

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR SESSION

CLOSED SESSION - #1  
January 4, 2012

COMRS PRESENT: Mayor Bob Oakes; Comr. Renée Cahoon; Comr. Anna Sadler;  
and Comr. Susie Walters

COMRS ABSENT: Mayor Pro Tem Doug Remaley

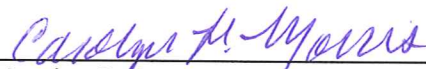
OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy;  
Public Works Director Dave Clark; and Town Clerk Carolyn Morris

Potential Litigation – Ocean Outfall Project

Town Manager Ogburn spoke with Board members about potential litigation concerning the contractor, Carolina Marine, who was awarded the Town's bid for the ocean outfall extension project. Carolina Marine was the lowest bidder out of three (3) bids received for this project. The contractor has informally spoken with Town staff about needing to submit a Change Order to include an additional \$500,000 due to the changed beach conditions from when the project was first bid. It is possible that the Town may be able to authorize not doing the southern-most ocean outfall extension at McCall Street near Park Service property.

Attorney Leidy explained that nothing in the bid documents indicate "how" the project is to be done so the Town is not liable for the changing beach conditions.

Town Manager Ogburn said that this update is provided for Board information; he is trying to arrange a meeting with all regulating agencies, CAMA and COE as well as Town staff and Carolina Marine personnel. Board members pointed out that it was in the Town's favor for the project to be successful using Carolina Marine as the contractor - and that negotiation may ultimately be necessary.

  
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Carolyn F. Morris, Town Clerk

Date Approved: August 1, 2012

Date Opened: August 1, 2012

Mayor:   
\_\_\_\_\_  
Robert O. Oakes, Jr.

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR SESSION

CLOSED SESSION - #3  
February 1, 2012

COMRS PRESENT: Mayor Bob Oakes; Mayor Pro Tem Doug Remaley; and Comr. Susie Walters

COMRS ABSENT: Comr. Anna Sadler and Comr. Renée Cahoon

OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy;  
Planning Director Elizabeth Teague; and Town Clerk Carolyn Morris

Approval of Closed Session Minutes – July – December 2011

**MOTION:** Mayor Pro Tem Remaley made a motion, seconded by Comr. Walters, to approve the July – December 2011 Closed Session minutes as presented. The motion passed 4 – 0 (Comr. Sadler was not present.).

**MOTION:** Comr. Walters made a motion, seconded by Mayor Pro Tem Remaley, to seal the July – December 2011 Closed Session minutes, except those designated as Open on the **attached** Town Clerk's summary listing. The motion passed 4 – 0 (Comr. Sadler was not present.).

Exit Closed Session

**MOTION:** Mayor Pro Tem Remaley made a motion to exit Closed Session. The motion was seconded by Mayor Oakes which passed 4 – 0 (Comr. Sadler was not present.).

  
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Carolyn F. Morris, Town Clerk

Date Approved: August 1, 2012

Date Opened: August 1, 2012

Mayor:   
\_\_\_\_\_  
Robert O. Oakes, Jr.

February 1, 2012 BOC meeting – Closed Session

July 6, 2011 #1	Attorney/Client Privilege	Dogs running loose – Linda Sharp	C
July 6, 2011 #2	Attorney/Client Privilege	Sansotta Litigation	C
July 6, 2011 #3	Attorney/Client Privilege	Hardesty Litigation	O
July 6, 2011 #4	Attorney/Client Privilege	Laura/Andy Deel cluster housing in NH Woods	C
July 6, 2011 #5	Attorney/Client Privilege	Fisher litigation	C
July 6, 2011 #6	Attorney/Client Privilege	Town filed quick-take condemnation for Beach Nour	C
July 6, 2011 #7	Attorney/Client Privilege	Conflict w/Attorney serving Nags Head and Duck	O
July 6, 2011 #8	Attorney/Client Privilege	Britthaven/Colony Ridge Lease	O
July 6, 2011 #9	Personnel	Town Manager evaluation	C
July 15, 2011 (w/details)	Attorney/Client Privilege	Britthaven/Colony Ridge Lease	O
July 15, 2011 (w/o details)	Attorney/Client Privilege	Britthaven/Colony Ridge Lease	O
August 3, 2011 #1	Criminal conduct	Criminal history of Taxi Cab Driver	C
August 3, 2011 #2	Land Acquisition	116 E Bonnett Street	O
August 3, 2011 #3	Land Acquisition	3006 S Virginia Dare Trail (Go Cart Track)	C
August 3, 2011 #4	Land Acquisition	Former Drafty Tavern (next to Snowbird drive-in)	O
August 3, 2011 #5	Land Acquisition	Gillam Wood Property (old Post Office lots)	C
August 3, 2011 #6	Attorney/Client Privilege	Closed Session minutes	O
August 3, 2011 #7	Attorney/Client – Litigation	Sansotta Seagull Drive nuisance structures	C
August 3, 2011 #8	Attorney/Client – Litigation	Fisher Beach Nourishment – condemnation litigation	C
August 3, 2011 #9	Land Acquisition	Laura/Andy Deel property in NH Woods	C
August 17, 2011 #1	Criminal conduct	Criminal history of Taxi Cab Driver	C
August 17, 2011 #2	Personnel	Town Manager evaluation	C
September 7, 2011 #1	Attorney/Client – Litigation	Sansotta I and II Seagull Drive cottages lawsuits	C
September 7, 2011 #2	Attorney/Client – Litigation	Beach Nour Project condemnation cases	C
October 5, 2011 #1	Attorney/Client – Litigation	Toloczko nuisance structure litigation	C
October 5, 2011 #2	Attorney/Client – Litigation	Sansotta I Seagull Drive cottages lawsuits	C
October 5, 2011 #3	Attorney/Client – Litigation	Sansotta II Seagull Drive cottages lawsuits	C
October 5, 2011 #4	Land Acquisition	3006 S Virginia Dare Trail (Go Cart Track)	C
October 5, 2011 #5	Land Acquisition	Gilliam Wood Property (old Post Office lots)	C
November 2, 2011 #1	Attorney/Client - Litigation	Sansotta I and II Seagull Drive cottages lawsuits	C
November 2, 2011 #2	Personnel	EOY nominees for 2011	O
December 7, 2011	Attorney/Client – Litigation	Sansotta I Seagull Drive cottage lawsuits	C

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
RECESSED SESSION

CLOSED SESSION - #1  
February 15, 2012

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

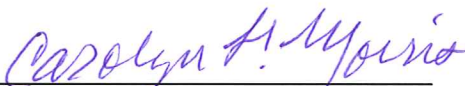
COMRS ABSENT: Comr. Anna Sadler

OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney Phillip Hornthal;  
Planning Director Elizabeth Teague; and Town Clerk Carolyn Morris

Attorney/Client Privilege - Potential Litigation

Attorney Phillip Hornthal asked Board members if they had any questions/comments concerning the discussion in Open Session about the Carolina Marine ocean outfall extension project change order. He explained that he participated in the discussions with staff and Carolina Marine/their attorneys and it was tense coming to a settlement.

Board members said that they felt secure having Public Works part-time employee Eddie Valdivieso on hand to monitor the project for the Town.

  
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Carolyn F. Morris, Town Clerk

Date Approved: **August 1, 2012** \_\_\_\_\_

Date Opened: **August 1, 2012** \_\_\_\_\_

Mayor:   
\_\_\_\_\_  
Robert O. Oakes, Jr.