

Belhaven Town Council
Minutes – November 23, 2009
Regular Session

Call to Order/Invocation/Pledge of Allegiance

The Town Council of the Town of Belhaven met in regular session on Monday, November 23, 2009 at 7:00 P.M. at the Boyette Civic Center at 257 W. Pungo Street. Adam W. O’Neal, Mayor called the meeting to order at 7:00 P.M. with the following Council members present: Howard D. Moore, J. Nelson Guy, Mayor Pro-Tem; McKee “Mac” Pigott and Robert L. Stanley. Councilman Steve W. Carawan was not present. Dr. Guinn Leverett, Town Manager, Kyle J. DeHaven, Finance Officer 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 - Regular Session, November 9, 2009 and Special Called Meeting, November 13, 2009

Mayor O’Neal stated that the minutes of the November 9, 2009 Regular Session and the November 13, 2009 Special Called Meeting were open for review and adoption. There being no corrections to either set of minutes, Councilman Pigott made the motion to approve. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

Public Comments

Mayor O’Neal recognized Mr. Johnny Donnell Clark of 485 Belhaven Square. Mr. Clark who is a volunteer at the local chapter of the Boys and Girls Club invited the Mayor and Council to attend the club’s Thanksgiving Dinner at 4 P.M. on Tuesday the 24th of November.

Proposed Lot Fill Ordinance

Mayor O’Neal read the following ordinance as proposed by the Belhaven Planning Board:

Lot Elevation Ordinance – Lot Fill

Grade of residential lots shall be established at a level no higher than the crown of the nearest adjacent road or street.

It shall be acceptable to bring in minimal to moderate lot fill in order to eliminate low pockets and provide reasonable grade for cars and humans for access to garages and entry doors.

Reference to 153.004 in existing ordinance.

Town Manager Leverett stated that the purpose of the ordinance was to stop run-off of rain water on neighbors and that this ordinance was drafted by the Planning Board.

Councilman Pigott made a motion to accept the Lot Fill Ordinance. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

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North Carolina Department of Transportation – Bridge Replacement on Water Street Project B-4500 – Update

Mayor O’Neal stated that Town Manager Leverett would give the Council an update on the Water Street Bridge. Town Manager Leverett stated that after thirteen months of no progress, due to state cut backs, the Water Street Bridge project is underway and surveyors have been in that area. Town Manager Leverett stated that there were still a number of state agencies which would have to review the project therefore setting the date for bid in September 2011. Councilman Pigott stated that the Town’s portion of the bridge project is \$200,000 for 20% of the cost. Town Manager Leverett further explained that the project is handled by the State and funded 80% with Federal funds and that the state was in charge of the project. Town Manager Leverett stated that the Town manages the bridge. The deadline for completion is 2013.

Downtown Parking – Belhaven Police Department

Mayor O’Neal stated that downtown parking was an issue as a few people have grossly abused the parking issue which is making the parking limits being enforced. Chief Clingenpeel stated that parking tickets would be issued beginning November 23 and asked that citizens be mindful of the parking downtown. Chief Clingenpeel stated that the two hour downtown parking limits, along with parking, no parking in front of fire hydrants, no parking in handicap parking areas, etc. and parking near corners should be considered when parking downtown. Chief Clingenpeel stated that the parking ordinance would be enforced fairly.

Town Manager’s Report

Town Manager Leverett reported briefly on the following: 1) received notice for the North Carolina League of Municipalities that the NC Treasurer’s Department is considering an increase in the employers’ (Town’s) part of the retirement contribution. Town Manager Leverett stated that should this increase be mandated then it would be a significant cost.

Budget Amendment #2 Fiscal Year 2009/2010 Fire Grant)

Mayor O’Neal stated that the approval of budget amendment #2 was needed for the receipt and expenditure of monies in the form of a fire grant in the amount of \$107,160. Councilman Pigott made the motion to accept the budget amendment. Councilman Stanley asked for further explanation of the budget amendment. Town Manager Leverett stated that the funds for the fire grant were not included in the budget therefore an amendment was needed to include the revenues and expenditures. Councilman Guy then seconded the motion which carried unanimously, 4 to 0. Councilman Pigott stated that this was a great grant and that some of the funds had been spent to purchase air packs.

Increase revenue account 10-349-001 (FEMA Fire Grant) by \$107.160; from -0- to \$107,160; and increase expenditure account 10-530073 (FEMA Grant) by \$107.160 from -0- to \$107,160.

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Recess and Reconvene Into Closed Session for Personnel GS 143-318.11 (a)6

Councilman Guy made the motion to recess the meeting and to reconvene into Closed Session for Personnel as permitted by GS 143-318.11 (a)6. Councilman Moore seconded the motion which carried unanimously, 4 to 0 at 7:14 P.M. Town Clerk Adams left the meeting at this time.

Reconvene Into Regular Session

Mayor O’Neal called the regular session meeting back to order at 7:46 P.M. The following motions were made:

Councilman Guy made the motion that in accordance with Town Ordinance 93.01 that the Town Council remove Derrick Myers as Fire Chief of the Belhaven Volunteer Fire and Rescue Department and that Mr. Meyers be instructed to turn over to the new Chief all keys,, financial and physical records, passwords, equipment, insignia and other items associates with being Chief of the Belhaven Volunteer Fire and Rescue Department. Councilman Pigott seconded the motion which carried unanimously, 4 to 0.

Councilman Pigott made the motion that in accordance with Belhaven Ordinance 93.01 that the Town Council appoint James L. “Jimmy” Davis as Chief of the Belhaven Volunteer Fire and Rescue Department. Councilman Moore seconded the motion which carried unanimously, 4 to 0.

Councilman Moore made to motion that the Council adopt the Contract of Engagement between the Town of Belhaven and James L. Davis as the new Chief of the Belhaven Volunteer Fire and Rescue Department. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

Councilman Stanley made the motion that Belhaven Ordinance 93.01 be amended by adding this sentence: “The Fire Chief so appointed by the Town Council shall appoint such Officers within the Fire Department as he sees fit.” Councilman Moore seconded the motion which carried unanimously, 4 to 0.

Councilman Guy made the motion to authorize the Town Manager to sign any agreement, to engage in any necessary negotiation or any other situation that may become necessary to keep the Town’s insurance rating at least as good as it is, and perhaps improve. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

Adjournment

There being no further business, Mayor O’Neal made the motion to adjourn. The meeting adjourned at 7:50 P.M.

Respectfully submitted,

Marie J. Adams, CMC
Town Clerk

Kyle J. DeHaven, Finance Officer
Recording Secretary