

Belhaven Town Council
Regular Session – Minutes – July 13, 2009

Call to Order/Invocation/Pledge of Allegiance

The Town Council of the Town of Belhaven met in regular session on Monday, July 13, 2009 at 7:00 P.M. in 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, Howard D. Moore, J. Nelson Guy, Mayor Pro-Tem; McKee “Mac” Pigott and Robert L. Stanley. Town Manager Dr. Guinn Leverett, Town Finance Officer Mr. Kyle J. DeHaven and Town Clerk Marie J. Adams were also present. Mayor O’Neal recognized Mr. Johnny Donnell Clark, Deacon with Hoggard’s Temple Church of God in Christ who gave the invocation and led the Pledge of Allegiance.

Approval of Minutes – June 9, 2009 Closed Session and June 22, 2009 Regular Session

Mayor O’Neal announced that the minutes of the June 9, 2009 Closed Session and the June 22, 2009 Regular Session were open for review and adoption. There being no corrections to the minutes, Councilman Pigott made the motion to approve the June 9, 2009 Closed Session and the June 22, 2009 Regular Session as written. Councilman Moore seconded the motion which carried unanimously, 5 to 0.

Public Comments

Mayor O’Neal stated that the Council would take any comments from the public at this time. There were no comments.

Reflections of Town Historian – Mr. Russell Johnston

Mayor O’Neal recognized and introduced Mr. Russell Johnston, Town Historian. Mr. Johnston stated that it was a pleasure to be here and stated that he would speak on past July 4th Celebrations but felt that since the demise of the Belhaven Volunteer Rescue (due to 24/7 paid rescue service (contract) – writer’s note) he had to say a few words concerning the volunteer rescue department. Mr. Johnston stated that the rescue department started in 1962 under the leadership of the Volunteer Fire Chief, at that time, Mr. Leon Smith. Mr. Johnston stated that the first ambulance was an old Packard which was equipped with a stretcher and a box of band aids. Mr. Johnston reported that the members of the department were trained for emergencies by the state fire marshal’s office for about a week for basic first aid and CPR. Following many fundraisers, with the largest donation coming from Mr. Sam Cannon, Owner/Manager, of the sewing factory donating \$250.00. The ambulance was purchased from Edgewater Motors and sent to New York to equip the ambulance. Mr. Johnston, a Captain on the department at that time and Mr. Buddy Rhodes, the administrator of Pungo District Hospital flew to New York to drive the ambulance back. The two gentlemen did not know how to get out of New York and pulled beside a NY Highway Patrolman and asked for directions, he told them to keep their lights on and follow him – he got them safely to I95 heading south back to North Carolina. Mr. Johnston informed the Council and public that a great number of people had been served by the volunteers and that it also took a toll on the volunteers when they lost lives as some of the accidents were emotionally stressful as well.

Belhaven Town Council
Regular Session – Minutes – July 13, 2009

Mr. Johnston stated that when he came back from the war in 1946 the American Legion put on the July 4th Celebration. Mr. Johnston stated that he had several volunteers. Mr. Johnston stated that he felt the free fish fry was the biggest event which brought the people into Town. Mr. Johnston stated that the local fisherman along with the fish houses furnished the fish, which had to be dressed and kept on ice until time to batter and cook. Mr. Carl Edward and Mr. Reginald Windley did a fine job organizing the fish fry for many years. Mr. John Cuthrell who organized the street dance for several years did a great job also. Mr. Johnston explained that contacts for military bands were still available due to the war ending. Mr. Johnston explained how he contacted his former commanding officer, who was now the commandant of the 5th Naval District, to supply a band for our July 4th Celebration. Mr. Johnston elaborated on a story of the band coming to Belhaven and partaking in some moonshine before the parade, which was camouflaged in a tea kettle. Mr. Johnston stated that the band really played during the parade and did not want to quit, so when the parade came to an end at the Community House, the band then entertained guests who were there for the fish fry.

Mr. Johnston explained that the fire works, at that time, were displayed by the Fire Department from a barge which was borrowed from Texas Gulf (now PCS) and was anchored in Pantego Creek. One fireworks display a tarp was laid over the firework to protect them from the sparks, needless to say, fireworks misfired and went under the tarp setting off all of the fireworks and leaving the barge empty of fireworks displayers. Some of those displaying fireworks at that time were: Miller Flowers, Bud Williams, Milton Gunn and Robert Hayes.

The audience applauded Mr. Johnston's stories and the Mayor and Council thanked him for the historical information.

Award of Audit Contract

Mayor O'Neal stated that bids had been received to audit the Town for Fiscal Year 2008/2009. Town Manager Leverett explained that the Town had advertised to accept proposals for the audit and had received two proposals. Town Manager Leverett stated that Thompson, Price, Scott, Adams & Co., PA had submitted a proposal of \$12,500.00 with hourly billing for any additional work such as preparation of the annual Financial Information Report and the management Discussion & Analysis. Ken Chilcoat's proposal was for \$14,000. Mayor O'Neal stated that he would encourage the Council to consider Thompson, Price, Scott, Adams & Co., PA as in the past the same firm was used for several years and he felt that employees became friendly with the auditors and felt this was not a good practice. Councilman Guy stated that the bid of \$12,500 could be more than Chilcoat's \$14,000 proposal due to not knowing the amount of additional time needed. Following some discussion, Councilman Pigott made the motion to award the contract for audit of the Town of Belhaven for fiscal year 2008/2009 to Ken Chilcoat, CPA for \$14,000. Councilman Guy seconded the motion which carried unanimously, 5 to 0. Councilman Pigott stated that Chilcoat performed a good job last year.

**Belhaven Town Council
Regular Session – Minutes – July 13, 2009**

Fish Hooks Café – Permission to Use Town Property

Mayor O’Neal stated that Mr. Vic Cox, owner of Fish Hooks Café had requested to use Town property behind his business to locate his dumpster for the restaurant. Mayor O’Neal stated that Mr. Cox’s letter had state that he was having trouble with enough space for the dumpster and that his building had actually been damaged by the refuse truck trying to empty the dumpster. Councilman Carawan stated that the Council needed to consider if the area in question would hinder any parking. Councilman Carawan also asked that should the Council vote to allow the placement of the dumpster on Town property that a precedence not be set, but to take any other dumpster location concerns on each individual basis and that this decision be reviewed in 90 days to ascertain any problems. Following some additional discussion, Councilman Guy made the motion to allow Fish Hooks Café to place their dumpster on Town property and abide by dumpster regulations and to review the new site in 90 days to access if there are any problems. Councilman Stanley seconded the motion which carried unanimously, 5 to 0.

Resolution of Appreciation – Belhaven Volunteer Rescue (EMS)

Mayor O’Neal stated that the Council needed to adopt a resolution recognizing the volunteers of the rescue department for their many years of service. Mayor O’Neal stated that all those volunteers who have served in that capacity are invited to a reception on Monday, July 27, from 6 – 7 PM (prior the next Council meeting) at the Boyette Civic Center, for reception in their honor. Mayor O’Neal encouraged the entire retired and past rescue volunteers to attend. Mayor O’Neal read the following resolution in their honor.

**BELHAVEN VOLUNTEER RESCUE
RESOLUTION OF APPRECIATION
JULY 2009**

WHEREAS, the Belhaven Volunteer Fire Department was established in 1903; and

WHEREAS, the Belhaven Volunteer Fire and Rescue Department was established in 1962 with the well worn Packard ambulance; and

WHEREAS, in 1964 a brand new, specially equipped GMC ambulance, paid for by voluntary fundraisers, was picked up in New York City by Captain Russell Johnston and Hospital Administrator Buddy Rhodes; and

WHEREAS, in 1964 personnel of the North Carolina Fire Marshall’s Office conducted a week’s training in emergency medical procedures for a dozen Volunteer Fire to become Emergency Medical Technicians; and

WHEREAS, in later years the training for these Volunteers became much more intense with a great number of hours in their training required and those Volunteers are recognized for their sacrifice of time given to serve others in their town and community; and

Belhaven Town Council
Regular Session – Minutes – July 13, 2009

WHEREAS, because of the efforts of Volunteers establishing and continuing this altruistic public service, lives of some have been saved, and the Quality of Life for all residents of Belhaven has been enhanced;

NOW, THEREFORE BE IT RESOLVED, that the month of July 2009 is named BELHAVEN EMS MONTH; AND

BE IT FUTHER RESOLVED that a reception will be held for all present and past EMS Volunteers at 6:00 P.M. July 27, 2009 at the Boyette Civic Center where resolutions of appreciation will be awarded to those volunteers.

Adam W. O’Neal, Mayor

ATTEST:

Marie J. Adams, Town Clerk

Councilman Pigott made the motion to adopt the resolution as read honoring the volunteer rescue department. Councilman Moore seconded the motion which carried unanimously, 5 to 0.

Resolution – Opposing HB 524 with Referendum Provision (Annexation)

Mayor O’Neal stated that the following resolution had been submitted due to stringent rules being accessed to municipalities for annexation. Town Manager Leverett stated that the North Carolina League of Municipalities (NCLM) had asked for the Town’s support of the proposed resolution due to rules for annexation that are being proposed are vastly more complicated. Councilman Pigott made a motion to adopt the resolution as written. Councilman Carawan seconded the motion which carried unanimously, 5 to 0.

Town of Belhaven
Resolution Opposing
House Bill 524 with Referendum Provision

WHEREAS, the House Judiciary II Committee recommended a committee substitute for HB 524, a compromise that was developed to address the legitimate concerns of citizens while maintaining authority for annexation to manage rapid growth and pay for essential services; and

WHEREAS, the committee substitute version of HB 524 includes a significant number of annexation reforms and as a result, property owners will receive more protections, there will be substantially more stringent annexation standards, procedures and water and sewer extension requirements; and

WHEREAS, municipal officials are committed to reasonable reform of annexation laws to address legitimate concerns; and

Belhaven Town Council
Regular Session – Minutes – July 13, 2009

WHEREAS, statewide business groups such as the NC Homebuilders Association and the North Carolina Chambers both are on record in support of reasonable and fair annexation authority and opposed to a referendum requirement and other drastic changes; and

WHEREAS, a referendum will become a vote on municipal taxes and will turn into a veto, thereby ignoring the broader good and health of the entire community and allowing nearby residents to avoid municipal taxes forever, even though they benefit from city services;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Belhaven supports reasonable and fair annexation authority reform, but strongly will oppose House bill 524 so long as any referendum provision remains a part of the bill.

Adopted this the 13th day of July, 2009.

Adam W. O’Neal, Mayor

ATTEST:

Marie J. Adams
Town Clerk

Belhaven Market Pavilion – Proposed Budget and Design

Mayor O’Neal stated that the proposed budget for materials only to build the pavilion on Main Street, where the temporary Post Office was located, has been submitted as \$11,400 which includes the labor for the installation of the proposed metal roof or to building with shingles for the roof deducting \$1,500. Mayor stated that this pavilion would be a way to get shopper’s to the downtown area and the proposed pavilion could be used for yard sales, arts/crafts, music and would be open to “residents and others alike” and would be an asset to the Town. Councilman Carawan asked was there any negative input from the public. Mayor O’Neal stated that Mr. Julian Goff had suggested that the arcade area of the Town Hall be used for these purposes, but he personally did not feel it would be viable due to traffic in the arcade when the Police Department would be taking care of official business. Councilman Guy asked if the Stafford Act would allow this type of building on the property. Mayor O’Neal stated that the pavilion was allowed. Councilman Guy also questioned if the Town wanted to be able to allow yard sales in this area. Councilman Carawan stated that the Town would regulate the use and who used. Councilman Stanley questioned if the Council was voting on the premise of the pavilion to receive bids and then vote on the bid for the actual construction. Councilman Pigott made the motion to receive bids on the Pavilion as drawn by Mr. Art Swords, Architect. Councilman Moore seconded the motion which carried unanimously, 5 to 0. (Attached are the drawings for the pavilion and material budget as submitted to the Council).

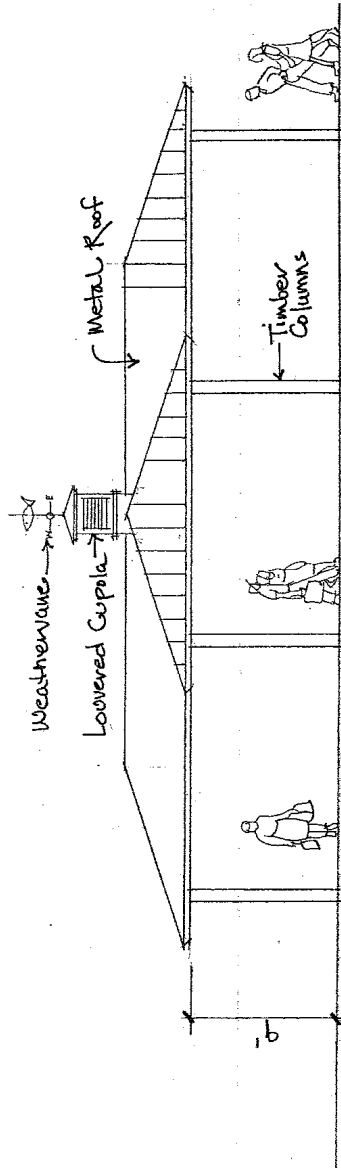
Belhaven Town Council
Regular Session - Minutes - July 13, 2009

Belhaven Market Pavillion
Material Budget

| | |
|-------------------|-------------------|
| Columns | 1100 |
| Beams | 1000 |
| Trusses | 3500 |
| Plywood Sheathing | 500 |
| Hardware | 300 |
| Metal Roof | 5000 |
| | <u> </u> |
| | \$ 11,400 |

Deduct for shingles 1500

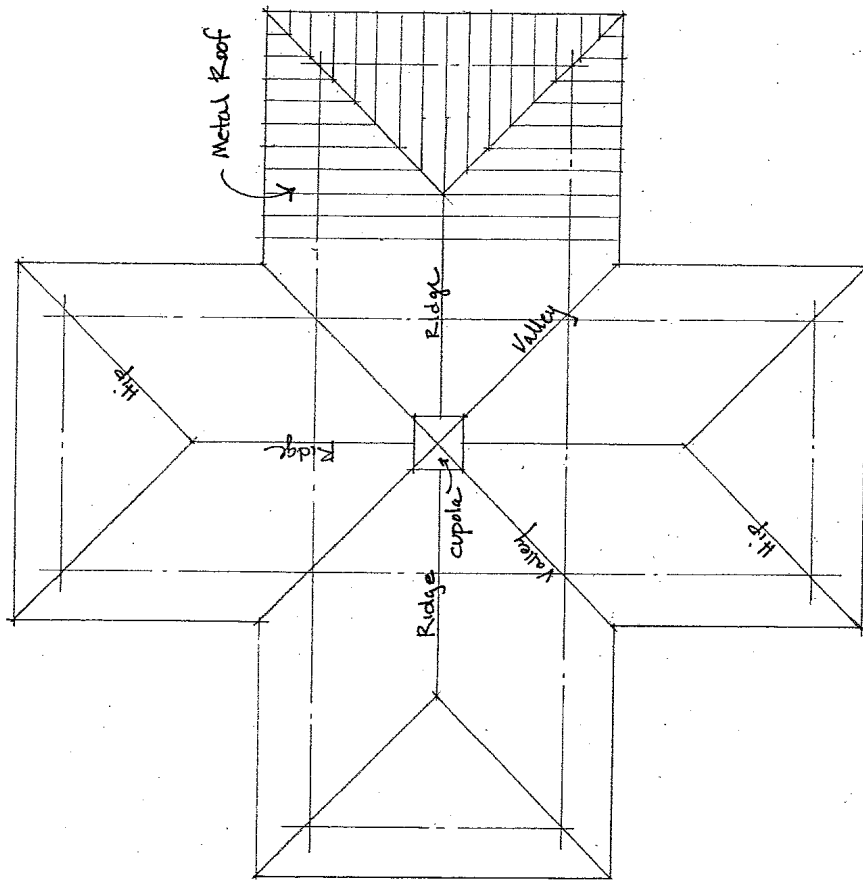
Belhaven Town Council
Regular Session – Minutes – July 13, 2009



Elevation

Belhaven Community Market Pavilion

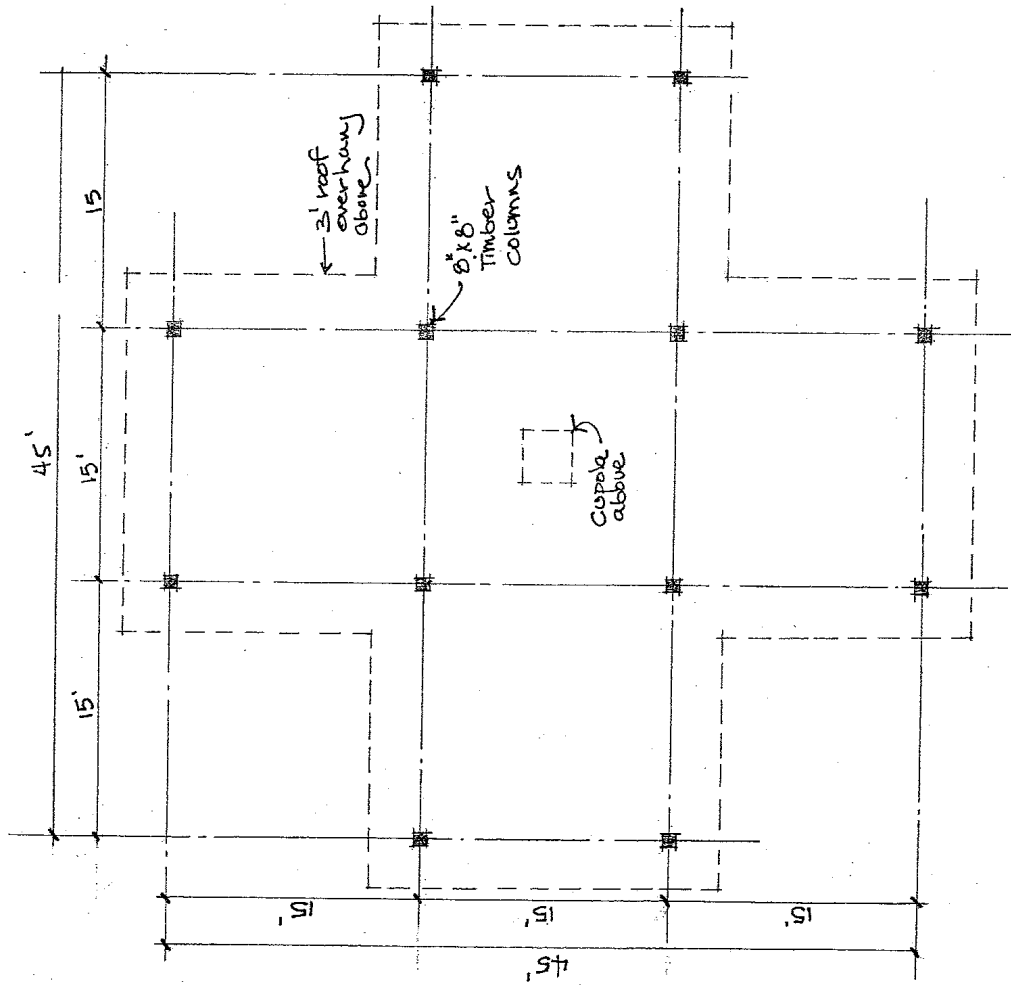
Belhaven Town Council
Regular Session – Minutes – July 13, 2009



Belhaven Community Market Pavilion

Roof Plan

Belhaven Town Council
Regular Session – Minutes – July 13, 2009



Plan

Belhaven Community Market Pavilion

Belhaven Town Council
Regular Session – Minutes – July 13, 2009

The Wooten Company – Addition Services

Mayor O’Neal stated that the Town had been contacted by The Wooten Company concerning additional charges for services performed. Councilman Carawan stated that enough information was not available at this time and made the motion to table to item. Councilman Stanley seconded the motion which carried unanimously, 5 to 0.

Facebook Site – Town of Belhaven

Mayor O’Neal stated that Town Manager Leverett had suggested that the Town consider a Facebook Account for the Town. Mayor O’Neal explained that Facebook is a service through the internet for social networking for friends. Town Manager Leverett stated that a younger sector of people would probably use this mode of contact and therefore learn more about the Town and up to date information and a way to get information out on events such as the 4th of July, etc. Councilman Pigott asked if the site was secure and who would get the information circulated. Town Manager Leverett stated that Mr. Kyle DeHaven, the Town’s Finance Officer was very familiar with Facebook. Mr. DeHaven stated that Town Manager Leverett would monitor. Town Manager Leverett supported this type of medium as other Town and Counties are using and feel positive about this mode of circulating information. Councilman Guy questioned including the use of Twitter. Councilman Pigott asked if there were any legalities. Some discussion continued with the results of no legalities and no fees involved, but Town employee time utilized for this medium. Councilman Carawan stated that he was “old fashioned” and found were Facebook and Twittering can become additive and cautioned about not letting the use of this medium hinder office productivity. Councilman Guy made the motion to allow the town to initiate a Facebook Account and to Twitter. Councilman Pigott seconded the motion which carried three to two with Councilman Moore also voting for the motion. Councilmen Carawan and Stanley voted against the motion. Councilman Pigott asked that the Town Manager monitor Facebook and should the medium become a nuisance, then quit.

Town Manager’s Report

Town Manager Leverett reported briefly on the following: Fireworks Emergency – (Writer’s Note: The fireworks were delivered in Belhaven on Friday, July 3, 2009 and the truck delivering the fireworks then traveled on to Ocracoke Island to prepare to shoot the fireworks show also on July 4. Town officials were informed on July 4th morning of an explosion of the fireworks with fatalities and serious injuries. This incident prompted Town Manager Leverett to make the following report. The Town had a large number of fireworks which did not explode and some to explode in the racks used for igniting. Town Manager Leverett stated that the US Bureau of Alcohol, Tobacco, Firearms and Explosives and the North Carolina Bomb Squad investigated the incident and fireworks site. Town Manager Leverett gave kudos to the agencies as to their knowledge and professionalism in the investigation. Town Manager Leverett also praised the Belhaven-

Belhaven Town Council
Regular Session – Minutes – July 13, 2009

Pantego EMS, Pantego Volunteer Fire Department with the use of their 4-wheel drive fire truck and crew and the Belhaven Police Department for their security.

July 4th Celebration – In General

Town Manager Leverett thanked Paul Wood, Public Works Director for his and the public works department's work during the celebration and clean up; reported that all went well and that the Town had one of the longest parades in many years.

Belhaven PD – Almost Full Staff

Town Manager Leverett reported that the Police Department was almost fully staffed and felt that the visibility (in numbers) of the officers ward off possible trouble on the 4th.

Agenda Procedures

Town Manager Leverett gave the to Council information from Mr. David Lawrence with the North Carolina Institute of the School of Government which addressed agenda procedures and practices – which is of Council discretion.

Miscellaneous Comments/Concerns Mayor and Council

Mayor O'Neal gave a great "Thank You" to Mr. Paul Wood, Mrs. Lisa Harris and Mrs. Gloria Rogers who basically organized and carried out the July 4th Celebration with some assistance from Mr. Gary Dean. Mayor O'Neal stated that Mr. J. W. Cleary, Pyrotechnician, did a great job and had a lot to deal with when the fireworks exploded prematurely. Mayor O'Neal thanked Mr. Paul Wood, the Street Department crew and the Recreation Department for their clean up early mornings on the 4th and 5th of July. Mayor O'Neal stated that the parade was one of the longest parades that the Town had in many years.

Councilman Guy questioned the request for the Volunteer Firemen to remove siding from the fire department to prepare for the new façade. Councilman Guy stated that he did not think that the volunteers should be asked to perform this work as other work on the building had been performed by contractors and paid by the Town. Town Manager Leverett stated that he had asked that the volunteers perform this task. Councilman Guy suggested that the removal of the siding be performed "in-house" utilizing Town employees. Councilman Guy made the motion that the siding removal at the Fire Department be performed in-house. Councilman Stanley seconded the motion which carried unanimously, 5 to 0.

Reconvene Into Closed Session

Mayor O'Neal stated that the Town Council would reconvene into Closed Session to discuss Personnel Issues as permitted by GS 143.318.11 (6). The meeting recessed at 7:55 P.M. to reconvene into closed session. Town Finance Officer Kyle J. DeHaven and Town Clerk Marie J. Adams left the meeting at this time.

Reconvene Into Regular Session

Belhaven Town Council
Regular Session – Minutes – July 13, 2009

Councilman Pigott made the motion to reconvene into regular session. Councilman Carawan seconded the motion which carried unanimously, 5 to 0. The meeting reconvened at 8:30 P.M.

Adjournment

There being no further business, Mayor O'Neal declared the meeting adjourned at 8:31 P.M.

Respectfully submitted,

Marie J. Adams, CMC
Town Clerk

Dr. Guinn Leverett, Town Manager
Recording Secretary