

## MINUTES

The Town of Manteo Board of Commissioners held a Special session in the Manteo Town Hall meeting room, February 13, 2002

The following members were present: Mayor Lee Tugwell  
Commissioner Curtis Creech  
Commissioner Dellerva Collins  
Commissioner David Farrow  
Commissioner Edward Etheridge  
Commissioner Stuart Wescott  
Commissioner H.A. Creef, Jr.

The following member(s) were absent: None

Also present at the meeting were: Town Manager-Kermit Skinner, Jr.  
Assistant Town Manager/Planner- Shannon Twiddy  
Town Clerk-Becky Breiholz  
Town Attorney-Dan Merrell  
Chief of Police-F.T. D'Ambra

Mayor Tugwell called the Special meeting to order at 7:35 p.m. and asked for a Motion on the agenda.

Commissioner Collins made a motion to go into executive session, Mayor Tugwell stated the motion was out of order and explained the reason for and the NCGS number must be identified before entering a closed session.

**MOTION:** Commissioner Creech adopt the agenda as presented seconded by Commissioner Wescott and approved by the following vote: Ayes: Commissioner Wescott, Creech, Farrow, Etheridge, Collins and Creef. Noes: None. Absent: None.

**SUBJECT:** Commissioner Collins commented that the Board received additional information that the Commissioners should have received at the regular February 6<sup>th</sup> meeting regarding the sale of the Boat Ditch property and if this information had been supplied beforehand the motion to void the contract would never have been put on the floor for consideration. Commissioner Creech stated he discussed this matter with Commissioner Collins regarding the Boards action at the Feb. 6<sup>th</sup> meeting when all the pertinent information was not made available to the Board. He stated with the new information having been provided the additional knowledge which could impact their decision. Discussion and consideration of rescinding previous motion made at the February 6<sup>th</sup>, 2002 BOC meeting made by Commissioner Farrow seconded by Commissioner Etheridge to null and void the contract of the sale of the Boat Ditch Property with Mr. Dixon against advice of Mayor and legal counsel. Mr. Dixon was in attendance with his attorney present and offered to answer any questions that may be asked by the Board. Commissioner Collins asked if Mr. Dixon had notified anyone of the closing date and he responded yes and that it was faxed by his attorney Linda McCown to our Town Attorney,

Dan Merrell on February 1, 2002. Commissioner Creef stated he has researched the deed and questioned the actual ownership of the property. Mayor Tugwell, stated it was not relevant to the discussion tonight the agenda was for consideration of rescinding an action taken on February 6<sup>th</sup>, 2002. Commissioner Etheridge asked Town Attorney Dan Merrell about the faxed letter that was sent to him on February 1<sup>st</sup>, and asked when did Dan receive it? Mr. Merrell responded that he had been out of town and found the letter the day after the Board of Commissioner meeting underneath other items received in his absence. Commissioner Etheridge stated if he had known about the letter that he would not have voted the way he did. Commissioner Farrow, asked if Mr. Dixon would be willing to take the general warranty deed provision out of the contract and Mr. Dixon responded no, the property title has been clouded since the offer was accepted.

**MOTION:** Commissioner Creech seconded by Commissioner Wescott to rescind the action taken by this board at the February 6<sup>th</sup> meeting regarding the boat ditch property approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Creech, and Wescott. Noes: Commissioner Creef. Absent: None

**MOTION:** Commissioner Creech seconded by Commissioner Collins to adjourn at 7:50 p.m. was approved by the following vote: Ayes: Commissioners Farrow, Etheridge, Collins, Creech, Wescott, and Creef. Noes: None. Absent: None

This the 13<sup>th</sup> day of February 2002