

**Belhaven Town Council**  
**Minutes – September 22, 2008**  
**Regular Session**

**Call to Order/Invocation/Pledge of Allegiance**

The Town Council of the Town of Belhaven met in regular session and held a public hearing on Monday, September 22, 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; McKee “Mac” Pigott and Robert L. Stanley. Councilman Howard D. Moore was not present due to health issues. Town Manager Guinn Leverett and Town Clerk Marie J. Adams were also present. 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.

**Approval of Minutes – September 8, 2008**

Mayor O’Neal stated that the minutes of the regular session meeting of September 8, 2008 were open for review and adoption. There being no corrections to the minutes, Councilman Carawan made the motion to approve the September 8, 2008 regular session minutes. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

**Public Hearing – Lot Ordinance Amendment – Title IX; General Regulations  
Section 94.25 (Overgrown Lots)**

Mayor O’Neal called the Public Hearing to order at 7:03 P.M. to hear public comments concerning the ordinance amendment to the Overgrown Lot Ordinance. Mayor O’Neal recognized Mr. Chuck Latham, resident of 495 W. Old County Road, who questioned the new growth level of 12” being a little low as the current ordinance was 18”, especially if a resident missed a week or so of mowing due to heavy rain, etc. Mayor O’Neal stated that the intention of the ordinance to regulate those properties (lots) which are neglected year after year and that common sense will be used in notifying property owners of the need to mow. Mr. Latham also questioned the town’s intent for the properties after mowing and adhering liens on the property for the mowing. Mayor O’Neal explained that most of these properties being mowed are heir properties and that there are so many heirs that no one has enough interest to upkeep the property and stated that the town’s objective was to get the overgrown lots cleaned and after two years of not paying the taxes or tax liens then the property could be condemned and sold at auction. Councilman Carawan clarified that the town has a weed ordinance and the ordinance is being amended to make it easier to enforce. Councilman Pigott stated that the Code Enforcement Officer would use good judgment when notifying property owners of overgrown lots. There being no other public comments, Mayor O’Neal declared the public hearing closed at 7:08 P.M.

**Public Comments**

Mayor O’Neal recognized Mr. Tal Hamilton of 1150 W. Pungo Street who stated that he really appreciated the 2% reduction in electric rates, as the reduction saved him \$2.20 on his utility bill in July and \$2.33 in August.

Mr. Hamilton questioned what was proceeding with the lawsuit with Turnpike Properties, Inc. and does the Town have insurance to cover the lawsuit.

**Belhaven Town Council  
Minutes – September 22, 2008  
Regular Session**

Mayor O’Neal stated that the insurance provider was looking into the lawsuit issue and that he could make no comments on the lawsuit with Turnpike but that the Town could have lost hundreds of thousands of dollars on the original contract and that would not be good for the Town.

Mayor O’Neal also stated that he did not appreciate Mr. Hamilton’s remarks concerning the 2% decrease in electric rates as the Town had absorbed 14% in electric rate increases which totaled 16% which is a “big deal” for most residents. Mayor O’Neal challenged Mr. Hamilton to find another Town in North Carolina that has dropped electric rates.

There being no further public comments, Mayor O’Neal declared the public comments portion of the meeting closed.

**Adoption of the Code of Ordinances Amendment, Title IX; General Regulations Section 94.25 (Overgrown Lots)**

Mayor O’Neal stated that following the public hearing, a motion was needed to amend the weed ordinance. Councilman Pigott made the motion to amend Title IX; General Regulations Section 94.25 as submitted. Councilman Carawan seconded the motion which carried unanimously, 4 to 0.

**TOWN OF BELHAVEN  
CODE OF ORDINANCES  
AMENDMENT**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BELHAVEN  
THAT TITLE IX: GENERAL REGULATIONS, SECTION 94.25 (WEEDS,  
GRASS AND THE LIKE) BE AMENDED BY REPEALING SECTION 94.25 AND  
AMENDING WITH THE FOLLOWING:**

**SECTION 94.25 GROSSLY OVERGROWN LOTS**

Any person, firm, or any other legal entity owning real property in the Town Limits of Belhaven shall maintain said premises in a safe and generally acceptable manner. Any vacant lot or other uninhabited area must be kept free of excess vegetation, trash, rubble or unsightly material.

- A) Excess vegetation shall constitute grass, weeds or foreign growth that measures 12 inches or more from ground level or is a vine or other parasitic plant that will likely destroy standing trees or structures.
- B) Trash and rubble shall be deemed generally unacceptable if a nuisance, unsafe, unsanitary, foul smelling or a breeding ground for insects, rodents or other pests.
- C) Unsightly material shall be deemed unacceptable if unpleasant, unsightly and a nuisance or health hazard to the general public.

**Belhaven Town Council**  
**Minutes – September 22, 2008**  
**Regular Session**

D) Upon finding of any of the above, the Town Manager or his appointed agent shall notify the owner of the premises that he has determined said premises to be in violation of this ordinance and that the offense must be remedied within 30 days. The Owner shall also be advised that if not done within 30 days the Town may remedy the offense and charge the Owner with all expenses of cleaning, removing and disposing of the offense.

1) Notices to Owner shall conclusively be deemed received by Owner upon mailing by certified or registered mail, return receipt requested, to address or addresses of Owner or any one of several Owners know to local taxing authority.

2) If more than 30 days have elapsed from the date of notice of charges incurred by the Town and nonpayment of such charges, such charges shall become a lien on such land and upon any other lands owned by the person or legal entity in default within the town limits or within one mile of the limit effective the date such nuisance was abated. Collection of said lien shall be in accordance with NCGS 105-374 ET SEQ. or NCGS 160A-193.

E) If any Owner shall disagree with the finding by the Town Manager he may appeal such decision to the Town Council. Such appeal must be made within 10 days from receipt of notice of the violation unless additional time is granted by the Town Manager.

This ordinance shall be become effective upon its adoption.

Adopted this the 22<sup>nd</sup> day of September, 2008.

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Adam W. O’Neal, Mayor

ATTEST:

Marie J. Adams  
Town Clerk

**Set Public Hearing – Close-Out of Beaufort-Hyde Construction Sewer Project (05-E-1410)**

Mayor O’Neal stated that the Town had received this grant for the expansion of sewer to the George Ebron Industrial Park for the Beaufort-Hyde Construction Sewer Project which an estimated \$32,000 had been spent. Mayor O’Neal further explained that the Council had agreed not to extend this grant due to the possibility of the grant not completing items as specified in the grant then the Town would be liable for the payback of the grant in its’ entirety. Mayor O’Neal stated that at the close of the grant approximately \$32,000 had been spent for engineering would not have to be repaid.

**Belhaven Town Council**  
**Minutes – September 22, 2008**  
**Regular Session**

Councilman Guy made the motion to hold the Closeout Public Hearing for Grant 05-E-1410 on Monday, October 13, 2008 at 7:00 P.M. at the Boyette Civic Center. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

**Declaration of Surplus Items for Sale at Auction – October 25, 2008**

Mayor O’Neal stated that the Town had many unused items, equipment, vehicles which are no longer in use by the Town which needed to be declared surplus. Council asked for confirmation from Town Manager Leverett on the sale of the items listed, Town Manager Leverett stated that the items should be declared surplus for public auction.

Councilman Pigott made the motion adopting the following resolution declaring the listed items surplus and for sale at public auction.

**Town of Belhaven**  
**Resolution Declaring Items Surplus**  
**For Public Auction**

Whereas, the Town of Belhaven has many items which are no longer used or needed, and

Whereas, the Town Council of the Town of Belhaven declares the following list of items as surplus for public auction; and

Whereas, the Town of Belhaven will hold a public auction to dispose of these unwanted items on Saturday, October 25, 2008 at the Public Works Compound at 469 Lee Street, and

Whereas, the items are listed below for public auction:

**Surplus Items for Public Auction**

1990 GMC Kodiak    Serial No: 1GBM7H1J1MJ100258  
1975 Ford 5600 2/loader & mower    Serial No: D5NN6015H  
Homemade Leaf Vacuum 2/Wisconsin    Serial No. 6255891  
John Deere 425    Serial No: M00425A010789  
1988 GMC ½ ton    Serial No: 1GTDC1429J525370  
1996 Chevrolet Lumina    Serial No: 2G1WL52M9T9245669  
1977 Dodge 4WD    Serial No: W24BE755057913  
1982 GMC    Serial No: 1GTBS14E3F2523475

Hose Reels off of Old Fire Truck  
Old Bush Hog – Hardee  
2” 200 PSI Black Roll Pipe  
Old Well shaft casing  
Old Water and Sewer Department John Deere 325  
2 – Well Pump Motors  
5,000 gallon tank  
Kohler Generator

**Belhaven Town Council**  
**Minutes – September 22, 2008**  
**Regular Session**

Old Chop Saw (Motor Burned Up) Master Mechanic 000448  
2 – old Green Machine Blowers (worn out)  
Bench Grinder (not OSHA approved)  
Miscellaneous Bicycles  
Go Cart  
1980 Chevrolet C70 (former FD tanker) Serial No: C170BAV157122  
1990 GMC 3500 (former equipment van FD) Serial No: 2G0HG314KL41451336

Computer Towers

Serial No: 90517393JK  
NCS  
Serial No: 90111452JK  
NCS  
Valtec Serial No: 972328  
NCS  
NCS  
SBS Serial No: 13326

Computer Monitors

Nobleview Serial No: 206360384  
KDS Serial No: 0695006999  
KDS Serial No: 1745BAB07033146  
MGC Serial No: 1288302327  
KDS Serial No: 0491076079  
Samtron Serial No: A96622068016

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Belhaven that the preceding items are declared surplus for public auction, this the 22<sup>nd</sup> day of September, 2008.

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Adam W. O’Neal, Mayor

ATTEST:

Marie J. Adams  
Town Clerk

Councilman Carawan seconded the motion which carried unanimously, 4 to 0.

**Town Manager’s Report**

Mayor O’Neal stated that a “thank you” is extended to the Planning Board for their willingness to work on a conditional use overlay district on Pantego Street from Pamlico to Lee Street. Mayor O’Neal stated that this was needed for years but never reviewed.

Town Manager Leverett reported briefly on the following:

**Belhaven Town Council**  
**Minutes – September 22, 2008**  
**Regular Session**

That the Planning Board was going back to their roots for designating Pantego Street as a business district, which it has been in years gone by.

Pantego Street Tiling Project – is in the final planning stages.

Recognized and introduced Landscape Architects, Pat Hart and Julie Young with Kimley-Horne, who were present at the meeting tonight and will be in Belhaven Tuesday and Wednesday for the kick off of meetings for the planning of the bridge replacement and Wynne’s Gut Corridor refurbishment. The plan will include dockage downstream, replacement of the Water Street bridge, the clean out of the watershed area upstream.

Town Manager Leverett stated that Mr. Skip Dixon, owner of the former Belhaven Fish & Oyster Property is involved in these planning meetings and is willing to keep the same type of architectural design used in Wynne View Corridor for the development of his property.

Mayor O’Neal stated that this was the project which would deal with drainage, have a first class dock and have a bridge with character. Mayor O’Neal thanked Town Manager Leverett for his insight for this project.

Town Manager Leverett stated that the public could view the results of these planning meetings on Wednesday, September 24 from 3 – 5 PM in the Council Chambers at the Town Hall.

**Miscellaneous Comments/Concerns (Council)**

Councilman Carawan stated that the monthly reports were included in the packet and that they were very comprehensive and spoke high of the employees such as Sonny Grant and Steve Hall who took their work to heart with the upkeep of “their plants” the water and sewer treatment facilities, respectively; Councilman Carawan stated that the Town just owned them but that these guys treated these facilities like they belong the them. Councilman Carawan also commented on the Code Enforcement Report which showed an increase in the tax base the number of permits written. Councilman Carawan thanked all employees for their hard work and dedication. Mayor O’Neal stated that the water and sewer department never asked for anything that was not essential.

**Adjournment**

There being no further business, Mayor O’Neal declared the meeting adjourned at 7:25 P.M.

Respectfully submitted,

Marie J. Adams  
Town Clerk