

Belhaven Town Council
January 14, 2008 Regular Session
Minutes

Call to Order/Invocation/Pledge of Allegiance

The Town Council of the Town of Belhaven met in regular session on Monday, January 14, 2008 at 7:00 P.M. in 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; Steve W. Carawan, McKee (Mac) Pigott and Robert L. Stanley. Interim Town Manager Guinn Leverett, Town Attorney Arthur (Bud) Cockrell and Town Clerk Marie J. Adams were also present. Councilman Guy gave the invocation and Councilman Pigott lead the Pledge of Allegiance.

Approval of Minutes – Regular Session December 10, 2007 and Special Called Meeting January 2, 2008

Mayor O'Neal stated that the Regular Session – December 10, 2007 minutes and the Special Called Session – January 2, 2008 minutes were open for review and adoption. Councilman Guy stated there were two correction of the December 10, 2007 minutes: Page 12 – Formation of Mayoral Advisory Committee for Fire and EMS Housing Needs – his name (J. Nelson Guy) was omitted from the citizens appointed to serve in this capacity and that on Page 14 – under the heading “Town Belhaven Town Council Meetings Per Month” the first sentence the “ing” should be taken off of the word meeting.

Councilman Guy made the motion to approve the Regular Session – December 10, 2007 meeting with the stated corrections. Councilman Pigott seconded the motion which carried unanimously, 4 to 0. Councilman Pigott made the motion to approve the minutes of the Special Called Session of January 2, 2008 as written. Councilman Carawan seconded the motion which carried unanimously, 4 to 0.

Town Clerk Adams asked that the Council contact her when typos are noted in the minutes that those corrections would be made unless the content of the minutes were changed.

West End Council Seat – Appointment

Mayor O'Neal stated that upon the resignation of Mr. George Ebron at the December 10, 2007 meeting a vacancy on the Council was made. Mayor O'Neal explained that the term would expire December 2009 and that the Council had asked that interested citizens submit their letters of interest to serve in this capacity. Mayor O'Neal stated that the Town had received three very well qualified applicants for the position: Mr. Howard D. Moore, Mr. Jesse Rogers and Mr. Greg Satterthwaite. Mayor O'Neal stated that all three applicants were very qualified to fill the position but felt that Mr. Moore may better serve the public because of his continuous number of years here in Belhaven. Councilman Carawan made the motion that Howard D. Moore be appointed to fill the unexpired west end term for Council which will expire December 2009. Councilman Stanley seconded the motion which carried unanimously, 4 t 0.

Swearing In – Mr. Howard D. Moore, Councilman West End

Town Clerk Adams then administered the oath to Mr. Moore.

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STATE OF NORTH CAROLINA
COUNTY OF BEAUFORT

OATH OF OFFICE
COUNCILMAN
BELHAVEN, NORTH CAROLINA

I, Howard D. Moore, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.

I, Howard D. Moore, do swear that I will well and truly execute the duties of the office of COUNCILMEMBER FOR THE TOWN OF BELHAVEN, NORTH CAROLINA according to the best of my skill and ability, according to law; so help me, God.

Howard D. Moore

Sworn and subscribed before me
this 14th day of January 2008.

Marie J. Adams, CMC
Town Clerk

Councilman Moore took a seat at the Council table at this time.

Public Comments

Mayor O'Neal stated that Public Comments had been moved to the beginning of the meeting to better accommodate the citizens. Mayor O'Neal asked for any public comments, there were none.

Memorial Plaque Honoring Mr. W. R. "Ralph" Edwards

Mayor O'Neal stated that Mr. W. R. "Ralph" Edwards was dedicated citizen, father, councilman, former fire department member, friend and veteran who had passed away this past November 2007 with 5 children, 12 grand children and 19 great-grandchildren. Mayor O'Neal stated that Mr. Edwards had served the Town as a Council member for 16 years over a four decade period. Mayor O'Neal stated that Mr. Edwards was co-owner of a local oil company for many years and helped those when in need.

Mayor O'Neal read the plaque:

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The Mayor and Town Council**

Of the

Town of Belhaven

Would like to Pay Honor

To the Memory of

Mr. W. R. "Ralph" Edwards

Dedicated Councilman

to Belhaven

for

**Over Four Decades of Service
Spanning from 1957 - 1981**

Totaling 16 Years

We Honor Him by Declaring

Friday, January 18, 2008

As

W. R. "Ralph" Edwards Day

In

Belhaven, NC

**Proclaimed this the 14th day of January, 2008
By the Mayor and Council
Town of Belhaven**

Mayor O'Neal asked that family members of Mr. Edwards to come forward as he presented them with the plaque. Councilman Pigott made the motion adopting the plaque honoring Mr. Edwards and proclaiming that Friday, January 18, 2008 as W. R. "Ralph" Edwards Day in Belhaven, NC. Councilman Carawan seconded the motion which carried unanimously, 5 to 0. Councilman Stanley stated that Mr. Edwards was a man to be honored as he was a neighbor to Mr. Edwards' business and that Mr. Edwards had a lot of compassion for his fellow man.

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Old County Road Widening – Preliminary Plans

Mayor O’Neal stated that Interim Town Manager Leverett would review and explain the scope of the preliminary plans for the widening of Old County Road near the Post Office. Interim Town Manager Leverett stated that he had been working with Cavanaugh & Associates, PE who had developed the preliminary plans for the widening of Old County Road near the Post Office. He stated that the widening could be accomplished in phases, as he detailed the plans: from Lee Street heading west on Old County Road, the street would be made wider after the curve with the addition of a right hand turn lane into first entrance to the Post Office and from the west side heading east the road would be widened before you get to the other entrance with a left hand turn lane into the Post Office. Interim Town Manager Leverett explained that this proposal (phase I) would include cutting trees and moving established ditches. He further explained that a phase 2 would propose to widen Old County Road on the east side prior to the curve where the turn lane is proposed and on the west side heading east it would be proposed to widen near the Rio Del Mar entrance. Mayor O’Neal stated that Phase I of this project was needed for the safety and convenience of our citizens. Councilman Carawan questioned the estimated cost of Phase I. Interim Town Manager Leverett stated those cost estimates were not available at this time but would be ready at the next meeting along with Phase II. Following some discussion, Councilman Pigott made the motion to approve the preliminary plans as shown and to request that Cavanaugh & Associates, PA proceed to work on plans for Phase II. Councilman Stanley seconded the motion which carried unanimously, 5 to 0.

Paving Lee Street (from Gum Street to George Street)

Mayor O’Neal stated that the Town received bids to pave Lee Street from Gum Street to George Street. Mayor O’Neal stated that the bids were to make a 6” stone/rock base and overly with 2” of asphalt and that the bids received were as follows:

Greenville Paving Greenville, NC	\$31,820.00
Barnhill Contracting Co. Kinston, NC	\$35,560.00
ST Wooten Wilson, NC	\$34,296.00

Councilman Carawan made the motion to award the bid to Greenville Paving in the amount of \$31,820 for the paving of Lee Street from Gum to George Street and direct the Interim Town Manager to execute any documents on behalf of the Town for the paving of Lee Street. Councilman Moore seconded the motion which carried unanimously, 5 to 0.

According to Mayor O’Neal, now all streets in town would be paved.

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Proposed Reduction of the Right-of-Way – Haslin Street from Water Street to Pantego Creek

Mayor O'Neal stated that the right-of-ways needed to be brought into conformity including the outfalls (where the street meets the water). Councilman Carawan stated that the point of a right-of-way is to be able to get from Point A to Point B and that all right-of-way should be no larger than 40'. Councilman Carawan pointed out that on Haslin Street between Water Street and Pantego Creek the right-of-way was currently 100' which put the right-of-way at the front door of Ms. Coleman's property on the West side of the Haslin Street right-of-way. Mayor O'Neal stated that he would like to see the right-of-way reduced; not given away like the right-of-way of Mill Street (from Main to Pantego Creek) had been previously given to the developers of The Cooperage. Interim Town Manager Leverett stated that it was important to have the public access at the outfalls consistent with the streets they serve. (Note – Writer's example: right-of-way 40' for a street then the outfall portion of that right-of-way should also be 40'.

Mayor O'Neal introduced Code Enforcement Officer Martin (Marty) Overholt and asked him to give further information on right-of-ways. Code Enforcement Overholt reiterated that it was important that the public access (right-of-ways) at the outfalls should follow the streets that serve them and also stated the importance of having the public access established at the outfalls for future development of waterfront property.

Mayor O'Neal stated all outfall right-of-ways were consistent with the street except Haslin Street with a 40' right of way with the public access (outfall) 100' right of way.

Town Attorney Cockrell stated that he had a copy of a very old map that showed no outfall to Pantego Creek from Haslin Street. He further stated that Norfolk Southern Railway had laid out a subdivision map of the Town which included a 100' right-of-way from Haslin Street to Pantego Creek. Town Attorney Cockrell stated that this was a map older than the map of streets claimed by Belhaven. The Town of Belhaven may or may not have claimed this dedicated street by maintaining all or a portion of the dedicated street; either way there is a procedure under GS 160A-299 for area and survey what is being kept and acknowledged by the adjoining landowners (initially the survey would have been required as it was uncertain as to WHICH 40' would be retained). Following Council discussion, the consensus was to use a description of a straight line of Haslin Street extended from Water Street (formerly known as Front Street) the same course south to the Pantego Creek.

Town Attorney Cockrell read the following excerpt from the General Statutes 160a-299. Procedure for permanently closing streets and alleys (a) when a city proposed to permanently close any street or public alley, the Council shall first adopt a resolution declaring it its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in a least two places along the street or alley.

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Councilman Carawan stated his opinion that the attorney needed to proceed with the closing and utilize a surveyor.

Mayor O'Neal recognized Mr. Larry Pleasant, Chairman of the Belhaven Planning Board. Mr. Pleasant stated that this same request had been before the Planning Board of two occasions and each time the Planning Board declined the request due to the need to preserve the water access for the public. Mr. Pleasant stated that outfalls could also be improved as a pier at the end of Haslin Street for public access. Mr. Pleasant further stated that Mr. Seth Latham had been before the Board of Adjustment seeking a conditional use permit to build a home on the Latham property directly beside the Haslin Street outfall on the east side. Mr. Pleasant explained that the stipulations placed on the conditional use were: 1) No structures encroach on the right-of-way; 2) 5' side yard set back permitted and 3) the erection of a privacy fence for the purpose of keeping general public from a private yard at that right-of-way. Mr. Pleasant stated that these conditions were placed as conditional use and could be overturned by Beaufort County Superior Court.

Mayor O'Neal recognized Mr. Seth Latham who was concerned that he had to pay \$100.00 to talk to the Board of Adjustment and felt that this fee was steep. Mr. Latham further stated that he would not be abiding by the conditional use stipulations as he and his wife were never sworn in and never agreed to the stipulations. Code Enforcement Overholt stated that the fee of \$100.00 was for the advertisement of requests before the Board of Adjustment as those requests were mandated by state statute to be advertised. Councilman Carawan stated that perhaps the fee could be reduced.

Councilman Carawan made the motion to direct the Town Attorney to initiate the procedures to reduce the right-of-way to 40' on Haslin Street from Main Street to Pantego Creek. Councilman Pigott seconded the motion. The motion carried unanimously, 5 to 0.

Councilman Pigott stated that the Town had prime waterfront property (Community House Beach) which was under utilized by the public and more emphasis should be given that resource.

Belhaven Volunteer Fire and EMS Requests – Mr. Derrick Myers, Chief Retired Firemen's Association Dues

Mayor recognized Chief Derrick Myers of the Belhaven Volunteer Fire and EMS. Chief Myers stated that he would like for the Town to pay for the retired Fireman's Annual Dues of \$17.00 each. Chief Myers explained that the Town had ten retired fireman, so that the expense would be \$170.00 per year. Chief Myers stated that this fee is paid by the Town for active firemen. Following some discussion, Councilman Pigott made the motion that the Town pay the Fireman's Association dues of \$17.00 annually for each retired fireman. Councilman Moore seconded the motion which carried unanimously, 5 to 0.

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Request to Increase Fire & EMS Roster and the Addition of Jr. Firemen

Chief Myers stated that the Belhaven Volunteer Fire & EMS currently had a roster of 30 members and would like to increase the roster to 35. Chief Myers further explained that he had been contact by 2-3 individuals wishing to serve the department. Chief Myers also explained while considering increasing the roster that the department would like to add 1-2 Jr. Firemen (14-17 years of age) as this practice had been ongoing in other departments in the area and had the blessing of the Department of Insurance. Chief Myers stated that the rules and regulations for Jr. Firemen were strict as they could not ride on fire/rescue apparatus for calls and no red light in their vehicles but there were things they could do around the department and learn how to use equipment, etc. Chief Myers stressed that this would be a good start to have a trained fireman by the time the Jr. Fireman reached the age of 18. Mrs. Ellen Allen, also a Fire & EMS member, stated that the members that are not active should be removed from the department before increasing the roster. Councilman Carawan suggested that the Fire & EMS contact those members who are not active, to ascertain their intent on serving the department. Mayor O'Neal stated that at this time the Town's Workman's Compensation carrier would not cover Jr. Fireman and that a separate accident policy would be needed and the cost for this coverage would need to be obtained.

Following some discussion and consensus of the Council, Mayor O'Neal asked Chief Myers to get information on the cost of insurance for the Jr. Firemen and the intent of the non-active fireman and to bring this information back to the Council at a later meeting.

Budget Amendments for Fiscal Year 2007/2008; #4 through #7

Mayor O'Neal stated that the following budget amendments were needed and brief the public on each amendment.

BUDGET AMENDMENT #4 FY 07/08

Mayor O'Neal explained that this budget amendment was necessary to cover the settlement of the (EPA) transformer disposal of \$20,000 to join the group who is making the settlement on this issue.

Councilman Pigott made the motion, which was seconded by Councilman Stanley and carried unanimously, 5 to 0 to:

INCREASE REVENUE ACCOUNT #31-399-000 (FUND BALANCE APPROPRIATED) BY \$20,000

FROM \$149,519 TO \$169,519

INCREASE EXPENDITURE ACCOUNT #31-832-044 (SPECIAL WASTE DISPOSAL) BY \$20,000

FROM \$0 TO \$20,000

BUDGET AMENDMENT #5 FY 07/08

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Mayor O'Neal explained that this amendment was needed to cover the termination and contract payment to former Town Manager Tim Johnson. Mayor O'Neal further stated that this was not pretty and there would be no other contracts for Town Managers. Mayor O'Neal stated that the former Town Manager also kept account of his own sick time, vacation time, etc. Councilman Pigott stated that in the future someone would need to be named to keep these records on the town's behalf.

Councilman Carawan made the motion, which was seconded by Councilman Moore and carried unanimously, 5 to 0 to:

INCREASE REVENUE ACCOUNT #10-399-000 (FUND BALANCE APPROPRIATED) BY \$152,020

FROM \$257,021 TO \$409,041

INCREASE EXPENDITURE ACCOUNT #10-420-002 (SALARIES & WAGES) BY \$131,846

FROM \$143,978 TO \$275,824

INCREASE EXPENDITURE ACCOUNT #10-420-005 (FICA TAX EXPENSE) BY \$10,086

FROM \$11,015 TO \$21,101

INCREASE EXPENDITURE ACCOUNT #10-420-006 (GROUP INSURANCE EXPENSE) BY \$2,142

FROM \$26,934 TO \$29,076

INCREASE EXPENDITURE ACCOUNT #10-420-007 (RETIREMENT EXPENSE) BY \$5,609

FROM \$6,911 TO \$12,520

INCREASE EXPENDITURE ACCOUNT #10-420-008 (401K CONTRIBUTION) BY \$2,337

FROM \$2,880 TO \$5,217

BUDGET AMENDMENT #6 FY 07/08

Mayor O'Neal stated that shortly after the election Councilman Guy approached the Mayor concerning not receiving the salary budgeted for Councilman and following that conversation every Councilman implied the same. Mayor O'Neal stated that he and Councilman Carawan had been donating their salary to the Boys and Girls Club. Mayor O'Neal stated that following discussion with the Council members it was agreed that

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their salaries be split between the Belhaven Chapter of the Boys and Girls Club, the local Boy Scout Chapter and the local Girls Scout Chapter.

Councilman Moore made the motion, which Councilman Stanley seconded and carried unanimously, 5 to 0 to:

DECREASE EXPENDITURE ACCOUNT #10-410-001 (SALARIES-MAYOR & BOARD) BY \$2,850

FROM \$5,700 TO \$2,850

DECREASE EXPENDITURE ACCOUNT #10-410-005 (FICA TAX EXPENSE) BY \$219

FROM \$440 TO \$221

TOTAL DECREASE TO GOVERNING BODY BUDGET - \$3,069

INCREASE EXPENDITURE ACCOUNT #10-690-082 (BOYS & GIRLS CLUB) BY \$1,023

FROM \$7,000 TO \$8,023

INCREASE EXPENDITURE ACCOUNT #10-690-086 (BELHAVEN-PANTEGO ROTARY CLUB SCOUTS) BY \$1,023

FROM \$1,200 TO \$2,223

INCREASE EXPENDITURE ACCOUNT #10-690-089 (BELHAVEN GIRL SCOUTS) BY \$1,023

FROM \$0 TO \$1,023

TOTAL INCREASE TO SPECIAL APPROPRIATION BUDGET - \$3,069

BUDGET AMENDMENT #7 FY 07/08

Mayor O'Neal stated that the US Hwy 17 Association due of \$1,500 had been discussed in budget deliberations but had inadvertently been left out of the budget so, therefore a budget amendment was needed.

Councilman Guy made the motion, which was seconded by Councilman Carawan and carried 4 to 1 with Councilman Pigott voting against the motion to:

INCREASE REVENUE ACCOUNT #10-399-000 (FUND BALANCE APROPRIATED) BY \$1,500

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FROM \$409,041 TO \$410,541

INCREASE EXPENDITURE ACCOUNT #10-690-088 (US HWY 17 ASSOCIATION)
BY \$1,500

FROM \$0 TO \$1,500

Mayor's Comments Concerning Town Attorney Cockrell

Mayor O'Neal stated that recently Town Attorney Cockrell had attended a meeting in Raleigh with the Division of Community Assistance concerning the Wynne' View issue with Councilmen Guy and Carawan, Interim Town Manager Leverett and himself. Mayor O'Neal explained that following the meeting they had a meal at the 42nd Street Oyster Bar and that the Mayor informed Town Attorney Cockrell to give his bill for the meal to the Interim Town Manager for reimbursement. Mayor O'Neal stated that Town Attorney Cockrell stated no, that he would pay for his meal and would not be billing the town for his services that day. Mayor O'Neal stated the Mr. Cockrell was "a good man" as he saved the Town about \$1,500.00.

Banking Signatories for the Recreation (Concession Stand Account)

Mayor O'Neal stated that the signatories for the Concession Stand Account would not be voted on at this time, because the volunteers who had been handling this part of the program were not able to do so this year therefore, new signatories for that account would need to be appointed at a later date.

Resolutions for Designation of Applicant's Agent

Mayor O'Neal stated that the Town needed to appoint a primary agent and a secondary agent to sign contracts, requisitions for payments, etc. for the two Hazard Mitigation Grant Program (HMGP) for which the Town currently has two grants. Mayor O'Neal stated that conversation he had with the state agency administering these grants who stated that the person(s) chosen needed to be on a more permanent basis rather than and Interim Town Manager. Mayor O'Neal suggested that he (the Mayor) be appointed by primary agent and that Councilman Guy be appointed the secondary agent.

Councilman Carawan made the motion that the Council adopts the following resolutions for Grant #1448-0079 and Grant #1457-0005-1410558 appointing Mayor Adam W. O'Neal and Councilman (Mayor Pro Tem) J. Nelson Guy for the Designation of the Applicant's Agents. Councilman Stanley seconded the motion which carried, 4 to 1 with Councilman Pigott voting against the motion.

RESOLUTION	
DESIGNATION OF APPLICANT'S AGENT	
North Carolina Division of Emergency Management	

Organization Name (hereafter named Organization):	Disaster Number:
Town of Belhaven	1457-0057-0005-1410558

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CERTIFICATION

I, Marie J. Adams (Name) duly appointed and Town Clerk (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of the Town of Belhaven (Organization) on the 14th day of January, 2008

Date: 1/16/2007

Signature: _____

**RESOLUTION
DESIGNATION OF APPLICANT'S AGENT
North Carolina Division of Emergency Management**

Organization Name (hereafter named Organization):

Town of Belhaven

Disaster Number:

1457-0057-0005-1410558

Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):

North Carolina Department of Crime Control and Public Safety

Applicant's Fiscal Year (FY) Start

1-Jul-07

30-Jun-08

Fiscal Year 2007/2008

Applicant's Federal Employer's Identification Number:

56-6001174

Applicant's Federal Information Processing Standards (FIPS) Number:

370015

PRIMARY AGENT

SECONDARY AGENT

Agent's Name

Adam W. O'Neal, Mayor

Agent's Name

J. Nelson Guy, Mayor Pro-Tem

Organization

Town of Belhaven

Organization

Town of Belhaven

Official Position

Mayor

Official Position

Mayor Pro-Tem (Councilman)

Mailing Address

Post Office Box 220

Mailing Address

Post Office Box 220

City, State, Zip

Belhaven, NC 27810

City, State, Zip

Belhaven, NC 27810

Daytime Telephone

(252) 943-3055 Ext. 210

Daytime Telephone

(252) 943-3055 Ext. 210

Facsimile Number

(252) 943-2357

Facsimile Number

(252) 943-2357

Pager or Cellular Number

Personal Business Office Number (252) 943-2919

Pager or Cellular Number

(252) 943-5676 ©

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BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and **the assurances printed on the reverse side hereof**. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally.

PASSED AND APPROVED _____ day of _____, 20____
this

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title Adam W. O'Neal, Mayor; J. Nelson, Guy, Mayor Pro-Tem;	Name Marie J. Adams
Name and Title Steve W. Carawan, Councilman; Howard D. Moore, Councilman;	Official Position Town Clerk
Name and Title McKee "Mac" Pigott, Councilman and Robert L. Stanley	Daytime Telephone (252) 943-3055 Ext. 210

CERTIFICATION

I, Marie J. Adams (Name) duly appointed and Town Clerk (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of the Town of Belhaven (Organization) on the 14th day of January, 2008

Date: 1/16/2007

Signature: _____

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APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including, but not limited to the following authorities: OMB Circulars Nos. A-87, A-95, A-102 and A-110, where applicable, and Part 13 of Title 44 of the Code of Federal Regulations (C.F.R.), as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurance contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grant or agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally-assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 205, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishment of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, P.L. 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assurance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11595, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

Mid-East Rural Planning Organization (RPO) Appointment

Mayor O'Neal stated that the Town needed to appoint someone to fill the position on the Mid-East Commission Rural Planning Organization (RPO), due to the resignation of Mr. Bob Holz. Mayor O'Neal stated that the position appointment term was from January 2008 to January 2009.

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Brief Recess – Councilman Moore Leaves Meeting Due to Sickness

Mayor O’Neal stated that the Council would take a ten minute recess due to Councilman Moore becoming sick and leaving the meeting. The meeting recessed at 8:35 P.M.

Reconvene/Councilman Moore Excused from Meeting

Mayor O’Neal reconvened the meeting at 8:45 P.M. and asked that a motion be made excusing Councilman Moore from the meeting. Councilman Carawan made the motion to excuse Councilman Moore from the meeting due to sickness. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

Appointment of Mid-East Rural Planning Organization (RPO)

Following some discussion, Councilman Guy made the motion that Mr. Greg Satterthwaite be appointed to serve the Town of Belhaven as a representative on the RPO. Councilman Stanley seconded the motion which carried unanimously, 4 to 0.

Other Business/Announcements

Tiling Pantego Street Ditch (Main Thoroughfare)

Mayor O’Neal stated that the Council was researching information to tiling the open ditch on Pantego Street from Pamlico Street to Old County Road in sections. Mayor O’Neal stated that this ditch area was unsightly and that the Town could tile the ditch in sections and utilize Powell Bill funds for this project Mayor O’Neal stated there was approximately \$300,000 in Powell Bill and that those funds would also be used for the paving of Lee Street and the widening of Old County Road as discussed in the meeting earlier tonight. Mayor O’Neal stated that ditches will not be filled for citizens throughout the town as this ditch was on a main thoroughfare.

No Parking – Main Street – US Hwy 264 Business (Fisher Property) former Gas Station

Councilman Carawan stated that the town had a problem with patrons of Fish Hooks Café’ being ticketed by the Belhaven Police Department for parking on the shoulder of US Hwy 264 Business (Main Street) in front of the Fisher property. Councilman Carawan stated that the warning tickets were of no cost but that the official ticket was \$140.00. Councilman Carawan further stated that there was 162’ of property frontage which could be utilized for parking and leaving the property owners (Fisher) a 20’ driveway. There was some discussion concerning painting parking lines for public, involving the land owner in the plans and discussions and that the ticketing of any kind for parking in this area cease. Following that discussion, Councilman Guy made a motion that Interim Town Manager Leverett talk with the Police Department to suspend ticketing until proper parking spaces can be made. Councilman Pigott seconded the motion which carried unanimously, 4 to 0.

Resolve of Parking Issue – Fisher Property

Councilman Carawan then made a motion that Interim Town Manager Leverett contact the property owners (Andrew and Karen Fisher) be made aware of the plans of parking spaces and a 20’ ingress and egress area to their property, and that their presence be

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needed at the next Council meeting to settle the parking issue. Councilman Guy seconded the motion which carried unanimously, 4 to 0.

Former Town Manager Johnson's Contract and Hiring

Mr. Roy O'Neal was recognized by Mayor O'Neal and made the following comments: that the former Town Manager Johnson's contract was the results of the previous Council and that when Mr. Johnson was rehired he was on the Council and the only one who voted against the hiring of Mr. Johnson.

Adjournment

There being no further business, Mayor O'Neal declared the meeting adjourned at 9:00 P.M.

Respectfully submitted,

Marie J. Adams, CMC
Town Clerk