

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #3

July 6, 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 – Hardesty litigation

Attorney Leidy said that while the Town declared the Hardesty structure a nuisance, it is occupied legally.

Tentative agreement reached was \$20,000 to be shared by both the Town and NCLM; owners are also required to remove the sandbags; sign the easement and receive beach nourishment.

The Release received yesterday (July 5, 2011) from the Hardesty attorney was unacceptable – if we hold off with beach nourishment, the area can still wait until later to be nourished – a pool has formed in front of the structure.



Carolyn F. Morris, Town Clerk

Date Approved: February 1, 2012

Date Opened: February 1, 2012

Mayor: 

Robert O. Oakes, Jr.

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #7
July 6, 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 – Conflict with Attorney serving Towns of Nags Head and Duck

Attorney Leidy reported that the Town of Duck is considering working toward a Beach Nourishment Project by starting with the creation of a nuisance ordinance. He spoke of a possible conflict with Nags Head as the attorney firm is the same.

It was Board consensus to waive any conflict of interest.


Carolyn F. Morris, Town Clerk

Date Approved: February 1, 2012

Date Opened: February 1, 2012

Mayor: 
Robert O. Oakes, Jr.

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #8
July 6, 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 – Britthaven/Colony Ridge lease

Attorney Leidy reported that a revised lease has been received from Randy Uzzell, President of Britthaven/Colony Ridge Rehabilitation Center. The main difference is that Britthaven/Colony Ridge wants control of the Certificate of Need (CON) which is a deal-breaker for them – and also for the Town.

It was Board consensus that the Certificate of Need (CON) is not negotiable. Board members felt that this was important for the long term - not just for 10 years.

Board members felt it was possible that Britthaven officials could receive the CON and then leave the area which is not the Town's goal of long-term quality health care for its citizens and for all Dare County citizens.

If the deeds for the property are not in the Bank of America vault, per Town Attorney Leidy indicated that new deeds can be created.

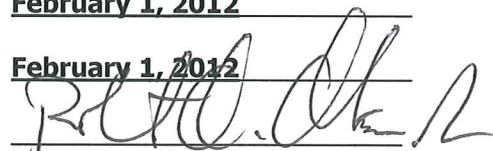
Per Attorney Leidy, if Mr. Uzzell rejects the Town's condition of CON, the Town will work toward obtaining another management company and file for declaratory action.


Carolyn F. Morris, Town Clerk

Date Approved: **February 1, 2012**

Date Opened: **February 1, 2012**

Mayor:


Robert O. Oakes, Jr.

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
EMERGENCY SESSION

CLOSED SESSION
July 15, 2011

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

COMRS ABSENT: Mayor Pro Tem Wayne Gray and Comr. Anna Sadler

OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy; Britthaven/Colony Ridge Officials: Randy Uzzell, CEO and Lisa Yates, Vice-President of Operations – Principle Long-Term Care, Inc. of Kinston, NC; Public Information Officer/Administrative Assistant Roberta Thuman; and Town Clerk Carolyn Morris

Attorney/Client Privilege – Britthaven/Colony Ridge Rehabilitation Center Lease Agreement

Mayor Oakes stated that going through all paragraphs of proposed lease agreement may be appropriate.

Randy Uzzell, CEO of Principle Long-Term Care, Inc. distributed his lease version to Board members for review. Mr. Uzzell stated that the lease was prepared in response to his concerns; if the Board agrees, he will have his corporate office in Washington, DC review.

Mayor Oakes recapped major points:

- Ten-year lease - \$10/month – takes effect October 1, 2011
- The Town will seek local legislation to change to 30-year lease (two consecutive 15-year lease extensions - the Town is limited by law to a ten-year lease agreement)
- If legislation not adopted in two sessions, Certificate of Need (CON) goes to Principle Long-Term Care; otherwise the CON will continue to be owned by the Town
- Two-year notice on end
- Principle Long-Term Care, Inc. is to provide \$1.5 million improvements on the facility within 18 months

Mr. Uzzell noted the following:

- Term clause – if spending \$1.5 million on improvements, he, wants to see a return
- He may have to remove property from one LLC to another LLC
- Wants ability to assign lease to health facility
- Understands that bricks/mortar is worth more than operations

Individual lease agreement paragraphs were discussed.

Comr. Cahoon wanted to make sure that the Certificate of Need (CON) will stay in Dare County; Mr. Uzzell said he would clarify that point in the agreement.

Mayor Oakes – (paragraph 11) Maintenance and Repair – Mr. Uzzell will not allow the Town to determine what needs to be repaired/replaced, etc. – he said that it would not be to his advantage to not keep the building in good repair. He does not want to allow the Town too much control; he expressed concern about future Boards.

Mayor Oakes said that he was comfortable that the facility can now “cease” moving residents out.

SUMMARY

Mayor Oakes stated that when the Board returns to Open Session, he will indicate that the Board and Principle Long-Term Care agree in principal to the lease agreement; in order to meet legal requirements, a Public Hearing will be held August 3, 2011 when it is expected that the lease will be approved and signed.

EXIT CLOSED SESSION

MOTION: Comr. Cahoon made a motion to exit Closed Session, seconded by Comr. Remaley, which passed 3 – 0 (Mayor Pro Tem Gray and Comr. Sadler were not present.).



Carolyn F. Morris, Town Clerk

Date Approved: February 1, 2012

Date Opened: February 1, 2012

Mayor: 

Robert O. Oakes, Jr.

Town of Nags Head and Britthaven/Colony Ridge Reach Agreement

Friday, July 15, 2011 – In an emergency meeting today, the Nags Head Board of Commissioners reached an agreement with the operators of the Colony Ridge Nursing and Rehabilitation Center (formerly known as Britthaven) on a ten year, \$10/month lease, which will become effective October 1 2011. The Town expects to approve the lease at its August 3 2011 meeting.

In addition to the ten year lease, Nags Head has agreed to seek local legislation that will allow the Town to enter into two consecutive 15-year lease extensions with Colony Ridge's management company, Principle Long Term Care, Kinston, NC. Currently, the Town is limited by state statute to a ten year lease agreement. Should the local legislation fail to be adopted, the Certificate of Need, which is required to operate a long term care facility in the area, will pass to Principle Long Term Care; if the legislation passes, the Certificate will continue to be owned by the Town.

For their part, Principle Long Term Care has agreed to perform \$1.5 million in renovations on the facility within 18 months of the lease signing.

The new lease replaces a trust agreement the Town entered into in 1981, when it backed a \$3.3 million bond issue to build the facility, with the understanding that Nags Head would reclaim title to the property when the 30 year bond expired.

"We appreciate the efforts of Principle Long Term Care's president, Randy Uzzell," said Nags Head Mayor Bob Oakes. "Throughout this entire process, the Town has been focused on what is best for the patients at Colony Ridge. Everyone involved has worked hard to ensure that the facility remains open and receives the improvements it needs."

#

-

-

-

Roberta Thuman
Administrative Assistant/PIO
Town of Nags Head
252-441-5508
thuman@townofnagshead.net

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
EMERGENCY SESSION

CLOSED SESSION (**WITH DETAILS**)
July 15, 2011

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

COMRS ABSENT: Mayor Pro Tem Wayne Gray and Comr. Anna Sadler

OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy; Britthaven/Colony Ridge Officials: Randy Uzzell, CEO and Lisa Yates, Vice-President of Operations – Principle Long-Term Care, Inc. of Kinston, NC; Public Information Officer/Administrative Assistant Roberta Thuman; and Town Clerk Carolyn Morris

Attorney/Client Privilege – Britthaven/Colony Ridge Rehabilitation Center Lease Agreement

Mayor Oakes stated that going through all paragraphs of proposed lease agreement may be appropriate.

Randy Uzzell, CEO of Principle Long-Term Care, Inc. distributed his lease version to Board members for review. Mr. Uzzell stated that the lease was prepared in response to concerns he had; if the Board agrees, he will have his corporate office in Washington, DC review.

Mayor Oakes recapped major points:

- Ten-year lease; \$10/month; takes effect October 1, 2011
- The Town will seek local legislation to change to 30-year lease (two consecutive 15-year lease extensions - the Town is limited by law to a ten-year lease agreement)
- If legislation not adopted in two sessions, Certificate of Need (CON) goes to Principle Long-Term Care; otherwise the CON will continue to be owned by the Town
- Two-year notice on end
- Principle Long-Term Care, Inc. is to provide \$1.5 million improvements on the facility within 18 months
- The facility to be healthcare for a full ten years

Mr. Uzzell noted the following:

- Term clause – if spending \$1.5 million on improvements, he, wants to see a return
- He may have to remove property from one LLC to another LLC
- Wants ability to assign lease to health facility
- Understands that bricks/mortar is worth more than operations

Individual lease agreement paragraphs were discussed.

Comr. Cahoon wanted to make sure that the Certificate of Need (CON) will stay in Dare County; Mr. Uzzell said he would clarify that point in the agreement.

Mayor Oakes – (c) 15 and 15-year lease – still a 2-year notice

Mayor Oakes – Insurance – Mr. Uzzell stated that his company utilizes a captive insurance company located in the Cayman Islands

Mayor Oakes – Fire – replace with “actual replacement value”

Mayor Oakes – (Paragraph 11) Maintenance and Repair – Mr. Uzzell does not want to allow the Town to determine what needs to be repaired/replaced, etc. – he said that it would not be to his advantage to not keep the building in good repair. He does not want to allow the Town too much control; he expressed concern about future Boards.

Mayor Oakes – (12) Number of Beds – private vs HA beds; Mr. Uzzell stated that HA is same as assisted living beds; Medicaid/Medicare does not pay for private rooms

Mayor Oakes – (18) Maintenance of License – notices not sent to Town – he does not want this to be a deal breaker

Cliff – Plan of Correction (POC) – wants the POC timely

Mayor Oakes – 19a added by the Town

Mayor Oakes (38) "ii" removed from (d) add Town's language and add item (f)

Attorney Leidy – (39) Conditional Precedent – Town added a lot to make sure the Town owns the deeds

Mr. Uzzell – he is to forward Eric's email to Attorney Leidy

Mr. Uzzell – wants to do the best possible job he can with the constraints placed on them

Comr. Remaley – wanted to move things forward

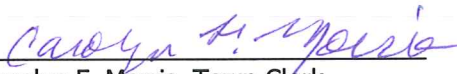
Mayor Oakes said that he was comfortable that the facility can now "cease" moving residents out.

SUMMARY

Mayor Oakes stated that when the Board returns to Open Session, he will indicate that the Board and Principle Long-Term Care agree in principal to the lease agreement; in order to meet legal requirements, a Public Hearing will be held August 3, 2011 when it is expected that the lease will be approved and signed.

EXIT CLOSED SESSION

MOTION: Comr. Cahoon made a motion to exit Closed Session, seconded by Comr. Remaley, which passed 3 – 0 (Mayor Pro Tem Gray and Comr. Sadler were not present.).


Carolyn F. Morris, Town Clerk

Date Approved: **February 1, 2012**

Date Opened: **February 1, 2012**

Mayor: 
Robert O. Oakes, Jr.

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #2
August 3, 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;
Planning Director Elizabeth Teague; Town Clerk Carolyn Morris

Land Acquisition – 116 E Bonnett Street

Planning Director Elizabeth Teague reported on the 30' X 140' lot at 116 E Bonnett Street – located in the northeast corner of the Dowdy tract that connects to the back lot of the French Door business. The lot's appraised value is \$15,500.

It was Board consensus to accept the gift of land located at 116 E Bonnett Street from its property owners.



Carolyn F. Morris, Town Clerk

Date Approved: February 1, 2012

Date Opened: February 1, 2012

Mayor: 

Robert O. Oakes, Jr.

116 E. Bonnett St.

Parcel Number: 005707000

Submit

8/3/11
BOC

County of Dare, North Carolina

Owner Information:

SUBKHANGULOVA, MUSLIMA
1515 SPLIT OAK LN APT K
HENRICO VA 23229-5287

Parcel Information:

Parcel: 005707000 PIN: 989206471755
District: 14 - NAGS HEAD
Subdivision: SUBDIVISION - NONE
LotBlkSect: Lot: Blk: Sec:
Multiple Lots: -
PlatCabSlide: PL: SL: Units: 0
Deed Date: 10/22/2010 BkPg: 1846/0272



Property Use: Vacant Land-Private

BUILDING USE and FEATURES

Building Billing Value: \$0

BUSE: Notes Only

Exterior Walls -
Interior Walls -
Floors -

Actual Year Built:

Baths:

Bedrooms:

FINISHED SQ FT: **please see notes below**

Roof Cover

Roof Structure

Heat-Fuel

Heat-Type

Air Conditioning

MISCELLANEOUS USE

Misc Billing Value: \$0

Muse1:

Muse2:

Muse3:

Muse4:

Muse5:

LAND USE

Land Billing Value: \$15,500

LUSE: 14-Ocean Infl F

Luse2:

Luse3:

Luse4:

Luse5:

Luse6:

LAND AREA: **please see notes below* 5000 Square Feet

Total Billing Value: \$15,500

*The Finished Square Footage of the building(s) and the Land Area information is based on data in the Tax Appraisal program as of February 2011, and will be updated at least twice a year.

*Finished Square Footage indicates the area of a building that is heated or unheated and has interior finish. The finished square footage is shown for up to 3 drawings per parcel from the Tax Appraisal program. Usually each drawing denotes one building. Larger, or more involved buildings sometimes require two or more drawings in the Tax Appraisal program, and in these cases the finished square footage of these drawings will need to be added together for the total finished area. The Appraisal office can confirm whether a building involves more than one drawing.

The screenshot displays the ArcGIS Desktop software interface. The main map window shows an aerial photograph of a residential neighborhood. Overlaid on the map are green lines representing parcel boundaries. Each parcel is labeled with its acreage value in parentheses. For example, one parcel is labeled (148.35), another (30.88), and a larger one (152.24). A road labeled 'BOWMETT ST' runs diagonally across the map. The interface includes a toolbar on the left with icons for various functions: Zoom All, Zoom In, Zoom Out, Pan, Find, Identify, Select, Clear Map, Measure, and Print Map. At the bottom, there is a 'Layers' panel with a list of map layers and checkboxes to control their visibility. The layers listed are: Visible, Approx. Length, Flood Zones, Approx. Acreage, Lot Number, Easement, Parcels, Aerial Photo, Aerial Photo (rural areas), and a layer with a red outline icon.

Layer Name	Visible
Visible	<input checked="" type="checkbox"/>
Approx. Length	<input type="checkbox"/>
Flood Zones	<input type="checkbox"/>
Approx. Acreage	<input type="checkbox"/>
Lot Number	<input type="checkbox"/>
Easement	<input type="checkbox"/>
Parcels	<input checked="" type="checkbox"/>
Aerial Photo	<input checked="" type="checkbox"/>
Aerial Photo (rural areas)	<input type="checkbox"/>
[Red Outline Icon]	<input type="checkbox"/>

Parcels

Rec	PIN	PARCEL	ADDRESS	OWNER1	OWNER2	SUBDIVISIO
1	989206471755	<u>005707000</u>	116 E BONNETT ST	SUBKHANGULOVA, MUSLIMA		SUBDIVISION - NONE
2	989206471755	<u>005707000</u>	116 E BONNETT ST	SUBKHANGULOVA, ALBINA	C/O MUSLIMA SUBKHANGULOVA	SUBDIVISION - NONE
3	989206471755	<u>005707000</u>	116 E BONNETT ST	SUBKHANGULOVA, DIANA		SUBDIVISION - NONE

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #4
August 3, 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;
Planning Director Elizabeth Teague; Town Clerk Carolyn Morris

Land Acquisition – Former Drafty Tavern next to Snowbird Drive-In on the Beach Road

Board members discussed the former Drafty Tavern building and parking lot located next to the Snowbird Drive-In on the Beach Road. It was noted that the building is non-conforming and has 31 paved parking spaces. The parking lot is often used by employees/visitors of the Snowbird Drive-In business.

Board members had no interest in pursuing the purchase of the property located next to the Snowbird Drive-In known as the former Drafty Tavern.


Carolyn F. Morris, Town Clerk

Date Approved: February 1, 2012

Date Opened: February 1, 2012

Mayor: 
Robert O. Oakes, Jr.

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #6
August 3, 2011

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

COMRS ABSENT: None

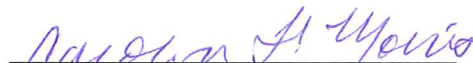
OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy; Town Clerk Carolyn Morris

Attorney/Client Privilege – Closed Session Minutes

Closed Session minutes from January through June 2011 Board meetings were considered.

MOTION: Comr. Cahoon made a motion to approve the January through June 2011 Closed Session minutes as presented. The motion was seconded by Comr. Remaley which passed unanimously.

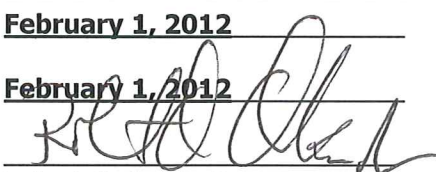
MOTION: Comr. Cahoon made a motion to open/seal the January through June 2011 Closed Session minutes as recommended. The motion was seconded by Comr. Sadler which passed unanimously.



Carolyn F. Morris, Town Clerk

Date Approved: **February 1, 2012**

Date Opened: **February 1, 2012**

Mayor: 

Robert O. Oakes, Jr.

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #2
November 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; Town Clerk Carolyn Morris

Personnel – Honorarium – Employee of the Year

It was (unanimous) Board consensus that the 2011 Earl Murray, Jr. Employee of the Year designation be awarded to Public Information Officer/Administrative Assistant Roberta Thuman.

Exit Closed Session

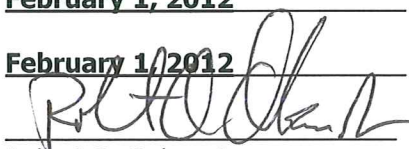
MOTION: Comr. Sadler made a motion to exit Closed Session. The motion was seconded by Comr. Cahoon which passed unanimously.



Carolyn F. Morris, Town Clerk

Date Approved: February 1, 2012

Date Opened: February 1, 2012

Mayor: 

Robert O. Oakes, Jr.