

**Belhaven Town Council
Minutes – February 11, 2008
Public Hearing and Regular Session**

Call to Order/Invocation/Pledge of Allegiance

The Belhaven Town Council met in Regular Session and held a Public Hearing on February 11, 2008 at 7:00 P.M. at the Boyette Civic Center at 257 W. Pungo Street. Mayor Adam W. O'Neal called the meeting to order with the following Council members present: J. Nelson Guy, Mayor Pro-Tem; Steve W. Carawan, Howard D. Moore, McKee (Mac) Pigott and Robert L. Stanley. Interim Town Manager Guinn Leverett, Town Attorney Arthur (Bud) Cockrell and Town Clerk Marie J. Adams were also present. Mayor O'Neal recognized and introduced Mr. Bob Beltz, Minister of West Belhaven Church of Christ who gave the invocation and led the Pledge of Allegiance.

Approval of Minutes – Regular Session – January 28, 2008

Mayor O'Neal stated that the minutes of the January 28, 2008 Regular Session Council Meeting were open for review and adoption. There being no corrections to the minutes, Councilman Moore made the motion to adopt the January 28, 2008 Regular Session minutes. Councilman Pigott seconded the motion which carried unanimously, 5 to 0.

Motion to Amend Agenda

Councilman Pigott stated that he would like to amend the agenda to move the Public Comments to Agenda Item IV which would in turn move Item IV to V and V to VI and that he would like to table Item VIII (Conflict of Interest Policy). Councilman Guy seconded the motion which carried unanimously, 5 to 0. Mayor O'Neal stated that the purpose for this agenda amendment was to have the Public Comments at the beginning of the meeting.

Councilman Moore made the motion that public comments be the first item on the agenda following (Approval of Minutes) for every agenda. Councilman Stanley seconded the motion which carried unanimously, 5 to 0.

Policy for Speaking at Council Meetings

Mayor O'Neal stated that in a need to make items on the agenda be discussed and decided on in a more timely manner, the Council would not recognize citizens speaking on items during Council discussion. Mayor O'Neal noted that the following guidelines were in the back of the meeting place at this time and he reviewed the items as follows:

**PUBLIC COMMENTS
BELHAVEN TOWN COUNCIL POLICY**

PUBLIC COMMENT

Citizens will be allowed 3 minutes to speak on any issue of importance to them during the public comment portion of the meeting. The public comment portion of the Town Council Meetings are at the beginning of each meeting to allow for citizens to be heard in the most timely manner. No prior registration is required. The Town Council will not take any action on items mentioned during public comments, but will reserve the right to take action at the following town council meeting.

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AGENDA ITEM

If a citizen would like to speak during an agenda item, prior registration is required. Normally, sign-up will be available in the Municipal building during normal business hours up to 5 PM of the day of the meeting.

Tonight only, if you wish to speak on an agenda item, sign up with Paul Wood at the rear of this room up to the end of the public hearing.

ONLY PERSONS WHO HAVE SIGNED UP WILL BE RECOGNIZED DURING DISCUSSION OF AN AGENDA ITEM.

Mayor O’Neal stated that other area Boards did not recognize the public to speak on items before the Council during Council deliberation of such items.

Public Comments

Mayor O’Neal asked where they any comments from the public at this time. There were none.

Public Hearing – Right-of-Way Reduction – Haslin Street from Main Street to Pantego Creek – 100’ to 40’

Mayor O’Neal called the Public Hearing concerning the reduction of the right-of-way of Haslin Street from Main Street to Pantego Creek (from 100’ to 40’ from centerline) to order at this time (7:15 P.M.) and asked for any comments from the public. Mayor O’Neal explained that each person speaking would be given 3 minutes to speak.

Mayor O’Neal recognized Mrs. Becky Latham, resident of 365 Tooly Street. Mrs. Latham made the following statement: “I am speaking tonight to correct the misconceptions surrounding this road reduction. This is not a hasty decision by the council—this has been going on for well over 18 months and before that my father in-law tried for 25 years to no avail. This is the first council that took the time to research, visit and listen to our concerns.

The reason we are here is because: 1) There are seven different maps. The first official map show no Haslin Street at all. One map shows 40 feet on the extension and 100 feet in front of the fire department. Then 7 years later this flip flops and the extension if 100 and Haslin Street is 40. All the maps are different.

2) This section has been privately maintained since the town was created. My in-laws have personally done this for 35 years through storms and hurricanes. The town has never maintained this or the right of way.

3) There is a boathouse that has been there for 70 years on this 30 feet in question, which make this property unusable by the public. There are also 70 year old pine trees exactly on the 40 foot line right-of-way, which makes the council’s decision the only sensible compromise.

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This is a normal request from an everyday citizen. We are trying to correct a wrong and bring the property into conformity. This is not about greed, this is simply home. Thank you.”

Mayor O’Neal recognized Mr. Julian Goff, resident of 858 E. Main Street. Mr. Goff stated that he would like to speak in favor of the town reducing the right-of-way on Haslin street from 100’ to 40’. Mr. Goff further gave the following background information: he had moved to Belhaven 50 years ago and worked for Woodstock Electric (now the home owned by Ms. Cheryl Coleman) the property that the Latham’s own was brought by the Latham’s from a former owner and bulkheads were built with no claim on the right-of-way during that time. Mr. Goff stated that the right-of-way should be reduced from 100’ to 40’ for clarity.

There being no other comments for the Public Hearing Mayor O’Neal declared the public hearing closed at 7:15 P.M.

Haslin Street Right-of-Way Reduction

Mayor O’Neal stated that in the past right-of-ways had been reduced or completely abandoned (Mill Street) and given away to a developer. Mayor O’Neal stated that the Latham’s were life long residents asking for a reduction in the right-of-way. Mayor O’Neal also pointed out that several maps showed different right-of-ways and this could be clarified by reducing the right-of-way. Mayor O’Neal further stated that some of the general public had suggested that this property be used as a park for a fishing pier, not a good idea due to the proximity of the boat ramp and being between two private residents. Mayor O’Neal clarified that the Community House on East Main Street was between two private residences but was there before either residence was established.

Councilman Pigott made the motion to adopt the following resolution which reduces the right-of-way on Haslin Street, from Main Street to Pantego Creek from 100’ to 40’ and to authorize the hiring of a surveyor to map our this designation. Councilman Moore seconded the motion which carried unanimously, 5 to 0.

Town of Belhaven
Resolution
Right-of-Way Reduction
Haslin Street

WHEREAS, the Town of Belhaven desires to reduce the right-of-way on Haslin Street between Main Street and Pantego Creek, and

WHEREAS, the procedure is contained in North Carolina General Statutes 160A-299 and the required notice of intent to reduce has been published once a week for four successive weeks, and

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WHEREAS, the Public Hearing on the intention to reduce the right-of-way has been held and no detriment to the public interest has been found.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Belhaven that the right-of-way on Haslin Street from Main Street to Pantego Creek be reduced from 100' to 40' from centerline.

This the 11th day of February 2008.

Adam W. O'Neal, Mayor

ATTEST:

Marie J. Adams, CMC
Town Clerk

/GL

Resolution Supporting Annexation of Battalina Creek Subdivision and Its' Environs

Mayor O'Neal recognized Interim Town Manager Leverett who stated that a series of meeting and public hearings were needed in order to annex the Battalina Creek Subdivision and that this meeting would be the start of the annexation process. Mayor O'Neal recognized Mr. Howard Nichols, Development Manager with Clear Water Marketing, who are the developers of Battalina Creek Subdivision. Mr. Nichols stated that they have broken ground and have met with town officials concerning the utility services. Mayor O'Neal stated that this development is the reason the Town should not send sewer services out of town so that the town can provide sewer services for those developments that can be annexed within close proximity to the town.

Councilman Carawan asked that the other property owners with the proposed annexation area be notified. Interim Town Manager Leverett stated that all property owners involved in the annexation would be notified. Councilman Carawan stated that originally in the planning of this development that annexation was not planned but later the developers felt it was the best way to develop the subdivision.

Mayor O'Neal read the following resolution.

Town of Belhaven
Resolution
Supporting Annexation of Battalina Creek and Environs
Subdivision

WHEREAS, Clear Water Marketing is the developer of subdivision Battalina Creek in Beaufort County and desires the benefits of annexation in accordance with NC General Statutes (NCGS)136A.37, and

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one year term and suggested that Mr. Guinn Leverett be appointed. Councilman Moore made the motion to appoint Guinn Leverett to the Belhaven Library Board of Director for a term of one year. Councilman Stanley seconded the motion which carried unanimously, 5 to 0.

Resolution Authorizing Membership to the Mid-East Commission (Region Q) Rural Transportation Planning Organization

Mayor O’Neal stated that Mr. Greg Satterthwaite had been appointed at the January 14, 2008 Council meeting to serve the Town in this capacity but at that time the resolution was not presented. Councilman Pigott made the motion to adopt the following resolution appointing Greg Satterthwaite to the Mid-East Commission (Region Q) Rural Planning Transportation Planning Organization and to act on behalf of the Town of Belhaven. Councilman Moore seconded the motion which carried unanimously, 5 to 0.

NC Water Resource Meeting in Washington, DC – Mayor O’Neal and Interim Town Manager Leverett

Mayor O’Neal stated that the contact had been made with Senator Burr, Congressman Jones and Senator Dole concerning the cost share moratorium on feasibility studies. Mayor O’Neal explained that the breakwater was in dire need repair/replacement and in order to get that process started a feasibility study would need to be performed. Mayor O’Neal further explained that the NC Water Resource meeting would be held in Washington, DC the end of this month and Belhaven support should be there to make their wishes known. Mayor O’Neal stated that the costs for this meeting would be one room @ \$250.00 per night plus gas in the Town vehicle. Mayor O’Neal stated that when speaking of the breakwater and its’ condition he referred to it as a “risk to life”. He clarified this statement by adding that portions of the breakwater are floating in area around the breakwater and could be defined as “risk to life” to boaters should they hit a portion of the breakwater which is afloat.

Councilman Carawan made the motion that Mayor O’Neal and Interim Manager attend the NC Water Resource Meeting in Washington, DC on behalf of the Town. Councilman Stanley seconded the motion which carried unanimously, 5 to 0.

Other Business/Announcements

Councilman Carawan stated that he had just learned that the Police Department had radars which had been donated to the town and had been calibrated for use. Councilman Carawan stated that he understood that a couple of officers were scheduled for training to use the radar. Councilman Carawan stated that he did not feel that Belhaven needed radar and suggested that other alternatives be used to deter speeding.

Councilman Carawan made the motion that the radar not be used and that no officer be sent for training in the use of radar. Councilman Pigott seconded the motion which carried. Councilmen Moore and Stanley voted in favor of the motion, Councilman Guy voted against the motion which carried 4 to 1.

In other discussion, it was suggested that the radar(s) be declared surplus and perhaps sold at auction to recoup funds spent on calibrating the radar(s).

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Recess and Reconvene Into Closed Session for Personnel GS 143-318.11(6)

Mayor O’Neal announced that the Town Council needed to convene into Closed Session for Personnel according to GS 143-318.11(6). Mayor O’Neal closed regular session at 7:40 P.M. and a brief recess for the building to clear. At this time Mayor O’Neal stated that Town Clerk Adams could leave the meeting.

Reconvene Into Regular Session and Adjournment

Mayor O’Neal reconvened the meeting into regular session at 8:20 P.M. and called the news media back into the meeting room. The Council had no action upon reconvening into regular session and stated that personnel matters were discussed. There being no further business, Mayor O’Neal adjourned the meeting at 8:23 P.M.

Respectfully submitted,

Marie J. Adams, CMC
Town Clerk

Guinn Leverett, Interim Town Manager
Recording Secretary