

**Belhaven Town Council
Minutes – March 12, 2007-Regular Session**

Call to Order/Invocation/Pledge of Allegiance

The Town Council of the Town of Belhaven met in regular session on Monday, March 12, 2007. Mayor Adam W. O’Neal called the meeting to order at 7:00 P.M. with the following Council members present: Albert Baker, Dr. Charles O. Boyette, Steve W. Carawan, George R. Ebron, Jr., Mayor Pro-Tem and Cynthia M. Heath. Town Manager Tim M. Johnson, Town Attorney Keith B. Mason and Town Clerk Marie J. Adams were also present. Mayor O’Neal recognized and introduced Mrs. Bea Smith, Deacon of First Baptist Church, who gave the invocation and led the Pledge of Allegiance.

Approval of Minutes – February 8, 2007 Special Called Meeting and Regular Session February 12, 2007

Mayor O’Neal announced that the minutes of February 8, 2007 Special Called Meeting and the Regular Session February 12, 2007 minutes were open for review and approval. There being no corrections to the minutes, Councilman Boyette made the motion to approve both sets as written. Councilman Carawan seconded the motion which carried unanimously.

Ordinance Amendment Granting Sun Burn Communication a One Year Time Extension – Second Reading – Adoption

Mayor O’Neal stated that the Town Council had approved the ordinance amendment which would grant Sun Burn Communications an additional one year time extension to complete their construction (second reading of ordinance amendment). Councilman Carawan stated that the ordinance was originally created for Sun Burn Communication to have a cable franchise and they should be present to state their case as this is their second extension. Councilman Boyette made the motion to approve the following second reading of the Ordinance Amendment granting Sun Burn Communications a One Year Time Extension. Councilman Heath seconded the motion. Councilman Carawan voted against the motion. The motion carried 4 to 1.

Pirates on the Pungo Regatta Request for Temporary Use of Town Property

Mayor O’Neal stated that planning committee for the Pirates on the Pungo Sailboat Regatta (fundraiser for Pungo District Hospital Foundation) was requesting to utilize town property (the former temporary site of the Post Office on Main Street) for overnight camping of the participants in the regatta. Mayor O’Neal stated that this was a very beneficial event for the hospital. Councilman Baker made the motion authorizing the temporary use of the aforementioned property for July 20 and 21, 2007 for camping. Councilman Carawan seconded the motion which carried unanimously.

Budget Amendments #9 through #13 for Fiscal Year 2006/2007

Mayor O’Neal stated that the budget amendments were needed for the current fiscal year. Mayor O’Neal gave the background information for each budget amendment as follows: #9 is needed to account for the additional revenue received from our automobile insurance claim for the damaged police vehicle and that this revenue will offset the additional cost incurred to repair the damaged vehicle. The amendment will increase revenue account 10-335-006 (Miscellaneous Revenue-Insurance Reimbursement and Proceeds) by \$4,229 from \$0 to \$4,229 and increase expenditure account 10-510-017

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(Maintenance and Repair to Vehicles) by \$4,229 from \$4,200 to \$8,429. Councilman Ebron made the motion to approve budget amendment #9. Councilman Boyette seconded the motion which carried unanimously.

#10 is needed to account for the additional revenue received from a 50/50 grant from North Carolina Department of Forestry for our fire department. This additional revenue allowed the Fire Department to purchase fire equipment. The amendment will increase revenue account 10-348-002 (State Grant – fire & rescue) by \$1,981 from \$0 to \$1,981 and increase expenditure account 10-530-033 (Department Supplies and Equipment) by \$1,981 from \$32,500 to \$34,481. Councilman Boyette made the motion to approve budget amendment #10. Councilwoman Heath seconded the motion which carried unanimously.

#11 is needed to account for the additional revenue received and additional expenditures incurred by the Electric Department for the Day Beacon 9 project. This amendment will increase revenue account 31-335-000 (Miscellaneous Revenue) by \$40,000 from \$30,000 to \$70,000 and increase expenditure account 31-832-033 (Department Supplies and Equipment) by \$40,000 from \$75,000 to \$115,000. Councilman Ebron made the motion to approve budget amendment #11. Councilman Baker seconded the motion which carried unanimously.

#12 is needed to account for the additional revenue received and expenditure incurred due to the Wynne View settlement that will be forwarded to the North Carolina Division of Community Assistance. This amendment will increase revenue account 10-335-000 (Miscellaneous Revenue) by \$125,000 from \$4,000 to \$129,000 and increase expenditure account 10-690-026 (CDBG-UN Settlement) by \$125,000 from \$0 to \$125,000. Councilwoman Heath made the motion to approve budget #12. Councilman Baker seconded the motion which carried unanimously.

#13 is needed to account for the additional revenue received from the sale of the town owned property (the former Belhaven Fish & Oyster property). The amendment will increase revenue account 10-383-000 (Sale of Fixed Assets) by \$159,000 from \$2,000 to \$161,000 and increase expenditure account 10-495-070 (Wynne View Park improvements) by \$159,000 from \$0 to \$159,000. Councilman Baker made the motion to approve budget amendment #13. Councilman Boyette seconded the motion which carried unanimously.

Councilman Carawan commented on the short agenda compared to last year and stated that the Mayor could not get anything accomplished, as the Town Manager sets the agenda. Two members of the audience attempted to speak but were called out of order by the Mayor with the gavel.

Mayor's Agenda

Community House Swimming – Mayor O'Neal introduced Mr. J. D. Potts with the North Carolina Division of Environmental Health, Shellfish Sanitation and Recreational Water Quality Section. Mayor O'Neal explained that Mr. Potts was requested at the May

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8, 2006 Council meeting to increase the frequency of testing the water at the Community House Beach in order to determine the opening of the beach area for swimming. Mr. Potts stated that the testing had been increased on a weekly basis. Mr. Potts referred to his report of the weekly testing May – June swimming advisory cannot predict when the water will be bad. The Mayor stated that children are out of school from the first week in June until the 1st week in August – taking that into consideration during that time period there was only one sampling when the sampling or testing constitutes that swimming would not be permissible. Mr. Potts clarified that would be a two week period when swimming would not be suitable. Mayor O’Neal reiterated that that would be two weeks during the entire summer (when children are out of school) that swimming would not be suitable. Mayor O’Neal questioned what could be done to insure water quality that would allow swimming. Mr. Potts stated control of waterfowl, asked residents not to feed them, the water staying trapped, maybe could talk with water quality to see if it would be feasible to see if the rock jetty could be removed or altered, this would possibly help. Mayor O’Neal asked that Mr. Potts give them recommendations to improve the water quality along Belhaven’s shoreline. Mr. Potts recommended discouraging the feeding of water fowl and displaying owl decoys to deter the sea gulls. Mayor O’Neal stated that it was very encouraging to know that only two weeks during prime swimming time that the water was not suitable for swimming. Mayor O’Neal asked for any questions. Councilman Boyette stated that a swimming pool was needed with lifeguards that it would be too much liability to the Town to open up swimming at the Community House too much risk with the dark water and too much contamination with a tremendous amount of liability. Councilman Boyette made the motion to table any further discussion concerning trying to open swimming at the Community House due to safety, contamination and liability issues. Councilwoman Heath seconded the motion. Mayor O’Neal asked for discussion. Mayor O’Neal stated that the water quality was worse years ago because of all the quality controls which have been enacted, there is just as much liability with a swimming pool and the depth of the water is not sufficient to promote drowning “unless someone has a seizure” or something of that nature. Mayor O’Neal stated that his goal was to have a roped off area where children could swim. Mayor O’Neal further stated that if the water was that contaminated there should be advisories telling them not to get in the water to swim, water ski or fish. Mayor O’Neal stated that to table the discussion of swimming was a “smoke screen”. Councilwoman Heath stated that at the May 8 meeting, Town Manager Johnson had asked Mr. Potts if he would allow his children to swim in this water. Mr. Potts stated no, he did say and still says that he would not allow his children to swim in this water. There was much discussion concerning testing, the length of time to get test back and that predicting when the water would or would not be safe to swim in is not feasible. Mayor O’Neal pointedly asked Mr. Potts if the State of North Carolina stated that the water at the Community House was safe to swim in; Mr. Potts, stated no, that there is always some risk due to the fact that it takes 24 hours to get the test results back. Councilman Carawan questioned the development of the waterfront if the quality of water was not suitable for swimming, etc. Mr. Potts explained that the problem with the water was not in the Pungo River or out in the middle of Pantego Creek but on the shoreline where the water does not move. Mr. Potts explained that near center of the creek or river the water would be more suitable. Mr. Potts reiterated that the problem with the water is the circulation with the

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rock jetty and the breakwater. Councilman Carawan speaking to Mr. Potts stated that “we should be looking for ways to clean that up, wouldn’t you agree” Mr. Potts, stated “yes”. Mayor O’Neal called for a motion on the vote. The motion carried 4 to 1 with Councilman Carawan voting against the motion.

Street Upgrades – Old County Road – Near the Post Office

Mayor O’Neal asked Town Manager Johnson to report on the street near the Post Office as in making the road wider, etc... Town Manager Johnson stated that he had an engineering firm to review and the cost is substantial. Town Manager Johnson stated that nothing could be done with this year’s budget due to the amount of money funded. Town Manager Johnson stated that he planning on getting a second proposal and next year widening the street. Mayor O’Neal questioned how this widening could be funded. Town Manager Johnson stated it was a town road therefore it could be widened through Powell Bill funds, which are the town’s portion of tax on gas, based on population, the amount of paved and unpaved roads. Town Manager Johnson stated that an estimated cost for this widening project would be around \$100,000.

Sidewalk to Foodlion Shopping Center

Mayor O’Neal stated that there was a lot of traffic on the shoulder 264 by-pass by pedestrians and bicycles. Mayor O’Neal stated a sidewalk was needed on the property behind the post office and the shopping center and questioned a sidewalk being built there or on 264 By-pass. Town Manager Johnson stated that several years ago there had been a study for sidewalk on 264. Town Manager Johnson stated that the town had applied for a grant to assist the state install a sidewalk but it did not get funded. Town Manager Johnson stated that the NC Department of Transportation be contacted to see about trying to get a grant for a small urban project. Town Manager Johnson stated that DOT may fund should the Town put up a share. Councilman Boyette stated that the area was a real problem and that previously monies were not able to be secured. Councilman Boyette stated that this needed to be reviewed as it concerned the safety of our citizens. Councilman Boyette suggested that DOT be contacted concerning a sidewalk and the reapplication of an urban grant. Councilman Boyette made the motion to have the Town Manager investigate the issue of a sidewalk to the shopping center and to bring a report back to the Council. Councilwoman Heath seconded the motion which carried unanimously. The motion carried unanimously.

Utility Infrastructure Issues

Mayor O’Neal recognized Town Manager Johnson who answered questions concerning Utility Infrastructure. Mayor O’Neal questioned sewer spills during heavy rainfalls. Town Manager stated that it was not raw sewer but storm water runoffs. Town Manager Johnson stated that during times of Northeasterns and heavy rainfalls they may have been sewer spills, but they were recorded and reported as required by the state. Mayor O’Neal questioned what the Town was doing about the inflow and infiltration (I & I) problems. Town Manager Johnson stated that rain stoppers had been installed, there was use of a camera in the lines to locate I & I and some problems with ditches feeding into sewer lines had been identified and corrected. Councilman Carawan questioned the use of the monies from Beaufort County for their impact fees could be used to rectify the I & I.

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Town Manager Johnson stated that \$300,000 would be forthcoming from the County and those funds could be used to help alleviate some of the I & I problems. He also stated the County would be participating in a study for a new northern force main.

Town Manager Johnson stated that the Town's drug dog (Rex) had died. Town Manager Johnson stated that the dog was sick and taken to the veterinarian had surgery was released and doing well; the dog went into seizures and died. Councilman Carawan questioned if the dog was insured. Town Manager Johnson stated that the dog was insured for liability coverage only.

Easter Monday – April 9, 2007 Council Meeting – Cancelled

Town Manager Johnson stated that the next Council meeting fell on Easter Monday. Town Manager Johnson further explained that in the past, should there not be any pressing business the meetings were cancelled and if pressing business arose then hold the meeting at a later date. Councilman Ebron made the motion to cancel the April 9, 2007 Council Meeting and if pressing business arose to hold the meeting on April 16, 2007 the following Monday. Councilman Carawan seconded the motion which carried unanimously.

Recognition of Citizen – Mrs. Ellen Allen

Mayor O'Neal recognized Mrs. Ellen Allen, who had tried to speak earlier in the meeting but was not recognized by the Mayor. Mrs. Allen stated that "the people put the Mayor in office and they can take the Mayor out of office".

Recreation Issue

Mayor O'Neal called upon Mr. Brian Butler who came forward with Mr. Tony Stanley. Mayor O'Neal questioned Mr. Butler if he wrote the petition which was taken before the board at the January 2007 meeting. Mr. Butler stated the he did write the document. Mayor O'Neal stated that Town Manager Johnson had stated that Mr. Butler said the document was not written by you and stated that it was written in the Mayor's office. Mayor O'Neal also quoted Councilman Baker (from the DVD of the last meeting). Town Manager Johnson stated that Mr. Butler had told an employee of the Recreation Department that he did not write the letter. There was much discussion concerning the same issue of the basketball team that was not allowed to play after the deadline date for signups. Mr. Tony Stanley stated that Mr. Harold Nixon, Recreation Director told him that Town Manager Johnson told Mr. Nixon that Mr. Stanley would not coach recreation ball. Mr. Stanley stated that recreation was about the children but felt that things were treated as to "who you are". Mr. Stanley criticized the articles in the newspaper concerning the last Council meeting and the contents concerning the recreation issue, he rehashed the issue of the basketball team not being allowed to play, etc. Town Manager Johnson stated that the children who signed up late to play basketball were put on teams and played if they wanted to. Councilman Baker stated he would like to clarify a statement the Mayor stated earlier (quoting Councilman Baker). Mr. Baker did state that he did not know who wrote the letter but, he was saying here tonight that he did not believe that Mr. Brian Butler wrote the letter. There was much controversy and discussion between the Mayor and Councilman Baker. Mr. Tony Stanley questioned why

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was “he being blackballed against”. Town Manager Johnson stated that Mr. Stanley had caused numerous problems. Mr. Stanley then stated that the umpire for the Farm League Games, which he coached last year was in the audience, ask him. Councilman Boyette made the motion that the debate cease on this subject. Councilwoman Heath seconded the motion which carried 4 to 1 with Councilman Carawan voting against the motion.

Adjournment

Councilman O’Neal declared the meeting adjourned at 8:08 P.M.

Respectfully submitted,

Marie J. Adams, CMC
Town Clerk