

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
RECESSED MEETING**

**CLOSED SESSION - #2
July 20, 2016**

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

Discussion of sale of Town property – Peak Resources Nursing Home Facility

Mayor Edwards explained that Peak Resources has requested to purchase the nursing home facility. He stated he informed them that it will not be discussed in detail until after more building renovations are done. He wanted Board members to be thinking about the process to sell the property and any issues that may arise. He emphasized that this discussion is for information purposes only and no action is required at this time.

Mayor Pro Tem Walters said that she would like to see more done to the building before even thinking about selling – if something goes wrong, it would be perceived to be the Town's fault. Peak Resources is expected to be spending approximately \$3 million in building renovations.

Attorney Leidy explained the possible processes to dispose of real property: Public Auction, Sealed Bids, and Upset Bid Process – the Upset Bid Process would be more feasible. The process would start with an offer made by Peak Resources and the Board adopting a resolution accepting the offer with details/terms of the sale.

Mayor Edwards emphasized that the Town does not need to be in the nursing home business and the Town needs to make sure a nursing home facility stays in the Town. Mr. Leidy explained the Town has extremely limited control over the operation of the Colony Ridge facility, even though the Town owns the property, and has to depend on a qualified operator to lease the property. Mr. Leidy also explained the ramifications of the various terms being discussed by the attorneys to a sale of the facility, as well as some complications over the bid process.

Mayor Edwards noted that Peak Resources is not expecting an answer yet – they are aware that he was bringing the idea to the Board for informational purposes only. Attorney Leidy stated that the ball is currently in Peak Resources' court to come forward with an offer.

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: February 1, 2017

Date Opened: February 1, 2017

Mayor: Robert C. Edwards
Robert C. Edwards

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING**

**CLOSED SESSION - #2
September 7, 2016**

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

Closed Session Minutes

Mr. Leidy explained that the Board needed to take 2 actions: first, to approve the closed session minutes; then, to decide whether to open certain minutes and to keep others closed as proposed by the Town Clerk.


MOTION: Comr. Cahoon made a motion to approve the Jan – Jun 2016 Closed Session minutes as presented. The motion was seconded by Mayor Pro Tem Walters which passed unanimously.

MOTION: Mayor Pro Tem Walters made a motion to approve the disposition (Opened/Closed) status (**attached**) of the Jan – Jun 2016 Closed Session minutes as presented. The motion was seconded by Comr. Ratzenberger which passed unanimously.


Carolyn F. Morris, Town Clerk

Date Approved: February 1, 2017

Date Opened: February 1, 2017

Mayor: 
Robert C. Edwards

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
January – June 2016 CLOSED SESSIONS
SUMMARY DISPOSITION**

DATE	CATEGORY	SUBJECT	DISPOSITION	
Jan 6, 2016	1)	Land acquisition	7411 SVDT next to Estuarine access	Open
	2)	Land acquisition	6806 SVDT includes restaurant	Open
	3)	Attorney/Client Privilege	Beach Nour Project Easement litigation	Closed
	4)	Attorney/Client Privilege	Sandbag regulations	Closed
	5)	Closed Session Minutes	2000 – 2009	Open
	6)	Attorney/Client Privilege	Red light cameras	Open
Feb 3, 2016	1)	Litigation	Richardson case	Closed
	2)	Land acquisition	7411 SVDT next to Estuarine access	Open
	3)	Closed Session Minutes	2006 and 2010	Open
Mar 2, 2016	1)	Litigation	Fisher case	Closed
	2)	Litigation	Richardson trial	Closed
	3)	Personnel	Confidential matter	Closed
Apr 6, 2016	1)	Litigation	Richardson case	Closed
	2)	Attorney/Client Privilege	Special legislation	Closed
May 4, 2016	1)	Attorney/Client Privilege	State House Bill 2	Open
	2)	Attorney/Client Privilege	Seagull Drive condition	Closed
	3)	Closed Session Minutes	Jul through Dec 2015	Open
	4)	Litigation	Richardson and Granby cases	Closed
	5)	Honorariums	Lightkeeper and Nags Header Awards	Open
Jun 15, 2016	Prevent disclosure of privileged information	Appeal of Town taxicab driver denial	Closed	

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING**

**CLOSED SESSION - #3
September 7, 2016**

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

Peak Resources Nursing Home Facility

Attorney Leidy said that the attorneys for the Town (Brock Mitchell) and for Peak Resources Nursing Home Facility had negotiated an agreement concerning a proposed amendment to the lease that would allow Peak to move forward on the purchase of the facility.


Mayor Edwards noted that the property purchase negotiations were put on hold until more work on the site was completed. He stated that landscaping, parking lot coating, etc. still need to be done. He asked the Board if they wanted to enter into negotiations with Peak Resources for the facility purchase.

Board members stated that they would like to review the property purchase documents first before moving forward.


Carolyn F. Morris, Town Clerk

Date Approved: February 1, 2017

Date Opened: February 1, 2017

Mayor: 
Robert C. Edwards

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR MEETING**

**CLOSED SESSION - #1
October 5, 2016**

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; Dep Town Manager Andy Garman; and
Town Clerk Carolyn Morris; John D. Leidy, Town Attorney

Attorney/Client Privilege – Peak Resources Nursing Home Facility

Attorney Leidy reported that Peak Resources has prepared various documents relating to an offer to purchase the Colony Ridge facility property. He explained that a couple of conditions need to be tightened up and they will resubmit their offer and a proposed contract. In addition, Exhibits "B" and "C" of the purchase paperwork are to be updated and forwarded to Town Manager Ogburn and the Board as soon as possible. He explained further that after such time, a resolution detailing the terms of the offer would be adopted by the Board of Commissioners prior to the start of the Upset Bid Process. The process is completed after 10 days without an upset bid.


Mayor Edwards suggested recessing today's meeting to Monday, October 10th at 1:00 p.m. in the Board Room to confirm the proposed offer and contract and to adopt the resolution to begin the Upset Bid Process.



Carolyn F. Morris, Town Clerk

Date Approved: February 1, 2017

Date Opened: February 1, 2017

Mayor: 

Robert C. Edwards

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
RECESSED SESSION**

**CLOSED SESSION
October 18, 2016**

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 Attorneys John Leidy and Brock Mitchell;
Dep Town Manager Andy Garman; and Town Clerk Carolyn Morris

Attorney/Client Privilege – Peak Resources Nursing Facility

Attorney Leidy provided background on the request from Peak Resources Nursing Facility – Peak has been in negotiations with the Town to acquire ownership of the facility; currently they rent the site from the Town. Peak has now finalized an offer to purchase the property from the Town. If the Board adopts the resolution approving the offer from Peak, the upset bid process would begin before any contract with Peak would be final or binding.

After much discussion, Board members agreed to the following points:

- Attorney John Leidy is to review the Rural Economic Development Grant Building Reuse Program agreement between the NC Dept of Commerce and the Town for Peak Resources renovation funds - to make sure the Town is protected and has no liability;
- Correct the amount of capital improvements to be made;
- Include the timelines for the capital improvements on Schedule B;
- Staff is to provide better records management when providing bulk documentation associated with the Peak project – provide a binder with tabs identifying each item with a number and/or date for quick and easily-understood access;
- Binders are to be made available for Board members to pick up on Wednesday, October 26, 2016;
- Issues that are resolved to include certifications are to be in writing;
- "Dare County" is to be provided in the documents rather than "Outer Banks" or "Nags Head"; and
- Verify that the building/land reverts back to the Town if Peak moves to another area.

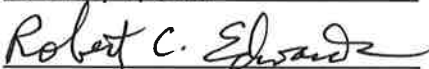
Exit Closed Session

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


Carolyn F. Morris, Town Clerk

Date Approved: February 1, 2017

Date Opened: February 1, 2017

Mayor: 
Robert C. Edwards

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #2
November 2, 2016**

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

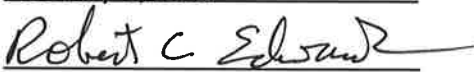
Attorney/Client Privilege – Update on the Town of Emerald Isle vs Nies case

Attorney Leidy reported that the Town of Emerald Isle and the Nies' are waiting for a Supreme Court decision; he stated that the Nies' sold their property but are still moving forward with the case. He stated further that a decision is expected the first part of 2017. Mr. Leidy discussed the potential affect the decision could have on all coastal communities, including the Town.


Carolyn F. Morris, Town Clerk

Date Approved: February 1, 2017

Date Opened: February 1, 2017

Mayor: 
Robert C. Edwards

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #3
November 2, 2016**

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

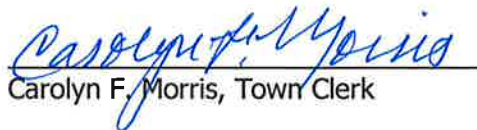
COMRS ABSENT: None

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

Honorarium – Earl Murray Jr Employee of the Year Award


Board members considered the nominees for 2016 Earl Murray Jr Employee of the Year.

MOTION: Comr. Cahoon made a motion to award the 2016 Earl Murray Jr Employee of the Year designation to Septic Health Coordinator/Environmental Planner Todd Krafft. The motion was seconded by Mayor Pro Tem Walters which passed unanimously.


Carolyn F. Morris, Town Clerk

Date Approved: February 1, 2017

Date Opened: February 1, 2017

Mayor: 
Robert C. Edwards

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS
REGULAR SESSION**

**CLOSED SESSION - #4
November 2, 2016**

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 – Peak Resources Nursing Home

Town Manager Cliff Ogburn explained that the NC Dept of Commerce grant, which passes through the Town as a government entity is required for the grant, would not be an issue if the Town sells the site to Peak Resources. Town Manager Ogburn provided an email from the Dept of Commerce which he received two days ago.

Several Board members expressed their frustration at not receiving the email from the Dept of Commerce concerning the grant when Town Manager Ogburn received it. They expressed their concerns about lack of communication and also noted that they were not aware that the sale of the nursing home was even going to be discussed at today's meeting.

Comr. Ratzenberger noted that the two issues he had with the contract between the Town and Peak have been resolved. Attorney Leidy explained that if the resolution authorizing an upset bid process for the sale of the nursing home is adopted today, it would be at least 10 days – to the day of the November 16, 2016 mid-month meeting - before any action could be taken. If no upset bids are received, then the Board could accept Peak's offer and authorize the contract/agreement between the Town and Peak at the November 16th mid-month meeting.

A motion was made by Comr. Ratzenberger to begin the upset bid process and seconded by Comr. Demers. The motion was subsequently withdrawn by Comr. Ratzenberger.

It was Board consensus to authorize moving forward with the upset bid process for the sale of the nursing home.


Exit Closed Session

MOTION: Comr. Ratzenberger made a motion to exit Closed Session. The motion was seconded by Comr. Demers which passed unanimously.


Carolyn F. Morris, Town Clerk

Date Approved: February 1, 2017

Date Opened: February 1, 2017

Mayor: 
Robert C. Edwards

**TOWN OF NAGS HEAD
BOARD OF COMMISSIONERS MEETING
RECESSED MEETING**

**CLOSED SESSION #2
November 16, 2016**

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 John Leidy; Dep Town Manager Andy Garman;
and Dep Town Clerk Michelle Gray

Land Acquisition - 3115 S Old Nags Head Woods Road

Town Manager Ogburn informed the Board that The Nature Conservancy plans to purchase the property at 3115 Old Nags Head Woods Road with or without the Town's contribution by getting a loan. Town Manager Ogburn recommended not contributing at this time with the possibility of contributing at a later date. He stated that the Town could assist with future grants if necessary.

It was Board consensus to not contribute funds to The Nature Conservancy for the purchase of this property.

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.


Michelle H Gray, Dep Town Clerk

Date Approved: February 1, 2017

Date Opened: February 1, 2017

Mayor: 
Robert C. Edwards