure testing continues on the US 158 bypass waterline project.

It was Board consensus to allow Town Manager Cameron to work with the Town attorney and the HML attorney to release some of the funds to HML Corporation.

Town Manager Cameron confirmed with the Board that they would like to recover the cost of the attorney fees for this litigation.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: Closed 1/16/14

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #2
December 3, 2008**

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

COMRS ABSENT: Comr. Wayne Gray and Comr. Bob Oakes

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney John Leidy;
Deputy Town Manager Cliff Ogburn; and Town Clerk Carolyn Morris

Litigation - Baltic Street Beach Access/Beacon Motor Lodge

Town Attorney John Leidy reported that summary judgment will be filed in the Baltic Street/Beacon Motor Lodge lawsuit in early 2009. He stated that the attorneys are currently trying to agree on potential witnesses.

Town Manager Cameron said that he expects the beach access construction project to be completed by December 31, 2008.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: Closed 1/6/14

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #3
December 3, 2008**

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

COMRS ABSENT: Comr. Wayne Gray and Comr. Bob Oakes

OTHERS PRESENT: Town Manager Charlie Cameron; Town Attorney John Leidy;
Deputy Town Manager Cliff Ogburn; and Town Clerk Carolyn Morris

Litigation - Kirkpatrick - Surfside Drive

Town Attorney John Leidy reported that the attorney for the Kirkpatricks is discussing filing their motion at the March 9, 2009 court session. He noted that other landowners on Surfside Drive are also affected by the Kirkpatrick's lawsuit and two other property owners have contacted the Town with similar situations.

Mayor Cahoon confirmed with Mr. Leidy that letters, similar to the letter that was forwarded to Daniel Rohr, a Surfside Drive property owner, will also be forwarded to the two property owners who have contacted the Town.

EXIT CLOSED SESSION

MOTION: Mayor Cahoon made a motion to exit Closed Session which passed 3 - 0 (Comrs. Gray and Oakes were absent.).



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: Closed 1/6/16

Mayor: 

M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
EMERGENCY SESSION**

**CLOSED SESSION
December 22, 2008**

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 Manager Charlie Cameron; Town Attorney John Leidy;
Attorney Ben Gallop; Deputy Town Manager Cliff Ogburn;
and Deputy Town Clerk Michelle Gray

Attorney-Client Privilege

Town Attorney John Leidy reported on the Beach Plan insurance rate increases and noted that the 30-day window to appeal ends today, December 22, 2008. Keith Capp, County Attorney in Raleigh has been obtained by Dare County; Procedure to follow is unclear but would involve filing a civil suit with the Dept of Insurance Commissioner.

Attorney Ben Gallop reported on the meeting by Dare County's Board on Friday, December 19, 2008; he stated that Dare County voted to enter into the challenge.

After discussion, Board members agreed to join in litigation, contingent on Dare County being the primary party opposing the insurance rate hikes. Funding was also discussed.

EXIT CLOSED SESSION

It was Board consensus to exit Closed Session; the time was 8:57 a.m.



Carolyn F. Morris, Town Clerk

Date Approved: February 18, 2009

Date Opened: Closed 1/6/10

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #2
January 7, 2009**


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

COMRS ABSENT: Mayor Pro Tem Anna Sadler

OTHERS PRESENT: Deputy Town Manager Cliff Ogburn; Attorney Ben Gallop;
Public Works Director Dave Clark; and Town Clerk Carolyn Morris

Attorney-Client Privilege - Kirkpatrick property

Attorney Ben Gallop reported that his office sent an extensive discovery request to the Kirkpatrick attorney and in a few days either a response to the request or a request for an extension of time should be received. He expects to hear a summary judgment motion early in 2009 on this litigation. He noted that there is no disagreement on the facts - the disagreement is on the interpretation of the law and will be up to the judge.


Carolyn F. Morris, Town Clerk

Date Approved: August 5, 2009

Date Opened: 1/6/10

Mayor: 
Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED REGULAR SESSION**

**CLOSED SESSION - #1
January 21, 2009**

COMRS PRESENT: Mayor Renée Cahoon; Comr. Wayne Gray; and Comr. Bob Oakes

COMRS ABSENT: Mayor Pro Tem Anna Sadler and Comr. Doug Remaley

OTHERS PRESENT: Town Manager Charlie Cameron; Deputy Town Manager Cliff Ogburn;
Town Attorney John Leidy; and Town Clerk Carolyn Morris

Litigation - Kirkpatrick

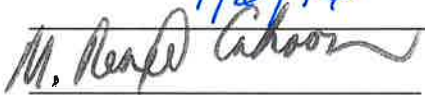
Town Attorney John Leidy provided an update on the Kirkpatrick Surfside Drive litigation. He stated that the process is still in discovery and he is waiting for receipt of information from the Kirkpatrick counsel. The NCLM, which provides for some of the defense of the Town, has authorized Town Attorney Leidy and firm to obtain a survey to determine exactly where the Town right-of-way exists in the Surfside Drive area.

Town Manager Cameron noted that the Town received a letter from another property owner (Tumblison) concerning their Surfside Drive property lines and the survey Mr. Leidy mentioned would assist them also.


Carolyn F. Morris, Town Clerk

Date Approved: August 5, 2009

Date Opened: 1/6/14

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #3
February 4, 2009**

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

COMRS ABSENT: Comr. Doug Remaley

OTHERS PRESENT: Town Manager Charlie Cameron; Deputy Town Manager Cliff Ogburn;
Town Attorney John Leidy; and Town Clerk Carolyn Morris

Litigation - Kirkpatrick

Town Attorney John Leidy provided a case status of the Kirkpatrick lawsuit. He stated that their attorney, TC Morphis, has requested additional time to respond to the Town's request for discovery. The court date, originally scheduled for the March 9, 2009 Dare County session, will be delayed in order to provide additional time for the response to discovery.

Other property owners also have an interest in the Kirkpatrick lawsuit; the Daniel Rohr inquiries have been told by CAMA that they cannot be issued a beach push permit until a survey is complete and identifies no Town right-of-way.

It was Board consensus that Attorney Leidy contact Mr. Rohr and tell him that the CAMA rules must be complied with.

EXIT CLOSED SESSION

MOTION: Comr. Oakes made a motion to exit Closed Session. The motion was seconded by Mayor Pro Tem Sadler which passed 4 - 0 (Comr. Remaley was excused.).


Carolyn F. Morris, Town Clerk

Date Approved: August 5, 2009

Date Opened: 1/16/16

Mayor: 
M. Renee Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #2
April 1, 2009**

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

COMRS ABSENT: Comr. Wayne Gray

OTHERS PRESENT: Town Manager Charlie Cameron; Deputy Town Manager Cliff Ogburn;
Town Attorney John Leidy

Litigation - Surfside Drive - Kirkpatrick

Town Attorney John Leidy reported that he filed a summary judgment in Camden County in the Kirkpatrick litigation; they have admitted items that he was surprised they admitted; in addition, items in dispute previously such as right-of-way are no longer. He will provide an update after the Monday, April 6, 2009 hearing.

John Cece (CAMA) admitted that he issued a permit near the Kirkpatrick property for a beach push in error; Town CAMA representative Kim Allan has forwarded a letter to revoke the permit to Mr. Cece.


Carolyn F. Morris, Town Clerk

Date Approved: August 5, 2009

Date Opened: 1/6/10

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #3
April 1, 2009**

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

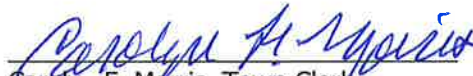
COMRS ABSENT: Comr. Wayne Gray

OTHERS PRESENT: Town Manager Charlie Cameron; Deputy Town Manager Cliff Ogburn;
Town Attorney John Leidy

Litigation - Northridge (Cutty Sark Drive) Beatty

Town Attorney John Leidy stated that Attorney Phil Hornthal was working on this issue; the owners of the Northridge Subdivision house on Cutty Sark Drive (Beatty) have sold their property. The Town is asking for \$8,500 for ordinance violations; the Beatty's attorney has filed a motion to settle the case for \$500.

It was Board consensus to agree with Attorney Leidy to return with another offer to settle - an offer that would include attorney costs.



Carolyn F. Morris, Town Clerk

Date Approved: August 5, 2009

Date Opened: 1/6/16

Mayor: 

M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #1
May 6, 2009**

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

COMRS ABSENT: Comr. Doug Remaley and Comr. Wayne Gray

OTHERS PRESENT: Town Manager Charlie Cameron; Deputy Town Manager Cliff Ogburn;
Town Attorney John Leidy; Attorney Ben Gallop

Litigation - Kirkpatrick vs Town of Nags Head

Town Attorney John Leidy updated the Board on the Kirkpatrick litigation. The court ruled on the Town's request for summary judgment and dismissed claims for inverse condemnation; the court denied the plaintiff's motion on liability; the court denied the Town's motion on the negative claim without prejudice which means the Town may have immunity to not pave, etc. Surfside Drive.

The Town can renew its motion at a later time if desired. The judge wants the Town/Kirkpatricks to settle and informed the Kirkpatrick's attorney that big money will not be involved in this case. The judge felt that the important item was access to the Kirkpatrick property.

Attorney Leidy explained that the Town will probably renew its motion re: insurance in Fall 2009. The Kirkpatricks have not explored all other options re: access with neighboring houses - he noted that the ball was in their court at this time.


Carolyn F. Morris, Town Clerk

Date Approved: August 5, 2009

Date Opened: 1/6/14

Mayor: 
M. Renee Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #3
May 6, 2009**

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

COMRS ABSENT: Comr. Doug Remaley and Comr. Wayne Gray

OTHERS PRESENT: Town Manager Charlie Cameron; Deputy Town Manager Cliff Ogburn;
Town Attorney John Leidy; Attorney Ben Gallop

Litigation - Beatty house in Northridge Subdivision

Town Attorney John Leidy reported on the litigation with the Beatty house property owners in the Northridge Subdivision (223 Cutty Sark Drive) which had assessed penalties for over-occupancy in the amount of \$8,700. The Town is waiting to hear from the Beatty's attorney on the Town's proposed settlement offer of \$4,000.



Carolyn F. Morris, Town Clerk

Date Approved: August 5, 2009

Date Opened: 1/6/16

Mayor: 

M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #6
May 6, 2009**

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

COMRS ABSENT: Comr. Doug Remaley and Comr. Wayne Gray


OTHERS PRESENT: Town Manager Charlie Cameron; Deputy Town Manager Cliff Ogburn;
Town Attorney John Leidy; Attorney Ben Gallop

Litigation - Nuisance structures

Attorney Ben Gallop reported on the oceanfront beach nuisance structures. He recommended filing a lawsuit as was done previously in the case of the Country Nest house demolition. He explained that "imminent threat to public safety" needs to be clearly shown - he asked if the Board of Commissioners wants to take this type of action. If Rep Tim Spear's proposed legislation passes, the money would be provided to remove the public beach structure. Attorney Gallop asked if the Town is willing to go through the process - the Country Nest litigation cost approximately \$30,000 to litigate.

It was noted that surveys on all four (4) nuisance structures should be done.

Attorney Ben Gallop is to research federal flood nuisance laws and report back to the Board.


Carolyn F. Morris, Town Clerk

Date Approved: August 5, 2009

Date Opened: 1/6/16

Mayor: 
M. Renee Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED SESSION**

**CLOSED SESSION - #2
May 20, 2009**

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

COMRS ABSENT: None

OTHERS PRESENT: Interim Town Manager Cliff Ogburn; Town Attorney John Leidy;
and Town Clerk Carolyn Morris

Litigation - Kirkpatrick Surfside Drive

Town Attorney John Leidy reported that summary judgment was heard April 6, 2009 - the judge accepted the Town's determination of the negligence claim; the one issue that will return for the August 31, 2009 court session involves insurance.



Carolyn F. Morris, Town Clerk

Date Approved: August 5, 2009

Date Opened: 1/6/16

Mayor: 

M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #2
June 3, 2009**

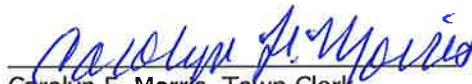
COMRS PRESENT: Mayor Renée Cahoon; Mayor Pro Tem Anna Sadler;
Comr. Wayne Gray; Comr. Doug Remaley; and Comr. Bob Oakes

COMRS ABSENT: None

OTHERS PRESENT: Interim Town Manager Cliff Ogburn; Town Attorney John Leidy;
and Town Clerk Carolyn Morris

Litigation - Kirkpatrick - South Nags Head

Town Attorney John Leidy reported that the Judge in the Kirkpatrick case ruled that there is one (1) issue still to be determined; there are further settlement negotiations in this case. Settlement options are to be presented to Attorney Leidy soon. Attorney Leidy expects the case to go to a court trial in August 2009.



Carolyn F. Morris, Town Clerk

Date Approved: August 5, 2009

Date Opened: 1/6/14

Mayor: 

M. Renee Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #4
June 3, 2009**

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

COMRS ABSENT: None

OTHERS PRESENT: Interim Town Manager Cliff Ogburn; Town Attorney John Leidy;
and Town Clerk Carolyn Morris

Litigation - Beatty occupancy issue in Northridge Subdivision

Interim Town Manager Cliff Ogburn confirmed with Board members that it was acceptable to reduce the penalties for the Beatty (Northridge Subdivision) over-occupancy issue to \$2,500. Interim Mgr Ogburn stated that he had received the question from Attorney Hornthal via email today.

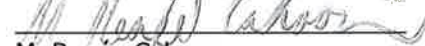
EXIT CLOSED SESSION

MOTION: Comr. Oakes made a motion to exit Closed Session. The motion was seconded by Comr. Remaley which passed unanimously.


Carolyn F. Morris, Town Clerk

Date Approved: August 5, 2009

Date Opened: 1/16/10

Mayor: 
M. Renée Cahoon

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #1
August 5, 2009**

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

COMRS ABSENT: None

OTHERS PRESENT: Interim Town Manager Cliff Ogburn; Town Attorney John Leidy;
and Town Clerk Carolyn Morris

Prevent disclosure - Closed Session Minutes

A MOTION was made by Comr. Gray to approve the closed session minutes listed on Attachment A hereto (*January - June 2009 Closed Sessions - Summary Disposition*).
MOTION was seconded by Comr. Oakes which passed unanimously.

Then a motion was made by Mayor Pro Tem Sadler to waive the attorney client privilege pursuant to N.C. Public Records Act with respect to those closed session minutes designated on Attachment A hereto (*January - June 2009 Closed Sessions - Summary Disposition*) with an "O" but not with respect to those minutes designated with a "C" for Closed.
MOTION was seconded by Comr. Remaley which passed unanimously.

Then a MOTION was made by Comr. Remaley to open those closed session minutes designated on Attachment A hereto (*January - June 2009 Closed Sessions - Summary Disposition*) with an "O" for "Open" while redacting before opening any reference that would allow the identification of specific personnel who were the subject of a closed session.
MOTION was seconded by Mayor Pro Tem Sadler which passed unanimously.


Then a MOTION was made by Mayor Pro Tem Sadler to withhold and to keep closed those closed session minutes designated on Attachment A hereto (*January - June 2009 Closed Sessions - Summary Disposition*) with a "C" for Closed, because the purpose of the closed sessions in issue will be frustrated if those minutes are released.
MOTION was seconded by Comr. Remaley which passed unanimously.



Carolyn F. Morris, Town Clerk

Date Approved: January 6, 2010

Date Opened: 1/6/10

Mayor: 

Robert O. Oakes, Jr.



**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
JANUARY - JUNE 2009 CLOSED SESSIONS**

SUMMARY DISPOSITION (Attachment A)

O - Open; C - Close

JANUARY 2009 THROUGH JUNE 2009

January 7, 2009 - #1	Attorney/Client	Baltic Street Access/Beacon Motel	O
January 7, 2009 - #2	Attorney/Client	Kirkpatrick - Surfside Drive	C
January 7, 2009 - #3	Attorney/Client	HML Corporation	O
January 7, 2009 - #4	Attorney/Client	Beach Insurance Plan	O
January 21, 2009 - #1	Litigation	Kirkpatrick - Surfside Drive	C
January 21, 2009 - #2	Litigation	Baltic Street Access/Beacon Motel	O
February 4, 2009 - #1	Litigation	Baltic Street Access/Beacon Motel	O
February 4, 2009 - #2	Litigation	HML Corporation	O
February 4, 2009 - #3	Litigation	Kirkpatrick - Surfside Drive	C
February 18, 2009	Prevent disclosure	Closed Session Minutes	O
March 4, 2009 - #1	Litigation	Baltic Street Access/Beacon Motel	O
March 4, 2009 - #2	Land Acquisition	Gilliam Wood property	O
March 4, 2009 - #3	Litigation	Finch Street drainage	C
March 4, 2009 - #4	Personnel	Public Works employee	C
March 18, 2009 - #1	Litigation	HML Corporation	O
March 18, 2009 - #2	Personnel	Water Plant Operator	C
March 18, 2009 - #3	Personnel	Dep Town Manager	C
April 1, 2009 - #1	Litigation	Baltic Street Access/Beacon Motel	O
April 1, 2009 - #2	Litigation	Kirkpatrick - Surfside Drive	C

April 1, 2009 - #3	Litigation	Northridge (Cutty Sark) Beatty	C
April 1, 2009 - #4	Litigation	HML Corporation	O
April 1, 2009 - #5	Litigation	Finch Street drainage	C
May 6, 2009 - #1	Litigation	Kirkpatrick - Surfside Drive	C
May 6, 2009 - #2	Litigation	HML Corporation	O
May 6, 2009 - #3	Litigation	Northridge (Cutty Sark) Beatty	C
May 6, 2009 - #4	Litigation	Baltic Street Access/Beacon Motel	O
May 6, 2009 - #5	Litigation	Finch Street drainage	C
May 6, 2009 - #6	Litigation	Nuisance structures	C
May 20, 2009 - #1	Litigation	Baltic Street Access/Beacon Motel	O
May 20, 2009 - #2	Litigation	Kirkpatrick - Surfside Drive	C
May 20, 2009 - #3	Litigation	Finch Street drainage	C
June 3, 2009 - #1	Litigation	Baltic Street Access/Beacon Motel	O
June 3, 2009 - #2	Litigation	Kirkpatrick - Surfside Drive	C
June 3, 2009 - #3	Litigation	Finch Street drainage	C
June 3, 2009 - #4	Litigation	Northridge (Cutty Sark) Beatty	C

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #2
August 5, 2009**

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

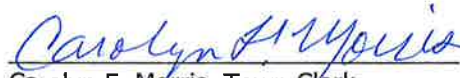
COMRS ABSENT: None

OTHERS PRESENT: Interim Town Manager Cliff Ogburn; Town Attorney John Leidy;
And Town Clerk Carolyn Morris

Litigation - Kirkpatrick - Surfside Drive

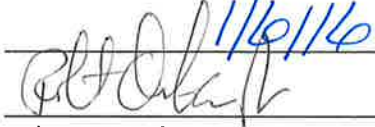
Attorney John Leidy briefed the Board on the Kirkpatrick case: The Town originally filed a motion to dismiss the case and the court dismissed the Kirkpatrick's claim for an inverse condemnation claim. The court agreed to the Kirkpatrick's claim for negligence but because there was no insurance, it is being reviewed again by the court.

The Town will re-introduce the case on August 31, 2009 to the judge which should result in a dismissal of all claims by the Kirkpatricks. Attorney Leidy explained to Board members that if a property owner obtains a survey which shows no Town right-of-way then their property extends to the mean high water line. The property owner can then apply to CAMA for a beach push without any permission required from the Town.


Carolyn F. Morris, Town Clerk

Date Approved: January 6, 2010

Date Opened: 1/6/10

Mayor: 
Robert O. Oakes, Jr.

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #4
August 5, 2009**

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

COMRS ABSENT: None

OTHERS PRESENT: Interim Town Manager Cliff Ogburn; Town Attorney John Leidy;
And Town Clerk Carolyn Morris

Nuisance Structures - Houses located in the public trust area on the beach

Interim Town Manager Cliff Ogburn reported that staff has been pursuing four (4) nuisance structures since March 2009, each one of which is partially located in the public trust area on the beach.


It was Board consensus to direct staff to work with Interim Town Manager Ogburn, proceed with action against the two (2) most egregious houses/structures, and report back to the Board on the status. Staff is to write a letter to all four (4) structures explaining the situation and proceed with action against two (2) of the houses.



Carolyn F. Morris, Town Clerk

Date Approved: January 6, 2010

Date Opened: 1/6/10

Mayor: 

Robert O. Oakes, Jr.

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #1
September 2, 2009**

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


COMRS ABSENT: None

OTHERS PRESENT: Interim Town Manager Cliff Ogburn, Town Attorney John Leidy,
and Town Clerk Carolyn Morris

Litigation - Kirkpatrick lawsuit

Town Attorney John Leidy updated the Board on the Kirkpatrick vs Town of Nags Head lawsuit. He explained that their recent court date was to refer to the Town's liability insurance policies - the policies had not previously been presented and in order to be used they had to be served to the Kirkpatrick attorneys. After the policies were forwarded, the Kirkpatrick attorneys requested additional time to review them. The Town's motion was rescheduled to be heard at the October 5, 2009 court date.


Attorney Leidy explained that the Nichols', who spoke to the Board at the August 5, 2009 meeting, had presented two (2) surveys, one from 2003 and one from 2009, and neither helped their case - the surveys indicated the right-of-way was still in existence. The Nichols had requested that the Board release the Town right-of-way so they can apply for a beach push permit. If a property owner obtains a survey which shows no Town right-of-way, then their property extends to the mean high water line and they can apply to CAMA for beach push permit.



Carolyn F. Morris, Town Clerk

Date Approved: January 6, 2010

Date Opened: 1/6/10

Mayor: 

Robert O. Oakes, Jr.

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
ADJOURNED SESSION**

**CLOSED SESSION - #2
September 16, 2009**

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

COMRS ABSENT: Comr. Wayne Gray

OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy; and
Town Clerk Carolyn Morris

Update on nuisance structures - oceanfront houses

Town Manager Cliff Ogburn updated the Board on the status of the nuisance structures - letters indicating that demolition of the structures was the next step were recently mailed:

- a demolition application has been obtained by the Naismiths
- a contractor is obtaining prices for a demolition of the Holt structure
- an attorney is being consulted/obtained by the Moores

It was Board consensus to waive demolition fees for these property owners.

Town Manager Ogburn is to check with Fire Chief Osborne to see if any of the houses could be used as a training location for firefighter trainees; this would save additional money for the property owners.

Exit Closed Session

MOTION: Mayor Pro Tem Sadler made a motion to exit Closed Session. The motion was seconded by Comr. Oakes which passed unanimously.


Carolyn F. Morris, Town Clerk

Date Approved: January 6, 2010

Date Opened: 1/6/10

Mayor: 
Robert O. Oakes, Jr.

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #2
November 4, 2009**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Cliff Ogburn and Town Attorney John Leidy

Update on nuisance structures - oceanfront houses

Mr. Leidy updated the Board regarding the status of the steps being taken to enforce the Town's nuisance ordinance. Mr. Ogburn explained that two properties owned by George Moore had been identified as nuisance structures, that he had contacted Mr. Moore to seek his cooperation in removing them, and that George Moore had refused to voluntarily remove the structures. In contrast, the owners of the Holt and Naismith properties had already begun tearing down their houses. The contractor working with Holt and Naismith had also offered to remove George Moore's structure located at the end of Nansemond for \$5,000. Because of that refusal, Mr. Leidy explained that if Mr. Moore refused to comply with the written demand, the next step would be to file suit to have the court declare the properties to be a nuisance and to get an order allowing the structures to be removed. The Board discussed that the potential costs for such an action could be about \$16,000.

The Board indicated that it approved of Mr. Ogburn sending the necessary letters, and filing an appropriate action, to enforce the nuisance ordinance, for Mr. Moore's properties. Mr. Ogburn asked the Board if it wanted to be consulted before he proceeded on each nuisance structure. The Board encouraged him to come back and seek guidance each time he was considering filing a nuisance suit.

Exit Closed Session

MOTION: Mayor Pro Tem Sadler made a motion to exit Closed Session. The motion was seconded by Comr. Oakes which passed unanimously.


The Board returned to Open Session at 11:25 a.m. No further action was taken in Closed Session.



Carolyn F. Morris, Town Clerk

Date Approved: January 6, 2010

Date Opened: 1/6/10

Mayor: 

Robert O. Oakes, Jr.

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION
December 2, 2009**

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

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy; and
Town Clerk Carolyn Morris


Update on Kirkpatrick litigation

Town Attorney John Leidy updated the Board on the litigation filed against the Town by the Kirkpatricks who own property on Surfside Drive in South Nags Head. The case involves the repair of Surfside Drive after the 2004 emergency berm was removed following a northeaster. The judge recently denied the Town's request for a ruling on summary judgment.

It was Board consensus to authorize Town Attorney Leidy to appeal this latest ruling and to continue the Town's record of appeal.

Exit Closed Session


MOTION: Comr. Sadler made a motion to exit Closed Session. The motion was seconded by Mayor Pro Tem Gray which passed unanimously.



Carolyn F. Morris, Town Clerk

Date Approved: January 6, 2010

Date Opened: 1/6/10

Mayor: 

Robert O. Oakes, Jr.