

MINUTES

The Town of Manteo Board of Commissioners held an EMERGENCY meeting August 10, 2004 in the Manteo Town Hall meeting room at NOON.

The following members were present:

- Mayor John Wilson
- Commissioner Dellerva Collins
- Commissioner H.A. Creef, Jr.
- Commissioner David Farrow
- Commissioner Edward Etheridge
- Commissioner Larry Belli

The following member(s) were absent: Commissioner Lee Tugwell

Also present at the meeting were:

- Town Manager Kermit Skinner
- Town Clerk Becky Breiholz
- Deputy Town Clerk – Shannon Twiddy
- Planner Fred Featherstone

Mayor Wilson called the Emergency meeting to order at Noon.

SUBJECT: Discussion and consideration of annexation petition from the Dare County Board of Education for the new Manteo Middle School and consideration of a conditional use permit. Mayor Wilson commented that the Manteo Board of Commissioners has called an emergency meeting to accommodate the needs of the Dare County School Board in an effort to help prevent to prevent three things: 1) the issuance of a stop-work order by the Dare County Building Inspector on the construction of the new Manteo Middle School; 2) the \$6,000 per day penalty the School Board says they will be fined if work is stopped; 3) and to address their petition for annexation dated June 25th. Mayor Wilson commented that at the last meeting we stopped action because of questions about the change in the deed, yesterday the County signed on to the original petition for annexation joining in the request that we annex the property, with that petition in hand which has gone through all the statutory process which has been publicly heard, we have the opportunity today to accept that petition for annexation if that is the wish of the Board, to authorize the signing of the agreement of the contract, and to issue the permit so construction will not be stopped at the school. Mayor Wilson stated that the conditions have been handed out and what is in bold are the new words and they are a result of a committee meeting of Commissioner Creef and Commissioner Tugwell on Sunday afternoon with School Board Members Nuzzi and Maher as well as County Commissioner Warren Judge and Richard Johnson. (The conditions will be made part of these minutes) Mayor Wilson stated he does not know any other way to prevent the issuance of the stop work order, to prevent the \$6,000 daily penalty but to address their petition for annexation dated June 25th, now that the County has signed on to that making it valid. The cost of our conditions to the School Board has been a topic of conversation, we gave the County a two week extension to give them time to bring us an appraisal on the lot behind the new school and the cost of the roadway; they did not get an appraisal, they do have an estimate for the roadway. Mayor Wilson did get an estimate appraisal on the lot which he did not disclose but did comment that he can assure them that to acquire an easement across the property for the access, to pave the road, and other costs add up to a number less than the \$450,000 that they told us is what they expected to spend on their waste water

treatment plant if it had been permitted. Commissioner Creef asked for the Town Attorney's guidance on if we were within the rules and regulations to do it this way. Town Attorney Daniel Khoury commented that he did have a question about the ownership and that is an open issue since there is no clear cut case law decision that requires any change in the petition and he thinks in this situation the County, Board of Education because of their agency relationship would be treated as one in the same, if it had been a different relationship, two different entities he thinks we would have to start over. Mayor Wilson also stated that he has received a new petition with 140 signatures of the neighbors and includes a majority of the property owners who touch the school on both the north and south side which Mayor Wilson read "We, the undersigned, respectfully petition the Dare County Board of Education, the Dare County Board of Commissioners and the Manteo Board of Commissioners to: 1) Protect the residential neighborhoods to the north and south of the new Manteo Middle School by preserving the 50 foot buffer and by not connecting residential streets to the school; and 2) Promote the public's health, safety and welfare by providing an additional two-way access drive connecting the school to the Driftwood Street optimal for traffic management."

MOTION: Commissioner Farrow seconded by Commissioner Creef to approve the annexation of petition dated June 25th from the School Board and Dare County was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, and Creef. Noes: None. Absent: Commissioner Tugwell.

SUBJECT: Utility extension agreement and Utility Contract. This will authorize the Mayor to sign these documents.

MOTION: Commissioner Farrow seconded by Commissioner Collins to authorize Mayor to sign utility of extension agreement and utility contract was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, and Creef. Noes: None. Absent: Commissioner Tugwell.

SUBJECT: Conditional use permits with conditions that include conditions from the Planning Board, the wishes of the neighbors and can be met within the amount of money that they would have spent on the waste water treatment facility. (These conditions will be made a part of these minutes.) Since the County issued the building permit they will be doing the building inspections up to occupancy, the Town's Zoning Enforcement Officer will see that our conditions have been met.

MOTION: Commissioner Creef seconded by Commissioner Farrow to approve the conditional use permit with conditions was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Belli, and Creef. Noes: None. Absent: Commissioner Tugwell.

A motion by Commissioner Creef seconded by Commissioner Collins the meeting was adjourned at 12:10 p.m was approved by the following vote: Ayes: Commissioner Collins, Farrow, Belli and Etheridge and Creef. Noes: None. Absent: Commissioner Tugwell.

This 11th day of August 2004

ATTEST:

Mayor John Wilson, IV

Town Clerk Becky Breiholz

