

Belhaven Town Council
Minutes – November 24, 2008
Regular Session

Call to Order/Invocation/Pledge of Allegiance

The Town Council of the Town of Belhaven met in regular session on Monday, November 24, 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: J. Nelson Guy, Mayor Pro-Tem; Howard D. Moore, McKee “Mac” Pigott and Robert L. Stanley. Councilman Steve W. Carawan was not present. Town Manager, Dr. Guinn Leverett and Town Clerk Marie J. Adams were also present.

Approval of Minutes – November 10, 2008 Regular Session and October 26, 2008 Closed Session

Mayor O’Neal stated that the minutes of the November 10, 2008 Regular Session and October 26, 2008 Closed Session were open for review and approval. There being no corrections to the minutes, Councilman Pigott made the motion to approve the Regular Session November 10, 2008 minutes and the October 26, 2008 Closed Session minutes. Councilman Moore seconded the motion which carried unanimously, 4 to 0.

Public Comments

Mayor O’Neal asked for any comments from the public. Mayor O’Neal recognized Mr. Tal Hamilton of 1150 W. Pungo Street. Mr. Hamilton stated that the Town had annexed the subdivision “Battalina Creek” and that the development was in bankruptcy. Mr. Hamilton eluded that tax payers money had been spent on this annexation and development of same. Mayor O’Neal stated that the Town had not been informed that the developer had defaulted and that no tax payers’ monies had been spent. Mayor O’Neal stated that the Town was moving forward as the property was annexed and should the developer default a bond was in place.

Mayor O’Neal recognized Mrs. Jennifer Boyd, resident of 661 Croatan Street, who stated that in support of the Holiday Season she would like for Christmas decorations/lights to be placed along Pantego Street from Pamlico Street to at least the near the Boys and Girls Club (Multi-Purpose Building). Councilman Pigott stated that should the Town have extra decorations then that the Town should decorate that area also, as it was a high traffic area. The Council agreed with Councilman Pigott’s statement.

Belhaven Community Chamber of Commerce Update – Mr. T. W. Allen, Chamber President

Mayor O’Neal recognized Mr. T. W. Allen, President of the Belhaven Community Chamber of Commerce. Mr. Allen stated that Mr. Gary Dean, former news anchor had been hired as the Chamber’s Director and they felt there were fortunate to have him serving our community in that capacity. Mr. Allen also stated that the Town’s Christmas Parade would be on Saturday, December 13 with pre-parade festivities starting at 3 P.M. with an open house at the Chamber office, the making of a gingerbread house by children participants at The Foxy Scoop and Coffee Shop on Pamlico Street. Mr. Allen stated that some participants in the parade require have expenses and therefore monies in the amount of \$1,000 which the Town had in years past appropriated for the parade were needed. Mayor O’Neal stated that during the budget process the Council was not aware that the parade support of \$1,000 was separate from the \$5,000 which is allotted towards the

Belhaven Town Council
Minutes – November 24, 2008
Regular Session

working of the Chamber. Mayor O'Neal asked that next year during budget preparations that the Chamber request these funds at the same time. Following some discussion, Councilman Pigott made the motion that \$1,000 be presented to the Chamber for the expenses involved in the Christmas Parade and celebration and that the Chamber request these funds at the time of budget preparation when Chamber funds are requested. Councilman Stanley seconded the motion which carried 4 to 0.

Commercial Overlay District – Set Public Hearing Date

Mayor O'Neal stated that in years past the residential area of Pantego Street from Pamlico to Lee Street had been utilized by small businesses and that the Planning Board had reviewed a Commercial Overlay District that would allow businesses conducive to residential districts. Mr. Marty Overholt, Code Enforcement Officer, explained that the zoning ordinance since its adoption in 1989 does not allow this type of business. Mr. Overholt further explained that the proposed overlay district would allow businesses that would be germane to the neighborhoods which could be used all areas of the town is proposed. Mr. Overholt further explained that the Board of Adjustments would control the growth of this district and that this district would open opportunities for small businesses throughout the Town. Mr. Overholt stated that the area that this type of Commercial Overlay is proposed is on Pantego Street from Pamlico Street to Lee Street and that in order to proceed with this zoning change the Town would need to hold a public hearing and each adjoining property owner would need to be notified by U.S. Mail of the same. Mr. Overholt stated that he needed time to generate such notice as an estimated 200 notices would need to be processed for this particular proposed zoning change.

Mayor O'Neal stated that the Planning Board had performed well for the Town by meeting the needs for the public. Mayor O'Neal stated that a public hearing was needed to receive public input concerning the proposed Commercial Overlay District and the particular Overlay District on Pantego Street. Following some discussion, Councilman Moore made the motion that the Town Council hold a public hearing on Monday, December 22, 2008 at 7:00 P.M. prior to the regular business session of the Council Meeting. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

Purchases from ACE Hardware Store (Riddick & Windley Hardware)

Mayor O'Neal stated that when Dr. Leverett was hired in December 2007 as an Interim Town Manager to avoid any controversy of possible conflict of interest the Council stated that no purchases could be made an ACE Hardware (Riddick & Windley) as this store was owned and operated by the Guinn Leverett Family. Mayor O'Neal explained that since that time Town Attorney Cockrell has researched and found that there would be no conflict and those purchases could be made at the hardware store on behalf of the Town as needed. Mayor O'Neal read the following resolution stated that the resolution should be adopted by the Town Council and recorded in the minutes.

Belhaven Town Council
Minutes – November 24, 2008
Regular Session

Town of Belhaven
Resolution
Purchases from (Riddick and Windley) ACE Hardware

WHEREAS, there are financial advantages to be had by the purchase of goods and supplies by the Town of Belhaven from ACE Hardware Store (Riddick and Windley), the Town of Belhaven in open and public meeting resolves as follows:

WHEREAS, That all heads of Departments desiring to purchase goods and supplies from ACE Hardware Store (Riddick and Windley) may, if feasible and most economical purchase goods and supplies, approve purchase orders and submit them to the financial officer for payment and recording, and

WHEREAS, That such financial officer shall report such purchases in the annual financial statement of the Town of Belhaven in a separate line item and in addition, the financial officer shall post in a conspicuous location in the Municipal Building a list containing the name of the owner of ACE Hardware Store (Riddick and Windley) (Guinn Leverett and family), the purchases so made, the costs, and date of purchase. This list shall cover the previous twelve months and be updated at least quarterly; and

Whereas, In no event shall such purchases exceed Twenty-Five Thousand Dollars (\$25,000.00) in a twelve month period and it shall be the duty of the financial officer to report to the Town Council in an open and public meeting as soon as such amount is exceeded.

NOW THEREFORE, BE IT RESOLVED that the Town of Belhaven, can legally make purchases from ACE Hardware (Riddick and Windley); by following the above conditions.

ADOPTED BY THE BELHAVEN TOWN COUNCIL, this the 24th day of November, 2008.

Adam W. O'Neal, Mayor

ATTEST:

Marie J. Adams
Town Clerk

Belhaven Town Council
Minutes – November 24, 2008
Regular Session

Mayor O'Neal stated that the purchases will be posted as stated in the resolution and that there was a cap of \$25,000 per year. Councilman Moore made the motion to approve the resolution as read and Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

**North Carolina Department of Transportation – Notice of Bridge Responsibility #77
Pantego Creek Bridge**

Mayor O'Neal stated that the Council had previously discussed the possibility of keeping the Pantego Creek Bridge in tact for fishing. Mayor O'Neal stated that should it be feasible to leave the bridge then this would be another way for public access. After some discussion the Council asked that in the future the Town inquire for a list of other areas (towns) who have maintained bridges for fishing in their communities. Councilman Pigott stated that Chowan/Edenton had such a bridge for fishing and asked that Town Manager Leverett contact them for additional information.

Town Manager's Report

Town Manager Leverett reported briefly on the following:

- 1) that the Town Council had previously approved for the Town Manager to execute documents and proceed with the widening of Old County Road (in front of the Post Office) with Cavanaugh and Associates. Town Manager Leverett explained that the Town now uses The Wooten Company for their engineering and that a motion should be made for the Town Manager/Mayor to proceed. Councilman Pigott made the motion that the Town Manager/Mayor execute documents on behalf of the Town to proceed with the proposed widening of Old County Road in front of the Post Office. Councilman Moore seconded the motion which carried unanimously, 4 to 0.
- 2) stated that the Town held a bond for Battalina Creek Development which covers the Town should the development default but does not cover contractors who have performed work for Battalina Creek. Town Manager Leverett stated that Battalina Creek Development was 2/3 complete.
- 3) stated that he had attended a solar power seminar and that at some point the Town will have to participate in co-generation of power.
- 4) reported that the roof at the fire department on Haslin Street was being reviewed by a local engineer.

Miscellaneous Mayor/Council Comments

Mayor O'Neal stated that the police report which was included in the monthly reports was very informative and commended Chief Clingenpeel for the number of hours utilized by the department for foot patrols. Mayor O'Neal stated that four new officers had been hired.

Councilman Pigott stated that the Police Department does offer home checks for those traveling out of town and asked that the public contact the Police Department for those free checks. Councilman Pigott stated that all of the monthly reports were very informative and commended the department heads.

Belhaven Town Council
Minutes – November 24, 2008
Regular Session

Councilman Moore suggested that the youth get involved in police, fire and rescue to let the youth be a part of the community. Mayor O’Neal stated that this idea was in place with the youth being appointed as Jr. Fireman as discussed previously

Adjournment

There being no further business, Mayor O’Neal declared the meeting adjourned at 7:40 P.M.

Respectfully submitted,

Marie J. Adams, CMC
Town Clerk