

**Belhaven Town Council Meeting**  
**Minutes – October 9, 2006**  
**Public Hearing/ Regular Session**

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**Call to Order/Invocation/Pledge of Allegiance**

The Town Council of the Town of Belhaven met in regular session on Monday, October 9, 2006 at 7:00 P.M. at the Boyette Civic Center at 257 West Pungo Street. Mayor Adam W. O'Neal called the meeting to order 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 Mrs. Bea Smith, Deacon with First Baptist Church who gave the invocation and led the audience in the Pledge of Allegiance.

**Public Hearing – Fiscal Year 2007 CDBG-CR Application**

Mayor O'Neal called the Fiscal Year 2007 Community Development Block Grant – Community Revitalization public hearing to order at 7:10 P.M. Mayor O'Neal recognized Mr. Reed Whitesell with Holland Consulting Planners, Inc. (HCP) who is making the grant application on behalf of the Town. Mr. Whitesell explained that the target area bordered US Hwy 264 By-pass and West Bay Street including Harbinger and Pantego Street. Mr. Whitesell explained that in order to make the grant more competitive the grant application would include a community park and asked that the town consider committing \$30,000 over two fiscal years to be included in the proposed grant. Mr. Whitesell explained that the grant amount could be up to \$850,000 and that he was proposing sewer and drainage up to \$80,000, Mayor O'Neal questioned the purpose of the \$30,000 as a local commitment. Mr. Whitesell stated that \$10,000 of the \$30,000 could be used for Streets, \$10,000 for sewer and \$10,000 for drainage in the proposed grant area. Mayor O'Neal asked if the \$30,000 local commitment would be utilized if the grant did not get funded (no grant – no money). Mr. Whitesell confirmed and also stated that HCP would not be paid for their application services unless the grant was funded. Councilman Carawan questioned if the dilapidated houses would be replaced with modular housing or “stick built” housing. Mr. Whitesell stated stick built housing would replace the dilapidated housing. Mayor O'Neal recognized Mrs. Ellen Allen, resident of 519 E. Water Street, who stated that she could not hear Mr. Whitesell's comments. Mayor O'Neal stated that microphones were needed. Mr. Whitesell highlighted his comments concerning the grant application. Mr. Whitesell stated that the grant application would be written in December and stated that a second public hearing would be needed. There being no further comments from the public, Mayor O'Neal declared the public hearing closed at 7:25 P.M.

**Approval of Minutes – Regular Session and Closed Session September 11, 2006**

Mayor O'Neal stated that the minutes of the September 11, 2006 meeting were open for review and adoption. There being no corrections to the minutes, Councilman Baker made the motion to adopt the September 11, 2006 regular session minutes as written. Councilman Boyette seconded the motion which carried unanimously. Mayor O'Neal stated that the closed session minutes were open for review. Councilwoman Heath made the motion to approve the closed session minutes of the September 11, 2006 meeting as written. Councilman Boyette seconded the motion. Councilman Carawan stated that the minutes were not correct and that only one quote from Mayor O'Neal was in the minutes and that there were not any of Town Manager's Johnson irate actions or comments

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included in the minutes, therefore, the minutes were portrayed to make the Mayor look bad. The motion carried 4 to 1 with Councilman Carawan voting against the approval of the closed session minutes. Mayor O'Neal stated that it was awful, frustrating and that he was disappointed that the Council adopted the closed session minutes as written.

**Owen Brooks Memorial**

Mayor O'Neal stated that parents of Farm League aged children wanted to establish a memorial for Master Owen Brooks, son of Charlie and Brenda Brooks, who died suddenly with cancer. Mayor O'Neal read the written permission request from Mrs. Kim W. VanEssendelft had stated in her letter that the parents would collect funds and purchase a bench and plaque for this memorial and asked that the town staff assist in setting the bench in concrete. Town Manager Johnson concurred with the proposed memorial and stated that utilizing town staff to set the bench would not be a problem. Councilman Boyette made the motion to approve the request to authorize town staff to assist parents in setting the memorial bench for Master Owen Brooks on the Farm League playground area. Councilwoman Heath seconded the motion which carried unanimously.

**Budget Amendment #3 Fiscal year 2006-2007**

Mayor O'Neal stated that a budget amendment was submitted for the water well rehab that was budgeted last fiscal year. Town Manager Johnson stated that the amendment was necessary due to funds (\$123,920) not carrying over from last fiscal year. Councilman Baker made the motion approving budget amendment #3 Fiscal Year 2006/2007 as follows: Increase revenue account 30-399-000 (fund balance appropriated) by \$123,920 from \$83,196 to \$207,116 and increase expenditure account 30-810-075 (well rehab) by \$123,920 from \$0 to \$123,920. Councilwoman Heath seconded the motion which carried unanimously.

**Chamber Request for Christmas Parade**

Mayor O'Neal stated that the Chamber of Commerce had submitted a request for \$1,000 to assist with the expenses involved in hosting a Christmas Parade. Mayor O'Neal recognized Mr. Chris Rouse, President of the Chamber, who stated that the funding was needed to host the parade. Mr. Rouse stated that the parade would be the Saturday evening after Thanksgiving, November 25 and would be a night parade. Mr. Rouse further explained that other events are planned for the afternoon hours of that same day. Councilman Boyette made the motion to approve the \$1,000 to assist the Belhaven Community Chamber of Commerce in hosting the Christmas parade. Councilman Baker seconded the motion which carried unanimously.

**New Vision Youth Ministry Request for Use of Multi-Purpose Building**

Mayor O'Neal stated that Justin Martin had sent in a request to utilize the Multi-Purpose Building free of charge for Thursday, Friday, November 9 & 10 from 5 P.M. from 5 P.M. to 11 P.M. and on Saturday from 12 noon to 7 P.M for a 2<sup>nd</sup> Annual Empowerment Conference sponsored by New Vision Youth Ministry. Mayor O'Neal stated that positive use of the building was good for the community. Councilman Boyette questioned if there would be a charge for the participants and would there be adult supervision. Mayor O'Neal asked if Mr. Martin or anyone else representing New Vision

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were in the audience to field any questions the Council may have. There was no one present representing the proposed function. Councilman Boyette question if the Civic Center was available for those dates and could that building be used for their function. Town Manager Johnson stated that the Civic Center is rented on Thursday evenings for dance instruction. Councilwoman Heath stated that the Boys and Girls Club utilize the Multi-Purpose Building on Thursday until 6 P.M. Following some additional discussion, Councilman Boyette made the motion to allow the town manager to facilitate the use of a building (Civic Center or Multi-Purpose Building) for the requested dates for New Vision Youth Ministries. Councilwoman Heath seconded the motion which carried unanimously.

**Belhaven Yacht Club Presentation**

Mayor O’Neal recognized Mr. Don Stark, representing Belhaven Yacht Club. Mr. Stark showed a power point presentation of Belhaven, its’ waterfront , what Belhaven had to offer and making boaters feel welcome, which the Yacht Club feels should be at the heart of the downtown waterfront. Following the presentation, Mr. Stark introduced Mr. Tom Wahab, Commandor of the Belhaven Yacht Club who was also present. Mayor O’Neal asked that the Belhaven Yacht Club bring any ideas of “making boaters feel welcome” back to the Council. The Mayor and Council thanked Mr. Stark for his presentation.

**Proposed Sale of the Former Belhaven Fish & Oyster Property**

Mayor O’Neal stated at the last Council meeting the Town Council had instructed the Planning Board to review the proposed covenants and easement to be imposed on the former Belhaven Fish & Oyster property prior to the sale. Mayor O’Neal recognized Mr. Larry Pleasant, Chairman of the Planning Board who gave the following information for consideration by the Council: 15’ Easement on the eastside of Wynn’s Gut be recorded at the courthouse before the deed is conveyed to the new owner (Dixon & Hoyle); Convey to Town 80x100 (estimated) street frontage; bulkhead the 15’ easement and install 10’ boardwalk with lighting or have town hold funds to perform these requests from the sale of the property for \$160,000. Mayor O’Neal thanked Mr. Pleasant for his and the planning boards guidance. Mayor O’Neal stated that the “citizens did not feel good about the sale” of the former Belhaven Fish & Oyster property but the covenants will help. Councilman Boyette stated that he had given a great of thought for the Planning Board, Citizens and Developers (Dixon and Hoyle) on the easements and covenants involved in the sale (conveying) of this property from the Town of Belhaven to Dixon and Hoyle Developers. Councilman Boyette stated that he had reviewed the proposed property sale and felt that the following would appease all parties involved and he made the following motion:

That the Town of Belhaven will sell Belhaven Fish & Oyster Property to Dixon-Hoyle for \$160,000;

That the Town accept the offer to receive the Water Street parcel (65 x 85 feet- 5500 square feet) from Dixon-Hoyle for a park (to be incorporated with NW property owned by Town);

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That the Town accepts offer by Dixon-Hoyle for a 15-foot easement on the West side of Belhaven Fish & Oyster property to be used for 5' concrete walk and 10' for public easement;

Further that the Town of Belhaven be responsible for bulkhead and other improvements on public property to be owned by the Town including easement, concrete walkway, bulkhead and two tracts for the proposed park. Funding for these improvements may be designated by Town Council from the \$160,000 sale money.

Dixon-Hoyle will be responsible for bulkhead and property improvements on their remaining property – all as designated on the Cahoon-Kasten architectural plot map with easement extending to Southwest corner of property on Pantego Creek.

Town Attorney will draw up appropriate documents.

Councilman Ebron seconded the motion.

Councilman Ebron asked Town Attorney Mason if the town would meet the obligations to Dixon & Hoyle with the motion. Town Attorney Mason stated that the following covenants suggested by the Planning Board appear to be the same as the covenants that Attorney Mason gave to Mr. Pleasant after the last meeting, which were based on the covenants and restrictions which the Town placed in the deed when it conveyed the property on the west side of Wynne's Gut to Pungo District Hospital. Attorney Mason referenced the information submitted by the planning board which was the suggested covenants for the former Belhaven Fish & Oyster Property; 1. rights of others in and to the use of Wynne's Gut; 2. Grantor reserves easement across a strip of land running along the eastern edge of Wynne's Gut, said easement being 15 feet in width, measured eastwardly and perpendicular to the run of Wynne's gut, from the northwestern boundary of the property on Wynne's Gut to the southwestern boundary of the property on Pantego Creek; 3. rights of way for public utilities crossing and/or serving the property. Attorney Mason further stated that Items 4 & 5 would be handled in the sale of the property. Councilman Carawan stated that the Planning Board was requesting that the developer pay for boardwalk, bulk heading, etc. and who would pay for these improvement to the property to be conveyed to the town or the 15' easement; the town or the developer. Councilman Carawan also stated that the Planning board had requested a time table for construction. Councilman Carawan stated that an agreement with the developer was needed to specify what would be the responsibility of the town and what will be the responsibility of the developer. Town Attorney Mason stated that #2 covers the developer. Mr. Dixon stated that he did not agree with the time table as proposed as he understood that an agreement was needed for the development of Day Beacon #9 property, which was almost complete. Mr. Dixon stated that the covenant was already in place when the offer of the property for the park easement to make the sale of the property more pal able. Mayor O'Neal recognized Mr. Skip Dixon of Dixon and Hoyle who stated that the video shown earlier by the Belhaven Yacht Club displayed Belhaven as warm, friendly and welcoming; but he felt that the video was in poor taste, due to the fact that it did not show the development and proposed

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development of the waterfront and he thought he was owed an apology. Mr. Dixon then stated that he had no problems with the easement and deeding of the property but stated that the deed could not be conveyed until the project was complete due to the percentage of lot (property) coverage.

Mr. Pleasant stated that Councilman's Boyette's motion was correct in what the Planning Board wanted to accomplish but it needed to be decided who paid for what and that the Planning Board was mainly concerned with the easement and property recording no matter what happened to the sale.

Town Attorney Mason stated that he needed the survey for the 15' easement and the property being deeded back to the town on the street front.

Councilman Boyette made the following friendly amendment to the motion by stated that the Town Attorney will draw up appropriate documents and present to the Town Council any other items prior to closing on the property for the Town Council's approval. The motion carried unanimously.

**Haslin Street Right-of-Way Reduction Request**

Mayor O'Neal stated that Attorney Mason had been asked at the last Council meeting to research more information concerning the right-of-way. Attorney Mason stated that he was able to review an old railroad map which showed 100' right-of-way on Haslin Street in its' entirety. Attorney Mason also stated that Ms. Coleman's deed showed a 100' right-of-way between the Water Street and Pantego Creek. Attorney Mason stated that should the town decide to reduce the right-of-way he suggested that a survey be performed. Mayor O'Neal what the town could utilize the 100' right-of-way for; a community pier. Town Attorney stated yes. Councilman Carawan stated that the Planning Board had reviewed this requested right-of-way reduction also. Mr. Pleasant, Planning Board Chairman stated that the consensus of the board was not to reduce the right-of-way. There being no further discussion, Councilman Baker made the motion to reject the request to reduce the right-of-way on Haslin Street from Water Street to Pantego Street. Councilman Ebron seconded the motion. The motion carried unanimously.

**Flooding Committee Report – Mr. Mac Pigott, Chairman**

Mayor O'Neal stated that this committee, along with his assistance, has contacted Mr. Arthur Williams, Representative with the House of Representative who has secured \$100,000 for this project from the General Assembly. Mayor O'Neal called upon Mr. Mac Pigott, Chairman of the Belhaven Tidal Flooding Advisory Committee. Mr. Pigott reported that North Carolina Department of Transportation (DOT) had been contacted and had devised a plan to reduce tidal flooding downtown at Wynne's Gut in the area of the corner of Main and Allen Streets. Mr. Pigott explained that DOT was involved due to this portion of Main Street, also being US Hwy 264 Business. Mr. Pigott explained that the proposed plan from DOT would be referred to as Phase 1 with the DOT installing

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floodgates and the town maintaining them. Mr. Pigott explained that Phase 2 would be the clearing of Wynne's Gut from Main Street to Pantego Street using a "snag and drag" method; in which items in the gut would be attached from the west side of the gut with a rope and some type of hook mechanism which would pull the debris to the shoulder. Mr. Pigott received a bid for this type of work @\$2.50 per foot and estimated this phase to cost an estimate of \$5,500. There being no call for official action, the Mayor and Council thanked Mr. Pigott for his time and report of the tidal flooding committee.

There was some discussion concerning the lack of attendance at these meetings as a quorum was not always present.

**NEBCED Loan Package**

Mayor O'Neal stated that (NEBCED) had contacted the Town concerning a loan of \$5,000. Mayor O'Neal recognized Mr. Bob Paciocco who is the Director of Wynne View and Community Developers of Beaufort Hyde (CDBH). Mr. Paciocco stated that the ownership of Wynne View was 51% the town and 49% CDBH. Mr. Paciocco explained that the Wynne View building had been involved in an ongoing lawsuit over the faulty foundation for four years. Town Manager Johnson further explained that the town had administered a \$385,000 grant (pass through) from Community Development Block Grant – Urgent Needs (CDBG-UN) for the stabilization of the foundation of the Wynne View building. Town Manager Johnson explained that the agreement with the CDBG was that when the lawsuit was settled then the \$385,000 would be paid back to the state when the lawsuit settlement is reached. Town Manager Johnson stated that the lawsuit will go to court November 28; mean time legal fees are needed to cover expenses. Mr. Paciocco stated that the \$5,000 was needed urgently to continue in the lawsuit. Town Manager Johnson stated that funds had been loaned to CDBH in prior years with no administrative costs, interest, etc. and were paid back to the town in a timely manner. Mayor O'Neal questioned Mr. Paciocco if any other communities had been asked for a loan. Mr. Paciocco explained that this was Wynne View not CDBH needing the funds. Mayor O'Neal asked if CDBH was contributing any funds to NEBCED. Mr. Paciocco stated that in a non gratis status as they perform property management of Wynne View at no fee. Mayor O'Neal questioned who NEBCED was. Mr. Paciocco stated that NEBCED who is a non-profit merged with Community Developers of Beaufort Hyde to form Wynne View. Councilman Boyette made the motion to loan NEBCED \$5,000 for legal expenses of Wynne's View at no interest, to be paid back when lawsuit settlement is reached. Councilwoman Heath seconded the motion. Mayor O'Neal asked what were the affects of not winning the lawsuit. Mr. Paciocco stated that the Wynne View Building would have to be sold. Mayor O'Neal asked if \$5,000 was needed to exist or for the lawsuit to exist. Councilman Boyette stated that the commitment was to pay back the state the \$385,000 urgent needs grant with proceeds from the lawsuit and that to further the law suit \$5,000 was needed. Town Manager Johnson stated that taxes in the amount of \$17,000 had been paid for the Wynne View Building this year. At the close of discussion, Mayor O'Neal asked for a call of the vote. The motion carried unanimously.

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**Crimewatch Report**

Mayor O'Neal stated that Councilman Carawan had asked for Crimewatch report to be put on the agenda. Councilman Carawan stated that this was his agenda item request. Councilman Carawan then read the following memorandum from Town Manager Johnson to the Mayor and Council which was part of the agenda packet for tonight:

Memorandum:

Please see request no. 2 on memo from Councilman Carawan in regards to this agenda item. I am unsure if he means Crimestoppers or Community Watch. Crimestoppers is a county run program. Community Watch is usually a community group not affiliated with law enforcement other than in a reporting crimes sense.

As has been stated numerous times at past Council meetings town staff will not be required to attend council meetings unless the majority of the council requests that action. This is due primarily to costs associated with overtime. I personally called all four other Council members to poll them if they wanted the Police Chief to attend and none of them agreed it was needed. Therefore, the Police Chief will not be at the meeting.

Councilman Carawan's Memorandum to the Town Council dated October 3, 2006:  
Re: Town Council Agenda

I am requesting the following items to be placed on the agenda for the Regular Town Board Meeting on October 9, 2006.

1. As per the request made at the Town Council meeting on September 11, 2006 by the Mayor, I would like to have the Utility Report from Mayor O'Neal as the first item to be considered by the council.
2. I request that the Chief of Police, Mr. Hayden, appear before the Town Council to report his findings on Crime watch. He was charged by the Town Council to report back to us in regards to this subject at a previous meeting.
3. Discussion and Council action on a request to the North Carolina General Assembly to amend the Belhaven charter to allow for recall elections.

There was much discussion from Councilman Carawan and Mayor O'Neal concerning Chief Hayden's presence at the February 2006 meeting and his return in March and April. Mayor O'Neal stated the he should be shown respect and protocol for his requests. Mayor O'Neal stated that often the minutes are not correct.

Mayor O'Neal recognized Ms. Nadene D. Batchelor, resident of Rio Del Mar; who stated that a crimewatch presentation or presentation by the State Highway Patrol be given.

Mayor O'Neal stated that he had called Sheriff Alan Jordan to give information on crimestoppers; but for some reason would not present the information. Town Manager Johnson stated that he would be glad to meet with Sheriff Jordan and the Mayor

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concerning the Crimestoppers program. Town Manager Johnson clarified that Crimestoppers is a program of getting information reported for crimes through Beaufort County Sheriff's Department. Town Manager Johnson stated that Community Watch is a program that is sponsored by communities and that he would be glad to work with communities in forming these programs.

**Recall Elections**

Mayor O'Neal stated that Councilman Carawan had requested that this item be placed on the agenda. Mayor O'Neal further explained that some towns have recall election in their charter but the town's charter did not include this and according to the General Statutes in order for the Town of Belhaven to have recall election the charter could be amended through the General Assembly. Councilman Carawan made the motion that the town petitions the General Assembly to amend the Town Charter to allow recall elections. Mayor O'Neal was displeased that there was no second to the motion. Mayor O'Neal stated that a recall of elections would be necessary when government become destructive; "Belhaven is hostage". Councilman Boyette stated that no more discord was needed in the town. Councilwoman Heath stated that she would like for the Council to move forward. The meeting became disruptive and Mayor O'Neal stated that Mrs. Bertha Baker was out of order as she tried to inform the Mayor that "you sold yourself to the people" while she was speaking from the audience.

**Summary of Utilities Report from the Mayor**

Mayor O'Neal stated that he had made four trips to Raleigh and had more than two-hundred hours involved in his studies concerning utility rates (transfers to the General Fund). Mayor O'Neal also stated that the town was losing population counts due to the "Boyette Machine". Mayor O'Neal stated that when Town Manager Johnson made comparisons in rates, he used towns with the highest rates and those that were not necessarily comparable to Belhaven. Mayor O'Neal referred to his handouts reflecting Fiscal Year 1992/1993. Mayor O'Neal stated that fuel costs had dropped and stated that therefore wholesale power costs should drop and that he looked forward to electric rates being decreased. Mayor O'Neal stated that he recommended a hiring freeze and that he had recommended that the Town Council not adopt the 2006/2007 budget as proposed.

Mayor O'Neal reviewed the following documents in detail on an overhead projector and passed the information to the public in attendance.

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**Citizens Comments**

Mayor O’Neal recognized the following who spoke briefly:

Ms. Nadene Batchelor who rents housing at Rio Del Mar. Ms. Batchelor stated that she was a single parent of four children and that the utility bills were strangling her; the bills needed to be lower.

Mrs. Helen Ebron, resident of 455 King Street, stated that she did not approve of the Mayor using the phrase “Boyette Machine”. Mrs. Ebron then stated each Council member’s name. Mrs. Ebron stated that she did not refer to Mayor O’Neal and Steve O’Neal.

Mrs. Bertha Baker, resident of 345 West Bay Street, who stated that Mayor O’Neal made a lot of promises when he was campaigning, always using the pronoun “I”; Mrs. Baker further clarified that Mayor O’Neal should have used the pronoun “We” because he needed the council’s support. Mrs. Baker stated that Mayor O’Neal sold himself to the people. Mrs. Baker also questioned what was a “Boyette Machine”. Mayor O’Neal answered Mrs. Baker by stating; those who blindly follow.

**Response to Mayor’s Comments - Town Manager Johnson**

In response to the Mayor’s comments, Town Manager Johnson stated that the town had not hired any new employees; the transfers were based on percentages not numbers; the 1992/93 fiscal year – Town Manager Johnson was not here; the letters to/from the Local Government Commission (LGC) (concerning transfers) was resolved by the Town to the satisfaction of the LGC; the budget amendment did not result in additional actual revenue or expenditure; Town Manager Johnson stated that everything was audited every year; the LGC asked the Town to justify numbers not make a new cost allocation plan; Town Manager Johnson stated that the Mayor identified perceived problems but never came up with any solutions; the 1994 cost allocation was formulated by the Town Council prior to Town Manager Johnson’s return in 1994.

**Town Manager’s Report**

Town Manager Johnson gave the following report: 1) Monthly reports for the town department included in packets and on file for review; 2) the intersection of Pantego, Lee and Old County Road – this was referred at the last Council meeting by a citizen, concerning the stop sign on Lee at Old County Road; Town Manager Johnson stated that this had been reviewed and it was suggested to make it a three way stop to add a stop on the corner of Pantego and Lee Streets. Council consensus was to make this an additional stop. Town Manager Johnson stated that the ordinance to make add this stop would be brought back to the Council at their next meeting. 3) Belhaven Missionary Baptist sponsors a fall festival each Halloween night at their church grounds on the corner of Main and Edward Streets and was requesting the closing of Edward Street from Main to Water Street from 5:30 P.M – 8:00 P.M. Town Council discussed notifying neighbors and working with them should they need to enter/exit their properties. Councilman

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Ebron made the motion that the Belhaven Missionary Baptist Church be allowed to close Edward Street from Main to Water Streets from 5:30 – 8:30 P.M. Councilwoman Heath seconded the motion which carried unanimously.

**Miscellaneous Comments/Issues**

Mayor O’Neal recognized the following: Councilwoman Heath who stated that the new utility bills with the inserts were very informative and further stated that the information on usage would remind citizens to be conscientious.

Councilman Carawan questioned if the garbage collection was billed by the number of garbage containers a household used. Town Manager Johnson stated yes, that the town had recently surveyed and found several customers who had one than one garbage container and therefore some billing changes had been made.

Ms. Linda Wilkerson, resident of 783 E. Main Street, question why Belhaven Cable TV, who was filming the meeting were using two cameras. Mr. Leverett, owner/operator of Belhaven Cable TV stated that the overlap of recording was needed when changing recording tapes due to the length of the meeting running longer than the recording tapes.

Mayor O’Neal questioned a public records request that he made from the Town Clerk concerning letters, memos, e-mails regarding town business from Town Manager Johnson. Town Clerk Adams stated that since the Mayor’s request of such documents, she had typed no letters or memos from the Town Manager and that the last documents she had type for him were the letters to the Local Government Commission for which the copies had already be given to the Mayor and Council. Mayor O’Neal stated that the Clerk would be receiving another request for public records. Town Clerk Adams also stated that she had asked Councilman Carawan (when he had the Pigott petition) in his hand to submit that petition to her for the record, twice during and after the meeting on August 13, but was ignored. Town Clerk Adams also stated that at the September 11, 2006 meeting Councilman Carawan informed Town Clerk Adams that he did not have the petition, that it had been shredded. Town Clerk Adams stated that in the future, any documents submitted for public record or inclusion of such had to be given to her for inclusion in the minutes and public records.

Mr. Bill Larson, part time resident of 471 E. Bay Street, complained of tied/pinned barking dogs at the homes behind his house and the disturbance that these dogs caused day and night. Mr. Larson stated that the dogs were disturbing particularly to his neighbor who had some health problems and was trying to recuperate at home. Mr. Larson was told by the Police that they could not handle this problem. Following some discussion, Mayor O’Neal suggested that the Police Department use the noise meter to determine the amount of disturbance. Councilman Boyette stated there were ordinances to take care of problems such as this. Councilwoman Heath suggested that Mr. Larson speak with his neighbor concerning the dogs.

Mr. Walter Barrow, resident of 555 Harbinger Street, who complained of dogs tearing up his garden. Mr. Barrow stated that the dog trap had been set by a town employee but

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there was no bait in it. Town Manager Johnson stated that the trap would be reset and asked that Mr. Barrow contact the town when the trap has been set, so that it can be reset. Town Manager Johnson assured Mr. Barrow that dogs would go in the trap and be caught.

**Close of Regular Session/Reconvene Into Closed Session GS 143-318.11(5)**

Town Manager Johnson reminded the Council there was a need for a closed session according to the General Statutes 143-318.11(5) personnel. There being no other business for regular session at this time Councilman Baker made the motion to reconvene into closed session. Councilwoman Heath seconded the motion which carried unanimously. The regular session recessed at 11:15 P.M.

**Reconvene Into Regular Session**

There being no further business for closed session, councilman Boyette made the motion to reconvene into regular session. Councilman Baker seconded the motion which carried unanimously. Councilman Carawan and Mayor O'Neal both had left the closed session without permission prior to reconvening into regular session.

**Town Manager's Evaluation**

Councilman Boyette summarized Town Manager Johnson's evaluation by stating the following: met requirements, very complimentary to Manager despite unreasonable demand, there is no concern about salary for an individual who has been successful in all areas; salary remains. Councilman Ebron then complimented Town Manager Johnson on his performance.

**Adjournment**

There being no further business, Councilman Baker made the motion to adjourn. Councilman Boyette seconded the meeting which carried unanimously. The meeting adjourned at 11:57 P.M.

Respectfully submitted,

Marie J. Adams, CMC  
Town Clerk

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Cynthia M. Heath, Councilwoman  
Recording Secretary