

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING

CLOSED SESSION - #5  
May 4, 2016

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

COMRS ABSENT: Mayor Pro Tem Susie Walters

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

Honorariums – Lightkeeper and Nags Header Awards

Nominated for 2016 Nags Head Lightkeeper Award were: Joe Lamb, Pat Preston, and Tom White

Nominated for 2016 Nags Header Award were: Dick Fessler, Martin Kellogg, and Doug Remaley

MOTION: Comr. Cahoon made a motion to award the 2016 Nags Head Lightkeeper Award to Tom White. The motion was seconded by Comr. Ratzenberger which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

MOTION: Mayor Edwards made a motion to award the 2016 Nags Header Award to the late Martin Kellogg. The motion was seconded by Comr. Cahoon which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

It was Board consensus to recognize Tom White and the late Mr. Kellogg in a ceremony in front of Town Hall on the Town's 55<sup>th</sup> Anniversary - Tuesday, June 14, 2016 at 11:00 a.m.

Exit Closed Session

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

  
Carolyn F. Morris, Town Clerk

Date Approved: September 7, 2016

Date Opened: September 7, 2016

Mayor:   
Robert C. Edwards

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING

CLOSED SESSION - #3  
May 4, 2016

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

COMRS ABSENT: Mayor Pro Tem Susie Walters

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

Closed Session Minutes – July through December 2015

Closed Session Minutes and their disposition were considered by the Board for the July – December 2015 Closed Session minutes.

MOTION: Comr. Cahoon made a motion to approve the July – December 2015 Closed Session minutes as presented. The motion was seconded by Mayor Edwards which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

MOTION: Comr. Cahoon made a motion to approve the disposition of the July – December 2015 Closed Session minutes as listed in the **attached**. The motion was seconded by Mayor Edwards which passed 4 – 0 (Mayor Pro Tem Walters was not present.).

  
Carolyn F. Morris, Town Clerk

Date Approved: September 7, 2016

Date Opened: September 7, 2016

Mayor:   
Robert C. Edwards

**TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
July - December 2015 CLOSED SESSIONS  
SUMMARY DISPOSITION**

<b>DATE</b>	<b>CATEGORY</b>	<b>SUBJECT</b>	<b>DISPOSITION</b>	
Jul 1, 2015	1)	Litigation	Beach Nour Condemnations	Close
	2)	Attorney/Client privilege	Supreme Court ruling on signs	Open
Aug 5, 2015	1)	Attorney/Client privilege	Large residential structures	Open
	2)	Litigation	Beach Nour Condemnations	Close
	3)	Closed Session minutes	Jan – Jun 2015 minutes	Open
Aug 19, 2015	1)	Litigation	Beach Nour Condemnations	Close
Sep 2, 2015	1)	Litigation	Beach Nour Condemnations	Close
	2)	Personnel	Town Manager Evaluation	Close
Sep 16, 2015	1)	Litigation	Beach Nour Condemnations	Close
	2)	Personnel	Employee personnel matter	Close
	3)	Personnel	Town Manager Contract	Close
Oct 7, 2015	1)	Personnel	Former employee personnel matter	Close
	2)	Personnel	Vacant employee position	Close
	3)	Personnel	Offers of employment made	Open
	4)	Litigation	Beach Nour Condemnations	Close
Nov 4, 2015	1)	Personnel	Former employee personnel matter	Close
	2)	Litigation	Beach Nour Condemnations	Close
	3)	Honorarium	2015 Earl Murray Jr EOY nomination	Open

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING

CLOSED SESSION - #1  
May 4, 2016

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

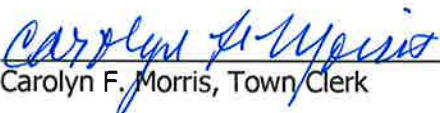
COMRS ABSENT: Mayor Pro Tem Susie Walters

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

Attorney/Client Privilege – State House Bill 2 (“bathroom bill”)

Board members pointed out that someone during Public Comment today mentioned that the Town may be considering entering into a lawsuit with other entities opposing House Bill 2.

It was Board consensus that the Town NOT get involved in any litigation concerning House Bill 2 – and for Attorney Leidy to report this in Open Session when reporting on the Closed Session.

  
Carolyn F. Morris, Town Clerk

Date Approved: September 7, 2016

Date Opened: September 7, 2016

Mayor:   
Robert C. Edwards

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING

CLOSED SESSION  
February 3, 2016 - #3

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

Closed Session Minutes – 2006 and 2010

Attorney Leidy pointed out to Board members that the Closed Session minutes are for their consideration to open – they have already been reviewed and approved.

MOTION: Comr. Ratzenberger made a motion to open the closed session minutes from 2006 and 2010 as identified on the **attached** summary listing. The motion was seconded by Comr. Cahoon which 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: September 7, 2016

Date Opened: September 7, 2016

Mayor:   
Robert C. Edwards

**TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS**

**2006 and 2010 CLOSED SESSION SUMMARY  
Request to Open**

<b>DATE</b>	<b>CATEGORY</b>	<b>SUBJECT</b>
Jan 4, 2006	Litigation	Country Nest House demolition
Jan 20, 2010	Litigation	Kirkpatrick v Town
Jan 20, 2010	Litigation	George Moore nuisance structure
Mar 3, 2010	Litigation	George Moore nuisance structure
Mar 3, 2010	Litigation	Roc Sansotta litigation
Jun 2, 2010	Litigation	Roc Sansotta litigation
Jun 2, 2010	Litigation	Gatelin nuisance structure
Jul 7, 2010	Litigation	Roc Sansotta litigation
Aug 4, 2010	Litigation	Roc Sansotta litigation
Sep 1, 2010	Litigation	Tison litigation
Sep 1, 2010	Litigation	George Moore nuisance structure
Sep 1, 2010	Litigation	Gatelin nuisance structure
Oct 20, 2010	Litigation	Roc Sansotta litigation
Oct 20, 2010	Litigation	Matthews/Ruiz nuisance structure
Nov 3, 2010	Litigation	Roc Sansotta litigation
Nov 3, 2010	Litigation	Matthews/Ruiz nuisance structure
Nov 3, 2010	Litigation	George Moore/Neal nuisance structure

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING

CLOSED SESSION  
February 3, 2016 - #2

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

Land Acquisition – 7411 S Virginia Dare Trail on the Nags Head/Manteo Causeway

Town Manager Ogburn informed the Board that he offered Ms. Mustian, owner of the soundside property located next to the Town's Estuarine Access on the Nags Head/Manteo Causeway – next to Whalebone Tackle Shop – \$50,000 as authorized by the Board. Town Manager Ogburn stated that he has not seen the contract yet but wanted to verify with the Board that they are still interested in this sale before moving forward.


Mayor Edwards spoke in favor of the lot as extended preservation of open space next to the Town's Estuarine Access.

MOTION: Mayor Edwards made a motion to authorize the Town Manager to move forward with the purchase of the Mustian property located at 7411 S Virginia Dare Trail for the amount of \$50,000. The motion was seconded by Comr. Demers which passed unanimously.

  
Carolyn F. Morris, Town Clerk

Date Approved: September 7, 2016

Date Opened: September 7, 2016

Mayor:   
Robert C. Edwards

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING

CLOSED SESSION  
January 6, 2016 - #6

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

Attorney/Client Privilege – Red Light Cameras

Comr. Cahoon asked if it is possible to install red light cameras at the Town's traffic signal intersections and share revenues with the County Board of Education.

It was Board consensus that Attorney Leidy speak with the Board of Education Attorney to review possible alternatives for a red-light camera program.

Comr. Ratzenberger strongly supported this idea and noted how he continues to see this problem throughout Town.

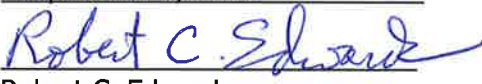
Exit Closed Session

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: September 7, 2016

Date Opened: September 7, 2016

Mayor:   
Robert C. Edwards



TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING

CLOSED SESSION  
January 6, 2016 - #5

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

Closed Session Minutes – 2000 through 2009

Attorney Leidy reported that he has reviewed the approved Closed Session minutes from 2000 through 2009 for possible opening/unsealing.

MOTION: Comr. Ratzenberger made a motion to unseal/open the Closed Session Minutes from 2000 through 2009 as presented in the **attached** listing. The motion was seconded by Comr. Demers which passed unanimously.

  
Carolyn F. Morris, Town Clerk

Date Approved: September 7, 2016

Date Opened: September 7, 2016

Mayor:   
Robert C. Edwards

**TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
2000 – 2009 CLOSED SESSION SUMMARY  
Request to Open (Page 1 of 2)**

<b>DATE</b>	<b>CATEGORY</b>	<b>SUBJECT</b>
Dec 13, 2000	Litigation	Comfort Inn South incident
Feb 21, 2001	Litigation	Fox Harbour gas station canopy
Nov 6, 2002	Litigation	Village Playhouse
Aug 6, 2003	Litigation	Gulfstream Beach Access railing
Sep 3, 2003	Litigation	Removal of vegetative buffer in Lone Cedar Subdivision
	Litigation	Gulfstream Beach Access railing
Nov 5, 2003	Litigation	Nags Head Construction
Nov 5, 2003	Litigation	Wings moratorium challenge
Nov 5, 2003	Land acquisition	Procure land for beach accesses
Feb 4, 2004	Litigation	Traffic violation
May 19, 2004	Land acquisition	Dowdy's Amusement Park property
Aug 18, 2004	Attorney/Client	Village Playhouse
Oct 6, 2004	Land acquisition	Dowdy's Amusement Park property
Nov 17, 2004	Litigation	Condemned houses
Dec 1, 2004	Litigation	Condemned houses
Jan 19, 2005	Attorney/client	Red light camera program
Jul 6, 2005	Land acquisition	South Nags Head property
Jul 20, 2005	Attorney/client	South Nags Head Fire Station
Sep 7, 2005	Litigation	Nelson-Whetstine house on Nansemond
Sep 7, 2005	Land acquisition	Nags Head/Manteo Causeway property
Oct 5, 2005	Litigation	Nelson-Whetstine house on Nansemond
Nov 2, 2005	Land acquisition	Nags Head/Manteo Causeway property
Dec 7, 2005	Litigation	Northridge house lot coverage issue
Dec 6, 2006	Attorney/client	Corps of Engineers request
Mar 7, 2007	Litigation	Beacon Motor Lodge
Mar 7, 2007	Litigation	Surfside Dr Kirkpatrick property
Sep 5, 2007	Attorney/client	Board of Adjustment case
Sep 19, 2007	Land acquisition	Duneburger property
Oct 3, 2007	Litigation	Beacon Motor Lodge
Oct 3, 2007	Attorney/client	Board of Adjustment case
Nov 7, 2007	Attorney/client	Surfside Dr backyard easements
Dec 5, 2007	Litigation	Surfside Dr Kirkpatrick property
Jan 9, 2008	Litigation	Beacon Motor Lodge
Jun 18, 2008	Litigation	US 158 Waterline Project
Aug 6, 2008	Litigation	US 158 Waterline Project
Aug 20, 2008	Litigation	US 158 Waterline Project
Sep 3, 2008	Litigation	Surfside Dr Kirkpatrick property
Sep 3, 2008	Litigation	US 158 Waterline Project
Oct 1, 2008	Litigation	US 158 Waterline Project
Oct 1, 2008	Litigation	Beacon Motor Lodge
Oct 22, 2008	Litigation	US 158 Waterline Project
Oct 22, 2008	Litigation	Beacon Motor Lodge
Oct 22, 2008	Litigation	Surfside Dr Kirkpatrick property

**TOWN OF NAGS HEAD  
 BOARD OF COMMISSIONERS  
 2000 – 2009 CLOSED SESSION SUMMARY  
 Request to Open (Page 2 of 2)**

<b>DATE</b>	<b>CATEGORY</b>	<b>SUBJECT</b>
Nov 5, 2008	Litigation	US 158 Waterline Project
Nov 5, 2008	Litigation	Surfside Dr Kirkpatrick property
Dec 3, 2008	Litigation	US 158 Waterline Project
Dec 3, 2008	Litigation	Beacon Motor Lodge
Dec 3, 2008	Litigation	Surfside Dr Kirkpatrick property
Dec 22, 2008	Attorney/client	Beach Plan insurance rate increase
Jan 7, 2009	Litigation	Surfside Dr Kirkpatrick property
Jan 21, 2009	Litigation	Surfside Dr Kirkpatrick property
Feb 4, 2009	Litigation	Surfside Dr Kirkpatrick property
Apr 1, 2009	Litigation	Surfside Dr Kirkpatrick property
Apr 1, 2009	Litigation	Surfside Dr Kirkpatrick property
May 6, 2009	Litigation	Surfside Dr Kirkpatrick property
May 6, 2009	Litigation	Occupancy issue on Cutty Sark Dr
May 6, 2009	Litigation	Nuisance structures
May 20, 2009	Litigation	Surfside Dr Kirkpatrick property
June 3, 2009	Litigation	Surfside Dr Kirkpatrick property
June 3, 2009	Litigation	Occupancy issue on Cutty Sark Dr
Aug 5, 2009	Prevent disclosure	Closed Session Minutes
Aug 5, 2009	Litigation	Surfside Dr Kirkpatrick property
Aug 5, 2009	Attorney/client	Houses located in public trust area
Sep 2, 2009	Litigation	Surfside Dr Kirkpatrick property
Sep 16, 2009	Attorney/client	Update on nuisance structures
Nov 4, 2009	Attorney/client	Update on nuisance structures
Dec 2, 2009	Litigation	Surfside Dr Kirkpatrick property

TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING

CLOSED SESSION  
January 6, 2016 - #2

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

Possible land acquisition – 6806 S Virginia Dare Trail located between the Bypass and the Beach Road

Town Manager Cliff Ogburn presented the request from the owner of 6806 S Virginia Dare Trail (**map attached**) asking the Town to consider the property for purchase – the property includes the restaurant South Beach Grille and extends from the bypass to the Beach Road.

It was Board consensus to not take any action on this request.

  
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Carolyn F. Morris, Town Clerk

Date Approved: September 7, 2016

Date Opened: September 7, 2016

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



TOWN OF NAGS HEAD  
BOARD OF COMMISSIONERS  
REGULAR MEETING

CLOSED SESSION  
January 6, 2016 - #1

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

Possible land acquisition – 7411 S Virginia Dare Trail on the Nags Head/Manteo Causeway

Town Manager Cliff Ogburn presented the request from the owner of 7411 S Virginia Dare Trail located on the Nags Head/Manteo Causeway (**map attached**) asking the Town to consider the property for purchase – the property is located next to the Town's Estuarine Access site.

MOTION: Mayor Edwards made a motion authorizing the Town Manager to offer the property owner at 7411 S Virginia Dare Trail \$50,000, or less, with tax credit for the remainder of the purchase price. The motion was seconded by Comr. Demers which passed unanimously.

  
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Carolyn F. Morris, Town Clerk

Date Approved: September 7, 2016

Date Opened: September 7, 2016

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



