

**Belhaven Town Council  
Minutes – Regular Session  
October 27, 2008**

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

The Town Council of the Town of Belhaven met in regular session on Monday, October 27, 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. Town Manager Guinn Leverett was also present. Town Clerk Marie J. Adams was not present due to a family obligation.

Mayor O’Neal recognized and introduced Mr. Johnny Donnell Clark, Deacon with Hoggard’s Temple Church of God in Christ. Mr. Clark gave the invocation and led the Pledge of Allegiance.

**Minutes Approval – October 13, 2008 Regular Session and Public Hearing**

Mayor O’Neal stated that the minutes of the October 13, 2008 Regular Session/Public Hearing were open for review and adoption. There being no corrections to the minutes, Councilman Guy made the motion to approve the October 13, 2008 Regular Session/Public Hearings minutes. Councilman Moore seconded the motion which carried unanimously, 5 to 0.

**Public Comments**

Mayor O’Neal stated that this time in the meeting had been designated for public comments. Mayor O’Neal asked for any public comments at this time. Mayor O’Neal recognized Mr. Robert Holz, resident of 443 E. Water Street. Mr. Holz stated that the notification of the recent electric outage (October 23, 2008 1- 5 A.M by Dominion Power for a substation upgrade.) was inadequate and stated that the Town’s cable company did not have the information on the local cable channel. Mr. Holz also stated that the early voting was not advertised as it should have been. Mayor O’Neal questioned Town Manager Leverett why this information was not included on the utility bills. Town Manager Leverett explained that enough time was not given to the Town to include the information on the utility bills. Mayor O’Neal asked Town Manager Leverett to formulate an outage policy for the Town. Mayor O’Neal stated that the advertising of the early voting was the responsibility of the Beaufort County Board of Elections but that would also be reviewed.

Mr. Phil Reynolds, 543 East Street, stated that he did not like the way in which the Fire Department was handling their displeasure with the proposed location of the fire department. Mr. Reynolds stated that this should have been handled between the Fire Department and the Council without the news channels having the headlines as “Fire/EMT’s Strike”. Mr. Reynolds stated that the Fire/EMS need to consider what would happen to their retirement, should they decide to walk out. Mr. Reynolds questioned would the Town be without these emergency services just because the department did not get their way. Mr. Reynolds stated that Mrs. Ellen Allen, Captain of the Belhaven Volunteer Fire & EMS should be removed from the department.

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**Pungo Christian Academy, Inc. (PCA) Waiver Ordinance Chapter 130: Discharge Firearms**

Mayor O’Neal stated that Pungo Christian Academy had contacted the Town concerning a waiver from Town Ordinance, Chapter 130: Discharge of Firearms. Mayor O’Neal explained that this ordinance does not allow the discharge of firearms within the Town Limits. Mayor O’Neal explained that PCA wanted to have skeet shoot during their annual fall festival on Saturday, November 1. Councilman Carawan asked that those responsible for the event have adult supervision at all times and to conduct with caution. Councilman Pigott made the motion to approve the waiver of the Town’s Code of Ordinance, Chapter 130: Discharge of Firearms for Saturday, November 1, 2008 from 8:00 A.M. to 5:00 P.m. for an adult supervised skeet shoot. Councilman Guy seconded the motion which carried unanimously, 5 to 0.

**Stream Improvement Feasibility Study (Wynne’s Gut/Shumac “Shoemake” Creek)**

Mayor O’Neal stated that the watershed project Phase I of the Wynne’s Gut/Shumac Creek and that the scope of work for Phase I of this project is \$38,700 by Kimley-Horn in which the Town received a grant for \$30,000 leaving the Town paying \$8,700. Councilman Pigott made the motion to approve the scope of services in the amount of \$38,700 for Phase I of the Wynne’s gut Gateway Project and that the Town Manager execute any documents pertaining to this portion of the project on behalf of the Town. Councilman Stanley seconded the motion which carried unanimously, 5 to 0. Councilman Pigott further explained that the project would review the drainage from Food lion to Wynne’s Gut. Councilman Pigott also stated that once a ditch maintenance program is in place then the state will fund the clean up of ditches after storms.

**Annexation Resolution – Battalina Creek Including Meets and Bounds**

Mayor O’Neal stated that this was necessary to finalize the annexation process of Battalina Creek. Councilman Moore made the motion to approve the following resolution.

**Town of Belhaven**

**External Boundaries**

**Battalina Creek**

RESOLUTION ordering the recordation of the external boundaries of “Battalina Creek and Environs” as described by metes and bounds.

WHEREAS, the annexation of the subdivision of Battalina Creek and other properties contiguous to the Limits of the Town of Belhaven was completed on May 1, 2008, and a description of the external bounds by metes and bounds was not included as required by North Carolina General Statute 160A-37(e)(1), and

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WHEREAS, it is the desire of the Town Council of the Town of Belhaven to order the recordation of the external boundaries of said property described by metes and bounds, now

THEREFORE, be it ordered that the following is a description of the external boundaries of Battalina Creek and Environs as described by metes and bounds and this Resolution shall be recorded at all appropriate places, including the Register of Deeds of Beaufort County, North Carolina and the Tax Assessor of Beaufort County, North Carolina.

TOWN OF BELHAVEN  
BATTALINA CREEK ANNEXATION

BEGINNING at a point in the channel of the canal that crosses Federal Highway 264 Business South of what is formerly known as Harry Crandall's filling station, the said point is in the South right of way line of the said Federal Highway 264 and the present corporate boundary of the Town of Belhaven; thence with the said south right of way line of the said Federal Highway 264 in a Northeasterly direction approximately 1456 feet with the said southern right of way line to the most westerly corner of the Kenneth Elton Braddy and Malicia Dawn Green lot of record in Deed Book 1111 at page 768; thence with the westernly side lot line of the said Braddy and Green lot in a Southeasternly direction 154 feet to an iron pipe; thence with the back lot line of the said Braddy and Green lot in a Northeasterly direction 135 feet to the Denise Sawyer Ange Westernly line of record in Deed Book 1026 at page 080; thence in a Southeasternly direction with the said Ange line approximately 900 feet to the channel of Tarkiln Creek; thence generally in a Southeasternly direction with the channel of the said Tarkiln Creek to the Channel of Jack's Creek; thence in a generally Southernly direct with the channel of Jacks Creek to the channel of Battalina Creek; thence in a generally Southernly and then Westernly direction with the channel of Battalina Creek; thence leaving the said cannal of Battalina Creek on a bearing of North 22 degrees 34 minutes and 05 seconds East to a point in the high water mark of Battalina Creek; thence same bearing continued North 22 degrees 34 minutes 05 second East 747.39 feet running with the common line of Lot 30 of the Battalina Creek subdivision of record in Plat Cabinet G at Slide 94-4 and Lot 5 of the Leonard R. and Thelma O. Tinker Heirs and Gilbert L. and Sue H. Radcliffe survey of record in Plat Cabinet G at Slide 64-8 to and iron pipe; thence North 57 degrees 10 minutes 14 second West 282.65 feet to and iron pipe, and North 57 degrees 10 minutes 14 seconds West 686.94 feet with the common lines of Lots 7 and 5 of the said Tinker and Radcliffe survey to and iron pipe; thence same bearing continued North 57 degrees 10 minutes 14 seconds West 45.59 feet and South 19 degrees 13 minutes 38 seconds West 120.54 feet with the common lines of Lots 5 and 7 of the said Tinker and Radcliffe survey; thence same bearing continued South 19 degrees 13 minutes 38 seconds West 231.70 feet with the common line of Lots 7 and A of the said Tinker and Radcliffe survey to and iron pipe in concrete being the common

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corner of Lot A, Lot 7 and the Kenneth S. and Sally S. Winstead lot of record in Deed Book 779 at page 143; thence the following two calls with the common line of the said Winstead lot and Lot A, South 42 degrees 28 minutes 42 seconds East 233.10 feet to an iron pipe in concrete and South 24 degrees 43 minutes 01 seconds East 269.79 feet to an iron pipe in the high water mark of Bakers Creek; thence same bearing continued South 24 degrees 43 minutes 01 seconds East to the channel of Bakers Creek, being the Corporate Limit Line of the Town of Belhaven; thence in a Northwesternly direction with the channel of Baker’s Creek to its head in the mouth of the said canal that crosses Federal Highway 264; thence with the said canal channel being the Corporate Limit Line of the Town of Belhaven to the BEGINNING: reference is made to that survey map titled “Leonard R. and Thelma O. Tinker Heirs and Gillbert and Sue H. Radcliffe” by Hood L. Richardson, PLS dated March 3, 1992 and revised August 19, 2005 of record in Plat Cabinet G at slide 64-8 of the Beaufort County Register of Deeds.

Hood L. Richardson, PLS October 8, 2008  
TOWN OF BELHAVEN  
BATTALINA CREEK ANNEXATION

Adopted this the 27<sup>th</sup> October 2008.

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**Adam W. O’Neal, Mayor**

**ATTEST:**

**Marie J. Adams, Town Clerk**

Councilman Stanley seconded the motion which carried unanimously, 5 to 0.

**Sewer Surcharge for the Un-Incorporated Areas of Pantego Township (Grinder Pumps)**

Mayor O’Neal explained that some customers out of the Town limits have grinder pumps which is an extra expense to maintain these pumps. Mayor O’Neal explained that the grinder pumps will be maintained and replaced by the Town of Belhaven and that a fee of \$10.00 will be added to the bills of those customers with grinder pumps to offset the expense. Councilman Carawan made the motion that a \$10.00 fee be added to the bills of those customers who have grinder pumps as soon as the fee can be implemented.

Councilman Stanley seconded the motion which carried unanimously, 5 to 0.

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**Fire Department Site**

Mayor O'Neal stated that the next item on the agenda was the proposed Fire Department Site. Mayor O'Neal recognized Mrs. Ellen Allen, Captain of the Belhaven Volunteer Fire and EMS, a resident of 519 Water Street who had signed up to speak concerning this item. Mrs. Allen stated that she has been a volunteer for over seven years and that the department would not leave the citizens unprotected. Mrs. Allen stated that she was speaking on behalf of the department as they had been informed that the proposed site for the Fire Department was the corner of Railroad and W. Pungo Street. Mrs. Allen stated that the department had stated on several occasions their displeasure with this site due to no room for expansion and the liability issues with ballparks so close by and that a propane gas company is located in close proximity. Mrs. Allen stated that the department did not want to see a building built to become a hazard as it would in this location. Mrs. Allen explained that the Civic Center was rented this past Saturday and a ballgame was in progress at the Little League Field – cars were parked everywhere, this would be a great liability for maneuvering emergency vehicles in and out of the emergency facility to respond for a call and would be especially dangerous with children crossing the street between the parked vehicles. Mrs. Allen stressed that the department did not need this liability. Mrs. Allen also stressed that the department had spoken to the committee appointed to find a location for the department and that this site was # 6 of the six sites proposed. Mrs. Allen stated that the department foresees this site being a detriment to children in the area and asked that the Council understand their feelings with the liabilities being thrown on the department members. Mayor O'Neal asked where was the Chief of the Department. Mrs. Allen stated that he was here. Mayor O'Neal asked why did she speak instead of the Chief. Mrs. Allen stated that the department asked her to speak.

Mayor O'Neal called on Chief Derrick Myers. Mayor O'Neal asked Chief Myers if the statement was made to the news media that if this site were chosen as the site for the fire department that the department would walk out. Chief Myers stated that if the department was faced with the liability caused by the department being located at this site, then they would have no other choice but to walk out as they could not live with someone being injured by them responding to a call. Chief Myers pleaded that the Council consider another location due to the liability.

Mayor O'Neal questioned the traffic at the current site of the department versus the traffic at the proposed site. Chief Myers stated that he was not present during the day and did not know the traffic situations but did state that should the fire department be located on the Railroad Street side of the Civic Center property and the EMS located on the King Street side of the property, it would cause problems. Mayor O'Neal stated that Railroad Street was one of the widest streets in Town. Chief Myers stated that the department

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would not leave the citizens without service but that they could not have the liability on them (as a department) should someone get injured by them responding to a call.

Councilman Pigott stated that he had met with Chief Myers this past week and asked him to work with the Town on this site as this was the best site for the department. Councilman Pigott also asked that he be the “conduit” between the department and the Council and would be glad to meet with the department at any time. Councilman Pigott stated that the department had a meeting this past Sunday and did not include him in the meeting.

Chief Myers stated that the department would rather stay where they are instead of moving to the proposed site.

Councilman Carawan stated that he was concerned that Chief Myers keeps putting the citizens at risk by stating they would “walk away” if the department was located on this site and when he stated that he would not send his department to Day Beacon #9 due to liability. Councilman Carawan pointed out that there is a liability just by being on the Fire Department. Chief Myers stated that he is responsible for the members of the Fire Department not the Mayor. Chief Myers stated that he did not have the proper equipment to fight fires on the three story buildings on Water Street and some of the elevated homes on Water Street. Chief Myers stated that he could not send a man in a building burning at the top of one of these three story buildings if he did not have the equipment to handle the fire but as Chief he is responsible for that department.

Chief Myers stated that he never said he would leave the citizens not covered with emergency services that the County would cover Belhaven’s area. Councilman Pigott stated that he had told the department if they needed something that he would work with them in any way to assist the department with their needs. Mayor O’Neal stated that he did not like the fire department threatening to “walk out” and to use the political tactics they used by calling the television stations. Chief Myers stated that Town Manager Leverett threatened him today by calling him and telling him that the fire department vehicles better not be at the Council meeting and that was a direct order from the town manager and if they did they would be trespassing. Mayor O’Neal explained that the citizens of the Town of Belhaven own all of the equipment at the Fire Department and that those same citizens elected this board to represent the Town.

Mayor O’Neal stated that a meeting was held this past weekend and all department members were not invited. Chief Myers asked “who was not invited”; Mayor O’Neal stated that Paul Wood a fire department member and the Public Works Director was not invited. Chief Myers stated that from day one, former Chief Paul Wood had done nothing but work against the department. Chief Myers stated that it was hard to run a department with someone continually working against the department. There was much discussion concerning the department’s tanker truck and discussions concerning this truck between Public Works Director Paul Wood and Fire Chief Myers. Councilman Pigott stated that it seems that the department has some internal problems.

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Chief Myers stated that these problems would be handled by the department. Mayor O’Neal stated that this type of Belhaven politics would not be tolerated, that these buildings would be built by the Town not the County. Mayor O’Neal stated that of the rescue calls were more than 2/3 of the town’s calls were out of town and that the County does not give the town 2/3 of the EMS budget for rescue but ½ of the budget. Mayor O’Neal stated that the County wanted the Fire Department to locate outside the town limits, which will not happen as it is not reasonable for the Belhaven Volunteer Fire Department to be located out of town.

Mr. Tal Hamilton made a comment out of turn and Mayor O’Neal asked Chief Clingenpeel to escort him out.

Mayor O’Neal stated that the previous Council tried to push on the department (\$2.7 M) “the Taj Mahal” (7,000 square feet) with no shower, no mention of EMS. The new proposed building has 9,060 square feet; Mayor O’Neal stated that the former building does not even compare to the new proposed building. Mayor O’Neal stated that the proposed building would be less than \$1m. Mayor O’Neal stated that five sites were reviewed; two were out of town which cannot even be considered. The former temporary Post Office Site was preferred, but the Stratford Act deed restrictions cannot be overturned. Mayor O’Neal stated that the best site is on the town owned property on the corner of Railroad and Pungo Streets. Mayor O’Neal stated that politics come into play and the same citizens do not want to see any progress in town.

Mayor O’Neal stated that the former fire department plan was a “piece of trash”.

**Closed Session GS 143.318.11(5)ii**

Mayor O’Neal stated that the Town Council had a need to enter into Closed Session as permitted by GS 143.318.11(5)ii. Mayor O’Neal asked for a motion. Councilman Guy made the motion that the Council convene into Closed Session as permitted by GS 143.318.11(5)ii. Councilman Moore seconded the motion which carried unanimously, 5 to 0. The meeting recessed prior to Closed Session at 7:55 P.M.

**Reconvene Into Regular Session**

Councilman Pigott made the motion to reconvene into regular session. Councilman Guy seconded the motion which carried unanimously, 5 to 0. The meeting reconvened at 8:28 P.M. Beaufort-Hyde Newspaper Editor, Ms. Angela Harne rejoined the meeting at this time.

**Pay Plan Action – Police Department**

Councilman Carawan made the motion directing the Town Manager to implement the pay plan for the Police Department as discussed in Closed Session (28 day pay cycle – 171 hours of pay for that period according to the Fair Labor Standards Act (FLSA). Councilman Moore seconded the motion which carried unanimously.

**Adjournment**

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There being no further business, Mayor O'Neal declared the meeting adjourned at 8:29 P.M.

Respectfully submitted,

Marie J. Adams  
Town Clerk