

**Belhaven Town Council Meeting
Minutes- Regular Session
Monday, October 26, 2009**

Call to Order/Invocation/Pledge of Allegiance

The Belhaven Town Council met in regular session on Monday, October 26, 2009 at 7:00 P.M. at the Boyette Civic Center at 257 W. Pungo Street. Adam W. O'Neal, Mayor, called the meeting to order with the following Council members present: Steve W. Carawan, J. Nelson Guy, Mayor Pro-Tem; Howard D. Moore and Robert L. Stanley. Councilman Pigott was not present due to an appointment and accident. Town Manager Dr. Guinn Leverett and Town Clerk Marie J. Adams were also present. Mayor O'Neal stated that Mr. Johnny Donnell Clark, Deacon, with Hoggard's Temple Church of God in Christ was present to give the invocation. Mayor O'Neal stated that Hoggard's Temple just celebrated the anniversary of their Minister, Mr. J. T. Hoggard which had been serving as a minister in Belhaven for 42 years. Mr. Clark gave the invocation and led the Pledge of Allegiance.

Approval of Minutes – October 12, 2009 Regular Session

Mayor O'Neal stated that the minutes of the October 12, 2009 meeting were open for review and adoption. There being no corrections to the minutes, Councilman Guy made the motion to adopt the October 12, 2009 Regular Session minutes. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

Citizens Comments

Mayor O'Neal recognized the following: Mr. Johnny Donnell Clark, 485 Belhaven Square, who thanked the attendance and support from the Mayor, Chief Clingenpeel, Councilman Carawan and Mr. Greg Satterthwaite with Belhaven Cable TV for his Minister Hoggard's anniversary celebration held this past weekend.

Mr. Phil Reynolds, 548 East Street, who stated that in the past five years he had only missed six Belhaven Town Council meetings and therefore he needed some explanation of a political flyer which had recently been distributed. Mayor O'Neal stated that he was aware of the flyers and the (lying); and was not surprised. Mayor O'Neal stated that he would review each statement one by one. The handout which had been recently distributed through town was as follows:

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Taking Credit for Others Hard Work?

Building a Community Begins with the Truth!

You Decide...

1. Breakwater Replacement
Work began in 2001 with former Mayor Boyette and Town Council petitioning the Army Corps for replacement of our breakwater. In 2003 a feasibility study was done and the Army Corps of Engineers approved the replacement of our breakwater construction plan. In 2005 former Mayor Boyette gave the plans for new breakwater construction to the incoming Mayor O'Neal. The project is now being funded by federal stimulus money given to the Army Corp of Engineers.
2. Sewer Rehabilitation Grant (\$500,000)
Former Mayor Boyette and previous Town Council applied for this grant and was approved but suspended due to Mayor O'Neal's on-going litigation regarding other sewer issues. Where are the improvements and where is the money?
3. Sewer By-Pass Grant secured (\$500,000) Grant will take out-of-town sewer around city limits.
This was begun by former Mayor Boyette and previous administration. To date, according to some land owners, Mayor O'Neal has not had any contact or conversation with them about securing sewer right-of-ways in the last 4 years. This will jeopardize the grant. The only contact with landowners was done by previous administration. Mayor O'Neal fired the project engineer. Where are the improvements? Where is the money?
4. Post Office road widening, turning lanes and ditch tiling.
Approximately \$200,000 was budgeted for this project by former Mayor Boyette and Town Council around the time of the New Post Office's dedication. Mayor O'Neal used this budgeted money for the paving of Lee Street. Now Mayor O'Neal is stating that the Post Office road widening project has cost the taxpayers over \$300,000. That's far more expensive than planned due to poor engineering causing the Town to fill steep ditches for safety reasons. Is this extra money coming from YOU?

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5. Town Dockage at Wynne's Gut.
\$150,000 Matching Funds Grant was found and written by a local boat club in 2006. It was supported by other Town civic organizations as well as the previous administration, and then received in 2007. These matching funds were placed in the budget by the former council. Why would Town Manager call this project his "baby"? Nothing about it is his. This project should have been completed by now so our entire community could be enjoying it and sitting along the waterfront. Why has it taken Mayor O'Neal's administration 3 years to begin a bidding process? Why wait until election time to move forward? Will we ever have a new town dock at this rate?
6. Full-time EMS & rescue.
The current service area is too large and now it is being expanded to include Pamlico Beach and Bath. Currently we have one truck with 2 responders. Our volunteer EMS had 2 trucks and 8 responders. When you call 911 do you want to be placed on a WAITING LIST?? This isn't putting our citizens first!
7. New Town Manager with a Master's Degree in Business from Harvard Business School.
The Town Manager Guinn Leverett's position is riddled with conflicts of interest including owning the TV cable business that films Town Council meetings. Also, he owns the hardware store where excessive purchases must be made by the town AND where you can find him during Town business hours carrying on personal hardware business. Has he shown favoritism to his family members by violating the Town's fire code in the primary fire district (GS 160A-436)?
8. Downtown Flood Project. Recent project will keep water out of street except for extreme high tidal events. Permanent pumps installed.
If it were so easy to fix, why did it take Mayor O'Neal 4 years to fix it with a pump that cost less than \$500, an exposed electrical outlet with extension cord, plus closing local businessman's property by cutting the sewer line IN THE STREET and not reinstating the water connection causing another lawsuit? Mayor O'Neal and Town Manager Leverett think this is a "success"???
9. Community Gardens sponsored by the town, planted by volunteers. Yielded vegetables for many citizens. People helping people.
This could have been a good idea but it was poorly managed and not cost-effective. Why wouldn't Mayor O'Neal allow one businessman's employees to gather some food? How was this fair to those residents? Wasn't this project to help our entire Town community? We don't need discrimination.

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10. Belhaven Community Center open to swimming for all children.

Why don't Mayor O'Neal and Town Council listen to the Health Department when they explain to them and post the property with signs that say the bacteria count is too high and could be dangerous for our children? Why would they put getting votes above our children's health and well-being?

11. Renovation of the Fire Department: New roof and painting of exterior, new brick façade, and interior renovations started, while rewiring is already completed.

The electrical work is not finished. Painting a 100 year old building will not fix the mold and mildew problems. The roof still leaks. Why is Mayor O'Neal and Town Council just masking the problems rather than fixing them? Why do they continue putting our Volunteers at risk?

12. Electric bills cut 2% and 18% of increases to the town by Electricities absorbed

The Town absorbing electric rate increases is like driving a car with no oil or gas. It's a matter of time before it stops. How long can the Town absorb these costs? What will happen when the reserves end? Where is the money? Why does Mayor O'Neal continue to spend OUR money on out of town electric subcontractors? Why not train and hire our own community's men and women ?

13. Tiling of Pantego Street. About 200 yards of tiling has been done on Pantego St and Old County Road. More to come.

Was this a campaign promise? It's still a problem that is not fixed. The road still floods during a hard rain. Is this just another example of trying to get water to run uphill?

14. Overgrown lot maintenance. Trying to bring a higher quality of life to town citizens. Cost of mowing will be passed to the property owners.

This is NOT a new policy. Overgrown lots have always been mowed and billed to the property owner. As of October 15th, per town manager wrote that there is no record of times each lot has been mowed. The citizens are not being charged and no liens have been placed on the properties. The Town is just paying their employees to clean up overgrown lots that the private citizens have left unattended. Why are we using Town money like this?

15. Address out of town sewer agreements that threaten to bankrupt the town. Previous administration made deals in the county that sold sewer below cost. These agreements turned a town asset into a liability.

As of October 15, there was no signed sewer agreement that can be documented with any outside entity or developer that would threaten to bankrupt the Town. If Mayor O'Neal thought outside sewer was wrong, why did he agree to let it continue? And why did he and Councilman Carawan want

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to hook up a property they sold which would allow 400 more homes on the sewer system? Does this sound fair to you?

16. Town fishing area secured with North Carolina Dept. of Transportation. Landing for old Pantego Creek Bridge will be left on Belhaven side. Town will then pursue a fishing pier to go with the landing.

This project had been requested for years, it's not anything new!

17. Lee Street Paving. Several families use this road every day. Now it is paved.

The paving of Lee Street was great for the one family that lives there. Elm Street has several families living on a dirt road and it was NOT paved. Why? Was it because Mayor O'Neal was unsure he could get votes for paving that street???

18. Commercial Zoning for Pantego Street. Opening the door for business to once again come to Pantego Street.

Another project resurrected from the previous administration and previous Planning Board. In fact, the previous Planning Board met EVERY Wednesday for a YEAR to work on the Pantego Street Neighborhood Businesses. The previous Planning Board gave the new codes and zoning to the incoming Mayor O'Neal and his council. They said they didn't "need anymore codes and zoning...We have too many as it is." Isn't it ODD that at election time, Mayor O'Neal and his council say this project is good idea and they want the credit for it.

Take your time to read this.

You decide who is telling the Truth.

Allow our Candidates to Bring our Community Together!

JAY WILKINS, Councilman

CHAD BOND, Councilman

CHARLIE BOYETTE M.D., Mayor

Paid for by Voice Of Truth and Experience

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(Rebuttal) by Mayor O'Neal on the Political Information attached 1-18:

1. (Breakwater)

Mayor and Town Manager worked hard on breakwater project by contacting Congressman Walter B. Jones, Senator Elizabeth Dole. Mayor learned that the issue of the breakwater needed to be pushed in order to be funded. Former Town Manager closed meeting with the Corps of Engineers due to open meetings policy after representative with the Corps drove from Wilmington, NC for nothing. Mayor and Town Manager lobbied in Washington, DC in 2008 and 2009 where they met with Senator Dole; Congressman Jones and the head of over the Army Corps of Engineers and in 2009 met with Senator Burr's office; Mayor O'Neal and Town Manager Leverett were informed that the breakwater did not have enough commercial tonnage passing the breakwater to be considered. Mayor O'Neal stated that a fictitious story of a jet skier being killed by breakwater debris which was not visible got their attention. Now the breakwater is going to be replaced at no charge to the town.

2. and 3. (Sewer Rehabilitation and Sewer Grant)

Mayor O'Neal stated that the former engineering firm (Cavanaugh) had submitted both grant applications and both were denied. Now, The Wooten Company, has rewritten the grants. The Mayor never contacts property owners concerning grants the engineering firm will make contact with the property owners. Grants are now underway.

4. (Post Office Road Widening, turning lanes and ditch tiling)

Mayor O'Neal stated that the previous administration had budgeted \$200,000 for the paving of Old County Road in front of the post office but due additional work was needed to include widening some areas and tiling the ditch for safety reasons and that the post office was located adjacent to the opponent's property. Mayor O'Neal stated that the previous administration had neglected the Water Street bridge as it was in bad condition and the fire department.

5. (Town Dockage at Wynne's Gut)

Mayor O'Neal stated that this project had been held one year in the permitted process by CAMA and was held for two years by the previous administration as nothing was accomplished those two years.

6. (Full Time EMS and Rescue)

Mayor O'Neal stated that it was news to him that the service area had been expanded to include Pamlico Beach and Bath. Mayor O'Neal stated that someone should give him that information. Mayor O'Neal stated that the full-time EMS had been a good thing – as the average response time had been decreased from 12 minutes to 5 minutes. Mayor

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O'Neal also stated that the citizens needed to remember that the volunteer fire and rescue threatened to walk out about a year ago.

7. (Town Manager – Conflicts)

Mayor O'Neal stated that he did not know how it would be a conflict of interest for the Town meetings to be shown on television because the Town Manager owns the Cable Television Business which films the Council meetings. Mayor O'Neal also stated that purchases made from Riddick & Windley Hardware (ACE) are also posted on the Town's bulletin board at the Municipal Building on a monthly basis for public review. Mayor O'Neal stated that the erection of a porch/deck in front of Farm Boys had been questioned as favoritism by compromising the fire code. Mayor O'Neal stated that the porch/deck was an asset to the downtown business district and was enjoyed by many patrons.

8. (Downtown Flood Project)

Mayor O'Neal stated he was accused of cutting sewer to a business and stated that he has never had a shovel in that or any other area of Town and that some people did not want success. Mayor O'Neal stated that the prior administration tried to divert the funds for this project to the Water Street Bridge. Mayor O'Neal explained that the flooding on Main Street can be controlled as long as the tide does not overflow the creek embankment. Mayor O'Neal stated that dikes were proposed to help complete the project but were removed due to harassment by the previous administration.

9. (Community Gardens)

Mayor O'Neal stated that he did not tell anyone that they could not participate in the Community Garden and that many did get vegetables from the gardens. Mayor O'Neal stated this was a first year project and that next year it would improve as Mr. Jesse Rodgers has volunteered to be charge of the gardens.

10. (Community Center – Swimming)

Mayor O'Neal stated that should the opponents get elected then there will not even be a place for a child "to put a toe in the water". Mayor O'Neal stated that swimming took place in 2008 as there were no advisories but due to heavy rainfall in 2009 there were advisories against swimming.

11. (Renovation of the Fire Department)

Mayor O'Neal stated this issue was strictly politics as the previous administration wanted to build a \$5 million dollar building with loans which the (tax payers) would have to pay back. Mayor O'Neal stated that the fire department was being renovated for an estimated \$150,000.

12. (Electric Bills Cut 2% and 18% of Increases Absorbed)

Mayor O'Neal stated that utility bills were cut 2% by this administration and that the Town has absorbed 18% in increases which saved the residents an estimated \$400,000 and that made the Town's electric rates average rather than high now.

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13. (Tiling of Pantego Street)

Mayor O'Neal stated that he could not believe that some complained about the tiling of ditches on Pantego Street as it was unsafe for children to walk on the sidewalks as the ditches were a harbor for snakes.

14. (Overgrown Lot Maintenance)

Mayor O'Neal stated that the properties being mowed are mostly heir property (with several owners) and that the property maintenance fees (liens) will be placed on properties, due to the expense for doing such. Mayor O'Neal informed the public that most of the properties also owe back taxes so in all probability they may be foreclosed on in the future. Mayor O'Neal spoke of the importance of mowing overgrown properties throughout the town not just in certain areas of town.

15. (Out of Town Sewer)

Mayor O'Neal stated that the idea that he and Councilman Carawan had 400 home sites which they had sold that they wanted connected to the sewer is a "complete fairy tale, a lie". Mayor O'Neal explained that the sewer agreement that his opponent crafted and that he (Dr. Boyette) defended in deposition aids the developer. Mayor O'Neal thanked Turnpike, as they saw there was a problem with changes in mediation, with the previous sewer agreement.

16. (Secured Fishing Area with NC Department of Transportation)

Mayor O'Neal stated that Town Manager Leverett had contacted him concerning going to Raleigh to meet with the Department of Transportation (DOT) concerning the replacement of the Pantego Creek Bridge and securing some kind of fishing pier/landing, etc. Mayor O'Neal explained that the meeting was not just with the 5 DOT departments but with 7 other state agencies involved in the bridge replacement. Mayor O'Neal stated at that meeting DOT and other agencies did not even want to leave the landing for a possible fishing pier. Mayor O'Neal pleaded that the people in Belhaven who fish from the banks of the bridge are fishing for supper, not pleasure. This information seemed to open the eyes of those agencies, and after some discussion with CAMA the agreement resulted in the landing being left for the erection of a fishing pier.

17. (Lee Street Paving)

Mayor O'Neal stated that about six families are adjacent to the end of Lee Street that was paved and stated that Elm Street needed paving also with about four residences.

18. (Commercial Zoning – Pantego Street)

Mayor O'Neal stated that the part of the zoning ordinance which had been drafted under the direction of the previous administration was written to regulate what color your house was painted. Mayor O'Neal stated that the previous administration had thirty years to implement a commercial zone on Pamlico Street and had not implemented.

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Mayor O'Neal stated that the only thing the previous administration accomplished other than the elevation project was the Wynne View Building which has left the Town with \$360,000 in liability.

Mayor O'Neal stated that too much was asked of the heroes (volunteers) on the former volunteer rescue department as for the final year there were about 350 calls that 3 -4 volunteers answered.

Mayor O'Neal stated that the new acronym for V.O.T.E. is don't be a Victim of the Elite.

Mayor O'Neal also praised the support of the Council in turning the Police Department around. Mayor O'Neal stated that the implementation of a recall election provision could require an election when 25% of the voters and have signed a recall petition. Mayor O'Neal had asked his opponent five times to support this to no avail. Mayor O'Neal stated that anonymous complaints were being sent to the real estate commission against him.

North Carolina Department of Transportation – Transportation Improvement Plan (TIP) Municipal Agreement – Project B-3611 (Replacement of Bridge 77 over Pantego Creek on NC Hwy 99) Authorization for Mayor to Sign Agreement

Mayor O'Neal stated that the Department of Transportation (DOT) needed an agreement with the Town to replace the bridge of Pantego Creek on NC Hwy 99 leading into Town. Mayor O'Neal stated that the execution of this agreement was needed. Councilman Carawan made the motion authorizing the Mayor to sign the TIP Municipal Agreement for Project B-3611 on behalf of the Town of Belhaven. Councilman Moore seconded the motion which carried unanimously, 4 to 0.

Belhaven Recreation Advisory Committee – Appointments

Mayor O'Neal stated that the Recreation Advisory Committee needed two appointments which were brought before the Council at the last meeting. Councilman Carawan stated that the appointment was scheduled for this meeting to give anyone who wanted to serve in this capacity to make it known. Councilman Stanley made the motion to appoint Mr. Georgie Baker to fill the (out of town) unexpired term which will expire March 2011 and to appoint Mrs. Sonya Midgette to fill the unexpired (in-town) term which will expire March 2010. Councilman Guy seconded the motion which carried unanimously, 4 to 0.

New HVAC System for the Chamber of Commerce Building

Mayor O'Neal stated that three bids had been received to replace the HVAC system at the Town owned Chamber of Commerce Building. The bids were as follows:

Pamlico Heating and Cooling

327 Loop Road

Behaven, NC 27810

2.5 ton unit – 13 seer

\$3,148.80

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John R. White

Air Conditioning and Electrical

374 Cattlelot Lane

Belhaven, NC 27810 2.5 ton unit – 13 seer \$3,175.00

Corey

PO Box 787

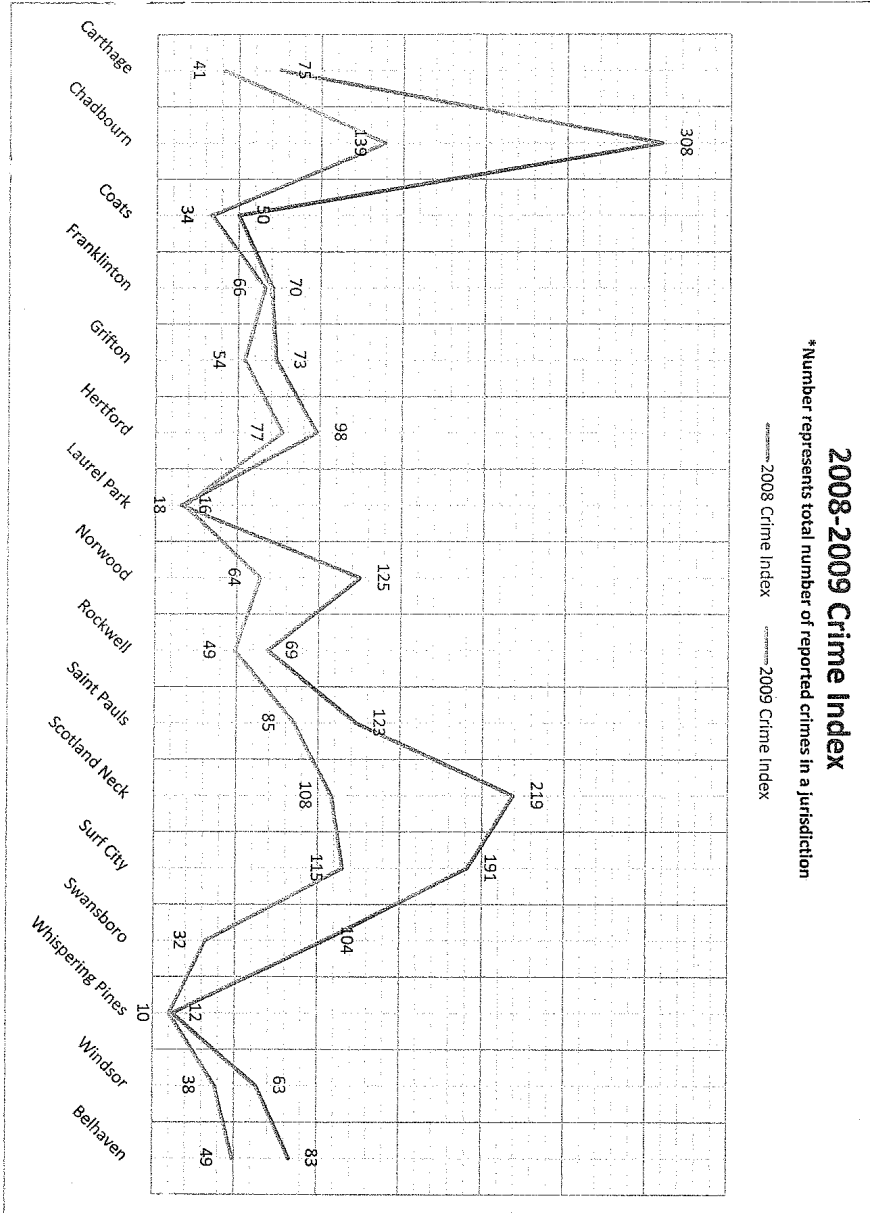
Williamston, NC 27892 3.0 ton unit – 13 seer \$3,294.00

Councilman Guy stressed the need to keep the bid local. Councilman Guy made the motion to award the bid to replace the HVAC System at the Chamber Building to Pamlico Heating and Cooling in the amount of \$3,148.80. Councilman Carawan seconded the motion which carried unanimously, 4 to 0.

Report of Crime Index (Statistics)

Mayor O’Neal recognized Police Chief, Mr. Fred Clingenpeel who gave a report on the Crime Index and Statistics on Belhaven as compared to other Towns with populations around 2,000.

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2008-2009 Crime Comparison Between Cities with Populations less than 2,000

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2008-2009 Crime Comparison Between N.C. Cities with Populations less than 2,000

Offense	Carthage	Chadbourn	Coats	Franklin	Grifton	Hertford	Laurel Park	Norwood	Rockwell	Saint Pauls	Scotland Neck	Surf City	Swarthboro	Whispering Pines	Windsor	Belhaven
Murder	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	2	0	1	1	0	1	0	2	1	0	0	0	1
Robbery	0	13	2	3	2	5	1	1	1	9	10	0	4	0	2	6
Agg. Assault	6	19	6	2	3	9	1	4	1	3	21	8	5	0	4	35
Burglary	22	65	13	10	14	47	1	51	14	39	66	87	17	0	22	37
Larceny	41	201	28	48	50	33	11	63	50	63	116	94	69	12	33	4
MV Theft	6	10	1	5	4	2	1	6	2	9	4	1	9	0	2	1
Index	75	308	50	70	73	98	16	125	69	123	219	191	104	12	63	83

Offense	Carthage	Chadbourn	Coats	Franklin	Grifton	Hertford	Laurel Park	Norwood	Rockwell	Saint Pauls	Scotland Neck	Surf City	Swarthboro	Whispering Pines	Windsor	Belhaven
Murder	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	1	0	1	0	0	0	0	0	2	0	0	0	0	0
Robbery	3	3	0	4	0	1	0	0	0	1	3	0	0	0	1	3
Agg. Assault	0	8	0	5	4	3	0	2	2	5	19	6	1	0	3	6
Burglary	13	48	7	13	7	26	3	27	11	23	38	49	6	5	12	13
Larceny	21	74	22	41	37	42	15	31	34	54	43	59	22	5	20	26
MV Theft	4	6	4	3	3	5	0	4	2	2	4	1	3	0	2	1
Index	41	139	34	66	54	77	18	64	49	85	108	115	32	10	38	49

The audience and the Mayor and Council applauded Chief Clingenpeel for a great report on “low” crime. The Mayor thanked Chief Clingenpeel for a “great job” and praised the department’s visibility, foot patrols and professionalism.

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Town Manager's Report

Town Manager Leverett reported briefly on the following issues: Water Street Bridge Repair/Replacement – after many delays by the State the contract will be let January 2011 to be completed before the sunsets in 2013; North Carolina League of Municipalities Meeting (NCLM) – stated the he and the Finance Officer, Mr. Kyle DeHaven have been attending the NCLM Convention which is being held in Greenville (for the first time east of I-95). Town Manager Leverett stated that he met Ms. Sharon Edmondson of the State Treasurer's Office. Mayor O'Neal stated that Ms. Edmondson was instrumental in the Town getting a Cost Allocation Study.

Miscellaneous Council Comments/Concerns

Councilman Carawan stated that he was reviewing the monthly reports submitted by the department heads and was really impressed with the detailed information; he also praised the water and sewer departments for their hard work on the drainage problem with the installation of the pump, etc. Councilman Carawan stated that these departments worked diligently in 95 degree weather. Councilman Carawan stated that some citizens even approached these employees to quit work with a "Cease and Desist" Letter). Mr. Carawan stressed his disgust with those citizens who are always complaining, sniping and always filming the Town and asked that they "get a life". Councilman Carawan stated that for four years of stagnation he was dead set against both sewer deals.

Councilman Carawan also stated that the Town had \$3 million in saving and that equated to \$1,530.00 in saving per man, woman or child in Belhaven, of that the utility rates were decreased and the increases absorbed by the Town. Councilman Carawan also stated that he had reviewed some old newspaper articles from the Washington Daily News dated 04-06-2006 concerning the Panelized Housing Project and the promise of jobs and the fund of \$3.75 million in hand. Councilman Carawan raised the question. Where is the money?

Councilman Carawan stated that the proposed site for this panelized housing plant was overgrown.

Mayor O'Neal stated that the pump on Main Street to deter flooding in the streets could not stop tide water; that a dike system was also proposed several years ago and was deterred by the opponent and his supporters in which the DOT was "scared off".

Adjournment

There being no further business, Mayor O'Neal declared the meeting adjourned at 8:16 P.M.

Respectfully submitted,

Marie J. Adams, CMC
Town Clerk