

Belhaven Town Council-Special Call Meeting

Thursday, April 21, 2011 - Minutes

Call to Order/Invocation

The Belhaven Town Council met in a Special Call Meeting on Thursday, April 21, 2011 at 2:00 P.M. in the Council Chambers at Town Hall. Mayor Adam W. O'Neal called the meeting to order with the following Council members present: Steve W. Carawan, J. Nelson Guy, Howard D. Moore, McKee "Mac" Pigott, Mayor Pro-Tem; and Robert L. Stanley. Town Manager, Dr. Guinn Leverett; Town Attorney, Mr. Arthur "Bud" Cockrell; Finance Director, Mr. Steve W. Nobles and Town Clerk, Mrs. Marie J. Adams were also present. Mayor O'Neal asked Councilman Guy to give the invocation.

Special Call Meeting – Authorization of the Town Manager to Proceed with the Acquisitions of Easement for the Sewer By-Pass Project

Town Attorney Cockrell stated that the Council had been "fruitful" in their negotiations in providing sewer to the Turnpike Properties Development and in doing so they had agreed to purchase a portion of the sewer treatment. Town Attorney Cockrell explained that the Town needed to increase the sewer pipe size from Pantego as well in order to provide sewer for the Turnpike Project so that this sewer project was not for the Turnpike Project alone. Attorney Cockrell further explained that the lift station on California Street needed some relief from flow and that this new sewer by-pass line would also take care of that problem. Attorney Cockrell explained that the acquisitions of property right-of-ways was needed beginning at the Clark Oil Property on 264 West, just outside the town limits, through farm land on the west side of 264 By-Pass and in the road right-of-way on Harbinger Street Extension heading north to the old farm path formerly known as the Old Mattamuskeet Railroad and following that road over to 264 Business. Attorney Cockrell stated that the last meeting held with property owners was last December 2010. Attorney Cockrell stated that Wilkins, Younce, Sparrow and Bishop owners were present with himself and Town Manager Leverett. Attorney Cockrell stated that Mr. Reginald Bishop, Jr. signed the easement at that time and that he will be compensated for the right-of-way easement the same as the other property owners. The compensation for the right-of-way easements was determined through an appraisal of the properties which was performed by Williford Appraisals. Attorney Cockrell gave the footage for (temporary 8', 10' temporary easements and 15' and 20' permanent easements). Attorney Cockrell stated that the title work is complete and the funds for the taking of the right-of-ways will be held by the Clerk of Court and can be obtained by the property owners and the property owner may within one year still decide to take the town to court concerning their payment. Attorney Cockrell stated that he was here today to ask the Council to pass a resolution to implement legal procedures for the taking of the right-of-way for sewer extension. Attorney Cockrell stated that the property owners would be contacted within a 30 day period with the value of their property's right-of-way with tax values pro-rated; at the end of the 30 days taking (lawsuit) by the Town of Belhaven begins with the condemnation of the property to the landowners. Within 120 days from the date of the "taking" the property owner can petition by law the value of the property by which a jury would decide the value based on expert witnesses.

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Summarization by Mayor O'Neal

Mayor O'Neal stated that the By-pass was necessary for the sewer system and that grant monies were being jeopardized due to the length of time it has taken to get the right-of-way easements, so that the Town had no choice but to start proceedings to take the right-of-way in order to stay within the time lines to receive the grant funds. Mayor O'Neal stated that this right-of-way issue had already delayed this project by one year. Mayor O'Neal stated that this project and the right-of-way would not hurt the property as the sewer lines would be located 3' under the ground and the property could still be farmed, etc. Mayor O'Neal stated that the right-of-ways had to be obtained or the Town could lose the grant. Mayor O'Neal stated that if the property owners involved had concerns to ask question. Mayor O'Neal stated that the property owners be paid for their property for the right-of-ways according to the figures from the appraisals. Mayor O'Neal stated that he would like to compliment Mr. Reginald Bishop, Jr. for going ahead and signing the right-of-way easement and stated that Mr. Bishop would be compensated also, that everyone would be treated the same.

Councilman Carawan asked if the property owners concerned with the right-of-way could be heard. Mayor O'Neal recognized Mr. Charles Wilkins who stated that he had no correspondence at all and his concern was the ingress and egress to his home during the construction process. Mr. Wilkins stated that he had received no maps until he contacted Town Manager Leverett. Attorney Cockrell stated that there was a packet for every land owner. Mr. Jay Wilkins stated that his family has always cooperated. Mr. W. P. "Bud" O'Neal, Jr. stated the he had not been contacted. Mayor O'Neal questioned why some of the property owners involved were not contacted. Attorney Cockrell stated that the proposed route for the sewer line had changed. Mayor O'Neal questioned why the route was changed. Town Manager Leverett stated that the current route was an easier route. Councilman Carawan stressed the importance that every property owner be contacted. Mr. Andrew Fisher started to speak and Mayor O'Neal declined Mr. Fisher the right to speak. Mr. Fisher stated this was a public hearing. Mayor O'Neal stated that he was letting the property owners involved speak. Town Clerk Adams clarified that the meeting was a Special Call Meeting, in which the public was invited to attend, but it was not a public hearing.

Motion to Proceed with the Acquisition of Right-of-Way Easements

Town Attorney Cockrell stated that a resolution was needed from the Town. Mayor O'Neal questioned the resolution. Town Clerk Adams clarified that the Town Attorney could word a motion for the Town Council as the resolution. Town Attorney Cockrell stated that a motion was needed for the Town Manager to execute documents on behalf of the Town for the acquisition right-of-way easement on behalf of the Town. Councilman Carawan made the motion for the Town Manager to be authorized to execute documents on behalf of the Town for the acquisition of right-of-way easements on behalf of the Town with the caveat that all property owners be contacted with the information concerning the right-of-way easements. Councilman Pigott seconded the motion which carried unanimously, 5 to 0.

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Mayor O'Neal stated that any property owner involved in the right-of-way easements for this sewer line extension were encouraged to contact the Town Manager with any concerns as the Town did not want to impact anyone in a negative way. Mayor O'Neal also stated that if the property owners were not happy with their compensation for the right-of-ways Town Attorney Cockrell could tell them how to proceed. Again, Mayor O'Neal stressed that the property would not be damaged and could be used; as it would have a sewer line 3' under the ground and that the Town needed the right-of-way for any repairs which may become necessary in the late future. Councilman Carawan added that should any property owner involved with the right-of-way have any concerns to contact him.

Adjournment

There being no further business, Mayor O'Neal declared the meeting adjourned at 2:27 P.M.

Respectfully submitted,

Marie J. Adams, CMC
Town Clerk