

Belhaven Town Council
Regular Session and Public Hearing – April 10, 2006
Minutes

Call to Order/Invocation/Pledge of Allegiance

The Belhaven Town Council met in regular session on Monday, April 10, 2006 at 7:00 P.M. at the Boyette Civic Center at 257 West Pungo Street. Mayor Pro-Tem George R. Ebron, Jr. called the meeting to order due to Mayor Adam O’Neal being absent due to illness. Members of the Council present were: Albert Baker, Charles O. Boyette, Steve W. Carawan and Cynthia M. Heath. Town Manager Tim M. Johnson, Town Attorney Keith B. Mason and Town Clerk Marie J. Adams were also present. Mayor Pro-Tem Ebron recognized Mr. Mike Isbell, Minister of the First Christian Church, who gave the invocation. Mayor Pro-Tem Ebron asked Councilman Boyette to lead the audience in the Pledge of Allegiance.

Public Hearing for Closeout of Community Development Block Grant Capacity Building Grant – CDBG CB

Mayor Pro-Tem Ebron stated that the Town needed to hold a public hearing in order to close out the Community Development Block Grant – Capacity Building Grant. The grant was a pass-through grant of the Town for Community Developers of Beaufort Hyde in 2002 for \$75,000. Town Manager Johnson stated that all funds had been expended and that the regulations required a public hearing to close out the grant.

Mayor Pro-Tem Ebron called the public hearing to order at 7:03 P.M. There were no comments made, therefore Mayor Pro-Tem Ebron declared the public hearing closed at 7:04 P.M.

Approval of Minutes – March 13, 2006 Belhaven Town Council Regular Session

Mayor Pro-Tem Ebron stated that the minutes of the March 13, 2006 Regular Session Town Council Meeting were open for review and approval. Councilman Carawan stated that he would like for the minutes, under the heading “Discussion Concerning HMGP” to reflect a statement he made. Councilman Carawan made the motion that the following sentence be added to minutes: “Councilman Carawan asked Town Manager Johnson for a list of stipulations and liens placed on the homes which had been previously elevated, repaired/replaced through grant funds”. Councilwoman Heath stated that Town Manager Johnson acknowledged the request and that it would be not be necessary to include that information in the minutes. There being no further discussion, Councilwoman Heath made the motion to approve the March 13, 2006 minutes as written. Councilman Carawan seconded the motion which carried unanimously.

Community House Swimming Discussion

Mayor Pro-Tem Ebron stated that Mr. J. D. Potts with North Carolina Recreational Waters was on the agenda to give background information on the condition and closing of the waters at the community house for swimming. Town Manager Johnson stated that Mr. Potts had called and stated that he could not attend the meeting due to a death in his family in the western part of state.

Councilman Boyette stated that the history on the swimming at the community house was important as it would be a great liability, costly maintenance and that the water contained

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a high bacteria count. Councilman Boyette stated that the liability would be tremendous should the Council consider swimming in that area. Councilman Boyette stated that it would be more feasible with less liability to build a swimming pool. Following additional discussion, Councilman Carawan made the motion to table the issue. Councilwoman Heath seconded the motion. Councilman Carawan stated that he would like to hear from Mr. Potts. The motion carried unanimously.

Beaufort County Economic Development Report – Mr. Al Klemm, Chairman

Mayor Pro-Tem Ebron recognized Mr. Al Klemm, President of the Beaufort County Economic Development Committee. Mr. Klemm introduced himself and stated that he was elected Chairman of the Beaufort County Economic Development Committee in January 2006. Mr. Klemm informed the Council that the committee was in the process of developing a five year plan and asked the Town Council for input. Mr. Klemm asked the Council if they would like a formal quarterly report of the Economic Development Commission (EDC). Councilman Baker made the motion that the Beaufort County Economic Development Commission present the Town Council a quarterly report. Councilman Boyette seconded the motion which carried unanimously. Councilman Boyette asked that the EDC include in their five year plan the building of a “spec building” at the Ebron Industrial Park. The motion carried unanimously.

Hazard Mitigation Grant Project (HMGP) Isabel Report

Mayor Pro Tem Ebron introduced Mr. Reed Whitesell, Vice President of Holland Consulting Planners, Inc., the firm which managed the Hurricane Fran elevation project for the town. Mr. Whitesell stated that during Hurricane Isabel there were 101 homes listed with damage, the state then approved 70-80 homes for elevation with ice storm monies. Of the 70-80 homes approved by the state for possible elevation; it is determined that \$1,253,998 is available for elevating 22 which have been approved and 12 pending. Mr. Whitesell explained the rating of homes for elevation by stating that repetitive losses are favorable for elevation. Mr. Whitesell did state that additional monies are being sought and hopeful for funding an additional 11 houses. Councilman Carawan questioned how the 22 homes were chosen for elevation. Mr. Whitesell explained the procedure by stating that from 111 that signed up for elevation the first of June 2004 – 160 notices were mailed, removing rental housing and secondary housing. Mr. Whitesell stated that the purpose of the grant monies was to elevate private/owner/occupancy homes. Mr. Whitesell stated that the 22 homes were pulled from the list of 111 from June 2004 and that engineering played a factor in some of the ones chosen to be elevated. Town Manager stated that Code Enforcement Officer Martin Overholt had attended a Flood Plain Conference in which Mr. Chris Crew, with Emergency Management gave some insight as follows: that the homes value after elevation must be 3 to 4 times greater than the cost of the elevation, before a home will be considered for elevation. Mr. Whitesell stated that also if a home has four competitive losses, that itself almost guarantees elevation.

Hazard Mitigation Grant Program (HMGP) Consultant Services Contract

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Mayor Pro-Tem Ebron stated that the Council needed to consider the contract for consultant services for the Isabel elevation program. Mayor Pro-Tem Ebron again introduced Mr. Reed Whitesell, Vice President of Holland Consulting Planners, Inc. (HCP). Town Manager Johnson stated that HCP had submitted a contract to manage the grant. Councilman Carawan questioned awarding the contract with no competitive bids. Town Manager Johnson stated that HCP had been managing the elevation grants for the past nine years. Town Manager Johnson also stated that HCP is very knowledgeable. Town Manager Johnson stated that bids are not sought but, Requests for Proposals (RFP) had been solicited. Town Manager Johnson stated that the agency that applies for the funds on behalf of the town is usually who administers the program, as a lot of the background information is in the application. Councilwoman Heath stated that HCP has a proven track record in the previous grants which have been administered by that firm, with the elevation of 300(+) houses. Mr. Whitesell reiterated that (RFP) had been solicited over a year ago with six or seven firms contacted. Following some additional discussion, Councilman Baker made the motion to approve the contract for Consultant Services of Holland Consulting Planners, Inc. and to authorize the Mayor, Town Clerk, Finance Officer to execute all necessary documents. The motion carried 4 to 1 with Councilman Carawan voting against the motion.

Hazard Mitigation Grant Program (HMGP) Guidelines and Policies Resolution

Mayor Pro-Tem Ebron stated that the Council needed to adopt the guidelines, polices and procedures for the Hurricane Isabel grant. Mr. Whitesell stated that the items are similar to the guidelines and polices adopted on the other HMGP grants. Mr. Whitesell stated that the Town Manager has approved the contracts over the past nine years and that the contractors use their discretion as to what order the homes are elevated. Councilwoman Heath made the motion to adopt the policies and resolutions and that the Town Manager execute the work authorization (contracts). Councilman Baker seconded the motion which carried unanimously. The motion carried unanimously.

Celebration Committee Report

Mayor Pro-Tem Ebron recognized Mr. Harvey “Butch” Raynor, Chairman of the Celebrations Committee. Mr. Raynor stated that July 4th was on Tuesday this year all events could be held on their usual dates: Street Dance and Miss Independence on July 3, parade at 11 A.M. on July 4th. Mr. Raynor stated that other events would be entertainment from Don Cox and his band and a bluegrass band and Mr. Raynor asked that streets be closed as usual for parade and street dance. Mr. Raynor stated that volunteers were needed. Mr. Raynor praised the town appointees of the Celebrations Committee, Mrs. Pat Holz and Mr. Richard Montgomery by stating that they had done a tremendous job. Councilman Baker suggested that bands be sought for the parade. There was some discussion concerning bands participating in the July 4th celebration in that Military always somewhere else and no participation from school bands as they are not in school, therefore hard to get enough students to perform. Mr. Raynor asked that the Town take care of the requests for military participation as in band requests and flyover.

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Mr. Raynor asked that the give a Tidal Flooding Committee report. Mayor Pro-Tem Ebron stated that the Tidal Flooding would be discussed later in the meeting.

Alumni Club Annual Request

Mayor Pro-Tem Ebron stated that a request had been received from Mrs. Marie Whitaker, Vice-President of the Belhaven Alumni Association. Mayor Pro-Tem Ebron stated that the Belhaven Alumni hold their annual homecoming activities Mother's Day Weekend each year. Town Manager Johnson stated that the alumni requested that Railroad Street be closed immediately following the parade until late afternoon as a large number of youth congregate in the Northside Park vicinity following the parade, asked that police officers be visible during this time period, would like to use the lawn at the Multi-Purpose Building for various vendors, dance routines, etc., would also like to have the former bus parking area between the Multi-Purpose Building and the ball fields barricaded due to the amount of pedestrian traffic and request the placement of additional trash receptacles during this event in this central area. Councilman Carawan asked if the Multi-Purpose Building could be open for restroom use. Town Manager Johnson stated that the concession stand would be open this year and could be utilized. Councilman Baker made the motion to approve the requests of the Belhaven Alumni for their Annual Homecoming Event May 12 -14, 2006. Councilwoman Heath seconded the motion which carried unanimously.

Tidal Flooding Advisory Board Appointments

Mayor Pro-Tem Ebron stated that the Town Council should make appointments to the Tidal Flooding Advisory Board. Councilman Boyette stated that appointments to the board should be made as no more additional time should be lost. Councilman Boyette gave the history on the tidal flooding proposal by Mr. Sam Jarvis in 1999 which would cost \$1.2 million to implement. Councilman Boyette stated that this plan was not funded through a grant application in 2004. Councilman Boyette asked that the members of the Tidal Flooding get a copy o the Jarvis Plan and the 2005 plan submitted by Allison Platt. Councilman Boyette stated that hydrologists, engineers and financing would be needed. Councilman Carawan stated that the members of the Tidal Flooding Advisory Board which were appointed at the March 13 Council meeting met last week. Town Manager Johnson advised that the proposed board members were not actually appointed at the March 13 meeting due to their being no vote on their appointment.

Mayor Pro-Tem Ebron asked for appointments to the Tidal Flooding Advisory Board. Councilman Baker asked that Mr. Gilbert Radcliffe and Mr. Harry Nixon be appointed, Councilman Heath asked that Ms. Linda E. Wilkerson and Mrs. Julia Ward be appointed, Councilman Boyette asked that Mr. Robert "Bob" Holz and Mr. Neal O'Neal be appointed, Councilman Ebron asked that Mr. Paul Wood, Jr. and Mr. Larry Pleasant be appointed, Councilman Carawan asked that Mr. Topper Bateman and Mr. Mac Pigott be appointed and stated that Mayor O'Neal recommendations for appointment were Mr. Harvey "Butch" Raynor and Mr. R. D. Ray. There being no further nominations, Councilwoman Heath made the appointment of the aforementioned 12 members to serve

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on the Tidal Flooding Advisory Board. Councilman Baker seconded the motion which carried unanimously.

Mayor Pro-Tem Ebron recognized Mr. Walt Allen, planning board member, who stated that the Allison Platt Plan included some concept on the tidal flooding and asked that members of the advisory board be provided with a copy of this information. Mr. Allen also stated that taxes may need to be increased or a bond referendum to finance the tidal flooding plan.

Councilman Boyette made the motion that Town Manager Johnson seek a hydrologist and engineer for this project. Councilwoman Heath seconded the motion which carried unanimously.

There was some discussion for the need of an organizational meeting of the advisory board. Councilman Boyette made the motion that the organizational meeting of the Tidal Flooding Advisory Board be on Monday, April 24 at 7:00 P.M. in the Council Chambers at Town Hall. Councilwoman Heath seconded the motion which carried unanimously.

Former Belhaven Fish & Oyster Property Sale

Mayor Pro-Tem Ebron stated that Attorney Keith Mason wanted to update the Council on the proposed sale of the former Belhaven Fish & Oyster Property, which the town agreed to an option from the Beaufort County Committee of 100 for development purposes. Attorney Mason stated that to sale public property there were certain procedures which must be followed. Attorney Mason stated that the first the property had to be appraised and sell could take place through economic development if the proposed use of the property relates to the proposed development in the town's economic development plan. Attorney Mason stated that the appraisal was included for Council review. Attorney Mason stated that the Council would need to set a public hearing for the proposed sale of the property. Councilman Boyette suggested that the Planning Board be included in any review of the property and its proposed uses. Councilman Carawan questioned if there was a "time is of the essence" clause in the procedures for the sale of the property. Attorney Mason stated no, that the purchasers' legal counsel was very familiar with the procedures which would have to be followed. Attorney Mason stated that the Council needed to determine if the appraisal was fair and does the proposed development meet the town's economic development plan.

There was some discussion concerning a second appraisal. Councilman Carawan stated that a second quote was not needed to award the contract to Holland Consulting Planners, Inc., earlier in the meeting. Councilman Carawan stated that the Council should proceed to follow the law to fulfill the Town's Commitment.

Councilman Baker made the motion that the Town proceed by law to fulfill the commitment to sell the former Belhaven Fish & Oyster property, owned by the town. Councilman Carawan seconded the motion which carried, 5 to 0.

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Town Manager Johnson stated that the Council hold a workshop meeting to discuss procedures and concerns they may have. Councilman Boyette made the motion to hold a workshop on Monday, May 1, 2006 in the Council Chambers at Town Hall. Councilman Carawan seconded the motion which carried unanimously.

Ditch Cleaning

Mayor Pro-Tem Ebron stated that Mayor O’Neal had requested at the March 13 Council meeting that this item be placed on the agenda at this meeting for more discussion. Councilman Baker asked Town Manager Johnson the status on ditch cleaning. Town Manager Johnson stated that inmate labor had been utilized recently to clean ditches and that some ditches in town are cleaned 2-3 times a month. Town Manager Johnson stated that it would be easier to keep ditches clean if every household would clean in front of their home. There was some additional discussion concerning ditch cleaning, Councilwoman Heath stated that it was a mute point and made the motion that the ditch cleaning issue be tabled. Councilman Carawan seconded the motion which carried unanimously.

Agenda Item Policy Procedures

Mayor Pro-Tem Ebron stated that Councilman Boyette had asked that this item be placed on the agenda. Councilman Boyette stated that information to be discussed at the meeting should be included in the packets, not passed out at the Council meetings. Councilman Boyette stated that this would give the Council time to review any information to be discussed during the meeting. Councilman Boyette made the motion that information for public distribution be provided in the agenda packets. Councilwoman Heath seconded the motion, which carried 4 to 1, with Councilman Carawan voting against the motion.

Town Manager’s Report

Town Manager Johnson stated that the “Citizens for a Better Belhaven” had published information in which the Mayor passed out at the March 13 Council meeting, concerning electric fund transfers, in the Beaufort Hyde News. Town Manager Johnson stated that he did not feel that information that is not factual should be placed in the local paper or distributed by the Mayor. Town Manager Johnson stated he agreed with the last motion made concerning information not being passed out at the meetings, but included in the packet. Town Manager Johnson apologized for this handout and stated that actual facts and figures should be supplied to the public concerning electric transfers and in order to clarify the water and sewer rates previously distributed by the Mayor. Town Manager Johnson stated that the information distributed at the March 13 meeting and published in the Beaufort-Hyde News was a “misrepresentation of facts”. Town Manager Johnson stated that he tried to clarify this misinformation at the March 13 meeting but the Mayor would not recognize him to speak.

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Water Rate Comparison of Similar Systems

Water	Total Rate per 3,000 Gallons
Beaufort County – District I & VI	\$28.00
Beaufort County – District II	\$26.00
Beaufort County – District III	\$30.24
Beaufort County – District IV & V	\$32.48
Beaufort County – District VII	\$32.48
Columbus County District I, IV, & Acene	\$25.00
Columbus County District II & III	\$26.00
Dare County	\$25.34
Hyde County	\$25.00
Kill Devil Hills	\$36.65
Landis	\$25.85
Ocean Isle Beach	\$32.22
Ocracoke Step A	\$18.59
Ocracoke Step B	\$31.80
Ocracoke Step C	\$69.80
Rowland	\$24.77
Saluda	\$36.05
Sampson County	\$33.95
Shallote	\$30.22
Washington	\$22.20
Washington County	\$26.50
Mean	\$30.44
Range	\$22.20 - \$69.80
Belhaven	\$24.60

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Sewer Rate Comparison of Similar Systems

Sewer	Total Rate Per 3,000 Gallons
Brunswick County	\$39.00
Faith	\$33.00
Fountain	\$30.50
Fremont	\$43.12
Havelock	\$31.62
Kill Devil Hills	\$72.00
Lilesville	\$30.94
Middlesex	\$36.00
Morven	\$38.93
New London	\$33.00
Oak Island	\$29.00
Pine Level	\$28.30
River Bend	\$33.45
Saluda	\$36.05
Shallote	\$36.94
Walnut Creek	\$60.00
Walstonburg	\$33.70
Washington	\$36.25
Mean	\$37.88
Range	\$28.30 - \$72.00
Belhaven	\$29.26

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Town Manager Johnson also read the following crime report for Belhaven for 2005.

**Belhaven Police Department
Annual Report of Crime
January 1, 2005 thru December 31, 2005**

Report of Crimes

Rape	1
Robbery	1
Assault	22
Breaking and Entering	22
Larceny	50
Damage/Vandalism	20
Forgery	3
Arson	2
Fraud/Inc Identity	4
DWI	18
Total	143

Submitted by:

Chief Hayden
Belhaven Police Department

Mayor Pro-Tem Ebron recognized Mr. Billy Milliken, president of the Citizens for a Better Belhaven” who stated that the information passed out at the March 13 Council meeting and published in the Beaufort-Hyde News concerning electric fund transfers was ascertained from Mr. Ken Raber with Electri-Cities. Town Manager Johnson stated that the information from ElectriCities was based on fixed assets to monetary transfers. Town

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Manager Johnson stated that the correct percentage of electric transfers from the Electric Fund to the General Fund could be obtained from the audit.

Mayor Pro-Tem Ebron recognized Councilwoman Heath. Councilwoman Heath stated that the Pungo Ministerial Alliance had sponsored a Prayer program on Saturday, April 1 which focused on the Town of Belhaven, Administration and Mayor and Council relationships focusing on unity. Councilwoman Heath stated that the prayer program was well received and presented a strong message. Councilwoman Heath stated that even though the Mayor, all Council members the Town Manager and Town Clerk were in attendance she was disappointed in the attendance of the citizens as a whole.

Councilwoman Heath stated that after such a strong message she did not understand the negative publicity by the Mayor with a picture of him picking up trash that was published in the Beaufort-Hyde News. Councilwoman Heath stated the gesture was just to make the Town “look bad”. Councilwoman Heath pleaded that the Council work together and “stop pointing fingers”.

Town Manager Johnson stated that the monthly reports were included in the Council Agenda packets. Town Manager Johnson also stated that the budget meetings will be forthcoming and all meetings are open to the public with budget items discussed and there was nothing hidden.

Ministers to Give Council Meeting Invocations

There was some discussion concerning local ministers being asked to give the invocation at Council meetings. Due to the fact that Mayor O’Neal and Town Clerk Adams both had asked a minister to give the invocation at tonight’s meeting; the Council’s consensus was that the Town Clerk obtain a minister to give the invocation for the Council meetings.

Citizens Comments

Mayor Pro-Tem Ebron recognized the following who spoke briefly on the following issues: Mr. Roy O’Neal, resident of Tooley Street who stated that the main drains needed to be cleaned out; stated that he felt there was a lot of criticizing of the Mayor for him not to be present and stated that the Mayor was not present due to illness.

Mr. Phillip Reynolds, resident of East Street, stated that some drains had been blocked from property owners in his neighborhood and asked that this be reviewed.

Adjournment

There being no further business, Councilman Boyette made the motion to adjourn. Councilwoman Heath seconded the motion which carried unanimously. The meeting adjourned at 9:05 P.M.

Respectfully submitted,

Marie J. Adams, CMC
Town Clerk

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