

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR SESSION

CLOSED SESSION - #1  
January 7, 2015

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

The Board considered the July – December 2014 Closed Session minutes – both for content and for disposition.

MOTION: Mayor Edwards made a motion to approve the July – December 2014 Closed Session Minutes as presented. The motion was seconded by Comr. Ratzenberger.

Comr. Demers recommended that the incorrect phrase concerning Town funding of the Colony Ridge building improvements in both the August 6, 2014 and the November 21, 2014 Colony Ridge discussions be deleted.


CONTINUATION OF MOTION: The motion to approve the July – December 2014 Closed Session minutes with the friendly recommendation that the incorrect phrase concerning Town funding of the Colony Ridge building improvements in both the August 6, 2014 and the November 21, 2014 Colony Ridge discussions be removed - passed unanimously.

MOTION: Comr. Ratzenberger made a motion to approve the July – December 2014 Closed Session minutes disposition schedule (**attached**) as presented. The motion was seconded by Comr. Cahoon which passed unanimously.

  
Carolyn F. Morris, Town Clerk

Date Approved: AUG 5 2015

Date Opened: AUG 5 2015

Mayor:   
Robert C. Edwards



TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
July – December 2014 CLOSED SESSIONS  
SUMMARY DISPOSITION

DATE	CATEGORY	SUBJECT	DISPOSITION	
Jul 2, 2014	1)	Attorney/Client privilege	Beach Nourishment condemnations	Closed
	2)	Attorney/Client privilege	Potential litigation	Closed
Aug 6, 2014	1)	Closed Session minutes	Jan – Jun 2014 minutes	Open
	2)	Attorney/Client privilege	Potential litigation	Closed
	3)	Attorney/Client privilege	Potential litigation	Closed
Sep 3, 2014	1)	Attorney/Client privilege	Potential litigation	Closed
	2)	Attorney/Client privilege	Sansotta litigation	Closed
	3)	Attorney/Client privilege	Beach Nourishment condemnations	Closed
Sep 17, 2014	1)	Attorney/Client privilege	Toloczko litigation	Open
	2)	Attorney/Client privilege	Cherry, Inc. litigation	Open
Sep 24, 2014	1)	Personnel	Town Manager's Review	Closed
Oct 1, 2014	1)	Taxicab driver request	Tamara Wescott permit denial appeal	Closed
	2)	Attorney/Client privilege	Potential litigation	Closed
Oct 30, 2014	1)	Attorney/Client privilege	Toloczko litigation	Open
	2)	Attorney/Client privilege	Sansotta litigation	Closed
Nov 5, 2014	1)	Real property purchase	7411 SVDT on NH/Manteo Causeway	Closed
	2)	Attorney/Client privilege	10201 Seagull Drive a nuisance	Closed
	3)	Attorney/Client privilege	Beach Nourishment condemnations	Closed
	4)	Attorney/Client privilege	Potential litigation	Closed
	5)	Honorarium	Earl Murray Jr EOY Award	Open
Nov 21, 2014	1)	Attorney/Client privilege	Beach Nourishment condemnations	Closed
	2)	Attorney/Client privilege	Sansotta litigation	Closed
	3)	Attorney/Client privilege	Potential litigation	Closed
Dec 3, 2014	1)	Attorney/Client privilege	Sansotta litigation	Closed
	2)	Personnel	Confidential personnel matter	Closed
	3)	Attorney/Client privilege	Potential litigation	Closed

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR SESSION

CLOSED SESSION - #3  
January 7, 2015

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; Attorney Ben Gallop;  
and Town Clerk Carolyn Morris

Attorney/Client Privilege – Sansotta Litigation

Attorney Leidy reported that at a previous Board meeting, he was authorized to offer Mr. Sansotta's attorney an amount of up to \$1.2 million, with the removal of the Seagull Drive houses, with Sansotta keeping the land, as resolution to the Sansotta/Seagull Drive cottages litigation. Before an offer was made, Attorney Leidy said that he and his associate, Attorney Ben Gallop, requested depositions and documentation from Cove Realty and Phoenix Construction in order to obtain information re: management of the Seagull Drive cottages. This prompted a call from Sansotta attorney Keith Anthony with an offer to the Town: In light of where they are in the case and with the additional fees that would be incurred, on behalf of Mr. Sansotta, Mr. Anthony offered to convey the Seagull Drive properties to the Town for the amount of \$1.75 million - for resolution of the lawsuit. The Town would be responsible for removing the houses but the land would belong to the Town.

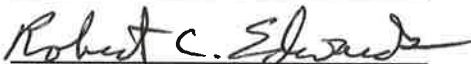
Attorney Leidy also reported that Attorney Anthony stated that his client would also consider property in lieu of the payment amount of \$1.75 million. Board members wanted to keep the issue "clean" and preferred that any amount be taken from the Town's Fund Balance for resolution in this case.

MOTION: Comr. Cahoon made a motion to authorize Attorney Leidy up to \$1.75 million with the provision that the Town is in possession of the properties. The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

  
Carolyn F. Morris, Town Clerk

Date Approved: AUG 5 2015

Date Opened: AUG 5 2015

Mayor:   
Robert C. Edwards

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
RECESSED SESSION

CLOSED SESSION - #1  
January 21, 2015

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

Attorney/Client Privilege - Sansotta litigation

Town Attorney John Leidy distributed a Draft settlement agreement between the Town and the Sansotta Seagull Drive property owners – six (6) cottages and seven (7) property owners – which includes payment from the Town of \$1.5 million. Attorney Leidy reviewed each paragraph of the agreement with Board members. He informed Board members that all property deeds must be received before the funds will be wired to Mr. Sansotta.

For the house at 10201 Seagull drive (the "leaning" cottage), Attorney Leidy said that Mr. Sansotta has agreed to sign a statement indicating that his co-owners of this cottage, who are not able to sign the agreement, will not take action against the Town concerning their cottage.

A budget adjustment to appropriate the \$1.5 million funds is to be included on the February 4, 2015 Board of Commissioners meeting agenda. In addition, a press release, indicating that the Town is agreeing to the settlement agreement as the "greater option for protection of our beach" will be prepared and ready to be forwarded to the media after signature of the agreement. Attorney Leidy noted that the property owners have until February 28, 2015 to remove anything they may want from the cottages.

MOTION: Comr. Cahoon made a motion to approve the Town/Sansotta Settlement Agreement and to authorize the Town Attorney and the Town Manager to negotiate/make any further decisions as necessary concerning the agreement. The motion was seconded by Comr. Ratzenberger which passed unanimously.

  
Carolyn F. Morris, Town Clerk

Date Approved: AUG 5 2015

Date Opened: AUG 5 2015

Mayor:   
Robert C. Edwards

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR SESSION

CLOSED SESSION - #1  
February 4, 2015


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

COMRS ABSENT: Mayor Bob Edwards

OTHERS PRESENT: Town Manager Cliff Ogburn; Town Attorney John Leidy;  
Dep Town Manager Andy Garman, and Town Clerk Carolyn Morris


Attorney/Client Privilege – Sansotta litigation

Attorney John Leidy noted that he and the Sansotta litigation attorneys are in agreement on the settlement terms for the Town's purchase of Sansotta's Seagull Drive properties. He also reported that he has been in discussions with the attorneys concerning the property values for the Dare County land transfer tax. In addition, one plaintiff recently got married and the deed needs to be updated with the wife's name and signature. Attorney Leidy said that he would prefer to hold off on approval of a budget adjustment appropriating the funds until all deeds are signed.

  
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Carolyn F. Morris, Town Clerk

Date Approved:           AUG 5 2015          

Date Opened:           AUG 5 2015          

Mayor:   
\_\_\_\_\_  
Robert C. Edwards

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR SESSION

CLOSED SESSION - #1  
March 4, 2015

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;  
Dep Town Manager Andy Garman, and Town Clerk Carolyn Morris

Attorney/Client Privilege – Sansotta litigation

Attorney Leidy reported that all but two (2) entities have signed the Sansotta settlement agreements to turn the Seagull Drive oceanfront cottages over to the Town.

It was Board consensus to wait until all signatures have been received before reporting to the public on the settlement.

  
Carolyn F. Morris, Town Clerk

Date Approved: AUG 5 2015

Date Opened: AUG 5 2015

Mayor:   
Robert C. Edwards

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
RECESSED SESSION

CLOSED SESSION – #1  
March 20, 2015

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;  
Dep Town Manager Andy Garman, and Dep Town Clerk Michelle Gray

Attorney/client privilege – Sansotta litigation resolution

Town Attorney Leidy discussed with the Board a settlement with Sansotta regarding his houses on Seagull Drive in South Nags Head.

Town Attorney Leidy provided an update on an agreement to settle the Sansotta litigation at a cost of \$1.5 million to the Town. The Town will remove the structures and will have ownership of the property. Board members unanimously agreed to the agreement terms.

  
Michelle H. Gray, Dep Town Clerk

Date Approved: AUG 5 2015

Date Opened: AUG 5 2015

Mayor: Robert C. Edwards  
Robert C. Edwards

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR SESSION

CLOSED SESSION - #3  
May 6, 2015

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;  
Dep Town Manager Andy Garman, and Town Clerk Carolyn F. Morris

Acquisition of real property

Town Manager Ogburn presented a request from an oceanfront homeowner just north of the Town's Historic District, located at 3821 S Virginia Dare Trail, asking if the Town was interested in purchasing the lot/house. The appraised value of the lot/house, which sits on a 40 square foot lot, is \$548,200.

It was Board consensus to take no action on this request.

  
Carolyn F. Morris, Town Clerk

Date Approved: AUG 5 2015

Date Opened: AUG 5 2015

Mayor:   
Robert C. Edwards