

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION
January 16, 2013

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

COMRS ABSENT: Comr. Susie Walters

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

Closed Session Minutes

Closed Session minutes for July through December 2012 were emailed to Board members last week; Board members asked that in the future a hard copy of Closed Session minutes be provided to them prior to their review.

It was Board consensus to review/approve the Closed Session minutes from July through December 2012 at the February 6, 2013 Board of Commissioners meeting.

Exit Closed Session

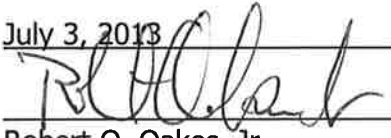
MOTION: Mayor Oakes made a motion to exit Closed Session. The motion was seconded by Comr. Cahoon which passed 4 – 0 (Comr. Walters was not present.).



Carolyn F. Morris, Town Clerk

Date Approved: July 3, 2013

Date Opened: July 3, 2013

Mayor: 

Robert O. Oakes, Jr.

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION #1
February 6, 2013

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

COMRS ABSENT: Comr. Renée Cahoon

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

Attorney/Client Privilege – Former Outer Banks Medical Center (OBMC) building

Town Manager Ogburn reported that UNC-CSI leases from the Town the former OBMC building and that UNC-CSI sub-leases a portion of the building to State Shellfish Sanitation. While the lease agreement the Town has with UNC-CSI is in effect until the end of 2013, the organization has moved to a new facility in Manteo.

Mayor Oakes noted that the Community Care Clinic (CCC) would like to lease the OBMC building, in place of UNC-CSI, at no charge or for a charge of no more than \$500 per month. Mayor Oakes would like Board members to consider this request – he pointed out the community benefit of the CCC organization.

It was Board consensus that Attorney Leidy prepare and bring back for Board review at the next Board meeting paperwork to terminate the existing lease with UNC-CSI, and new leases between the Town and CCC and State Shellfish Sanitation for the OBMC building for the remainder of 2013.



Carolyn F. Morris, Town Clerk

Date Approved: July 3, 2013

Date Opened: July 3, 2013

Mayor: 

Robert O. Oakes, Jr.

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION #4
February 6, 2013

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

COMRS ABSENT: Comr. Renée Cahoon and Comr. Susie Walters

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


Closed Session Minutes

MOTION: Mayor Pro Tem Remaley made a motion, seconded by Mayor Oakes, to approve the Closed Session minutes from July – December 2012 as presented. The motion passed 3 – 0 (Comrs. Cahoon and Walters were not present.).

MOTION: Mayor Pro Tem Remaley made a motion, seconded by Comr. Sadler, to authorize the opening of those Closed Session minutes from July – December 2012 in accordance with the disposition schedule (**attached**) as presented. The motion passed 3 – 0 (Comrs. Cahoon and Walters were not present.).


Exit Closed Session

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


Carolyn F. Morris, Town Clerk

Date Approved: July 3, 2013

Date Opened: July 3, 2013

Mayor: 
Robert O. Oakes, Jr.



**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS**

July – December 2012 CLOSED SESSIONS

SUMMARY DISPOSITION

O - Open; C - Close

Aug 1, 2012 #3	Attorney/Client Privilege	Vista Colony NH Acres Stormwater	C
Aug 1, 2012 #2	Closed Session minutes	Approval of Closed Session minutes	O
Aug 1, 2012 #1	Attorney/Client privilege	Potential litigation	C
Sep 5, 2012 #2	Litigation	Town vs Cherry, Inc.	C
Sep 5, 2012 #1	Attorney/Client Privilege	Beach Nourishment Project – Five cases - easement condemnation	O
Oct 3, 2012	Attorney/Client Privilege	BOA hearing/appeal - mobile message boards	C
Oct 17, 2012	Litigation	Town vs Cherry, Inc. and Sansotta	C
Nov 7, 2012 #5	Employee Honorarium	Earl Murray, Jr. Employee of the Year	O
Nov 7, 2012 #4	Attorney/Client Privilege	Margaret Burch Beach Nourishment Project easement condemnation	C
Nov 7, 2012 #3	Attorney/Client Privilege	Fisher Beach Nourishment Project easement condemnation	C
Nov 7, 2012 #2	Attorney/Client Privilege	BOA hearing/appeal - Dairy Queen	C
Nov 7, 2012 #1	Attorney/Client Privilege	BOA hearing/appeal - Osborne case	C
Dec 5, 2012	Attorney/Client Privilege	Requested release from settlement agreement	C

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
RECESSED SESSION

CLOSED SESSION - #2
February 20, 2013; 7:00 p.m.

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

COMRS ABSENT: None

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

Attorney/Client Privilege – Outer Banks Medical Center (OBMC) Lease

The letter from Town Manager Ogburn that was previously forwarded to Board members read in part as follows:

"Attached is the Lease drafted by the Town Attorney to constitute a new Lease to the Shellfish Sanitation and Recreational Water Quality Program from the space that CSI has been leasing. This lease is based on the existing lease terms and format.

'I believe that this arrangement will work better for CSI rather than have CSI assign their existing lease to Shellfish or subleasing their existing space to the Community Care Clinic. The best way to accomplish this is to enter into a new lease with Shellfish, enter into a separate lease with Community Care, and make a provision in each of these leases for their required cooperation with the other. If the Board agrees, then a separate lease between the Town and Community Care Clinic will also be prepared.

'The attached lease is based on the following:

Para #1 - The remainder of this year is specified as the term.

Para #2 - Shellfish has agreed to pay one-half of the annual rental (\$17,500.00) and Community Care Clinic will pay \$500.00 per month. I do not believe the Community Care Clinic lease payment needs to be reflected here but we probably need to make some provision for a credit to one lessee or the other for the utilities which could be attributable to the other. We don't have to specify that in detail; but their needs to be an understanding that whatever is paid takes into account the utilities for one entity are being paid by the other.

Para #16 - Provision is included for the Town to continue reserving the emergency operations site.

Para #17 - In this section, Shellfish makes express provision to provide space for the Community Care Clinic. The exact space to be leased, or at least the approximate square footage measurement, needs to be provided herein. Included will be a schematic or diagram of the space to identify who is leasing what space.

'If satisfactory, we will forward to Marine Fisheries for their input/involvement."

Attorney John Leidy summarized his proposed agreement for the lease of the former OBMC building by Community Care Clinic and State Shellfish Sanitation – as proposed, the lease with the current tenant – UNC-CSI – would then be cancelled.

It was Board consensus to concur with the proposed agreement to lease the former OBMC building to Community Care Clinic and State Shellfish Sanitation – for the remainder of 2013. After receipt of their concurrence of the agreement, the existing lease agreement with UNC-CSI is to be cancelled. It was pointed out that the rent with UNC-CSI would be prorated and the funds returned.


Exit Closed Session

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


Carolyn F. Morris, Town Clerk

Date Approved: July 3, 2013

Date Opened: July 3, 2013

Mayor: 
Robert O. Oakes, Jr.