

## **Belhaven Town Council Meeting**

**Monday, February 8, 2010**

### **Minutes**

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

The Belhaven Town Council met in regular session on Monday, February 8, 2010 at 7:00 P.M. in the Belhaven Civic Center at 257 W. Pungo Street. Mayor Adam W. O'Neal called the meeting to order with the following Council members present: Steve W. Carawan, J. Nelson Guy, Howard D. Moore, McKee "Mac" Pigott, Mayor Pro-Tem; and Robert L. Stanley. Town Manager, Dr. Guinn Leverett, Finance Officer Kyle J. DeHaven 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 gave the invocation and led the audience in the Pledge of Allegiance.

#### **Approval of Minutes – Regular and Closed Session – January 25, 2010**

Mayor O'Neal announced that the minutes of the Belhaven Town Council meeting of January 25, 2010 Regular and Closed Session were open for review and adoption. There being no corrections to the minutes, Councilman Carawan made the motion to approve. Councilman Moore seconded the motion which carried unanimously, 5 to 0.

#### **Public Comments**

Mayor O'Neal recognized the following citizens:

Ms. Linda Wilkerson, resident of 783 E. Main Street. Ms. Wilkerson stated that the Town Council was wrong to change the name of the Boyette Civic Center as it was a dishonor to the former Council which named the Civic Center back in the late 1970's. Ms. Wilkerson stated that the present Mayor and Council had personal vendettas and they were vengeful and what they did was wrong, wrong, wrong!

Ms. Marie Whitaker, out of the town limits speaker, who questioned if a public hearing was required before such was done (speaking of renaming the Civic Center). Mayor O'Neal stated that no public hearing was required.

Mrs. Elaine Hudnell, 435 E. Pungo Street, who stated that the Town had billed for more than 30 days per billing cycle twice since July; with 38 days on the billing in July and 36 days on the billing in January. Mrs. Hudnell stated that dates for reading are set but not kept on schedule, emphasizing that meters need to be read on time. Mayor O'Neal stated this was not a debate.

Mayor O'Neal stated that Mrs. Hudnell made a good point and that the Town Manager had been "raked over the coals". Mayor O'Neal stated that the guys (Water and Sewer Employees) were all over the county. Mayor O'Neal stated that he was not happy about the 38 days reading and that the Town will do better. Mrs. Hudnell asked if adjustment for those who usually use minimum water being made. Mayor O'Neal stated that he did not know how that could be performed. Mrs. Hudnell stated one at a time.

Councilman Carawan stated that Mrs. Hudnell made a good point and that the Town Manager had been "taken to the woodshed" over the 38 days reading.

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Resolution of Support of Naming the Scout Hut – Seth David Latham Scout Hut  
Mayor Boyette stated that the Scouts to no avail had tried to get Beaufort County Commissioners to consider naming the Scout Hut in Belhaven in honor and memory of Mr. Seth David Latham. Mayor O’Neal read the following resolution to be given to Beaufort County.

**Town of Belhaven  
Resolution  
Requesting the  
Beaufort County Commissioners  
Name the Belhaven Scout Hut in Honor of the Memory  
of  
Mr. Seth David Latham (1955-2009)**

**WHEREAS, the Town of Belhaven has strong feelings in the naming of the Belhaven Scout Hut in Memory of Mr. Seth David Latham, a Belhaven native; and**

**WHEREAS, the County of Beaufort is the real property owner of the Scout Hut located at 245 Haslin Street, in the Town of Belhaven, North Carolina; and**

**WHEREAS, the Town witnessed the dedication that Mr. Latham showed in the rebuilding of the Boy Scout program for the youth in the Belhaven Area; and**

**WHEREAS, Mr. Latham was also supportive of the Girl Scouts utilizing “the Scout Hut” for their meetings and leadership training such as he was instrumental in the procurement of a Girl Scout sign to be proudly displayed on the front of the Scout Hut along with the Boy Scout sign; and**

**WHEREAS, Mr. Latham spearheaded many fundraisers and sought donations that were needed to fund the initial remodeling of the Scout Hut; and**

**WHEREAS, through Mr. Latham’s untiring commitment to Scouting and the Belhaven Community, a second floor to the Scout Hut was built and almost completely finished by him alone, yielding only to the cancer which took his life; and**

**WHEREAS, that the Belhaven Town Council would like for the name and untiring dedication of Mr. Seth David Latham (1955-2009) to live in the hearts of all scouts for many years to come by memorializing his dedication to Scouting and the completion of the Scout Hut at 245 Haslin Street in the Town of Belhaven, North Carolina;**

**NOW, THEREFORE BE IT RESOLVED, that the Belhaven Town Council strongly requests that the Beaufort County Commissioners, officially name the Scout Hut in Belhaven, The Seth David Latham (1955-2009) Scout Hut; this the 8<sup>th</sup> day of February, 2010.**

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**Adam W. O’Neal, Mayor**

**ATTEST:**

**Marie J. Adams, CMC  
Town Clerk**

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Mayor O'Neal stated that the Belhaven Community had a high rate of Eagle Scouts as we were way above the National average and stated that the building should be named in Mr. Latham's memory had he deserved notoriety.

Councilman Pigott made the motion to table the resolution. Councilman Guy seconded the motion. The motion carried unanimously, 5 to 0 to table the adoption of the resolution.

Mayor O'Neal stated that he was disappointed in the Council as it was a bad move to table the resolution and it was embarrassing. Councilman Carawan stated that he did not know that the County owned the Scout Hut and that he would like to speak with Mr. Latham's widow. Mrs. Sonya Midgette, Scout mother from the audience, stated that the Scouts had a 9 year lease on the building. Mayor O'Neal stated that he had this item included on the agenda as result of working with the Scouts and Mrs. Latham in the naming of the building.

**Fire Department Reports**

**Training, Roster and Fire Response – Mr. Jimmy Davis, Chief**

Chief Davis reported that the second training session had been complete with 14-17 people in attendance with great enthusiasm; Fire last Thursday at FoodLion – the air handling unit was smoking – Belhaven Volunteer Fire Department responded within 5 minutes of the call with 14 firefighters responding. The Pantego Volunteer Fire also responded as policy with structure fires is to call mutual aid automatically. Chief Davis wanted to inform the public that the Volunteer Fire Department is here to protect property.

**Fire Department Remodeling - Mr. Marty Overholt, Code Enforcement Officer**

Mr. Overholt stated that significant changes had been made to the ceiling as the original plan was for 7' 6" ceilings to the meeting room and kitchen area have now been raised to 8' which resulted in the move of the staircase. Mr. Overholt stated that by moving the staircase some floor (mostly storage area) had been lost. Mr. Overholt invited the Mayor and Council to come by the Fire Department. Mr. Overholt stated that Contractor, Mr. Mitchell Keech was reviewing all roof areas in meeting areas for leaks/cracks and was taking special measures to fill any gaps. Mr. Overholt stated that there was some cracking on the exterior of the building in the (Elastomeric coating) the Sherwin Williams product which is an exterior finish on the station. Mr. Overholt stated that the application of the product was certified and there should be some warranty issues with Sherwin Williams. Mr. Overholt reported that the bathroom had been plumbed but was not complete or ready for use at the upcoming Oyster Roast. Mr. Overholt reported that the kitchen demolition was complete and that the contractor Mr. Jimmy Waters was doing a good job. Councilman Carawan questioned if the building had been treated for termites. Mr. Overholt stated that the building had been treated and that the door casing was replaced. Mr. Overholt stated that the cornice on the front of the building was complete and was aesthetically pleasing. Councilman Guy questioned if the "lean-to"

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had been water proofed, Mr. Overholt stated yes and had been tested with a water hose not natural wind/rain at this time.

**Project Ordinances**

Sewer Force Main By-Pass (Inflow and Infiltration)

Mayor O'Neal stated that the Town needed to adopt the project ordinance for the Sewer Fore Main By-Pass (Inflow and Infiltration) Project which will be funded through USDA and asked Town Manager Leverett to explain. Town Manager Leverett stated that he could explain the project in that the purpose of this funding was for the Sewer Force Main By-Pass and the inflow and infiltration of sewer lines for funds through USDA. Finance Officer DeHaven stated that the adoption is a formality in order to include the revenues and expenditures for this project in the current budget that a Budget Ordinance was needed to be adopted by the Council for this particular project. Councilman Pigott asked if the project funding would be reimbursed. Finance Officer DeHaven stated yes that this grant allowed for reimbursement of expenditures. Councilman Carawan asked if there was a time table for this project. Town Manager Leverett stated no. Councilman Guy asked what cost would be the town's part. Mayor O'Neal stated that for the project \$250,000 would be "out of pocket". Town Manager Leverett stated there would be some cash flow needs that will be brought back before the Council at a later date.

Councilman Carawan made the motion to adopt the following Sewer Force Main By-Pass (Inflow and Infiltration) Project Ordinance. Councilman Pigott seconded the motion which carried unanimously, 5 to 0.

TOWN OF BELHAVEN

SEWER FORCE MAIN BY-PASS, IN-FLOW AND INFILTRATION  
REHABILITATION PROJECT

PROJECT ORDINANCE

Be it ordained by the Belhaven Town Council that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted:

- Section 1: The project authorized is a Rural Center Grant and USDA Rural Development Grant described in the work statement contained in the funding agreement between the Town of Belhaven and both the Rural Center and USDA Rural Development.
- Section 2: The Town of Belhaven Finance Officer is hereby directed to proceed with the project within the terms of the program document(s), the rules and regulations of the Rural Center and USDA Rural Development, and the budget contained herein.

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Section 3: The following revenues and resources are anticipated to be available to complete the project activities:

Rural Center Grant	\$ 1,000,000
USDA Rural Development Grant	\$ 1,273,902
USDA Rural Development Loan	\$ 556,993
Total Project Resources	\$ 2,830,895

Section 4: The following amounts are appropriated for the project activities:

Professional Services	\$ 338,000
Construction in Progress	\$ 2,306,395
Interest Payment	\$ 120,000
Administrative Cost	\$ 20,000
Legal Fees	\$ 46,500
Total Project Expenses	\$ 2,830,895

Section 5: The Program Finance Officer is hereby directed to maintain with the Project Fund sufficient specific detailed accounting records to provide the accounting to the Rural Center and USDA Rural Development required by the funding agreement(s) and federal and state regulations.

Section 6: Funds may be advanced from the town's project allocation of General Funds for the purpose of making payments as due. Reimbursement requests should be made to the Rural Center and USDA Rural Development in an orderly and timely manner.

Section 7: The Program Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total project revenues received or claimed.

Section 8: The Program Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this board.

Section 9: Copies of this project ordinance shall be made available to the Program Finance Officer for direction in carrying out this project.

Adopted this the 8th day of February, 2010.

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Adam W. O'Neal, Mayor

Attest:

\_\_\_\_\_  
Marie J. Adams, Town Clerk

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**Water Street Bridge – Project Ordinance**

Mayor O’Neal stated that a project ordinance was also needed for the inclusion of the Water Street Bridge in the Town’s budget. Town Manager Leverett stated that the Town’s portion of this project would be \$400,000. Finance Officer DeHaven stated that adoption of this project ordinance was a formality to include revenues and expenditures for this project in this fiscal year budget. Councilman Pigott made the motion to adopt the following project ordinance for the Water Street Bridge Project. Councilman Moore seconded the motion which carried unanimously.

TOWN OF BELHAVEN

WATER STREET BRIDGE REPLACEMENT

PROJECT ORDINANCE

Be it ordained by the Belhaven Town Council that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted:

- Section 1: The project authorized is a Federal Highway Administration Bridge Replacement Program described in the work statement contained in the funding agreement between the Town of Belhaven and the Federal Highway Administration Bridge Replacement Program to be built by the North Carolina Department of Transportation.
- Section 2: The Town of Belhaven Finance Officer is hereby directed to proceed with the project within the terms of the program document(s), the rules and regulations of the Rural a Federal Highway Administration Bridge Replacement Program, and the budget contained herein.
- Section 3: The following revenues and resources are anticipated to be available to complete the project activities:

Federal Grant Contribution	\$ 1,600,000
Local Grant Contribution	\$ 400,000
Total Project Resources	\$ 2,000,000

- Section 4: The following amounts are appropriated for the project activities:

Professional Services	\$ 285,000
Construction in Progress	\$ 1,675,000
Administrative Cost	\$ 40,000
Total Project Costs	\$ 2,000,000

- Section 5: The Program Finance Officer is hereby directed to maintain with the Project Fund sufficient specific detailed accounting records to provide the

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accounting to the Federal Highway Administration Bridge Replacement Program required by the funding agreement(s) and federal and state regulations.

- Section 6: Funds may be advanced from the town's project allocation of General Funds for the purpose of making payments as due. Reimbursement requests should be made to the Federal Highway Administration Bridge Replacement Program in an orderly and timely manner.
- Section 7: The Program Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total project revenues received or claimed.
- Section 8: The Program Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this board.
- Section 9: Copies of this project ordinance shall be made available to the Program Finance Officer for direction in carrying out this project.

Adopted this the 8th day of February, 2010.

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Adam W. O'Neal, Mayor

Attest:

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Marie J. Adams, Town Clerk

**Budget Amendments**

Finance Officer DeHaven stated that budget amendments were needed for some salary increases which were included in the budget but need to be moved from the general fund. Councilman Pigott made the motion to adopt the following budget amendments as presented. Councilman Stanley seconded the motion which carried unanimously.

**Budget Amendment #3 FY 09/10**

**Recommendation:**

**Decrease Revenue account #10-399-000 (Fund Balance Appropriated) by \$4,214.40**

**From \$278,758 to \$275,544**

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Decrease Expenditure Account #10-410-002 (Salaries and Wages) by \$4,214.40

From \$10,771.24 to \$6,556.84

Increase Revenue account #30-399-000 (Fund Balance Appropriated) by \$1,214.40

From \$0 to \$1,214.40

Increase Expenditure Account #30-810-002 (Salaries and Wages) by \$1,214.40

From \$70,531.20 to \$71,174.40

Increase Revenue account #31-399-000 (Fund Balance Appropriated) by \$2,033.20

From \$0 to \$2,033.20

Increase Expenditure Account #31-832-002 (Salaries and Wages) by \$2033.20

From \$60,040 to \$62,073.20

Increase Revenue account #33-399-001 (Fund Balance Appropriated) by \$966.80

From \$0 to \$966.80

Increase Expenditure Account #33-810-002 (Salaries and Wages) by \$966.80

From \$77,189 to \$78,155.80

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#### **Belhaven Recreation Advisory Committee – Re-appointments**

Mayor O’Neal stated that three members on the Recreation Advisory Committee terms’ had expired and they would like to be reappointed. Mayor O’Neal stated that the reappointment terms would be for three years with their terms expiring March 2013. Councilman Guy made the motion to reappoint Mrs. Sony Midgette, Mrs. Shelia Cahoon and Mr. Tony Stanley to the Recreation Advisory Committee with terms expired march 2013. Councilman Moore seconded the motion which carried unanimously, 5 to 0.

#### **Request for Street Closing of a Portion of Water Street from Magnolia Street to Riverview Street on Saturday, May 15 from 4 – 6 PM**

Mayor O’Neal stated that a street closing had been requested on Water Street from Magnolia Street to Riverview Street for approximately 2 hours from 4 – 6 PM for a wedding and reception that will take place at 643 Water Street. Mayor O’Neal stated that the Police Chief and Public Works Director had both reviewed and no problems with the closing of the street as requested. Councilman Carawan stated that according to the ordinance on street closings that deposits may be requested. Councilman Carawan also stated that he wanted to set restrictions and guidelines should someone want to close the street for “block parties”. There was some discussion concerning reviewing the ordinance for closings due the request for block parties. Police Chief Clingenpeel stated that a block party would be a strain on the department and if this party was the same he may have to retract his approval of the closing. Councilman Carawan stated that the persons asking for the closing were very responsible and felt that for future closing some restrictions should be set so that the Town would know how to handle situation in the future. Council discussed that the streets had been closed for Town function and church related activities in the past but not for individual residents. Town Clerk Adams explained that the wedding would take place on the south side of Water Street (on the waterfront) with the reception being held at the Reggie Bishop Home at 643 Water Street. Town Clerk Adams explained that the family wanted to close the street in order for safe crossing of the street during the wedding and reception that a decision was needed so that the information could be considered when planning the wedding and the wedding invitations. Councilman Pigott made the motion that the closing of Water Street from Magnolia Street to Riverview Street be approved from 4 – 6 PM; Councilman Stanley seconded the motion. Councilman Carawan stated that he would like to amend the motion to add that a \$200.00 cash deposit be paid to the Town and that the Lloyd family contact all residents involved in the area to be closed and have them sign a document of acknowledgement that should be given to the Town. Councilman Pigott and Stanley agreed with the amendment. Councilmen Moore and Stanley voted in favor of the motion. Councilman Guy voted against the motion.

#### **NC Department of Cultural Resources – State Historic Site Preservation – Consideration of Placement of the Charlie Smith Center on the list for the National Register of Historic Places**

Mayor O’Neal stated that a letter had been received from the NC Department of Cultural Resources inviting the Town to apply for consideration of the Charlie Smith Center being placed on the National Register of Historic Places. Mayor O’Neal stated that Town Hall was now on that register and had that designation. Councilman Carawan stated that costs

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would be involved in the application for consideration. Town Manager Leverett stated that there were some restrictions such as window replacement could not be vinyl but as the original material (wood). Following some additional discussion, Councilman Pigott made the motion that the Town should not consider the application of consideration for the Charlie Smith Center to be included on the National Register of Historic Places. Councilman Carawan seconded the motion which carried unanimously, 5 to 0.

### **Town Manager's Report**

Town Manager Leverett reported briefly on the following:

**Battalina Creek** – in the process of setting meeting with Mr. Howard Nichols who was the engineer for Clearwater who built the Battalina Creek project; Mr. Nichols knows the complete “ins and outs” of Battalina Creek as he was on the project from one aspect or another since the conception.

### **Waterfront Park – Cooperage Tract**

Have been contacted by owners of a portion of the Cooperage Tract of land which have offered a piece of that property for the Town to have a waterfront park (fishing, etc.) Town Manager Leverett explained that 50/50 funds are available for this type of construction and that the local owner would be willing to donate the 50 match of the town's behalf. Following some discussion, Councilman Carawan made the motion that the Town Manager look into this proposed project and to bring additional information back to the Council. Councilman Pigott seconded the motion which carried unanimously, 5 to 0.

### **Adjournment**

There being no further business, Mayor O'Neal declared the meeting adjourned at 7:50 P.M.

Respectfully submitted,

Marie J. Adams, CMC  
Town Clerk