

**Belhaven Town Council Meeting  
Public Hearing and Regular Session  
Monday, March 28, 2011 – 7:00 P.M.**

**Call to Order**

The Town Council of the Town of Belhaven met in regular session and held a public hearing on Monday, March 28, 2011 at 7:00 P.M. at the Belhaven Civic Center at 257 W. Pungo Street. Mayor Adam W. O’Neal called the meeting to order with the following Council member present: Steve W. Carawan, J. Nelson Guy, McKee “Mac” Pigott, Mayor Pro-Tem and Robert L. Stanley. Councilman Howard D. Moore was not present due to illness. Town Manager, Dr. Guinn Leverett, Finance Officer Mr. Steve Nobles and Town Clerk Mrs. Marie J. Adams were also present.

**Invocation and Pledge of Allegiance**

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 Hearing – Condemnation of 207 W. Pantego Street – PIN #s 10012523 and 10013040 – Mabel W. Everette Property**

Mayor O’Neal called the Public Hearing to order at 7:04 P.M. and asked for any comments from the public concerning the proposed condemnation of the Mabel Everette property at 207 W. Pantego Street, PIN #s 10012523 and 10013040. There were no comments from the public. Mayor O’Neal closed the public hearing at 7:05 P.M.

**Approval of Minutes – March 14, 2011 Regular Session**

Mayor O’Neal announced that the regular session minutes of the March 14, 2011 meeting were open for review and adoption. There being no corrections to the minutes, Councilman Guy made the motion to adopt. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

**Public Comments**

Mayor O’Neal stated that the Council would hear comments from the public at this time. Mayor O’Neal recognized Mr. Bobby Freeman of 449 George Street. Mr. Freeman stated that the lady that worked downtown should get a raise and that he would be back at future Council meetings. Councilman Pigott asked who specifically Mr. Freeman was referring to; Mr. Freeman stated Joyce.

Mayor O’Neal recognized Mr. Walt Allen of 519 Water Street. Mr. Allen stated that the sidewalk on 264 By-pass looked good but questioned why the Town had its equipment working on removing roots. Mr. Allen also stated that the Town’s tractor was not the correct piece of equipment to remove the roots.

Councilman Pigott stated that he was upset on the length of time it has taken to get to the sidewalk completed as the contractor was given a deadline of December 23. Mr. Pigott stated that he understood there were quite a few days of inclement weather but the completion of the sidewalk has gone on too long.

Mayor O’Neal stated that a letter needed to be written concerning the Town’s disappointment in the completion time of the sidewalk as it is still not complete.

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Councilman Pigott stated that the Department of Transportation (DOT) would be the contact as the contractor has the contract with DOT. Mayor O’Neal stated that later in the meeting he would ask for a motion supporting a letter of concern with the time of completion.

**Condemnation Ordinance – 207 W. Pantego Street – Mabel W. Everett – PIN #s 10012523 and 10013040**

Mayor O’Neal asked Building Official, Mr. Dean Burbage to review this condemnation as many obstacles have been overcome. Mr. Burbage stated that each property condemned would need to have a condemnation ordinance passed by the Town Council. Councilman Pigott asked could the property be burned as training for the Belhaven Volunteer Fire & Rescue. Mr. Burbage stated that “a lot of red tape” would be involved in burning the house instead of demolition due to permit, air quality permits, fees paid and having a paid fire instructor present at the time of burning. Councilman Carawan stated that burning the house with clean up of the ash debris be \$1,200 then the Town could save money. Mr. Carawan stated that instead of training with air packs etc. just to a cause and effect method of “match to dry wood”. Mr. Burbage stated that an air quality permit would be needed. Following some additional discussion, Councilman Pigott made the motion to adopt the condemnation ordinance and to tear down the house at 207 W. Pantego Street (PIN #s 10012523 and 10013040) Mabel W. Everette as cheap and as soon as possible. Councilman Guy seconded the motion. Councilman Stanley voted in favor of the motion with Councilman Carawan voting against the motion. The motion carried 3 to 1.

**ORDINANCE REQUIRING THE OWNER OF A RESIDENTIAL  
STRUCTURE VACATED AND CLOSED PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO  
REPAIR, ALTER OR IMPROVE OR TO DEMOLISH AND  
REMOVE THE RESIDENTIAL STRUCTURES LOCATED AT:**

**207 WEST PANTEGO STREET PIN #’S 10012523 AND 10013040**

WHEREAS, pursuant to the enforcement of the Code of the Town of Belhaven contained in Section 151.17 C.2, as authorized by the provisions of North Carolina General Statute 160A-439, the owner of the residential structure described below vacated and not occupied and maintained in accordance with minimum standards pursuant to either an order of the Building Official or an Ordinance of the Town Council;

WHEREAS, the Town Council of the Town of Belhaven hereby finds that the owner of the residential structure described below has abandoned the intent and purpose to repair, alter or improve the structure and that the continuation of the structure in its vacated and non-maintained state would be inimical to health, safety, morals and welfare of the Town in that it will continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area; and

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WHEREAS, North Carolina General Statute 160A-439(g) and Section 151.17 C.2 of the Code of the Town of Belhaven, North Carolina, empower the Town Council of the Town of Belhaven to enact this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Belhaven that:

Section 1. The owner, Mabel W. Everette, of the residential structure located at 207 West Pantego St., in the Town of Belhaven, North Carolina, is hereby required to either (i) demolish and remove the above described residential structure within 30 days or (ii) repair, alter or improve the residential structure to bring it into compliance with the minimum standards established by the Code of the Town of Belhaven within 30 days.

Section 2. If the owner does not either (i) demolish and remove the residential structure within 30 days or (ii) repair, alter or improve the residential structure to bring it into compliance with the minimum standards established by the Code of the Town of Belhaven within 30 days, the Building Official is hereby authorized and directed to cause the residential structure located at 207 West Pantego St., in the Town of Belhaven, North Carolina, and owned by Ms. Mabel W. Everette to be demolished and removed. The real property upon which such residential structures are located being described as follows: “ *Being Lot A as shown on a map of the John H. Gray Estate as surveyed and platted by William H. Swindell, Civil Engineer, which said map is recorded in the Office of the Register of Deeds of Beaufort County. Said Lot is located in Belhaven and is further described as follows:*

*BEGINNING at the eastern intersection of the right-of-way of Pantego Street and Snyder Avenue, running thence with Snyder Avenue North 47 East 150 feet to a stake; running thence perpendicular to Snyder Avenue South 43 East to a stake; running thence parallel with Snyder Avenue and perpendicular to Pantego Street South 47 West 150 feet to the northern edge of the right-of-way of Pantego Street; thence with Pantego Street 50 feet to the point of beginning”*

Section 3. The cost of demolition and removal, shall constitute a lien against the real property described above. The lien shall be filed, have the same authority, and be enforced and the costs collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160 of the North Carolina General Statutes. The amount of the costs shall also be a lien on any other real property of the owner located within the corporate limits of the Town of Belhaven except for the owner’s primary residence, said additional lien to be inferior to all prior liens and shall be collected as a money judgment.

Section 4. Any recoverable materials of the structure demolished or removed and any personal property, fixtures, or appurtenances found in or attached to the structure shall be offered for sale by the Building Official and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by North Carolina General Statute 160A-439(i)(3).

Section 5. This ordinance shall be recorded in the Office of the Register of Deeds of Beaufort County and shall be indexed in the name of the property owner in the grantor index.

Section 6. This ordinance shall become effective upon its adoption.

Adopted this the 28<sup>th</sup> day of March, 2011.

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Adam W. O’Neal, Mayor

ATTEST:  
Marie J. Adams, Town Clerk

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**Recall Election Bill – Amendment**

Mayor O’Neal stated that the Town had been trying to get a Recall Election Bill passed and after many revisions and review by Town Attorney Cockrell and the North Carolina League of Municipalities general counsel the bill is ready to be submitted to the General Assembly. Mayor O’Neal stated that two changes were needed on page two 2<sup>nd</sup> paragraph “no less than 60 days or more than 90 days” should be changed to “no less than 60 days or more than 120 days” and paragraph 3 “Town Clerk’s vote tabulation” be changed to “Board of Election’s vote tabulation. Councilman Carawan stated that the Town may want to consider having separate petitions for each names instead of one petition with the required signatures. Mayor O’Neal stated that this proposed bill had been revised and reviewed many times and that it was ready to be forwarded to Representative Cook with the aforementioned changes.

Councilman Guy made the motion to adopt the following Recall Election Bill with the changes as stated earlier. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

**Short Title: Belhaven Recall Elections**

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**Sponsors: Representative Cook**

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**Referred to: Rules, Calendar, and Operations of the House**

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**Date March 28, 2011**

**A BILL TO BE ENTITLED  
AN ACT TO ALLOW RECALL OF ELECTED OFFICIALS AND NAME THEIR  
REPLACEMENTS, OF THE TOWN OF BELHAVEN.**

**The General Assembly of North Carolina enacts:**

**SECTION 1. The Charter of the Town of Belhaven, being Chapter 714, Session Laws of 1969, is amended by adding a new section to read:**

**“Section 4-8 REMOVAL OF OFFICEHOLDERS. The holder of any elected office served in the municipal government of the Town may be removed by electors qualified to vote in the Town of Belhaven.**

**PROCEDURE. A petition signed by electors entitled to vote in the Town of Belhaven for the incumbent sought to be removed, equal in number to at least twenty-five per centum (25%) of the registered and qualified voters of the Town, demand an election of a successor to the person sought to be removed, shall be filed with the Town Clerk. The petition shall contain a general statement of the ground for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each**

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**signer shall add to his or her signature his or her place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that he believes the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.**

**Pursuant to GS 163-287 and within 10 days from the date of filing of such petition the Town Clerk shall examine and from the voters' register ascertain whether or not the petition is signed by the requisite number of qualified electors, and if the number of qualified electors has been met he shall attach to the petition his certificate showing the results of such examination. The Clerk shall certify the Petition to the Town Board which by Resolution shall certify the Petition to the Beaufort County Board of Elections. The Beaufort County Board of Elections shall cause notice of the election to be published and shall make all arrangements for holding such election, the reasonable costs of such election to be reimbursed to by the Town of Belhaven.**

**If by the clerk's certificate it is shown to be insufficient, it may be amended within 10 days from the date of certificate. The clerk shall within 10 days after such amendment make a like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice to the filing of a new petition to the same effect. If the petition shall be sufficient the clerk shall submit the same to the Town Board at the next regularly scheduled session.**

**If the petition shall be found to be sufficient, the Town Board shall by Resolution and Certification order the Board of Elections to cause notice of the election to be Published and shall make all arrangements for holding such election, the reasonable cost of such election to be reimbursed to the Board of Elections by the Town of Belhaven. The Board of Elections shall fix a date for holding a special election, in accordance with GS 163-287 not less than 60 days or more than 120 days from the date of the petition (or if more than one person to be recalled the last petition) for recall was certified by the Town Clerk. Candidates for the recall election shall register with the Board of Elections within 15 days of the Resolution and Certified recall petition being presented to the Board of Elections. At filing, the candidates' qualifications to fill the seat subject to the recall election shall be approved by the Board of Elections. If more than one officeholder is subject to the recall election, candidates must specify the seat for which they are filing.**

**Each elector shall be eligible to vote for the number of candidates that equals the number of vacancies subject to the recall election. On election**

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day the recalled party may have a poll watcher present at the time of voting and during the Board of Election's tabulation. Also the initiating party of the recall petition may have a poll watcher present at the time of voting and during vote tabulation. If, in the special election for the seat of an officeholder who is sought to be recalled, any candidate receives a plurality of the votes cast, the candidate shall be declared to be elected to fill out the remainder of that term of the officeholder. Provided, however, that if there is more than one candidate for a seat, and no candidate receives at least 40% of the vote cast, a new election will be set within 30 days by the Board of Elections to include the two candidates receiving the most votes for that seat. In so far as possible, GS 163-287 et seq. shall govern the municipal election.

No petition to recall an officeholder may be filed within six months after the officeholder's election to the governing body or within six month before the expiration of the officeholder's term. No more than one election may be held to recall an officeholder within a single term of office.

**SUCCESSOR IN OFFICE.** The successor of any officeholder so removed shall hold office during the unexpired term of his or her predecessor; any person sought to be removed may be a candidate to succeed himself and unless he or she requests otherwise in writing, the clerk shall place his or her name on the official ballot without nomination. At such election if some person other than the incumbent is elected the incumbent shall thereupon be deemed removed from the office upon qualification of his or her successor. If the incumbent received a plurality of the votes cast or in all cases of a runoff a plurality of the total ballots cast in the special recall election he or she shall continue in office.

**FAILURE TO QUALIFY.** In case the person elected should fail to qualify within 10 days after receiving notification of election, unless with just cause, the office shall be deemed vacant. In that event, the unexpired term shall be filled by appointment by the then current Town Board, but the person removed from office shall not be eligible for appointment to any other elected position during the current election term. The person so appointed by the Board shall be subject to recall as other members of the Board."

Nothing herein is to be construed as to alter the qualification that requires the candidate to reside in the precinct of the vacancy.

This section shall become effective when it becomes law.

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**Black Bottom Cemetery Update**

Mayor O'Neal stated that Black Bottom Cemetery had five graves which would require special tombs (domes) and that a brick mason had been found to complete this work at a good price. Mayor O'Neal stated that he has heard some negative comments concerning the work being performed at Black Bottom but that the Town had been working on getting the ownership for many years dating back to former Councilman Albert Baker making a motion to take over the cemetery. Mayor O'Neal also stated that one of the graves at the Quidley-Jarvis Cemetery was falling in and needed repair and the brick mason would also take care of dome or that grave. Councilman Pigott questioned that there were State Statutes which obligated the Town to maintain the cemetery. Mayor O'Neal stated that the Town had the responsibility, according the General Statutes, to maintain a cemetery within the town limits which had been abandoned. Mayor O'Neal also stated that eventually the town would take ownership when the cemetery was put into a good condition.

**Town Manager's Report**

Town Manager Leverett reported briefly on the following items: **Summary of Recreation Programs** was given to the Council which was compiled by Town Clerk Adams, Town Manager Leverett thanked her for the summary; **2010 Census 1688** and in 2000 it was 1,968 which is a decrease of 14%; the implications for the Town's revenue based on population may be down \$75,000 because of this decrease in the census; the **Cooperage Project**, according to our contact at the Division of Coastal Management, states that our project is "prioritized" but the release of funds is based on the State's budget. Mayor O'Neal stated that it may be beneficial to contact Representative Cook around the middle of April concerning this issue; pilings for the **farmer's market** should be driven tomorrow; and all of the utilities **at Battalina Creek Sub-division have been tested and approved** and now the Town is ready for families to build houses and move to restore our population.

**Miscellaneous Mayor/Council Concerns**

**Pantego Creek Bridge/Landing at the Old Bridge for Fishing**

Councilman Guy stated that since the replacement of the Pantego Creek Bridge was underway that the Town needed to make sure that the landing at the old bridge would be salvaged for fishing with a pier. Mayor O'Neal stated that CAMA has funds for such piers but the hope was to have the pier on the Cooperage site first.

**Letter to DOT Concerning Completion of Sidewalk**

Mayor O'Neal asked for a motion to send of letter concerning the Town's disappointment with the sidewalk along 264 By-pass not being complete, as the contract date for completion was on December 23, 2010. Councilman Stanley made the motion; Councilman Carawan seconded the motion which carried 4 to 0.

**Recreation Director and Field Needs**

Mayor O'Neal introduced Mr. Sport Sawyer the new recreation director. Mr. Sawyer stated that he was the temporary director as he had other full-time obligations. Mr.

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Sawyer was welcomed on board by the Council members. Mr. Sawyer stated that since the spring ball season was about to start the recreation department had a lot of equipment needs and still work to be done on the new ball fields. Mr. Sawyer explained that if the Town wants to host tournaments the first thing that is noticed are the facilities: fields, dugouts, lighting and scoreboards. Mr. Sawyer explained that Belhaven Recreation is in a league with Bath (East Beaufort) for girls' softball and that Belhaven has seven teams of girls and in order to play these games between Bath and Belhaven and have practices lights are mandatory. Mr. Sawyer estimated the cost of lighting for the new girls' softball field to be about \$7,200. Mr. Sawyer also stated that the scoreboards were essential for the girls' softball field and the little league field and gave an estimated price of \$3,100 each. Mr. Sawyer stated that the lights should be put back up on the Farm League Field so that two games a night could be played. Mr. Sawyer explained that the addition of scoreboards would be an investment to the fields and would have a life expectancy of 5 to 10 years.

**Lighting for Ball fields**

Mayor O'Neal asked for a motion to purchase lights for the softball field as \$900 had already been collected in donations and that the league sponsor a couple of fundraisers to make up the difference. Following some discussion, Councilman Guy made the motion that the Town purchase the necessary lighting for the new girls' softball field with any funds from fundraisers going back to the Town to offset the expenses. Councilman Stanley seconded the motion. Councilmen Carawan and Pigott voted against the motion. Mayor O'Neal broke the tie, by voting in favor of the motion which carried 3 to 2.

**Concession Stand**

Mr. Sawyer stated that the concession could be profitable but the operation and food consistency had to be present in order to build patronage; so that families would plan to eat at the ballpark.

Mr. Carawan explained that he voted no on the purchase of the lights due to budget cuts, not that he didn't support the youth programs.

**Check List for Equipment Issued**

Councilman Pigott suggested that there be a check list of equipment issued and that there should be repercussions should equipment not get turned back in at the completion of a season. Mr. Sawyer stated at this time he has not taken an inventory of the football equipment but will after the start of the spring/summer ball program. Mr. Sawyer stated that he was going to have to purchase new chest protectors, leg guards, etc. and would issue the equipment to each coach who would then be responsible for turning back in and making the recreation director aware of any equipment damages.

**Tournaments**

Councilman Guy stated that money could be made on hosting tournaments. Mr. Sawyer stated that a lot of money could be made hosting a tournament just on attendance alone. Mr. Sawyer stated that in the future, the Belhaven Recreation could host a tournament but must have the facilities including lighting, scoreboards, etc. Mr. Sawyer stated that

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Belhaven Recreation had 250 participants this year and with that amount of participation the lighting and scoreboards were a necessity.

**Scoreboards**

Mr. Sawyer stated that new scoreboards were needed at the new girls' softball field and the little league field and that maybe one of the old scoreboards could be repaired for the Farm League Field. Mayor O'Neal asked that the Council consider purchasing two new scoreboards at estimated \$3,100 each and with freight an estimated \$7,400. Councilman Guy made the motion to purchase two new scoreboards for the Little League and New Girls' Softball field at an estimated \$7,400 which includes freight and to repair and set the old score board, if repairable, at the Farm League Field. Councilman Stanley seconded the motion. Councilmen Carawan and Pigott voted against the motion. Mayor O'Neal voted and broke the tie, to purchase the scoreboards; the motion carried 3 to 2.

**Old Scoreboard**

Councilman Pigott suggested that Mr. Sam Windley be contacted concerning the repair of the scoreboard; Mayor O'Neal suggested that the Town ask the company that we purchase the new scoreboards from to look at the old one for possible repair.

**Consistency in the Future with Sign Ups**

Mr. Sawyer stated that in the future that Belhaven Recreation should be consistent with Bath in sign ups and deadline on such as the Bath Recreation has been practicing for two weeks.

**Fundraisers**

Mayor O'Neal stated that a fundraiser should be held on opening day. Mayor O'Neal also directed the Town Clerk to have these ball schedules advertised on Cable, the Town's website and the local newspaper to try and get the general public out to a ball game as they are free and fun to watch.

**Out of Town Participants**

Councilman Carawan questioned the number of out of town participants. Mr. Sawyer stated that he did not have a count at this time but he would guess 90% of the participants are from out of town. Councilman Carawan stated that Beaufort County gives the Town \$12,000 towards our recreation budget each year and that amount should be increased based on the number of out of town participants. Mayor O'Neal asked Mr. Sawyer to get the word to all coaches and team members to wear their uniforms and come the joint meeting of the Belhaven Town Council/County Commissioners on April 28.

**Breakwater**

Councilman Guy questioned if the breakwater construction/repair was complete. Town Manager Leverett stated yes, but he did not know if the Army Corps of Engineers had made their final inspection.

**Budget**

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Councilman Pigott stated that the monthly reports contained a lot of valuable information and wanted to remind the department heads to remember any equipment that would need to be have major repairs/or replacement be included in their upcoming budget proposals. Councilman Guy questioned when budget workshops would begin. Mayor O'Neal stated the end of April.

**Adjournment**

There being no further business, Mayor O'Neal declared the meeting adjourned at 7:57 P.M.

Respectfully submitted,

Marie J. Adams, CMC  
Town Clerk