

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #1
August 6, 2014

COMRS PRESENT: Mayor Bob Edwards; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon;
Comr. John Ratzenberger and Comr. Marvin Demers

COMRS ABSENT: None

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

Closed Session Minutes – January – June 2014

Closed Session minutes from January through June 2014 were presented to the Board.

MOTION: Mayor Pro Tem Walters made a motion to approve the Closed Session minutes from January through June 2014 as presented. The motion was seconded by Comr. Ratzenberger which passed unanimously.

MOTION: Mayor Pro Tem Walters made a motion to Seal/Open the Closed Session minutes from January through June 2014 in accordance with the summary disposition (**attached**). The motion was seconded by Comr. Cahoon which passed unanimously.


Attorney Leidy pointed out that he and Town Clerk Carolyn Morris will be scheduling a time to review all Sealed Closed Session minutes to determine any that are ready to be Opened.



Carolyn F. Morris, Town Clerk

Date Approved: January 7, 2015

Date Opened: January 7, 2015

Mayor: 

Robert C. Edwards



**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS**

January – June 2014 CLOSED SESSIONS

SUMMARY DISPOSITION

DATE	CATEGORY	SUBJECT	DISPOSITION
Jan 8, 2014	Attorney/Client privilege Closed Session Mins Attorney/Client privilege	Potential litigation Jul – Dec 2013 Dowdy property purchase	Close Open Close
Feb 5, 2014	Attorney/Client privilege Attorney/Client privilege	Potential litigation Potential litigation	Close Close
Apr 2, 2014	Attorney/Client privilege	Potential litigation	Close
May 7, 2014	Taxicab Driver Property acquisition Personnel Personnel Attorney/Client privilege Attorney/Client privilege	Mary Hull Gilliam Wood property Potential litigation and claims Potential litigation and claims	Close Open Close Close Close Close
May 21, 2014	Attorney/Client privilege	Potential litigation and claims	Close
Jun 11, 2014	Personnel		Close

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
RECESSED SESSION

CLOSED SESSION - #1
September 17, 2014

COMRS PRESENT: Mayor Bob Edwards; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon;
Comr. John Ratzenberger and Comr. Marvin Demers

COMRS ABSENT: None

OTHERS PRESENT: Town Manager Cliff Ogburn; Attorney Everett Thompson;
Attorney David Pureza; and Town Clerk Carolyn Morris

Attorney/Client Privilege – Toloczko litigation

Attorneys Everett Thompson and David Pureza reported on the status of the Toloczko litigation. Attorney Thompson reported that there is only one (1) claim left to try with a jury trial with this litigation – the charge of a temporary “taking” of the property by the Town. A date of December 4, 2014 for the trial has been scheduled. This lawsuit was initiated in 2009 when the Town declared the house a nuisance for public safety reasons.

Attorney Thompson explained how the Town lifted the nuisance claim on the house in 2011 after the Town’s Beach Nourishment Project was completed - the Toloczko’s were subsequently slow to obtain the necessary permits. He explained that if the case goes to trial, the big question concerns attorney fees. At the Board’s request, Attorney Thompson said that his recommendation would be to make an offer of settlement, possibly to include the nearby washout lot, rather than a jury trial.

MOTION: Mayor Edwards made a motion to authorize Attorney Thompson to make a starting offer to the Toloczko’s of \$50,000 plus the adjoining washout lot – located at 219 E Altoona Street with tax value of \$3,600 - and to cap the amount at \$100,000. The motion was seconded by Comr. Cahoon which passed unanimously.


Exit Closed Session

It was Board consensus to exit Closed Session.


Carolyn F. Morris, Town Clerk

Date Approved: January 7, 2015

Date Opened: January 7, 2015

Mayor: 
Robert C. Edwards

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
RECESSED SESSION

CLOSED SESSION - #2
September 17, 2014

COMRS PRESENT: Mayor Bob Edwards; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon;
Comr. John Ratzenberger and Comr. Marvin Demers

COMRS ABSENT: None

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

Attorney/Client Privilege – Cherry, Inc. litigation

Attorney Ben Gallop reported that the Cherry, Inc. attorney has contacted him about his client's interest in walking away – with no money involved - from the lawsuit with the Town. The lawsuit concerns the Town's nuisance declaration of the Seagull Drive house owned by Lance Goldner from 2011. If not, a trial would be scheduled.

Town Manager Ogburn confirmed with Attorney Gallop that although the Town's minimum housing ordinance should remain, it cannot be used based on location, i.e., oceanfront, per the court.

MOTION: Mayor Edwards made a motion to authorize Attorney Gallop to meet with the Cherry, Inc. attorney to discuss a settlement to dismiss the lawsuit. The motion was seconded by Comr. Cahoon which passed unanimously.

Exit Closed Session

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



Carolyn F. Morris, Town Clerk

Date Approved: January 7, 2015

Date Opened: January 7, 2015

Mayor: 
Robert C. Edwards

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
SPECIAL MEETING

CLOSED SESSION - #1
October 30, 2014

BOARD MEMBERS PRESENT: Mayor Bob Edwards; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon; Comr. John Ratzenberger; and Comr. Marvin Demers

BOARD MEMBERS ABSENT: None

OTHERS PRESENT: Town Attorney John Leidy; Attorney Everett Thompson; Attorney David Perez; Town Manager Cliff Ogburn; Deputy Town Clerk Michelle Gray

Attorney/Client Privilege - Town vs Toloczko litigation

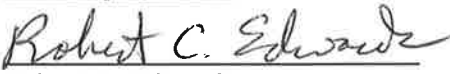
Attorney John Leidy excused himself from Closed Session during the Toloczko discussion. Attorneys Everett Thompson and David Perez discussed a possible settlement with the Toloczko's. Prior to the emergency meeting, the attorney for the Toloczko's stated his clients wanted \$490K plus the lot (Town owned lot adjacent to the Toloczko's cottage). They came down to \$390K plus the lot, the lowest offer Mr. Thompson was authorized to offer was \$100K plus the lot which was denied. Mr. Thompson said the Toloczko's are ready to settle and would entertain an offer this morning.

After extensive discussion, it was Board consensus to give Mr. Thompson authorization to offer no more than \$200K plus the lot with all claims dropped. Mr. Thompson and Mr. Perez left to contact Attorney Keith Anthony to possibly settle the case.


Carolyn F. Morris, Town Clerk

Date Approved: January 7, 2015

Date Opened: January 7, 2015

Mayor: 
Robert C. Edwards

TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION

CLOSED SESSION - #5
November 5, 2014

COMRS PRESENT: Mayor Bob Edwards; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon;
Comr. John Ratzenberger and Comr. Marvin Demers

COMRS ABSENT: None

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

Honorarium – Earl Murray, Jr., Employee of the Year Award

Board members discussed the nominees submitted by department heads for the Earl Murray, Jr. Employee of the Year honorarium.

Nominees submitted were: Planning and Development Kelly Wyatt; Public Works Raymond Schoonmaker; Police Dept Lisa Ward; Fire Dept Shane Hite (nominated by two departments); and Administrative Services Kim Brandenburg.

MOTION: Comr. Cahoon made a motion, seconded by Mayor Pro Tem Walters, to name Kelly Wyatt as the 2014 Earl Murray, Jr. Employee of the Year. The motion passed unanimously.


Exit Closed Session

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


Carolyn F. Morris, Town Clerk

Date Approved: January 7, 2015

Date Opened: January 7, 2015

Mayor: 
Robert C. Edwards