

## **Belhaven Town Council Meeting**

**Minutes – May 11, 2009**

### **Regular Session**

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

The Town Council of the Town of Belhaven met in regular session at the Boyette Civic Center at 257 W. Pungo Street on Monday, May 11, 2009. Mayor Adam W. O'Neal called the meeting to order at 7:00 P.M. 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, Dr. Guinn Leverett was also present. Town Clerk Marie J. Adams was not present at the meeting. 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 – April 27, 2009**

Mayor O'Neal stated that the minutes of the April 27, 2009 regular session were open for review and adoption. There being no corrections to the minutes, Councilman Carawan made the motion to approve the April 27, 2009 minutes. Councilman Stanley seconded the motion which carried unanimously.

#### **Public Comments**

Mayor O'Neal recognized the following:

Mr. Thomas Selby who stated that he would like to sponsor a gospel concert on Saturday, September 5, to involve the youth, at Northside Park. Mr. Selby was directed to coordinate this event with Town Manager Leverett. Mr. Johnny Donnell Clark thanked the Mayor and Council and the public in general for the successful fundraiser that was recently held to support the local Boys and Girls Club for their trip to Kings Dominion.

#### **Introduction of New Finance Officer and Adoption of Banking Resolution – Authorizing Kyle J. DeHaven, Finance Officer to Access Accounts**

Mayor O'Neal introduced Mr. Kyle J. DeHaven as the Town's new full-time Finance Officer. Mayor O'Neal stated that Mr. DeHaven was an East Carolina University Graduate and has had experience with grant writing. Mayor O'Neal stated that Mr. DeHaven should be included on the Town's banking resolution with Southern Bank in order to take care of day to day business for the Town. Following some discussion, Councilman Pigott made the motion to adopt the following banking resolution. Councilman Moore seconded the motion which carried unanimously. (Insert)

# Belhaven Town Council Meeting Minutes – May 11, 2009 Regular Session



**CERTIFIED COPY OF CORPORATE RESOLUTIONS  
For Accounts, Borrowing, and other Transactions**

Applicable Acct(s)

512-1115803  
512-1115811  
512-5000026  
512-1122835

Town of Belhaven  
Name of Corporation  
  
56-6001174  
Tax Identification Number

I, the undersigned, hereby certify to Southern Bank and Trust Company that I am the \_\_\_\_\_ Secretary of the above-named Corporation, which Corporation is duly organized and existing under the law of the State of \_\_\_\_\_, that the following is a true copy of resolutions duly adopted by the Board of Directors (or by the incorporator(s) if permitted by the applicable law) of said Corporation effective on \_\_\_\_\_, either at a duly authorized and held meeting of the Board of Directors (or incorporator(s), as applicable) at which a quorum was present and proper notice was given, or by unanimous written consent; and that such resolutions have not been amended or rescinded;

**DEPOSIT RELATIONSHIP**

RESOLVED, Southern Bank and Trust Company (Bank) be and it hereby is designated a depository of this Corporation with authority to create deposit accounts of all types with the Corporation and to accept at any time and from time to time for credit of the Corporation checking, savings, and all other types of deposits by whomsoever made of funds in whatever form and in whatever number endorsed and said Bank be and it hereby is authorized and directed to pay or otherwise honor or apply without inquiry and without regard to the application of the proceeds thereof, checks, drafts, notes, bills of exchange, acceptances, undertakings, and other instruments or orders for the payment, transfer, or withdrawals of money for whatever purpose and to whomsoever payable, including those drawn to the individual order of a signer, whether tendered for cashing, in payment of individual obligations of such signer, or for deposit to his individual account or any other use or disposition, and further, said Bank is given authority to honor the endorsement of checks, drafts, notes, or all other types of instruments payable or belonging to this Corporation, whether such endorsement be made manually, by endorsement stamp or otherwise and whether for deposit, for collection or otherwise and to receive cash or part cash for same or to make "less cash" deposits, receiving cash for part or all of the amount of such checks and depositing the balance, if any, when such instruments are signed, accepted, or endorsed whether by stamp, manual, or facsimile signature(s) by any of the following indicated officers or persons from time to time holding the following indicated offices, or agents of the Corporation and the Corporation assumes full responsibility for any and all payments made by Bank in reliance upon the manual stamp or facsimile signatures of said officers, persons, or agents and agrees to indemnify and hold harmless Bank against any and all loss, cost, damage, or expense suffered or incurred by said Bank arising out of the misuse or unlawful or unauthorized use by any person of such stamp or facsimile signature or signature(s), the current officers, authorized persons, or agents being shown hereinafter.

Name	Title
Adam W O'Neal	Mayor
Steve W Carawan	Council
J Nelson Guy	Council
McKee Pigott Jr	Council

**BORROWING RELATIONSHIP**

RESOLVED FURTHER, that any of the following indicated officers or persons from time to time holding the said office of this Corporation, agents, or other authorized persons be, and they hereby are, authorized to arrange for the borrowing of and to borrow or otherwise obtain credit from time to time from Southern Bank and Trust Company (Bank) such sums upon such terms and conditions as to time of payment of repayment, rate of interest, and security therefore as they may determine and the said officers, persons or agents be, and they hereby are, authorized to execute and deliver in the name and on behalf of this Corporation notes, credit agreements and any and all other agreements and evidences of indebtedness with respect to all sums so borrowed or credit otherwise obtained; and such officers, persons, or agents further are authorized as follows: (a) to obtain credit from Bank by the use of a Master Card/Visa Card or other credit card issued by Bank, in such sums as may seem advisable to such officers, persons, or agents and upon such terms as may be prescribed by Bank, to designate other persons not so designated below to use a Master Card/Visa Card or other credit card in the name of and on behalf of this Corporation, to designate to Bank other persons to whom Bank may issue a Master Card/Visa Card or other credit card on behalf of this Corporation, to execute applications and agreements of any type in connection therewith on behalf of the Corporation, and to repay to Bank the indebtedness and obligations incurred by the use of said credit cards; whether or not credit was extended for a purpose authorized by this Corporation; (b) to obtain credit from Bank under one or more revolving lines of credit (including but not limited to Cash Reserve) offered or issued by Bank, in such sums as may seem advisable to such officers, persons, or agents, and upon such terms as may be prescribed by Bank, to sign or to designate such persons not so designated below to sign checks or other items drawn on the Corporation's checking account which may activate loans under such revolving lines of credit and to sign special (direct advance) checks or other instruments which will activate loans under such revolving lines of credit, to execute applications and agreements of any type in connection therewith on behalf of Corporation, to repay Bank the indebtedness and obligations incurred under such revolving lines of credit; whether or not credit was extended for a purpose authorized by this Corporation; (c) to pledge, assign, convey and/or transfer the property of the Corporation to Bank as security for such borrowing, revolving lines of credit and credit arrangements and to execute and deliver security agreements, deeds of trust, and other security instruments whether of obligation or hypothecation which they may determine necessary or appropriate in the implementation of the borrowing authority hereby or belonging to the Corporation and have full authority to endorse, assign, and guarantee the same, on behalf of the Corporation, Bank is authorized and directed to pay the proceeds of any such loans, lines of credit or other borrowings or credit arrangements as directed by the persons so authorized whether to the order of said persons in their individual capacities, for deposit to their individual credit or to be applied or deposited in any manner for their individual deposit in any manner for their individual credit.

Name	Title
Adam W O'Neal	Mayor
Steve W Carawan	Council
J Nelson Guy	Council
McKee Pigott Jr	Council

# Belhaven Town Council Meeting

## Minutes – May 11, 2009

### Regular Session

#### MISCELLANEOUS BANKING RELATIONSHIPS

RESOLVED FURTHER, that any of the following indicated officers, persons from time to time holding the said office of this Corporation, agents or other authorized persons are authorized for the account of the Corporation (a) to apply for and receive letters of credit and from time to time to increase the amount, extend the date of expiration or amend the terms of any outstanding letters of credit; (b) to execute and deliver all necessary and proper documents in connection with any transaction with said Bank; (c) to execute and deliver indemnity agreements, acceptance agreements, guarantees for missing documents or other guarantee, acceptances, trust receipts and other forms of security agreements; (d) to order payments against receipt of shipping and other documents; (e) to purchase certificates of deposit, bonds, securities, and all other types of intangible personal property from Bank; (f) to execute and deliver to Bank night depository agreements, to designate from time to time the officers, employees, and agents empowered to act on behalf of the Corporation in connection therewith and to revoke such designations; (g) and to execute and deliver to Bank safe deposit box agreements, to designate from time to time the persons empowered to have access to any safe deposit box and to revoke such designations; (h) and to enter into any and all other types of transactions with Bank for which Bank is authorized to transact in its normal course of business; (i) and to contract with Bank for the rendition of any services offered by Bank:

Name	Title
Adam W O'Neal	Mayer
Steve W Carawan	Council
J Nelson Gray	Council
McKee Pigott Jr	Council
Kyle J. DeHaven	Finance Director

RESOLVED FURTHER, that all officers, agents, or other persons authorized to conduct and/or initiate banking transactions pursuant to the resolutions herein are authorized to use any means of electronic banking or account management products or services offered by Bank with respect to the account(s) of the Corporation and that the provisions contained in Bank's Deposit Account Agreement and/or other agreements specific to a particular electronic product or service, including, without limitation, the provisions concerning the binding effect of transactions conducted or instructions given electronically with respect to the Corporation's account(s), are expressly approved and the Corporation assumes full responsibility for any and all such electronic transactions and instructions and agrees to indemnify and hold Bank harmless against any and all loss, cost, damage, or expense suffered or incurred by Bank arising out of Bank's honoring such electronic transactions or instructions.

RESOLVED FURTHER, that the Corporation recognizes and agrees that maintenance, service changes, and other fees pursuant to the rules and regulations of Bank may be charged and deducted from the Corporation's account(s), and that Bank shall have right of setoff as to any and all indebtedness and liability of Corporation to Bank however and whenever incurred or evidenced, whether direct or indirect, absolute or contingent, due or to become due and said setoff authority may be exercised without prior notice; and when charges or other deductions are made from said account(s), Bank shall not be liable for dishonoring items where the making of such a charge, setoff or other deduction results in there being insufficient funds in Corporation's account to honor such items; and,

RESOLVED FURTHER, that the Secretary or an Assistant Secretary of Corporation shall certify to Bank the names of the presently duly elected and qualified officers of this Corporation and shall from time to time hereafter as changes in the personnel of said officers are made, immediately certify such changes to Bank, and Bank shall be fully protected in relying on the certifications of any individual who purports to be the Secretary or Assistant Secretary and shall be indemnified and saved harmless from any claims, demands, expenses, loss or damage resulting from or growing out of honoring the signature of any officer so certified or refusing to honor any signature not so certified and Corporation shall be bound by Bank's honoring the signature of any corporate employee or agent or any other individual, authorized or unauthorized, as maker, endorser, drawer or in any other capacity unless Bank receives written notice of any claim, dispute or difference with regard to said signature, endorsement or other transaction within thirty (30) days, or such longer time as required by applicable law, after the first statement, notice, or items showing irregularity shall have been sent or made available to Corporation. Corporation shall not be relieved of the duty to examine and report or of the stated consequences thereof by reason of the fact that the statement, notice, or any item or items were not sent or made available unless the Corporation notifies Bank of that fact within fifteen (15) days of the date upon which the same are customarily so sent or made available and Corporation shall be bound by the contents of such statements and items forwarded to the corporate address of the Corporation; and,

RESOLVED FURTHER, that the foregoing resolutions shall remain in full force and effect until written notice of their amendment or rescission has been received by Bank and the receipt of such notice shall not affect any action taken by Bank prior thereto; and,

RESOLVED FURTHER, that the foregoing authority shall not be limited to the above identified or described officers, agents, or other representatives of the Corporation but shall extend to such additional or different individuals as are named as being so authorized in any letter, form or notice signed by any officer, agent, or other representative of the Corporation identified or described above in each category or who is allowed to make said transactions by Corporation; and,

RESOLVED FURTHER, that the Corporation agrees that in the event a question or dispute arises concerning the authority of one or more individuals to transact business on behalf of the Corporation, Bank shall have the option either (1) to rely on the most recent resolution, certification, or notice furnished to Bank by an individual purporting to have authority for the Corporation, or (2) to freeze accounts, close accounts to posting, refuse to honor items, place stop payment orders on items and otherwise refuse to allow any transaction or to do any further business with respect to the Corporation or any of its accounts until such questions or dispute is resolved to the satisfaction of the Bank; and Bank shall be fully protected in taking either course of action or a combination thereof and shall be indemnified and saved harmless from any claims, demands, losses, damages, and expenses, including attorneys' fees, resulting from or growing out of the foregoing; and,

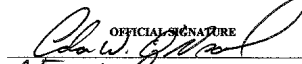
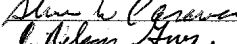
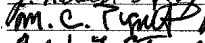

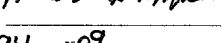
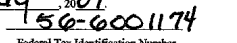
RESOLVED FURTHER, that all transactions by any of the officers, employees, or other representatives of this Corporation, in its name and for its account or within the authority herein given if said authority had been in effect prior to this meeting be and the same hereby approved and ratified; and,

RESOLVED FURTHER, that the foregoing resolutions together with any specific contract, account card or other writing shall be the agreement with Bank and Corporation agrees to be subject to Bank's rules and regulations as to each service or account; and expect where initialed on the certified copy indicating one or more specific officer(s) or agent(s) to perform a specific function, any officer listed below shall have authority to transact the authorized business with Bank; and

RESOLVED FURTHER, that the Secretary or an Assistant Secretary of the Corporation be, and hereby is authorized and directed to certify to Southern Bank and Trust Company the foregoing resolution or resolutions and that the provisions thereof are in conformity with the charter and bylaws of the Corporation and that the foregoing resolutions and authority thereby conferred shall remain in full force and in effect until this Corporation officially notifies Bank to the contrary in writing; and Bank may conclusively presume that such resolves are in effect and that the persons identified from time to time as officers of the Corporation by certificate of the Secretary or an Assistant Secretary, have been duly elected or appointed to and continue to hold such offices; and,

RESOLVED FURTHER, that all previous banking resolutions in conflict herewith relating to Southern Bank and Trust Company heretofore approved by the Board of Directors (or incorporator(s), as applicable) be, and the same hereby are superseded.

I further certify that there is no provision in the charter or bylaws of said Corporation limiting the power of the Board of Directors (or incorporator(s), as applicable) to pass the foregoing resolutions and that the same are in conformity with the provisions of said charter and bylaws. I further certify that the following are the names and official signatures of the present officers and other authorized persons of this Corporation:

	NAME	OFFICIAL SIGNATURE
Mayor	Adam W O'Neal	
Council	Steve W Carawan	
Council	J Nelson Gray	
Council	McKee Pigott Jr	
Council	Robert L Stanley	
Council	Howard D. Moore	
Other		

IN WITNESS WHEREOF, I have hereunto subscribed my name, this 11th day of May, 2009  
Maurice J. Adams Secretary (Assistant Secretary)      56-6001174 Federal Tax Identification Number

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**Lucky Ducky Regatta**

Mayor O'Neal recognized Ms. Arden Root, Executive Director of the Pungo District Hospital Foundation. Ms. Root requested use of Wynne's Gut for the Lucky Ducky Regatta, an annual fundraising event for the foundation. Ms. Root stated that she needed permission to run the regatta from the mouth of Wynne's Gut (on town property) to its' northern end on Friday, July 3 from about 5 PM to 6 PM. Councilman Carawan made the motion allowing Pungo District Hospital Foundation permission to use Wynne's Gut on Friday, July 3, 2009 (the Town is also named as the co-insured) for the Lucky Ducky Regatta. Councilman Stanley seconded the motion which carried unanimously.

**Pirates on the Pungo Regatta: July 17 – 19, 2009 Fundraiser Benefiting Pungo District Hospital**

Mayor O'Neal again recognized Ms. Arden Root, as Co-Chair of the Pirates on the Pungo Organization Committee. Ms. Root, on behalf of this organization, requested use of Town property on E. Main Street (know as the former temporary Post Office site) as a temporary camping site for those participating in the Pirates on the Pungo Regatta with the Town being named as co-insured. Councilman Carawan made the motion to approve the use of the former temporary Post Office site on E. Main Street by the Pirates on the Pungo Regatta participants for July 17 – 19, 2009 with the property being left as it was found. Councilman Stanley seconded the motion which carried unanimously.

**Pirates on the Pungo Regatta – Erection of Banner**

Ms. Root stated that the sponsors for the Pirates on the Pungo Regatta would like to have a banner erected over Main Street in June to advertise this event. Councilman Guy asked about conflicts this may have with advertising banners for the July 4<sup>th</sup> events. Following some additional discussion, Councilman Pigott made the motion that Town Manager Leverett review the banner erection area and to work out a solution for advertising the July 4<sup>th</sup> activities and the Pirates on the Pungo function. Councilman Guy seconded the motion which carried unanimously.

**Police Department – Radar Use**

Mayor O'Neal stated that per Councilman's Guy's request the Council would review the use of radar as it was now being used by the Chief only on a 90 days basis. Councilman Guy stated that per his conversation with the Police Chief the use of radar could be used to deter speeding in Belhaven and asked that there be no restrictions on the continued use of radar by the Police Department. Councilman Stanley stated that he does not like the use of radar as it can be used to harass people. Councilman Moore stated that the Chief can not use it all day and he would be concerned with the use of the radar from other officers. Mayor O'Neal stated that speeding could be controlled in other ways. Councilman Pigott suggested that the radar be used with warning tickets, by the Chief only, but felt that the policy should remain as is and to re-evaluate at a later date. Councilman Carawan made the motion to table the discussion concerning the use of radar with no restriction, but to continue with use by the Chief only with warning tickets being issued. Councilman Moore seconded the motion. Councilman Guy voted against the motion which carried 4 to 1.

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**Town Manager's Report**

Town Manager Leverett reported briefly on the following items: A) Department of Transportation – Minutes on Bridge B3611 – met in Raleigh on April 16, 2009 and the Town of Belhaven expressed an interest in leaving the causeway on the Belhaven side of the Pantego Creek Bridge – being reviewed by CAMA; B) Breakwater Replacement – announced that the Town of Belhaven has been funded for the breakwater replacement through the Army Corps of Engineers, Town Manger Leverett stated that John Paul Woodley, the Secretary to the US Department of the Army Corps of Engineers, thank-you letter to him in process and C) Battalina Creek – the call of the bond in is process; Councilman Carawan stated that the properties needed mowing and asked Town Manager Leverett to contact the owners.

**Adjournment**

There being no further business, Mayor O'Neal declared the meeting adjourned at 7:27 P.M.

Respectfully submitted,

Marie J. Adams  
Town Clerk

\_\_\_\_\_  
Steve Hall, Recording Secretary

/MJA

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