

**Belhaven Town Council
Minutes – Regular Session
March 10, 2008**

Call to Order/Invocation/Pledge of Allegiance

The Belhaven Town Council met in regular session on Monday, March 10, 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: Steve W. Carawan, J. Nelson Guy, Mayor Pro-Tem; Howard D. Moore, McKee (Mac) Pigott and Robert L. Stanley. Interim Town Manager, Dr. Guinn Leverett and Town Clerk Marie J. Adams were also present. Mayor O'Neal recognized Councilman Guy who gave the invocation as a Deacon from Belhaven Missionary Baptist Church. Mayor O'Neal then introduced Boy Scout Troop 341 who led the Pledge of Allegiance.

Approval of Minutes – Regular Session – February 25, 2008

Mayor O'Neal stated that the minutes of the February 25, 2008 regular session were open for review and adoption. There being no corrections to the minutes, Councilman Pigott made the motion to approve the February 25, 2008 regular session minutes. Councilman Moore seconded the motion which carried unanimously, 5 to 0.

Approval of Minutes – Closed Session – February 25, 2008

Mayor O'Neal stated that the minutes of the February 25, 2008 closed session minutes were open for review and adoption. There being no corrections to the minutes, Councilman Pigott made the motion to approve the February 25, 2008 closed session minutes. Councilman Stanley seconded the motion which carried unanimously, 5 to 0.

Public Comments

Mayor O'Neal recognized Mrs. Ellen Allen of 519 Water Street. Mrs. Allen questioned the ownership of Black Bottom Cemetery. Mayor O'Neal stated that Church Women United owned the cemetery. Mrs. Allen also questioned that grant which the Town Council refused to extend (the grant was for extension of infrastructure to the proposed Beaufort Hyde Construction (BHC) site; would interfere with these services being offered to Battalina Creek Subdivision. Councilman Carawan stated no, that the developer would be responsible for extending the sewer from the Town's last manhole to their development.

Mayor O'Neal stated that he had been contacted by citizens from the west side of Town who were concerned with dogs and even frightened so that they would not walk in their neighborhoods. Mayor O'Neal stated that a real emphasis would be put on dogs running at large. Interim Town Manager (ITM) Leverett stated that the animal control ordinance does allow fines to be sought when there are violations of the ordinance. Councilman Carawan questioned Cemetery Road as the west side of the street is not in town limits. ITM stated that the west side of Cemetery Road would be within the Town's extraterritorial jurisdiction.

Public Works Director, Paul Wood asked that citizens with dog complaints, to contact the Municipal Building with those concerns as they could be handled in a more timely manner. Mayor O'Neal stated that should problems arise on weekends or after hours to notify the Police Department.

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Beaufort County Emergency Services (Paid First Responders)

Mayor O'Neal called on Mrs. Ellen Allen who had signed up to speak on this issue. Mrs. Allen stated that she would like to speak later, after she heard the presentation. Mayor O'Neal stated that now was time for public comments on this agenda item. Mrs. Allen declined to speak at this time.

Mayor O'Neal introduced and recognized Mr. Paul Spruill, Beaufort County Manager. Mr. Spruill stated that emergency medical services (EMS) were limited and overworked. Mr. Spruill explained that most of the countywide EMS were non-profit and received funds from their tax district. Mr. Spruill stated that Broad Creek and Town of Chocowinity billed for their services and supplied intermediate care. Mr. Spruill explained that a special tax could be added to the Beaufort County residents for the area in the county for which they received their rescue services.

Mayor O'Neal stated that the Town of Belhaven is asking for input and monetary assistance from the County of Beaufort to assist Belhaven with the new EMS building. Mayor O'Neal stated that rescue calls outside the town limits were as follows:
2005 – 154 in town calls with 246 out of town; 2006 – 166 in town calls with 238 out of town calls and 2007 157 in town calls and 226 out of town calls.

Mr. Spruill stated that the County was not in the EMS business as they did not own buildings, resources, etc... that the County worked as a third party. Mr. Spruill explained that Intermediate Care costs more and that Belhaven could bill for the services.

Mr. Spruill suggested that Belhaven have business plans for their building and service and that the County could then tax the citizens for this service. Mayor O'Neal stated that should a tax increase be included in the Belhaven EMS response area he would suggest that the increase for the town citizens be offset by 2 or 4% reduction in town taxes. Councilman Carawan stated that the citizens already had a tax burden by the rescue responding out of town 2 to 1.

Mr. Spruill reiterated that Belhaven needed to get organized as a non-profit, need to have a plan and know how you want the EMS to function administratively.

Councilman Carawan made the motion that Belhaven would like to engage the County Manager in pursuing our EMS Plan for 24/7 service. Councilman Pigott seconded the motion. The motion carried unanimously, 5 to 0.

Northern Sewer By-Pass and Pantego Sewer – Mr. Toby Woolard, Utilities Director

Mayor O'Neal recognized Mr. Toby Woolard, Belhaven Utilities Director. Mr. Woolard stated that sewer was furnished to some Pantego residents through a grant received by Beaufort County. Mr. Woolard stated that the grant was for 214 home connections to the sewer system and that to date 174 services had been connected to the sewer system. The completion date is set for March 15, 2008 with the contractor TA Loving. Mr. Woolard stated that he and Mr. Marty Overholt had been involved to ensure the best possible job by the contractor.

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Councilman Pigott stated that he felt that the project was poor planning in capacity as to what the Town can handle. By example Mr. Pigott made the following assessment: “2008 facility sending sewer to the California Street lift station from the 1950 era – town is looking at an explosion!” Councilman Pigott stated that Northeast Elementary, Northside High School and Pantego sewer all being sent to the California Street lift station.

Mr. Woolard stated that the California Street lift station needed an upgrade but that the lift station was upgraded in the late 1990’s and has had pumps and piping upgrades.

Mayor O’Neal stated that the Town was providing sewer for out-of-town households at the same cost as the town residents. Mayor O’Neal stated that he would like to see a moratorium on taking any additional sewer until the town has an upgrade; including the development near Schram’s Beach (Turnpike Properties development). Councilman Pigott made the motion that Belhaven was not ready to handle that sewer and that a moratorium is set on accepting any additional sewer until an upgrade can be made and that it was a poor decision to do so, by the previous Council. Councilman Carawan seconded the motion.

Councilman Carawan asked what moratorium the sewer impact would have. Mr. Spruill stated that Terra Ceia Christian School (TCCS) had already been given permission to connect to the town’s sewer and that a grant had been obtained to start the sewer project for the school. Mr. Woolard was questioned as to the sewer impact that TCCS would have on the town’s system. Mr. Woolard stated that taking on the school’s sewer would equate to about 10 residents for 9 months out of the year. Mr. Spruill stated that this percentage of flow for TCCS was low and asked that the project in Pantego be allowed to complete along with the TCCS project before a moratorium is set. Mr. Spruill did state that the unincorporated sewer flow has put a strain on the California Street lift station but the purpose of the Northern By-pass sewer was for the purpose of alleviated the impact on the California Street lift station.

Mr. Spruill clarified that the grant received for the Northern By-pass was in the amount of \$500,000 which is short \$700,000 so funding would need to be lined up. Mr. Pigott questioned if the impact fee had been paid by the County for the project. Mr. Spruill stated that the payment should be made by the end of the month.

Mayor O’Neal stated that during heavy rains Belhaven has toilet paper floating in the streets with overflows at the sewer plant. Mayor O’Neal stated that Belhaven’s water and sewer rates were “astronomical”. Mayor O’Neal stated that the sewer treatment plant could treat 1 million gallons per day with normal daily use of 300,000. Mayor O’Neal stated that he could not see sending the sewer to Schram’s Beach. Mayor O’Neal also stated that the Town was responsible for the grinders and pumps out of town.

Following some additional discussion, Mayor O’Neal asked for a call of the vote on the previous motion. Councilmen Stanley and Moore voted in favor of the motion,

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Councilmen Carawan, Guy and Pigott voted against the motion, therefore the motion failed with a 2 to 3 vote.

Councilman Pigott made the motion that there are no additional sewer extensions out of town and to set a sewer moratorium after the completion of the Pantego Sewer and the acceptance of the sewer from Terra Ceia Christian School. Councilman Carawan seconded the motion. Councilmen Guy and Stanley voted in favor of the motion. Councilman Moore voted against the motion, the motion carried 4 to 1.

Ordinance Discussion for Overgrown Properties

Mayor O’Neal recognized Mr. Marty Overholt, Code Enforcement Officer for the Town. Mr. Overholt stated that 40 to 50 percent of the overgrown properties in Belhaven were heir property and had been sometimes for several generations. Mr. Overholt stated that in this scenario the property is never kept mowed and no one can be contacted for being responsible for the bill for upkeep. Mr. Overholt stated that the ordinance needed to be rewritten and asked that the Town Attorney be contacted for assistance.

Mr. Overholt suggested that the Council support a pilot project for mowing as he has \$1,500.00 in his budget for mowing. Mr. Overholt suggested that the town utilize town equipment and personnel which would cost \$100 - \$200 per property thus saving a lot of money than getting a private contractor to cut. Mr. Overholt stated that three times as many properties could be mowed at a fraction of the cost. Mr. Overholt stated that aggressive cutting could be performed and areas that could not be cut could be chemically treated.

Following some discussion, Councilman Pigott made the motion to allow the start of the pilot project of the town mowing properties utilizing town equipment and manpower. Councilman Moore seconded the motion which carried unanimously. Councilman Carawan made the motion that the Town Attorney re-write the Noxious Growth Ordinance. Councilman Stanley seconded the motion which carried unanimously, 5 to 0.

Pirates on the Pungo – Sailboat Regatta – Fundraiser for Pungo District Hospital Foundation

Mayor O’Neal recognized Mrs. Karen Fisher who had signed up to speak on this issue. Mrs. Fisher stated that she would like to speak after the presentation and at this time she did not know the content. Mayor O’Neal stated that should Mrs. Fisher wish to speak on this item, now was the time. Mrs. Fisher declined to speak.

Mayor O’Neal recognized Mr. Bob Haines, Co-Chairman of the Pirates on the Pungo Sailboat Regatta. Mr. Haines asked that the Town Council give their approval on the event to be held July 18 – 20 and that the Council allow camping, if needed on the Town property on Main Street (where the temporary Post Office was housed). Mr. Haines stated that should the area be used for camping then the organization would furnish porta-potties. Following some discussion, Councilman Moore made the motion to approve of the fundraiser and allow camping on the former temporary Post Office site on Main

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Street east of the John A. Wilkinson Center, if needed. Councilman Carawan seconded the motion which carried unanimously, 5 to 0.

Recycling Information and Directing Town Manager to Negotiate Contract

Mayor O’Neal recognized Mr. Morgan Blanton, Municipal Marketing Representative with GDS, the town’s refuse collector. Mr. Blanton stated that voluntary recycling could be accomplished by placing a container at a town chosen site for the separation of recyclable items. Councilman Pigott asked if there was a cost. Mr. Blanton stated yes that these recyclable items were removed with a separate truck than the one which performs household or dumpster service. There was some discussion of recyclable bins being used by residents and Mr. Blanton explained that this cost would be more than the placement of a central collection bin. Mr. Blanton stated that GDS has found that recycling works better is integrated into the school system as the children come home and inform the parents of recycling. Mr. Blanton stated that some towns that participate in recycling are: Murfreesboro, Ahoskie, Washington County and Tyrell County. Following some discussion, Councilman Pigott made the motion to table the issue of recycling. Councilman Carawan seconded the motion which carried unanimously, 5 to 0.

The consensus of the council was for Interim Town Manager to negotiate the contract with GDS which expires in June 2008.

Annexation of Battalina Creek Subdivision – Utilities Plan

Mayor O’Neal announced Mrs. Allen had signed up to make comments on this agenda item. Mrs. Allen was not present at this time in the meeting.

Mayor O’Neal recognized Interim Town Manager (ITM) Leverett who reviewed the map showing the area proposed for annexation of Battalina Creek Subdivision and its’ environs. The map and other information detailed the utilities plan and the proposed tax collection for this area. ITM Leverett stated that these maps for be readily available for public review at the Municipal Building during regular working hours. ITM Leverett also announced that the public information meeting for the proposed annexation will be held on Thursday, March 27 at 6:00 P.M. in the Council Chambers at Town Hall. Following some discussion, Councilman Carawan made the motion to approve the Utilities Plan as submitted. Councilman Moore seconded the motion which carried unanimously, 5 to 0.

Wynne’s Gut Bridge Replacement Information

Mayor O’Neal announced that Mrs. Ellen Allen and Mrs. Karen Fisher had both signed up to speak on this issue. At this time, Mrs. Allen was not present in the building and Mrs. Fisher declined to speak, not knowing the content of the discussion.

Mayor O’Neal recognized ITM Leverett who updated the Council on the proposed bridge replacement for the Wynne’s Gut Bridge on Water Street. ITM Leverett stated that the bridge was originally scheduled for replacement in the 2008/09 fiscal year and now has been moved for replacement in the 2009/2010 fiscal year. ITM Leverett informed the

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Council that the bridge was a 1940's bridge and has been inspected every two years. ITM Leverett stated that a consultant would need to be hired for this replacement.

Councilman Pigott suggested that the Town ascertain if the bridge could be removed and not replaced to have Wynne's Gut open to boating traffic. Councilman Carawan asked if a public hearing would be needed and some type of research. It was discussed that public input would be needed on this issue. Councilman Pigott volunteered to head a committee to look into the feasibility of opening the bridge.

Citizens Comments Policy – Council Review of Policy

Mayor O'Neal recognized Mrs. Fisher who stated that citizens could not comment on issues before the Council has presented the issue and that the citizens should be allowed to speak after the information has been presented. Ellen Allen had also signed up to speak on this issue but was not present at this time.

Mayor O'Neal stated that now in order to speak on an agenda items, citizens are asked to sign up from 9AM- 5PM prior to the meeting. Councilman Guy had suggested that citizens be allowed to sign up prior to the meeting at the meeting place, or call in for sign up. Mayor O'Neal stated that there had been some concern about citizens speaking on the item prior to the Council's discussion. Mayor O'Neal stated that is when the citizens can speak on an agenda item that the meeting would not consist of shouting profanity, or interrupting the council during their discussion with comments from the public. Councilman Guy asked that those who wish to speak on agenda items may sign up at the meeting place, prior to the meeting until 6:45 P.M. Councilman Carawan made the motion to amend the Public Comments Belhaven Town Council by allowing sign up to speak on agenda items be allowed at the meeting place from 6:30 P.M. – 6:45 P.M. Councilman Stanley seconded the motion which carried unanimously, 5 to 0.

Budget Amendment #9 Fiscal Year 2007/2008

ITM Leverett stated that a budget amendment was needed to change the recreation director's position from part-time to full-time; due to the part-time position having no benefits. Councilman Guy made the motion to approve the following budget amendment. Councilman Moore seconded the motion. Councilman Stanley voted in favor of the motion. Councilmen Carawan and Pigott voted against the motion. The motion carried 3 to 2.

INCREASE REVENUE ACCOUNT #10-399-000 (FUND BALANCE APPROPRIATED) BY \$5,502

FROM \$414,541 TO \$420,043

INCREASE EXPENDITURE ACCOUNT #10-620-002 (SALARIES & WAGES) BY \$2,900

FROM \$30,000 TO \$32,900

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INCREASE EXPENDITURE ACCOUNT #10-620-005 (FICA TAX EXPENSE) BY \$222

FROM \$2,334 TO \$2,556

INCREASE EXPENDITURE ACCOUNT #10-620-006 (GROUP INSURANCE) BY \$2,150

FROM \$0 TO \$2,150

INCREASE EXPENDITURE ACCOUNT #10-620-007 (RETIREMENT) BY \$230

FROM \$0 TO \$230

Town Manager's Report

ITM Leverett reported briefly on the following items: 1) \$10,000 loan to CDBH/BHC approved at May 2006 Special Meeting – check never written; therefore no funds owed the Town by CDBH/BHC. 2) Cost Allocation Update: will meet with Mr. Dennis Seiler, CPA on the Cost Allocation Plan on Wednesday, March 12 – after completion will submit to the Local Government Commission. 3) Overgrown Properties – will give a report how the new pilot project of the Town mowing properties is progressing at the next Council meeting. The name has been changed to Grossly Overgrown Lots, (GOL's). Someone needs to own the problem and since that is his monogram, he will own the problem and get them fixed.

Other Business

Mayor O'Neal made the following comments in brief: BIG Thank You to ITM Leverett for doing a great job for the Town as Manager, as he has been "juggling 15 -20 issues" at one time. Mayor O'Neal also announced that the Washington, DC trip was successful and thanked ITM Leverett for his part in that project.

Mayor O'Neal stated that he wanted to publicly thank the Town employees who were working so hard on the "Black Bottom" Cemetery: Bud Adams, Felix Burgess, Calvin McCabe, Glynn Flynn, Ed Honeycutt, Kenny Sullivan and Paul Wood.

Mayor O'Neal stated that a citizen had visited the Black Bottom Cemetery and stated that when they saw the white crosses marking the unmarked graves they cried.

Adjournment

There being no further business, Councilman Pigott made the motion to adjourn. Councilman Stanley seconded the motion which carried unanimously, 5 to 0.

Respectfully submitted,

Marie J. Adams, CMC
Town Clerk