

**Belhaven Town Council
Minutes – January 12, 2009
Regular Session**

Call to Order/Invocation/Pledge of Allegiance

The Town Council of the Town of Belhaven met in regular session on Monday, January 12, 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 Mac Pigott was not present. Town Manager Guinn Leverett and Town Clerk Marie J. Adams were also present. Mayor O’Neal recognized and introduced Mr. Johnny Donnell Clark, Deacon with Hoggard’s Temple Church of God in Christ who gave the invocation and led the Pledge of Allegiance.

Public Comments

Mayor O’Neal asked for any public comments. There were none.

Approval of Minutes – December 22, 2008 – Regular Session/Public Hearing

Mayor O’Neal stated that the minutes of the December 22, 2008 regular session and public hearing were open for review and adoption. Town Clerk stated that Councilman Guy had contacted her and that she had a correction. Town Clerk Adams stated that the correction began on the bottom of page 5, under the heading “Mayor/Council Miscellaneous Concerns/Comments”. Town Clerk Adams clarified that Councilman Guy made the motion not Councilman Moore and that part of the minutes should be as follows: Councilman Guy made the motion that Police Chief Clingenpeel be allowed to use the speed radar in town, to deter speeding. Councilman Moore seconded the motion. Councilman Guy made an amendment to his motion, to add that the Chief (only) be allowed to use the radar on a 3 month/90 days basis. The motion carried unanimously.

Councilman Carawan made the motion to approve the minutes of the December 22, 2008 regular session/public hearing meeting with the above stated correction. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

Councilman Pigott – Absent

Mayor O’Neal stated that Councilman Pigott may not attend the meeting due to Councilman Pigott hitting a deer with this vehicle on the way home from work.

Resolution Authorizing Supplemental Grant Program – North Carolina Rural and Economic Development Center (By-Pass Grant)

Mayor O’Neal stated that the proposed resolution would give Town Manager Leverett the authority to execute documents on behalf of the Town with the Rural Center for the By-pass Sewer from Pantego. Councilman Carawan made the motion to adopt the following resolution which names the Town Manager and his successors to execute and file application on behalf of the Town of Belhaven. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

**SUPPLEMENTAL PROGRAM
AUTHORIZING RESOLUTION BY TOWN COUNCIL OF THE
TOWN OF BELHAVEN**

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WHEREAS, In the summer of 2008, the North Carolina General Assembly included a \$50 million appropriation to the North Carolina Rural Economic Development Center in the FY 2007-2009 state budget, for the purpose of making grants to rural communities in need of water and wastewater infrastructure improvements; and

WHEREAS, The Town of Belhaven has need for and intends to construct or rehabilitate a publicly-owned treatment works or an alternate wastewater system for wastewater collection systems or for water supply and distribution systems, project described as Town of Belhaven Sewer Rehabilitation; and

WHEREAS, The Town of Belhaven intends to request grant assistance from the Supplement Grants Program for the project;

NOW, THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BELHAVEN:

That the Town of Belhaven will arrange financing for all remaining costs of the project, if approved for a grant.

That the Town of Belhaven will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Guinn Leverett, Town Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Belhaven with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above.

That Guinn Leverett, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Town of Belhaven has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 12th day of January, 2009 at Belhaven, North Carolina.

Adam W. O'Neal, Mayor

ATTEST:

Marie J. Adams, CMC
Town Clerk

**North Carolina Clean Water Management Trust Fund – Resolution of Commitment
(Phase II – Watershed Project)**

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Mayor O’Neal stated that the Council needed to adopt a resolution which authorizes obligations on behalf of the Town for a grant application for the watershed project for Wynne’s Gut and Shoemaker (Shumac) Creek. Councilman Moore made the motion to adopt the following resolution. Councilman Guy seconded the motion which carried unanimously, 4 to 0.

Town of Belhaven
Resolution
Authorizing Obligations on behalf of the Town of Belhaven
for the
North Carolina Clean Water Management Trust Fund

WHEREAS, THE Town of Belhaven is hereby applying to the North Carolina Clean Water Management Trust Fund (“the fund”) for grant funds to enhance the water quality and habitat associates with Wynne’s Gut and Shoemaker (Shumac) Creek; and

WHEREAS, if the North Carolina Clean Water Management Trust Fund approves funding of the project as described in this grant application, the Fund will prepare a Grant Agreement for execution by the Town of Belhaven; and

WHEREAS, the Grant Agreement will specify the terms and conditions under which the Fund will provide the grant funding; and

WHEREAS, the Grant Agreement will require the Town of Belhaven to perform certain functions and obligations in order to carry out the work described in this grant application.

NOW, THEREFORE, BE IT RESOLVED:

That the Town Council of the Town of Belhaven assures the North Carolina Clean Water Management Trust Funds that it understands the functions and obligations to which the Town of Belhaven is committing itself in order to carry out the work described in this grant application, and further agrees that the Town of Belhaven will proceed with diligence to perform those functions and obligations to accomplish the work described in this grant application.

Adopted this the 12th day of January, 2009.

Adam W. O’Neal, Mayor

ATTEST:

Marie J. Adams, CMC
Town Clerk

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Environmental Services, Inc. – Contract for Services

Mayor O’Neal stated that a contract for services with Environmental Services, Inc. was enclosed for continued groundwater monitoring at the Fire Department which is the site of the former generating plant, as mandated by the stated. Mayor O’Neal stated that an estimated 75% of these funds spent are reimbursable. The Council discussed that this site was monitored back in the 1990’s and were informed, by the stated, that monitoring could cease and within past couple of years the Town has been mandated to monitor the wells again at this site. There was some discussion concerning an additional town owned piece of property (behind the Municipal Building on Pamlico Street) with possible oil and Council questioned if that property was approved for building. Town Manager stated yes that property was cleared.

Councilman Carawan made the motion to enter into contract with Environmental Services, Inc. for contracted services for monitoring the oil contaminated site on the Fire Department property, as mandated by the state. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

Budget Ordinance Amendment #3 Fiscal Year 2008/2009

Mayor O’Neal stated that budget ordinance amendment #3 was needed to account for the \$156,000 dockage grant on Wynne’s Gut, which is a matching grant for the town. The \$50,000 will be needed as part of the Town’s Bridge replacement project. Councilman Guy stated that the town’s part of this expense is from the sale of the former Belhaven Fish & Oyster property. Councilman Guy made the motion to amend the budget ordinance by increasing 10-420-072 Administration \$206,000 and to increase 10-399-00 Appropriated Fund Balance (Town’s part of the grant) by \$50,000 and to increase 10-348-010 State Grant by \$156,000 and to amend Budget Ordinance Amendment #3 as follows. Councilman Moore seconded the motion which carried unanimously, 4 to 0.

**Budget Ordinance Amendment #3
for Fiscal Year 2008/2009**

BE IT ORDAINED by the Town Council of the Town of Belhaven, North Carolina that the following amendment be made to the annual budget ordinance for the Fiscal Year ending June 30, 2009;

Section 1. To amend the General Fund, the appropriations are to be changed as follows:

Budget Amendment #3

Account No.	Decrease	Increase
10-420-072 Administration		\$206,000

This will result in a net increase of \$206,000 in the appropriations of the General fund to provide the additional revenue for the above; the following revenues will be increased.

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Account No.		
10-399-000	Appropriated Fund Balance	\$ 50,000
10-348-010	State Grant	\$156,000

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Town Manager and the Finance Officer for their direction.

Adopted this the 12th day of January 2009.

Adam W. O'Neal

ATTEST:

Marie J. Adams, CMC
Town Clerk

Recall Election

Mayor O'Neal stated that when he and the other Council members started their campaign for election a contract with the citizens was made. Mayor O'Neal stated that the contract would be overviewed in the near future to show their accomplishments.

Mayor O'Neal stated that #7 on that contract was to amend the Town's Charter to include recall elections. Mayor O'Neal explained that recall elections would serve the public so that the public could act if an elected official did not serve the public interest, then a recall election could be held instead of waiting until the next scheduled election.

Mayor O'Neal stated that several recall ordinances, from towns similar in size to Belhaven, were provided for the Council's review and to use as a template for writing our ordinance. Mayor O'Neal stated that the goal tonight was to compile enough information so that the Town Attorney could write an ordinance for the Town. Mayor O'Neal explained that the Town's charter would have to be amended to include recall elections. Mayor O'Neal stated that the town had approximately 1,100 registered voters.

Mayor O'Neal reviewed the following main points of the recall elections and asked for input from the Council:

- The percentage of voters needed on a petition to initiate a recall election; some example ordinances are from 8% to 40% with the majority wanting 25%; Mayor O'Neal stated that he supported 25%; Councilman Guy stated he did not support 8% and felt that 40% was too high; following some additional discussion the consensus of the Council was to support 25% of the registered votes needed on a petition to initiate a recall election
- Mayor O'Neal stated that the Town Clerk should conduct the recall election as the Board of Elections would have to be paid

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- Councilman Carawan stated that persons polling the election should be from each party involved in the recall election (some in support of the incumbent and someone in support of the recall election)

- * Time of the Election – the ordinances used for reference were any where from 50 to 70; following discussion the Council’s consensus was that the recall election be held 60 -90 days from the time the petition is presented

- Mayor stated that you can not have a recall election 6 months after an election or 6 months before an election; and that there would be no recall election twice in the same term – Consensus of the Council was in agreement

- * Mayor O’Neal stated that if three people were running in a recall election for one seat – majority (51%) vote getter would win but suppose none of the three achieved a majority. Town Manager Leverett suggested that the highest vote getter with minimum 40% of the vote would win; if not revote the recall vote with the top two.

Mayor O’Neal asked that an ordinance be ready for the next Council meeting for their review.

Mayor/Council Comments/Concerns
Breakwater Support –Washington, DC

Mayor O’Neal stated that the trip that he and Town Manager Leverett had taken to Washington, DC last year has been productive; while there, Mayor O’Neal stated that they met with the Assistant Secretary of the Army, Secretary Woodley who is at the head of the Army Corps of Engineers because the breakwater is an Army Corps of Engineers project. Mayor O’Neal explained that the breakwater had a low ranking for their repairs because it was in competition with ports like Wilmington and Morehead City. Mayor O’Neal stated that the feasibility study has been approved and that through Congressman Jones, \$750,000 has been appropriated to stop debris from getting into the waterways and that some design work may be performed also. Mayor O’Neal reported that he and Town Manager Leverett are planning to return to DC to lobby for design and construction money in February 2009. Mayor O’Neal further explained that the Town had received resolutions supporting the great need for replacement of the breakwater from the Beaufort and Hyde County Commissioners and that Town Administration has sent letters requesting support, with photos of the broken breakwater, debris floating in the water and debris that has been washed ashore to Senator Basnight, Representatives Williams and Spears. Mayor O’Neal stated that he is trying to get to see the Governor concerning the breakwater and ask for any support that she may provide.

Request Support of Pantego Area Sewer from Beaufort County Commissioners

Mayor O’Neal also stated that the Beaufort County Commissioners held their last meeting in Belhaven on Monday, January 5, 2009. Mayor O’Neal stated that this meeting was well represented by the Belhaven citizens. Mayor O’Neal stated that he brought before the Beaufort County Commissioners the facts on the sewer to the Pantego

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Area citizens. Mayor O’Neal stated that Belhaven citizens are subsidizing Pantego Area sewer customers by rates being the same for in-town and out-of-town customers. Mayor O’Neal further explained that the sewer lines which serve those 248 Pantego Area customers on 25 miles of services line are paying the same rates as in-town customers 838 with 16 miles of sewer service lines. Mayor O’Neal stated that recently a \$10.00 surcharge had been added to those customers in the Pantego Area to help defray the cost of pump repair and replacement. Mayor O’Neal stated that this added fee still did not cover the expenses of having sewer service in the Pantego Area.

Town Manager’s Report

Town Manager Leverett stated that the bid first phase of the Fire Department roof replacement project had been awarded to Mitchell Keech; announced that on Friday, January 16, 2009 he would be in Wilmington, NC attending a purchasing seminar; stated that the Pantego Street drainage pilot project should be complete by the end of February 2009; Old County Road – widening project: core samples has been performed and the design should be complete by January 23 at which time permits can be applied for with the anticipation of bid by March 16 and award bid for work on April 13, 2009; Phase II of the watershed project is underway with the application in progress; Wynne’s Gut Dockage – should begin construction by summer and be completed by fall 2009; Water Street Bridge Replacement – may have 12 month delay due to the NC Department of Environment and Natural Resources demanding a “categorical exclusion” which would require a year’s delay to look for endangered species, while the Division of Marine Fisheries has given a statement that no endangered species live in Wynne’s Gut.

Councilman Carawan stated that he has had no contact or additional information from the Piedmont Natural Gas who had surveyed the Belhaven area for interest. Councilman Carawan stated that he had made contact by email and had no response.

Adjournment

There being no further business, Mayor O’Neal declared the meeting adjourned at 7:45 P.M.

Respectfully submitted,

Marie J. Adams, CMC
Town Clerk