



TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #5
June 15, 2011

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

COMRS ABSENT: None

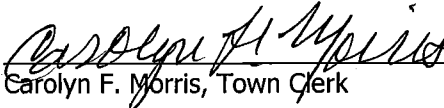
OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney Ben Gallop; and Town Clerk Carolyn Morris

Litigation – Hardesty

Attorney Ben Gallop reported that he is awaiting a response from the Hardesty attorney to the Town's offer.

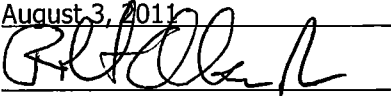
EXIT CLOSED SESSION

MOTION: Comr. Cahoon made a motion, seconded by Comr. Sadler, to exit Closed Session. The motion passed unanimously.


Carolyn F. Morris, Town Clerk

Date Approved: August 3, 2011

Date Opened: August 3, 2011

Mayor: 
Robert O. Oakes, Jr.



TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #3
June 1, 2011

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

COMRS ABSENT: Comr. Doug Remaley

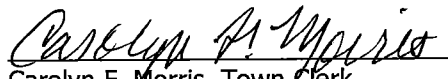
OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy; and Town Clerk Carolyn Morris

Litigation – Hardesty nuisance structure

Attorney John Leidy stated that he had nothing new to report on the Hardesty litigation. The cottage has a Certificate of Occupancy and they need to remove their sandbags which are seaward of the structure. An easement for the Beach Nourishment Project has not been received by the Town.

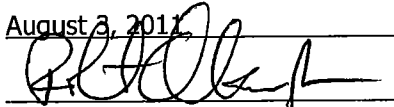
Exit Closed Session

MOTION: Comr. Cahoon made a motion to exit Closed Session. The motion was seconded by Comr. Sadler which passed 4 – 0 (Comr. Remaley had left the meeting.).


Carolyn F. Morris, Town Clerk

Date Approved: August 3, 2011

Date Opened: August 3, 2011

Mayor: 
Robert O. Oakes, Jr.



TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #4
May 4, 2011

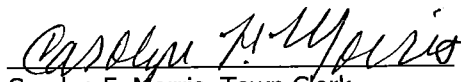
COMRS PRESENT: Mayor Bob Oakes; Mayor Pro Tem Wayne Gray; and Comr. Renée Cahoon
COMRS ABSENT: Comr. Doug Remaley and Comr. Anna Sadler
OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy; and Town Clerk Carolyn Morris

Litigation – Matthews/Ruiz litigation

MOTION: Comr. Cahoon made a motion, seconded by Mayor Oakes, to authorize Town Manager Cliff Ogburn to execute the settlement agreement between the Town and Matthews/Ruiz. The settlement agreement requires removal of their nuisance structure on Seagull Drive in South Nags Head. The motion passed 3 – 0 (Comr. Sadler and Comr. Remaley were not present.).

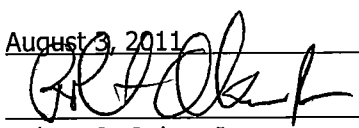
Exit Closed Session

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


Carolyn F. Morris, Town Clerk

Date Approved: August 3, 2011

Date Opened: August 3, 2011

Mayor: 
Robert O. Oakes, Jr.



TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

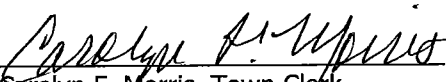
CLOSED SESSION - #2
May 4, 2011

COMRS PRESENT: Mayor Bob Oakes; Mayor Pro Tem Wayne Gray; and Comr. Renée Cahoon
COMRS ABSENT: Comr. Doug Remaley and Comr. Anna Sadler
OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy; and Town Clerk Carolyn Morris

Litigation – Hardesty litigation

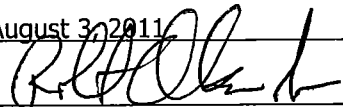
Attorney Leidy reported that his law firm has responded to the Hardesty's summary judgment and will be responding today to their discovery requests.

Attorney Leidy reminded the Board that the Town's proposed settlement for Hardesty is if all sandbags were removed (the Hardesty house is surrounded by sandbags), the Town would remove the associated penalties and beach nourishment would be permitted in this area.


Carolyn F. Morris, Town Clerk

Date Approved: August 3, 2011

Date Opened: August 3, 2011

Mayor: 
Robert O. Oakes, Jr.



TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #4
April 6, 2011

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

COMRS ABSENT: Comr. Doug Remaley

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

Litigation - Hardesty

Town Attorney John Leidy reported on the status of the Hardesty house which is the last house on Surfside Drive – in this situation the Town is the claimant – the Hardesty house is still a viable structure and is currently being rented. Current value of the property is \$154,700.

Attorney Leidy stated for the record that this situation does not pertain to the Toloczko litigation in which his firm, Hornthal, Riley, Ellis, and Maland, does not represent.

Attorney Leidy recommended that the Town seek resolution in the Hardesty litigation - but to pay them nothing. As a resolution, they are to remove the sandbags which would allow the Town to nourish the beach in this area.

Mayor Oakes expressed concern that the Hardesty property is located on the public trust beach which is why it was declared a nuisance and why the Town eventually sued in order to have it removed.

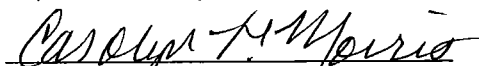
MOTION: Comr. Sadler made a motion that the Town will drop its lawsuit against the Hardestys on the following conditions:

- The Town is to receive an executed Beach Nourishment Project easement from the Hardestys
- They are to remove their sandbags
- The Town is to receive beach nourishment in this area

The motion was seconded by Comr. Cahoon which passed 3 – 1 with Mayor Oakes casting the NO vote (Comr. Remaley was not present.).

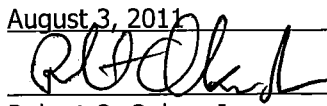
Exit Closed Session

MOTION: Comr. Cahoon made a motion, seconded by Comr. Sadler, to exit Closed Session which passed unanimously.


Carolyn F. Morris, Town Clerk

Date Approved: August 3, 2011

Date Opened: August 3, 2011

Mayor: 
Robert O. Oakes, Jr.



TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #2
April 6, 2011

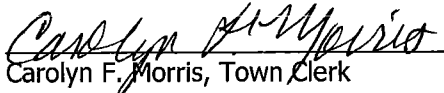
COMRS PRESENT: Mayor Bob Oakes; Mayor Pro Tem Wayne Gray;
Comr. Anna Sadler; and Comr. Renée Cahoon

COMRS ABSENT: Comr. Doug Remaley

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

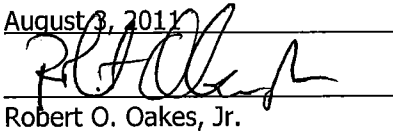
Attorney/Client Privilege – Dismissal of condemnations

MOTION: Mayor Oakes made a motion to authorize Town Attorney John Leidy to dismiss the condemnation actions for those properties who have already filed their beach nourishment project easements. The motion was seconded by Comr. Sadler which passed 4 – 0 (Comr. Remaley was not present.).


Carolyn F. Morris, Town Clerk

Date Approved: August 3, 2011

Date Opened: August 3, 2011

Mayor: 
Robert O. Oakes, Jr.



TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #3
March 2, 2011

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

COMRS ABSENT: None

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

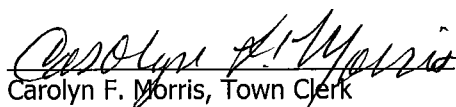
Attorney/Client Privilege – Provide details of Closed Session in Open Session

One of the comments made by resident John Ratzenberger during Audience Response was briefly discussed. Mr. Ratzenberger asked that more information be included at the conclusion of each Closed Session, when the Town Attorney reported out, pertaining to what happened during the session.

It was Board consensus that Attorney Leidy, when reporting after a Closed Session, provide as much information as possible concerning the discussion/actions of the Board – without affecting the attorney/client privilege.

EXIT CLOSED SESSION

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


Carolyn F. Morris, Town Clerk

Date Approved: August 3, 2011

Date Opened: August 3, 2011

Mayor: 
Robert O. Oakes, Jr.



TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
RECESSED SESSION

CLOSED SESSION - #1
February 16, 2011

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

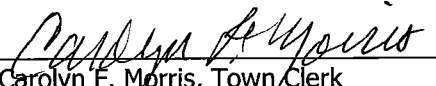
COMRS ABSENT: None

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

Litigation – Moore/Neal settlement on nuisance structures

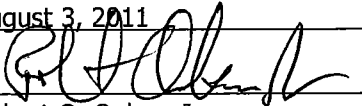
Town Attorney John Leidy distributed the George Moore/Neal settlement papers and reported that the Moores have signed the agreement and the Neals are sending a check. Attorney Leidy requested that the Board authorize the Town Manager and the Town Attorney to execute the settlement agreement. The agreement authorizes the Town to remove three (3) of the Moore/Neal structures immediately and remove the last two (2) structures by May 1, 2011 or within 30 days if condemned.

MOTION: Mayor Oakes made a motion to authorize the Town Manager and the Town Attorney to execute the Moore/Neal settlement agreement as presented. The motion was seconded by Comr. Cahoon which passed unanimously.


Carolyn F. Morris, Town Clerk

Date Approved: August 3, 2011

Date Opened: August 3, 2011

Mayor: 
Robert O. Oakes, Jr.



TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #3
February 2, 2011

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

COMRS ABSENT: None

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

Nuisance structure litigation – George Moore

Town Attorney John Leidy reported that George Moore and Patricia Moore, owner of several oceanfront nuisance structures, have submitted a letter to the Town requesting that the Town handle removal of two (2) of his houses: 9701j Nansemond Street and 119 Proteus Street. Mr. Moore's letter read in part as follows:

"January 24, 2011

To: Cliff Ogburn, Town Manager
From: George Moore
Subject: Removal of Houses

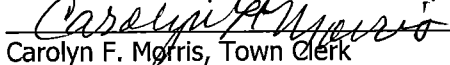
'As you know, we have made several attempts to have the houses, 9701j Nansemond St and 119 Proteus St moved but to no avail. We did, however have the house at 9209a Old Oregon Inlet moved as requested by the Town.

'My purpose in writing is to ask the Town to handle the removal of the above listed two houses as financially I am unable to handle the removal costs.

'This financial situation I am in was caused by the loss of the income from these three rental houses and the burden of the mortgages which are still due to the banks. We would greatly appreciate the Town's help in this matter."


Attorney Leidy explained that the Board is to consider 1) accepting the offer from co-owner Neal for \$4,500 of the attorney fees due, 2) removing the houses, and 3) requesting a consent judgment for the remainder of the fees due. It was suggested that the Town burn the structures, if possible, in order to greatly reduce the tipping fees.

MOTION: Mayor Oakes made a motion to approve the offer as submitted and to waive the fees on the two houses at 119 Proteus and 9701j Nansemond with a response deadline from Mr. Moore of five (5) business days. The motion was seconded by Comr. Cahoon which passed unanimously.


Carolyn F. Morris, Town Clerk

Date Approved: August 3, 2011

Date Opened: August 3, 2011

Mayor: 
Robert O. Oakes, Jr.



TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #2
February 2, 2011

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


COMRS ABSENT: None

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

Closed Session Minutes

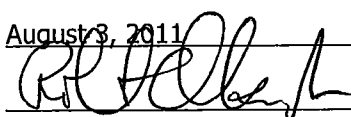
MOTION: Comr. Cahoon made a motion, seconded by Comr. Sadler, to approve the June – December 2010 Closed Session minutes as presented. The motion passed unanimously.

MOTION: Comr. Cahoon made a motion, seconded by Mayor Oakes, to approve the disposition summary (attached) of the June – December 2010 Closed Session minutes and to open the minutes in accordance with the disposition summary as presented. The motion passed unanimously.


Carolyn F. Morris, Town Clerk

Date Approved: August 3, 2011

Date Opened: August 3, 2011

Mayor: 
Robert O. Oakes, Jr.

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS

JULY - DECEMBER 2010 CLOSED SESSIONS

SUMMARY DISPOSITION

July 7, 2010 - #1	Possible litigation	Gail Jones nuisance structure	Open
July 7, 2010 - #2	Litigation	Roc Sansotta vs TNH	Close
August 4, 2010 - #1	Personnel	Town Manager evaluation and compensation	Close
August 4, 2010 - #2	Litigation	Roc Sansotta vs TNH	Close
August 4, 2010 - #3	Prevent disclosure	Closed Session minutes	Open
September 1, 2010 - #1	Litigation	Roc Sansotta vs TNH	Close
September 1, 2010 - #2	Possible litigation	Tison nuisance structure	Close
September 1, 2010 - #3	Possible litigation	George Moore nuisance structure	Close
September 1, 2010 - #4	Possible litigation	Gatelin nuisance structure	Close
October 6, 2010 - #1	Personnel	Former Planning Director Tim Wilson	Close
October 20, 2010 - #1	Litigation	Roc Sansotta vs TNH	Close
October 20, 2010 - #2	Litigation	Hardesty vs TNH	Close
October 20, 2010 - #3	Attorney/Client	Williams Mullen conflict of interest waiver	Open
October 20, 2010 - #4	Possible litigation	Matthews/Ruiz nuisance structure on Seagull	Close
October 20, 2010 - #5	Personnel	Former Planning Director Tim Wilson	Close
November 3, 2010 - #1	Litigation	Roc Sansotta vs TNH	Close
November 3, 2010 - #2	Possible litigation	Matthews/Ruiz nuisance structure on Seagull	Close
November 3, 2010 - #3	Possible litigation	Moore/Neal nuisance structure	Close
November 3, 2010 - #4	Personnel	Annual employee honorarium	Open
December 1, 2010	Land acquisition	Carolinian Circle – Lot 36R	Close



TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
RECESSED SESSION

CLOSED SESSION
January 19, 2011

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

COMRS ABSENT: None

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

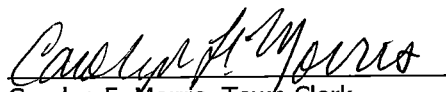
Land Acquisition – Carolinian Circle (Lot 36R)

Town Manager Ogburn reported that in accordance with the Board's wishes, he offered property owner of Carolinian Circle – Lot 36R - \$20,000; a counter offer of \$35,000 was returned. The Carolinian Circle property adjoins the County/Town's Recreation Park (see attached photo).

It was Board consensus that Town Manager Ogburn provide a return offer of \$25,000 – as the Town's best and last offer.

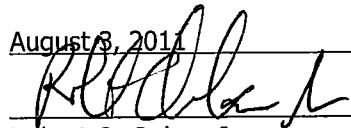
EXIT CLOSED SESSION

MOTION: Comr. Cahoon made a motion, seconded by Comr. Sadler, to exit Closed Session. The motion passed unanimously.


Carolyn F. Morris, Town Clerk

Date Approved: August 3, 2011

Date Opened: August 3, 2011

Mayor: 
Robert O. Oakes, Jr.

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