

Belhaven Town Council
Regular Session Minutes – February 13, 2006

Call to Order/Invocation/Pledge of Allegiance

The Town Council of the Town of Belhaven met in regular session on Monday, February 13, 2006 at 7:00 P.M. in the Boyette Civic Center at 257 W. Pungo Street. Adam W. O’Neal, Mayor, presided over the meeting with the following Council members present: Albert Baker, Steve W.Carawan, George R. Ebron, Jr., Mayor Pro-Tem; and Cynthia M. Heath. Councilman James B. Hodges was not present, as he has submitted his resignation. Town Manager Tim M. Johnson, Town Attorney Keith B. Mason and Town Clerk Marie J. Adams were also present. Mayor O’Neal gave the invocation. Mayor O’Neal asked Mr. Mac Pigott to lead the audience in the Pledge of Allegiance.

Approval of Minutes – Regular Session – January 9, 2006

Mayor O’Neal stated that the minutes of the January 9, 2006 meeting were open for review and adoption. Councilman Ebron made the motion to adopt the January 9, 2006 regular session minutes as written. Councilwoman Heath seconded the motion which carried unanimously, 4 to 0.

Approval of Minutes – Closed Session – January 9, 2006

Mayor O’Neal stated that the minutes of the Closed Session January 9, 2006 minutes were open for review and approval. There being no corrections to the minutes, Councilman Ebron made the motion to approve the Closed Session January 9, 2006 minutes as written. Councilman Carawan seconded the motion which carried unanimously, 4 to 0.

Fiscal Year 2005-2006 Budget Amendment #5

Mayor O’Neal stated that a budget amendment was submitted for adoption. Mayor O’Neal explained that the budget amendment was for work/demolition budgeted for in the 2004/2005 budget year but completed in the 2005/2006 budget year. Town Manager Johnson further explained that the town had agreed, along with Beaufort County to each fund \$54,000 for the demolition and clean up of the former Sea Safari property on Water Street for the building of Day Beacon #9. Town Manager Johnson further explained that the total amount left to be funded from the Town and Beaufort County was \$38,000; leaving the budget amendment for the town’s part \$19,000. Councilman Baker made the motion approving the budget amendment which would increase revenue account 10-399-000 (Fund Balance Appropriated) by \$19,000 from \$263,320 to \$282,329 and increase revenue account 10-350-004 (Beaufort County – Day Beacon Incentives) by \$19,000 from \$0 to \$19,000 and increase expenditure account 10-495-073 (Day Beacon #9 – Incentives) by \$38,000 from \$0 to \$38,000. Councilman Carawan seconded the motion. Councilman Carawan asked if this would complete monetary incentives to the Day Beacon #9 project. Town Manager Johnson stated, yes. The motion carried 4 to 0.

Resolution of Appointment to the Mid-East Rural Transportation Technical Committee

Mayor O’Neal stated that the Town needed to appoint or reappoint a representative to the Rural Transportation Technical Committee (RTTC) for a term of two years. Mayor O’Neal stated that Mr. Bob Holz had served the town in this position. Councilman Baker stated that Mr. Holz had done a good job serving the town. Councilman Baker made the

Belhaven Town Council
Regular Session Minutes – February 13, 2006

motion to reappoint Mr. Bob Holz to the RTTC for a term of two years as the Town's representative. Councilman Ebron seconded the motion which carried unanimously, 4 to 0.

Sewer Flow Allotment for Beaufort County Project in Pantego Township

Mayor O'Neal stated that the engineers representing Beaufort County were requesting that the town confirm that 80,640 gallons of sewer could be accepted by the town. Town Manager Johnson explained that Beaufort County was applying for a grant to provide sewer to an estimated 214 homes and one assisted living facility in the Pantego Township area of Beaufort County. Town Manager Johnson stated that an impact fee of approximately \$200,000 would need to be paid to the town, the sewer lines would be constructed through the grant and then dedicate the lines to the town, therefore, the town would own the lines. There was some concern from Councilman Carawan that the town would be giving away its sewer capacity and further stated he would be concerned about providing sewer that far out of town when properties can be developed closer to town which in the future may be annexed. Town Manager Johnson reassured, Councilman Carawan, by stating that the town could accept the 80,640 gallons per day from this proposed system area. Councilman Carawan questioned if rates for out of town customers could be more than what the in-town residents pay. Town Manager Johnson stated yes, if the town could provide information to demonstrate that it costs more to maintain that portion of the system. Mayor O'Neal expressed concern of providing sewer to areas that are too far away to annex. There was much discussion concerning "giving away capacity" and concerns about ability for sewer capacity to handle future development just outside town limits, which could possibly be annexed. Town Manager Johnson stated that the sewer plant capacity was 1,000,000 gallons per days with approximate usage of 280,000 to 300,000 gallons per day with a lot of different variables as to the flow each day. Town Manager Johnson summed up the discussion by stating that the town would not be giving away capacity that approximately \$200,000 would be paid as an impact fee for that sewer capacity; those funds could be used to fund the inflow and infiltration problems, which in turn would give more sewer capacity. Mr. Mac Pigott questioned whether the sewer plant be expanded. Town Manager Johnson stated no, but an additional plant could be constructed. Town Manager Johnson also informed the public that when the sewer plant reaches 80% capacity the state mandates that the town/city would need to begin making plans for the future. Town Manager Johnson did state that should the County build a sewer system then the out-of-town customers' flow would come off the town's system. Following discussion, Councilman Ebron made the motion to accept up to 80,640 gallons of sewer flow per day from the Pantego Township project, provided that the Town of Belhaven and Beaufort County reach an agreement on the terms and conditions for the Town accepting dedication of the sewer system from the County upon completion of construction of said system. Councilwoman Heath seconded the motion. Councilman Carawan voted against the motion. The motion carried 3 to 1.

Belhaven Town Council
Regular Session Minutes – February 13, 2006

Planning Board/Board of Adjustment Vacancy

Mayor O’Neal stated that there was a vacancy on the Planning Board/Board of Adjustment due to the resignation of Mr. Wilber Logan. Councilman Baker stated that Mr. Larry Pleasant had expressed an interest in serving his town in that capacity and that he felt that Mr. Pleasant had the knowledge and expertise to serve the town well in this capacity. Councilman Baker stated that Mr. Logan had served the town well on this board and should be commended. Councilman Baker made the motion to appoint Mr. Larry Pleasant to fill the unexpired term of Mr. Logan (term expiring March 2007) as a regular member of the Belhaven Planning Board/Board of Adjustment. Councilwoman Heath seconded the motion. The motion carried 4 to 0.

Water Well #1 Plan Approval

Mayor O’Neal stated that the Council needed to review proposals for the rehabilitation of Well #1. Mayor O’Neal recognized Mr. Toby Woolard, Utilities Director. Mr. Woolard stated that Well #1 had been in service since 1969 and was in need of rehabilitation. Mr. Woolard informed the Council that the town had three wells and that Well #2 had failed, two to three years ago. Mr. Woolard stated that Well #2 had the same rehabilitation performed two to three years ago and was still performing well. Mr. Woolard stated that due to the state not granting a variance in the separation area of existing wells, he feels that the best option is to rehabilitate Well #1. Mr. Woolard further stated that should this procedure not be effective the results would be seen early as not to expend unnecessary funds on a procedure that will not be effective.

Following some discussion, Councilman Ebron made the motion to authorize the staff to proceed with option #2 until it is determined that the procedure will work or the well is placed back into service.

Option #2 – Proposed by A. C. Schultes

Based on the fact that the well was originally constructed as a double cased well with the 20” outer casing extending down to the top of the screen, feasibility of re-drilling the existing well is an option. A. C. Schultes would mobilize to the site and airlift the existing well gravel located between the 10” casing and 20” casing. We would then remove the 10” casing and 10” screen from the existing well. The 20” outer casing would be extended above the floor and portable rotary table will be installed in the well house. We will set up a temporary mud pit system outside the well house and utilize a crane to re-drill the existing well. Re-drilling of the well will be done by reverse rotary drilling method. The well will be re-drill to its original depth and 50’ of new 10” 304 stainless steel well screen installed in the well. Attached to the well screen will be a string of 10” 304 stainless steel well casing which will extend to the surface. The well will be gravel packed, developed, and test pumped for a period of 24-hours. Water samples will be taken near the completion of the pumping test for analysis. Once all drilling has been completed the existing concrete pump foundation will be re-formed and poured and the repaired vertical turbine pump reinstalled in the well. This work will be completed for a total estimated cost of \$128,650.

Belhaven Town Council
Regular Session Minutes – February 13, 2006

Sun Burn Cable: Water Line Cuts

Mayor O’Neal stated that Mr. Toby Woolard, Utilities Director would also give a report of the water line cuts by Sun Burn Communications (cable company). Mr. Woolard stated that since his tenure with the Town in August 2005 there had been a total of fourteen disruptions. Mr. Woolard stated that out of the fourteen cuts, eight were marked. Mr. Woolard further explained that Sun Burn could not be held responsible for cuts where the town had not correctly marked the water lines. Mr. Woolard explained that in a sense, Sun Burn was assisting the town in locating water lines; therefore the Water Department could mark the lines correctly on a map for future reference. Mr. Woolard stated that the State of North Carolina has mandated that 20% of distribution and collection system piping be identified per year until completed. Mr. Woolard stated that the remaining six cuts would be reviewed by Sun Burn officials, himself and town water department staff, to determine responsibility of the cut. Mr. Woolard stated that should Sun Burn be responsible for those six cuts the total bill would be \$228.27. Councilman Carawan asked if a log of cuts was kept. Mr. Woolard stated that a daily log is kept. Mr. Woolard closed his remarks by stating that the Town could not hold the contractor responsible for lines that the Town could not identify. Mayor O’Neal thanked Mr. Woolard for his report.

Ordinance Amendment Granting Sun Burn Communications a One Year Time Extension – First Reading

Mayor O’Neal recognized Mr. Wayland Sermons, Attorney representing Sun Burn Communications. Mr. Sermons stated that Sun Burn Communications was requesting an extension of one year on the franchise agreement. Mr. Sermons stated that Sun Burn had difficulties installing cable television lines overhead on the utility poles and had started installing the cable underground, which took longer due to digging, etc. Mr. Sermons stated that the franchise allowed Sun Burn to work within the town’s right-of-way. Mr. Sermons stated that competition made a better product, better price for citizens and asked that the Council consider this when granting an extension of the franchise agreement for Sun Burn Communications. Mr. Sermons brought to the Council’s attention that Belhaven Cable owners would prefer that the Town not grant the franchise extension as “Belhaven Cable would have the only game in town”.

Mayor O’Neal stated that Sun Burn had drilled holes in 235 poles which weakened the poles and decreased the life span causing an estimated \$23,000 in damages to the poles, according to an engineer that he contacted, Mr. Jeff Ahearn, employed with Tideland EMC. Mr. Woolard stated that when poles fail they normally deteriorated from the top down and felt that the holes were irrelevant to the life span of the poles. Mayor O’Neal stated that he was concerned with the lapse of insurance coverage by Sun Burn. Town Manager Johnson stated that the Town did not realize there was a lapse in insurance until Sun Burn’s records were being researched for information that was requested by Belhaven Cable Television. Town Manager Johnson stated that once he was aware of the lapse in insurance Sun Burn Communications was notified not to proceed with any further construction until all necessary documents were in hand. Town Manager Johnson stated that no work had proceeded so that the town was not in any danger of any liability by Sun Burn. There was much discussion concerning Sun Burn and the lapse in

Belhaven Town Council
Regular Session Minutes – February 13, 2006

insurance. Mr. Sermons stated that there were no claims and no construction, therefore, no liability to the town.

Mayor O’Neal stated that he was concerned with the insurance coverage held by Sun Burn, in that the coverage did not cover the construction of cable. Mayor O’Neal stated that he called the underwriter (Papco) concerning Sun Burn’s liability coverage. Councilwoman Heath stated that with the information given concerning cable television she would like for the cable attorney, Mr. Keith Johnson, with Poyner and Spruill, to be in attendance to assist the Council with these cable concerns.

Town Manager Johnson reminded the Council that the purpose of the item on the agenda tonight was to vote on a cable franchise extension for Sun Burn and reminded the Council that the franchise amendment would have to be voted on at two meetings. Town Manager Johnson stated that at the present time the town did have record of insurance for Sun Burn Communications. Town Manager Johnson stated that if the Council desired, an auditor could be hired to review the records of both cable companies. Mr. Sermons stated that both cable companies should be treated the same and “looked at with a microscope”,

At this time, Mayor O’Neal recognized Mr. Harvey “Butch” Raynor and Mr. Marcus Trathen attorneys representing Belhaven Cable Television. Mr. Trathen raised questions concerning Sun Burn Communications having “no track record” in the cable business and no business plan. There was much discussion concerning the insurance lapse, an expired letter or credit, that a town this size can not support two cable companies and the request to deny the franchise extension.

Town Manager Johnson read the following portion of a memo from Attorney Keith Johnson with Poyner and Spruill, which was included the agenda packet: “Thus, Belhaven does have the option under the federal cable laws to grant Sun Burn’s request for the extension of time to complete construction of its cable system. Further, Belhaven has some exposure to suit being filed by Sun Burn if it unreasonably denies such a request. The relevant provision in the federal cable laws provides that the town must act on the request to modify the franchise within 120 days of receipt of the request in a public proceeding.”

Mayor O’Neal stated he had spoken with Attorney Keith Johnson who stated that he was unaware of no credit and no bond for Sun Burn and that he did not have a true representation of Sun Burn and their request and the request should be reviewed more thoroughly. Councilwoman Heath asked Town Attorney Mason for advice. Mr. Mason stated he felt if Attorney Keith Johnson did not have the necessary information after he sent the memorandum advising the town on this issue; he would have sent a second memorandum to clarify.

Following additional discussion, Councilman Ebron made the motion to approve the first reading of the ordinance amendment attached and request that the item be placed on the

Belhaven Town Council
Regular Session Minutes – February 13, 2006

March 13, 2006 Council agenda for action on the second reading of the proposed amendment. Councilman Baker seconded the motion.

Town Manager Johnson read the ordinance amendment.

AMENDMENT TO ORDINANCE GRANTING A CABLE COMMUNICATIONS
FRANCHISE TO SUN BURN COMMUNICATIONS, L.L.C.

WHEREAS, effective February 7, 2005, the Town of Belhaven (the “Town”) council enacted an Ordinance granting a cable communications franchise (“Cable Ordinance”) to Sun Burn Communications, L.L.C. (“Sun Burn”); and

WHEREAS, pursuant to the terms of that Ordinance, Sun Burn was to complete construction of its cable system and make service available by February 7, 2006; and

WHEREAS, Sun Burn has requested a one year extension of that deadline, and the Town finds good cause for agreeing to that request.

NOW THEREFORE, BE IT ORDAINED BY THE BELHAVEN TOWN COUNCIL AS FOLLOWS:

1. Section XI(B) of the Cable Ordinance is replaced with the following:

The construction of the system will be completed and all subscribers will have the service available no later than 24 months from the effective date of this Franchise.

2. The original terms of the Cable Ordinance otherwise remain in effect.

Finally adopted on second reading, ordained and agreed to this ___day of _____, 2006, by the Town Council on behalf of the Town of Belhaven.

_____(Seal)Mayor

ATTEST:

BY: _____ Town Clerk

AGREED TO:

SUN BURN COMMUNICATIONS, L.L.C.

BY: _____(SEAL)

J. C. Singleton, Jr., Member/Manager

Belhaven Town Council
Regular Session Minutes – February 13, 2006

Date: _____

(FIRST READING)

Mayor O’Neal called for a vote on the motion. Councilman Carawan voted against the motion, the motion carried, 3 to 1; with Council members Baker, Ebron and Heath voting in favor of the motion.

James B. Hodges, Councilman – Resignation Acceptance and Appointment of New Council member

Mayor O’Neal stated that Councilman James B. Hodges had submitted his resignation as Councilman due to personal reasons. Councilman Ebron made the motion to accept the resignation of Mr. Jimmy Hodges as Councilman. Councilwoman Heath seconded the motion which carried 4 to 0.

Councilman Carawan stated that one citizen had stated to him that they would like the position. Councilwoman Heath questioned how Council members were replaced in the past. Town Manager Johnson stated that according to the Town Charter, the Council selects a member to serve the unexpired term.

Mayor O’Neal suggested that citizens who want to serve should submit a resume and the board could vote on this issue at the next meeting. Councilman Carawan made the motion to accept resumes from the public and interview at the next Council meeting. Mayor O’Neal asked for a second. There was no second to the motion.

Appointment of to fill Unexpired Council Members’ Term – Dr. Charles Boyette

Councilman Ebron made the motion to appoint Dr. Charles Boyette to fill the unexpired Councilman term of Mr. Hodges, with a term expiring December 2007. Councilwoman Heath seconded the motion.

Mr. Billy Millican, resident of Bay Street stated that Dr. Boyette did not live in town. Ms. Patricia King, resident of Belhaven Square asked those in attendance to stand if they did not want Dr. Boyette to serve as Councilman. Mayor O’Neal called the meeting back to order. The motion carried 3 to 1 with Councilman Carawan voting against the motion.

Proposed Postponement of Agenda Items XII – XVI

Mayor O’Neal stated that he would like for the Council to postpone items XII through XVI on the agenda due to the late hour. Councilman Carawan made the motion to postpone items XII through XVI until the next regularly scheduled Council meeting. Councilwoman Heath seconded the motion. Councilwoman Heath then asked to withdraw her second. Mayor O’Neal stated that she could not withdraw her second to the motion. Mayor O’Neal asked for a vote on the motion. Council members Baker, Ebron and Heath voted against the motion. Councilman Carawan voted affirmative. The motion failed with one affirmative and three against.

Ditch Tiling Program

Mayor O’Neal stated that he would like for the Town to implement a ditch tiling program whereas several of the thoroughfares would have ditches tiled to improve aesthetics.

Belhaven Town Council
Regular Session Minutes – February 13, 2006

Mayor O'Neal stated that this plan would allocate monies each year for tiling of ditches. Councilman Carawan questioned if Powell Bill funds could be used for tiling. Town Manager Johnson stated that he would have to check the guidelines on these funds. Town Manager Johnson stated that the Town had a ditch tiling policy which stated that property owners furnish/purchase the tile, and then the town crews would install. Town Manager Johnson also stated that the proposed ditch tiling program may cause problems since so many citizens had previously purchased tile and town crews had installed in previous years. Town Manager Johnson suggested that this be handled in the budget workshop and that a priority plan be implemented with a hydrology study and cost per foot of ditch tiling estimated. Town Manager Johnson stated that grant money may be available for the feasibility study for the proposed ditch tiling. The consensus of the Council was to review more thoroughly during the budget process.

Community House – Proposal by the Mayor

Mayor O'Neal stated that he would like the Community House beach area opened for swimming as there is no public swimming area in Belhaven. Mayor O'Neal stated that he understood that the state had a water quality issue several years ago and would like the water tested for swimming. Following some discussion the consensus of the Council was for the Town Manager to contact the state to give a presentation concerning the conditions of water quality at the Community House beach area at the next meeting or the meeting following.

Mayor O'Neal recognized Ms. Linda Wilkerson, a neighbor of the Community House, who asked that the Community House be well chaperoned especially during evening hours.

United Citizens Against Crime (UCAC) – Mayor's Proposal

Mayor O'Neal stated that he would like to have an organization of about seven citizens to determine what level of crime prevention is needed for Belhaven and to work with the Police Department. As example, Mayor O'Neal explained that if a resident did not feel comfortable calling the police department they could call a member of the UCAC and let them know of their concerns and that member of the UCAC could notify the Police Department. Mayor O'Neal further explained that the UCAC would be a lot like a Community Watch program. Town Manager Johnson stated that basically that was what the Council does, is to take feedback from the public. Following further discussion, the consensus of the Council was to have Police Chief Hayden present at the next Council meeting to review this proposal.

Town Attorney Conduct – Mr. Keith B. Mason

Mayor O'Neal stated that he and Councilman Carawan had lunch with Attorney Mason following the election held in November 2005. Mayor O'Neal stated that Attorney Mason implied that he may be biased because of his relationship with Town Manager Johnson. Mayor O'Neal also stated that he did not appreciate Attorney Mason walking out of the January 23, 2006 Council Meeting.

Belhaven Town Council
Regular Session Minutes – February 13, 2006

Attorney Mason stated that he did meet with Mayor O’Neal and Councilman Carawan following the election. Attorney Mason stated that he was informed in that meeting that O’Neal and Carawan were elected to bring change in the local government of Belhaven. Attorney Mason stated that he did not imply that he was biased. Town Attorney Mason stated that he did inform them that Town Manager Johnson, Councilmen Baker and Ebron had all been his clients for personal issues. Town Attorney Mason stated that he had a close working relationship with Town Manager Johnson in his position as Town Manager. Attorney Mason stated that he had seen Town Manager Johnson in a social setting maybe two times in fourteen years. Town Attorney Mason stated that if he were presented with conflict of interest he would have to withdraw and represent one client.

Attorney Mason addressed the fact that he did leave the January 23, 2006 Special Called Meeting, after a quorum was not present and the meeting did not materialize. Town Attorney Mason explained that he is paid an hourly rate from the time he leaves Washington until his return. Attorney Mason stated that no official action could be taken at the meeting and he felt it was the responsible thing to do in order to save the tax payers money. Attorney Mason stated that he tried to be recognized to give the Mayor his explanation for leaving the unofficial meeting but the Mayor would not recognize him. Mayor O’Neal stated that he had already started the meeting and was going over the first item of business at that time.

Councilman Ebron stated that Attorney Mason needed a vote of confidence.

Councilman Baker stated that in defense of the Town Attorney Mason, he has known him since Attorney Mason was a teenager and felt that he was objective in his decisions, not biased and has served the town well. Councilman Baker further stated that Attorney Mason was doing a great job and that he would not sacrifice his integrity – the board needed to move on.

Councilwoman Heath stated that she felt that the beginning of this meeting had a much better tone than the previous meetings as Mayor O’Neal had started with turbulence. Councilwoman Heath further stated that no one is 100% liked and adored by everyone and that the Council needed to move on.

Councilman Ebron stated that he had been thinking how progressive this meeting had been and felt that the Mayor and Council were working in an organized manner and was deeply saddened that Mayor O’Neal and Councilman Carawan felt that Town Attorney Mason was biased.

Vote of Confidence for Attorney Keith B. Mason

Councilman Ebron made the motion to give Town Attorney Mason a “vote of confidence”. Councilman Baker seconded the motion. Mayor O’Neal stated that he did not agree with the motion and that the entire Council should be pleased with the attorney. Councilman Carawan stated that the meeting went well because everything passed 4 to 1; Councilwoman Heath called for the point of order and asked that the meeting end on a

Belhaven Town Council
Regular Session Minutes – February 13, 2006

positive note. Mayor O’Neal called for a vote. The motion carried 3 to 1 with Councilman Carawan voting against the motion.

Mayor’s Comments

Mayor O’Neal stated that he had distributed ballot boxes and flyers requesting input from the citizens as to the issues which they felt were the most important to the least important. Mayor O’Neal stated that he would bring this item back to the next meeting due to time restraints in tabulation of the ballots. Mayor O’Neal recognized Ms. Linda Wilkerson, resident, who asked that a ballot box be placed at the Municipal Building.

Councilwoman Heath stated that she had witnessed ballots being distributed and was concerned that people from out of town would be filling out the ballots and felt that the Council members should be informed of the ballots and the priorities, in case they are confronted by citizens concerning the information on the ballots. Mayor O’Neal stated that the name and address were needed on the bottom of the ballot forms. Councilwoman Heath asked who would tabulate the ballots; Mayor O’Neal offered the duty to Councilwoman Heath, in which she declined. Mayor O’Neal stated that he would take care of the tabulation of the ballots.

Town Manager’s Report

Town Manager gave the following report: **the departmental monthly reports had been submitted** for Council review and on file in the office; Town Manager Johnson also reported that the town had received some good news from **FEMA stating that the town will receive more funding for an estimated 22 homes** which have already been submitted and applied for elevation/replacement; the construction superintendent for the Day Beacon #9 project had asked for permission to use the town owned former Belhaven Fish & Oyster property, for staging of equipment and vehicles during the construction of Day Beacon #9. Councilman Ebron made the **motion that Day Beacon #9 be allowed to utilize the town owned (former Belhaven Fish & Oyster property) for staging of equipment, vehicles during the construction of Day Beacon #9.** Councilwoman Heath seconded the motion which carried unanimously, 4 to 0.

Option on the Town Owned (former Belhaven Fish & Oyster Property)

Town Manager Johnson stated that the Beaufort County Committee of 100 (BCC100) executed the option on the former Belhaven Fish & Oyster Property on February 5, 2004 and that the BCC100 had assigned this option to Dixon and Hoyle, LLC. Dixon and Hoyle, LLC exercised their right for that option around January 3, 2006. Town Attorney Mason stated that he had contact with Dixon & Hoyle’s legal representative Attorney Linda McGowan’s office in Manteo concerning the execution of the option to purchase. Town Attorney Mason explained that once the offeree gives the notice of intention to execute their option the town must go through several procedures in order to dispose (sell) property.

Attorney Mason read the following from the **General Statutes 160A-457 Disposal of Real Property (4)** To sell, exchange, or otherwise transfer real property or any interest therein in a community development project area to any redeveloper at private sale for

Belhaven Town Council
Regular Session Minutes – February 13, 2006

residential, recreational, commercial, industrial or other uses or for public use in accordance with the community development plan, subject to such covenants, conditions and restrictions as may be deemed to be in the public interest or to carry out the purposes of this Article; provided that such sale, exchange or other transfer, and any agreement relating thereto, may be made only after a notice of the public hearing shall be given once a week for two successive weeks in a newspaper having general circulation in the notice shall disclose the terms of the sale, exchange or transfer. At the public hearing the appraised value of the property to be sold, exchanged or transferred shall be disclosed; and the consideration for the conveyance shall not be less than the appraised value.

Town Attorney Mason stated that there were details to be worked out before the option could be exercised (purchase made) and that the attorneys for Dixon and Hoyle were aware of the process.

Consideration of Two Meetings per Month

Mayor O’Neal suggested that the Council consider two meetings a month. Councilman Ebron stated that some of the items on the end of the agenda could have been left off. Mayor O’Neal stated that that items he requested to be on the agenda were put at the end. Town Manager Johnson stated that the reason for the Mayor’s items being at the end of the agenda were that the items came in late and did not meet the Tuesday noon deadline, for the agenda packet to be out on Thursday. Councilman Carawan made the motion for the Town Council to hold two meetings per month. There was no second to the motion, therefore, the motion failed. Mayor O’Neal stated that he felt that two meetings a month was a reasonable request. Councilman Ebron reiterated that one or two items could have been left off of the agenda. Councilwoman Heath stated that it would have been helpful and would expedite matters if information were included in the memorandum portion of the packet.

Adjournment

There being no additional comments from the Council or public. Mayor O’Neal declared the meeting adjourned. The meeting adjourned at 10:38 P.M.

Respectfully submitted,

Marie J. Adams, CMC
Town Clerk

Adam W. O’Neal, Mayor