

THE BOARD OF COMMISSIONERS OF THE COUNTY OF CRAVEN MET IN REGULAR SESSION IN THE COMMISSIONERS' ROOM OF THE COUNTY ADMINISTRATION BUILDING, 406 CRAVEN STREET, NEW BERN, NORTH CAROLINA ON MONDAY, OCTOBER 16, 2000. THE MEETING CONVENED AT 8:30 A.M.

MEMBERS PRESENT:

Chairman Albert H. Toon
Vice-Chairman C.W. "Pete" Bland
Commissioner Lee K. Allen
Commissioner Donald L. Phillips
Commissioner Johnnie Sampson, Jr.
Commissioner Charles F. Tyson, Jr.

STAFF PRESENT:

Harold Blizzard, County Manager
George B. Sawyer, Assistant County Manager
Richard F. Hemphill, County Finance Officer
Ray H. Moser, Human Resources Director
James R. Sugg, County Attorney
Gwendolyn M. Bryan, Clerk to the Board

Following an invocation by Commissioner Sampson and the Pledge of Allegiance, Commissioner Tyson moved to approve the minutes of October 2, 2000, seconded by Commissioner Sampson and unanimously carried.

RECREATION REQUEST FOR AUTHORIZATION TO ACCEPT WATERFRONT ACCESS GRANT

Craven County Recreation Director, Jan Parker, requested that the Board pass the following resolution regarding the Coastal Beach and Waterfront Access Grant awarded to Craven County. The grant is for \$93,753.00, which requires a cash match of \$15,125.00, already included and approved in the current FY 2000-2001 Craven County Budget, as well as an in-kind match of \$15,125.00. Commissioner Sampson moved to adopt the resolution and approve acceptance of the grant award, seconded by Commissioner Bland and unanimously carried.

RESOLUTION

BE IT RESOLVED, BY THE Board of Commissioners of the County of Craven

- 1) That the contract between the County of Craven and the North Carolina Department of Environment and Natural Resources be and the same is hereby approved.
- 2) That the Chairman and the Clerk be and they are hereby authorized to sign and execute the said contract for and on the behalf of the County of Craven and forward the same to the North Carolina Department of Environment and Natural Resources.
- 3) That upon final execution, a copy of said contract be filed with the minutes. Upon motion of Commissioner Sampson, seconded by Commissioner Bland, said resolution was passed unanimously.

PRESENTATION ON JOINT LAND USE STUDY PROGRAM

Col. Barry Fetzer of Community Plans and Liaison Office at MCAS Cherry Point, and Mr. John Leigh of the Department of Defense, presented a proposed Joint Land Use Study Program and requested that the Board adopt the following resolution. Commissioner Allen moved to adopt the resolution, seconded by Commissioner Tyson and unanimously carried. During the presentation the Board was informed that the Commanding Officer is strongly in favor of the study and that MCAS Cherry Point will provide staff for technical assistance but not funding. He also stated that the Office of

Economic Assistance would provide 50% of the funding, with a 50% County match required, combination cash and in-kind. He further stated that the County's cash portion of the match could not be from federal resources. Commissioner Allen advised that he would be available to serve on the committee for the study, should the Chairman wish to appoint him.

RESOLUTION

WHEREAS, the Craven County Board of Commissioners recognizes that continued operation of the Marine Corps Air Station (MCAS) Cherry Point is important to both the Craven County local economy and the economy of eastern North Carolina, and that its future operational capacity should be protected; and

WHEREAS, MCAS Cherry Point is interested in preparing a Joint Land Use Study (JLUS) to coordinate future planning efforts of the Air Station and surrounding local governments; and

WHEREAS, the County recognizes that participation in development of a JLUS will benefit the health, safety, and general welfare of the residents of Craven County.

NOW, THEREFORE, BE IT RESOLVED, by the Craven County Board of Commissioners as follows:

1. The County agrees to participate in the development of a JLUS with MCAS Cherry Point and the City of Havelock.
2. The County agrees to appoint a representative to the JLUS policy committee.
3. The County agrees to consider funding its local matching share of the cost of the JLUS once determined by the policy committee and brought back to this Board.
4. The County commits to a good faith effort to implement the JLUS recommendations.

Adopted this 16th day of October, 2000

CRSWMA AMENDMENT TO ORGANIZATIONAL RESOLUTION

CRSWMA Executive Director, Allen Hardison, presented the following amended resolution establishing CRSWMA. He explained that the amendments to the resolution are to bring it into conformity with the changes in the law since its inception. Commissioner Bland moved to adopt the amended and restated resolution establishing CRSWMA, seconded by Commissioner Talton and unanimously carried.

AMENDED AND RESTATED

RESOLUTION ESTABLISHING

COASTAL REGIONAL SOLID WASTE MANAGEMENT AUTHORITY

WITNESSETH:

THE WHEREAS, the General Assembly of North Carolina has enacted the Solid Waste Management Act of 1989, Chapter 130A, Article 9, Part 2A of the General Statutes of North Carolina; and

WHEREAS, said legislation mandates that each county, either individually or in cooperation with others, shall, in cooperation with its municipalities, develop a comprehensive county solid waste management plan consistent with the State's comprehensive solid waste plan, including provisions which address the State's recycling goal; and

WHEREAS, the General Assembly has enacted legislation providing for the creation of regional solid waste management authorities among units of local government in North Carolina, said legislation being codified as Chapter 153A, Article 22 of the General Statutes; and

WHEREAS, Craven, Carteret and Pamlico Counties, the same being counties of the State of North Carolina, after due and diligent consideration, desire to take action pursuant to said legislation;

NOW, THEREFORE, BE IT RESOLVED, by the Boards of Commissioners of Craven, Carteret and Pamlico Counties, in separate sessions duly convened, by the adoption and enactment of this resolution by each of said Boards, do hereby create a regional solid waste management authority pursuant to Chapter 153A, Article 22 of the General Statutes of North Carolina and do hereby adopt this resolution and the following articles and sections thereunder as the charter thereof:

ARTICLE I

NAME

The name of this Authority shall be COASTAL REGIONAL SOLID WASTE MANAGEMENT AUTHORITY.

ARTICLE II

DEFINITIONS

Section 1

The terms enumerated and referred to in Chapter 153A, Article 22, §153A-421 of the North Carolina General Statutes and in the Authority's Solid Waste System Revenue Refunding Bonds, Series 1999 Bond Order shall have the meanings as therein set forth. In the event of any inconsistencies between the definitions of the terms as set forth in said statute and Bond Order and the terms as set forth herein, the definition as set forth in the general statutes shall control. In addition, the following terms are defined terms under this charter and shall have the meanings as indicated:

1. Act - The North Carolina Solid Waste Management Act of 1989, N.C.G.S. Chapter 130A, Article 9, Part 2A.
2. Authority - Coastal Regional Solid Waste Management Authority established pursuant to Chapter 153A, Article 22 of the General Statutes of North Carolina.
3. Interlocal Solid Waste Management Agreement - An agreement entered into between the Authority and a municipality pursuant to North Carolina General Statute Chapter 160A, Article 20, Part 1.

4. Regional Landfills - Any landfill developed and operated by the Authority in such locations within the Service Area or designated by the Authority for the disposal of solid waste.

5. Service Area - The geographic area encompassing the territorial jurisdiction of the members of the Authority. This term also includes the geographic area within municipalities located in Careteret, Craven or Pamlico counties to the extent that any such municipality has granted the Authority jurisdiction pursuant to an Interlocal Solid Waste Management Agreement.

6. Service Charge - Any charge made by the Authority for the management of solid waste.

7. Solid Waste Disposal System - Any and all facilities now or hereafter designated by Authority as part of its system for the management and disposal of solid waste, including, but not limited to recycling and other volume reduction facilities, sanitary landfills, or other disposal means, resource recovery facilities (including steam production and electrical generating facilities using solid waste as fuel), composting, recycling and transfer stations, roads, water lines, wastewater lines and treatment facilities to the extent provided or operated to carry out the provisions of the Act, and all buildings, fixtures, equipment and all property, real and personal now or hereafter owned, leased, operated or used by Authority, all for the purpose of providing for solid waste disposal; as of the date of enactment of this Charter.

8. Solid Waste Management Plan - A plan adopted by the Authority pursuant to the Act setting forth the types of material acceptable to the Authority for disposal, times and places where material will be received by the Authority, methods of collecting fees charged by the Authority for disposal service, and such other information as will describe operating procedures, control, use of the disposal system and provide instruction and guidelines to users of the system.

9. Waste Hauler - Any person, firm, corporation or other entity engaged, in whole or part, in the collection, transportation, delivery, or disposal of solid waste generated within the Service Area, including any such entity engaged in such activities with respect to solid waste generated by such entity as well as any entity engaged in such activities with respect to solid waste generated by others.

ARTICLE III

DECLARATION OF PURPOSE

1. To require all inhabitants and entities within the Service Area and all governmental agencies, to use exclusively the Solid Waste Disposal System operated, maintained or designated by the Authority for the disposal of all solid waste generated within or brought within the Service Area; to establish a schedule of fees, rates, charges and assessments for the management of solid waste to pay for the costs of the operation and maintenance of the Solid Waste Disposal System; and to provide for a method and procedure for the collection of such established fees, rates, charges and assessments.

2. To protect and enhance the environment and the health, safety and welfare of citizens residing within and without the Authority Service Area by requiring that all solid waste generated within the Authority's Service Area be disposed of in a manner which complies with the requirements of the Resource Conservation and Recovery Act, 42 U.S.C. §6901, et. seq., enacted by the United States Congress and regulations promulgated thereunder, specifically 40 C.F.R. Part 258, including 258.40 (Subpart D), and with the Act.

3. To regulate in an environmentally safe manner the storage, collection, transport, separation, processing, recycling and disposal of solid waste in order to protect the public health, safety, and welfare; enhance the environment for the people of the Authority Service Area and recover resources which have the potential for further usefulness.

4. To adequately plan and provide efficient, environmentally acceptable solid waste management programs.

5. To utilize all means reasonably available to promote efficient and proper methods of managing solid waste and to promote the economical recovery of material and energy resources from solid waste.

6. To promote the education of the general public and the training of solid waste professionals to reduce the production of solid waste, to ensure proper disposal of solid waste, and to encourage recycling.

7. To develop and implement recycling programs so that valuable materials may be returned to productive use, energy and natural resources conserved, and the useful life of solid waste disposal facilities extended.

8. The provisions of this Charter are intended to be, and they shall constitute, the exercise by the Authority of the powers and authority granted to it under the Act.

9. Except to the extent that solid waste generated within the Service Area is transported, disposed of or otherwise processed in accordance with the terms and conditions of a non-system license issued by the Authority, no Waste Hauler or other entity shall transport solid waste generated within the Service Area to any non-system facility, or utilize or cause to be utilized any such non-system facility for the disposal or other processing of any solid waste generated within the Service Area.

ARTICLE IV

FINDINGS

1. It is necessary for the promotion of the common interest of the people of the Service Area to provide for the effectuation of a Solid Waste Disposal System, and it is necessary to the health, safety, and welfare of the citizens and residents of the Service Area to provide an adequate Solid Waste Disposal System for all residents and commercial, industrial and agricultural operators within the Service Area.

2. The Act authorizes the Authority to construct, operate and maintain or contract with entities for the construction, operation and maintenance of the Solid Waste

Disposal System for the use and benefit of the inhabitants of the Service Area and grants to the Authority the power:

- (a) To require the inhabitants of the Service Area to use the Solid Waste Disposal System established by the Authority exclusive of any other facilities being operated or maintained by any other governmental authorities or private parties; and
- (b) To prescribe, fix, establish and collect rates, fees, assessments, rentals or other charges for the use of said Solid Waste Disposal System and to pledge such revenues as security for the payment of bonds issued under said legal authority for the construction, planning, permitting, design, management and operation of the Solid Waste Disposal System.
- (c) To require any Waste Hauler to make use of the Solid Waste Disposal System of the Authority.

3. The inefficient and improper methods of managing solid waste create hazards to public health, causes pollution of the air and water resources, constitutes a waste of natural resources, have an adverse affect on land values and create public nuisances.

4. The potential operation of numerous independent and separate solid waste facilities within the Service Area with varying standards of operation and control creates a serious and critical health and safety problem to all of the citizens of the Service Area and that the use of one Solid Waste Disposal System operating uniformly and with minimum ecological impact in the Service Area is vital and imperative to the health, safety and welfare of the people of the Service Area and other living things.

5. The Act grants the Authority the power to provide for and regulate solid waste collection and disposal.

6. The Service Area has limited land and resources for the disposal, transfer and recovery of resources from solid waste and it is the responsibility of the units of local government within the Service Area to protect and judiciously utilize such limited land and resources.

7. The Authority is developing the disposal system as a regional waste disposal and recovery system within the framework of a regional solid waste management plan of operation in cooperation with federal, state and local agencies for the benefit of all citizens of the Service Area.

ARTICLE V

POWERS, DUTIES AND FUNCTIONS

Section 1.

Powers

This Authority shall possess the following powers:

- (1) To apply for, accept, receive, and disburse funds and grants made available to it by the State of North Carolina or any agency thereof, the United States of America or any agency thereof, any unit of local government whether or

- not a member of the authority, any private or civic agency, and any persons, firms, or corporations;
- (2) To employ personnel;
 - (3) To contract with consultants;
 - (4) To contract with the United States of America or any agency or instrumentality thereof, the State of North Carolina or any agency, instrumentality, political subdivision, or municipality thereof, or any private corporation, partnership, association, or individual, providing for the acquisition, construction, improvement, enlargement, operation or maintenance of any solid waste management facility, or providing for any solid waste management services;
 - (5) To adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules and policies in connection with the performance of its functions and duties, not inconsistent with the laws of the State of North Carolina or the United States;
 - (6) To adopt an official seal and alter the same;
 - (7) To establish and maintain suitable administrative buildings or offices at such places as it may determine by purchase, construction, lease, or other arrangements either by the authority alone or through appropriate cost-sharing arrangements with any unit of local government or other person;
 - (8) To sue and be sued in its own name, and to plead and be impleaded;
 - (9) To receive, administer, and comply with the conditions and requirements respecting any gift, grant, or donation of any property or money;
 - (10) To acquire by purchase, lease, gift, or otherwise, or to obtain options for the acquisition of any property, real or personal, improved or unimproved, including an interest in land less than the fee thereof;
 - (11) To sell, lease, exchange, transfer, or otherwise dispose of, or to grant options for any such purposes with respect to any real or personal property or interest therein;
 - (12) To pledge, assign, mortgage, or otherwise: grant a security interest in any real or personal property or interest therein, including the right and power to pledge, assign, or otherwise grant a security interest in money, rents, charges, or other revenues and any proceeds derived by the Authority from any and all sources;
 - (13) To issue revenue bonds of the Authority and enter into other financial arrangements including those permitted by Chapter 153A Article 22, Chapters 159, 159I, and 160A of the General Statutes of North Carolina to finance solid waste management activities, including, but not limited to systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, and disposal and for related support facilities, to refund any revenue bonds or notes issued by the

- authority, whether or not in advance of their maturity or earliest redemption date, or to provide funds for other corporate purposes of the authority;
- (14) With the approval of any member unit of local government, to use officers, employees, agents, and facilities of the member unit of local government for such purposes and upon such terms as may be mutually agreeable;
 - (15) To develop and make data, plans, information, surveys, and studies of solid waste management facilities within the territorial jurisdiction of the members of the authority, to prepare and make recommendations in regard thereto;
 - (16) To study, plan, design, construct, operate, acquire, lease, and improve systems and facilities, including systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, household hazardous waste management, transportation, disposal and public education regarding solid waste management, in order to provide environmentally sound, cost-effective management of solid waste, including storage, collection, transporting, separation, processing, recycling and disposal of solid waste in order to protect the public health, safety and welfare; to enhance the environment for the people of the Service Area; recover resources and energy which have the potential for further use, and to promote and implement the purposes set forth in Part 2A of Article 9 of Chapter 130A of the General Statutes;
 - (17) To locate solid waste facilities, including ancillary support facilities, as the Authority may see fit;
 - (18) To assume any responsibility for disposal and management of solid waste imposed by law on any member unit of local government;
 - (19) To operate such facilities together with any person, firm, corporation, the State of North Carolina, any entity of the State, or any unit of local government as appropriate and otherwise permitted by this charter and the laws of the State of North Carolina;
 - (20) To set and collect such fees and charges as is reasonable to offset operating costs, debt service, and capital reserve requirements of the Authority;
 - (21) To apply to the appropriate agencies of the State, the United States of America or any state thereof, and to any other appropriate agency for such permits, licenses, certificates or approvals as may be necessary and to construct, maintain, and operate projects in accordance with such permits, licenses, certificates, or approvals in the same manner as any other person or operating unit of any other person;
 - (22) To employ engineers, architects, attorneys, real estate counselors, appraisers, financial advisors, and such other consultants and employees as may be required in the judgment of the Authority, to fix and pay their compensation from funds available to the Authority therefore, to select and retain, subject to approval of the North Carolina Local Government Commission, the financial consultants, underwriters, and bond

- attorneys to be associated with the issuance of any revenue bonds, and to pay for services rendered by financial consultants, underwriters, or bond attorneys from funds available to the authority, including the proceeds of any revenue bond issue with regard to which the services were performed;
- (23) To acquire property located within the territorial jurisdiction of any member unit of local government by eminent domain pursuant to authority granted to counties;
 - (24) To require that any and all solid waste and recyclable materials generated within the authority's Service Area be separated and delivered to specific locations and facilities, provided that if a private landfill shall be substantially affected by such requirement, then the regional solid waste management authority shall be required to give the operator of the affected landfill at least two years written notice prior to the effective date of the requirements; and
 - (25) To do all things necessary, convenient, or desirable to carry out the purposes and to exercise the powers granted to the authority under this charter or the General Statutes of North Carolina.
 - (26) To enter into long-term and continuing contracts, not to exceed a term of sixty (60) years, with member or other units of local government for the acquisition, construction, improvement, enlargement, operation, or maintenance of any solid waste management facility or for solid waste management services with respect to solid waste generated within their geographic boundaries or brought into their geographic boundaries.

Section 2

Functions and Duties

The functions and duties of the Authority shall include, but not be limited to the following:

- (1) The planning, design, construction, financing, management, ownership, operation and maintenance of solid waste disposal, volume reduction and resource recovery facilities and all related solid waste receiving, transfer, recycling, storage, transportation and waste handling and general support facilities considered by the Authority to be necessary, desirable, convenient or appropriate in carrying out the Solid Waste Management Plan and in establishing, managing and operating solid waste disposal and resource recovery systems and their component waste processing facilities and equipment;
- (2) The provision of solid waste management services to municipalities, regions and persons within the Service Area, or other places as may be designated by the Authority, by receiving solid wastes at the Authority facilities, pursuant

to contracts between the Authority and such agencies, municipalities, persons, regions and business entities; the recovery of material and energy resources and resource values from such solid wastes; and the production from such services and resources recovery operations of revenues sufficient to provide for the support of the Authority and its operations;

- (3) The development, implementation and supervision of a program requiring all Waste Haulers to obtain a license from the Authority. The Authority may enter into an administrative agreement with any county, municipality or other political subdivision under which agreement the licensing program referenced herein may be conducted by the county, municipality or other political subdivision pursuant to such rules and regulations adopted by the Authority which are applicable to the licensing program.

ARTICLE VI
BOARD OF DELEGATES

The powers of the Authority shall be exercised by an initial Board of Delegates, who may also be referred to as the Board of Directors, composed as follows:

<u>MEMBER UNIT</u>	<u>NUMBER OF DIRECTORS</u>
Craven County	3
Carteret County	2
Pamlico County	2

The governing body of each member unit shall appoint residents of the member unit to the Board and may appoint one alternate who may attend meetings of the Authority Board, but who shall be entitled to vote only in the absence of any one director designated by the appointing member unit. In appointing members to the Board of Directors of the Authority, each member shall strive to appoint at least one director who shall fairly and reasonably consider and represent the interests of the municipalities within the Authority's Service Area. Each director and alternate shall serve at the pleasure of the appointing body and, except for the terms of the first members, shall serve for a term of four years. Any member or alternate may be removed, with or without cause, by the governing body of the appointing member unit. Each member and alternate on the Board shall hold office until his-her successor is appointed and qualified. Any member and alternate shall be eligible for reappointment to succeed him/herself.

A vacancy on the Board of Directors shall be filled by appointment by the governing board of the member unit of local government having the original appointment with the term of office for the new appointee being the unexpired term of the original appointee.

The names and addresses of the first members, the names of the appointing political subdivisions, and the year of expiration of the term of the first members are as follows:

<u>Name</u>	<u>Address</u>	Expiration Of <u>Term</u>
CRAVEN COUNTY		
Alton D. Harris, Director		December 31, 1992
John W. Dunham, Director		December 31, 1993
Charles T. Potter, Director		December 31, 1994
Tyler B. Harris, Alternate		December 31, 1994
CARTERET COUNTY		
John Morris, Director		December 31, 1993
Carl Tilghman, Director		December 31, 1994
Kenneth Windley, Jr., Alternate		December 31, 1994
PAMLICO COUNTY		
Paul H. Johnson, Director		December 31, 1993
William R. Rice, Director		December 31, 1994
Nancy W. Smith, Alternate		December 31, 1994

ARTICLE VII

FINANCES

Funding for administrative and general operational requirements of the Authority, to include planning, permitting, design, acquisition, construction and management of the Solid Waste Disposal System and other Authority purposes will initially be provided by members of the Authority. Each member's proportionate share will be determined by a per capita assessment based on the most recent population projections provided by the North Carolina State Office of Budget and Management. Thereafter, the Authority will develop and adopt, by a simple majority vote, an annual budget for each up-coming fiscal year by the end of May of the preceding fiscal year. The budget shall be funded first by revenues generated by operations of the Authority and, secondarily, by revenues generated by assessments of member governments, said assessments to be determined in the same manner as initial funding.

ARTICLE VIII

AUDIT

The Authority shall cause to be made an annual audit of its books and records by an independent certified public accountant at the end of each fiscal year and a certified copy thereof shall be filed promptly with the governing body of each member.

ARTICLE IX
AMENDMENTS

This charter may be amended by a simple majority of the members of the Authority, however, the provisions of Article XI concerning the Municipal Committee may not be amended in any manner which affects any municipal corporation, city or town represented on said committee without the written consent of the governing body of such municipal corporation, city or town.

ARTICLE X
DISSOLUTION

If there is no outstanding indebtedness, the Authority may be dissolved by a vote of the simple majority of the member units of local government according to the procedures for dissolution as set forth in the Non-Profit Corporation Act of North Carolina.

ARTICLE XI
MUNICIPAL COMMITTEE

There shall be a standing committee of the Authority composed as follows:

Section 1

Name

The name of the Committee shall be the "MUNICIPAL COMMITTEE".

Section 2

Members

1. The Committee shall be composed of one representative from each municipal corporation, city or town within the Authority Service Area, which has entered into an Interlocal Solid Waste Management Agreement with the Authority and which has a population of no less than 150 residents as determined by the most recent population projections provided by the North Carolina State Office of Budget and Management and which has requested in writing to be represented on the Committee.

2. The members of the Committee shall be appointed by the governing bodies of the municipal corporation, city or town he or she represents and each shall serve at the pleasure of his or her governing body.

3. In the event that any municipal corporation, city or town having a representative on the Committee shall, for any reason, cease to be a party to an Interlocal

Solid Waste Management Agreement with the Authority, representative membership on the Committee for such municipal corporation, city or town shall immediately cease.

Section 3

Duties and Functions

The members of the Committee shall be entitled to all rights and privileges of the members of the Board of Directors of the Authority except the right to vote, including, but not by way of limitation, the right to attend all meetings of the Board of Directors of the Authority and report the proceedings thereof to their respective governing bodies, except that any information received in executive session or other confidential status shall be reported to such member's governing body with the same confidential status under which it is received.

HISTORICAL NOTES:

Original adopted: August 20, 1990

First Amendment adopted: June 3, 1991

Second Amendment presented to CRSWMA Board: September 14, 2000

Second Amendment adopted by Pamlico County: October 2, 2000

Second Amendment adopted by Craven County: October 16, 2000

Second Amendment adopted by Carteret County: October 16, 2000

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SHERIFF'S DEPARTMENT MATTERS

Request for Authorization to Accept Local Law Enforcement Block Grant

Captain Bob Brown requested that the Board authorize acceptance of the Local Law Enforcement Block Grant in the amount of \$29,037.00, which requires a County match of \$3,226.00. It was projected that the funds will be used for radio equipment and upgrades to the Canine Corps. Commissioner Sampson moved to authorize acceptance of the grant and the County match in the amount of \$3,226.00 from fund balance. The motion was seconded by Commissioner Bland and unanimously carried in a roll call vote. County Manager, Harold Blizzard, requested that a list be provided detailing what expenditures will be made from the funds.

County Internet Policy

Mr. Blizzard presented a proposed amendment to the County's Internet Policy, with the recommendation from the Attorney that it be adopted to include coverage of the Sheriff's Department employees and reflecting retention by the Sheriff of his right to discipline employees in his department. Commissioner Sampson moved to approve the proposed amendment, seconded by Commissioner Bland and unanimously carried in a roll call vote.

REQUEST FOR PROCLAMATION OF PORNOGRAPHY AWARENESS WEEK

Mr. Frank Owens had submitted to the Board the following proclamation declaring October 29 – November 5, 2000 as Pornography Awareness Week and requested that it be adopted. Commissioner Allen moved for its adoption, seconded by Commissioner Talton and unanimously carried.

PROCLAMATION

WHEREAS, the United States Supreme Court has ruled that obscenity is not protected speech under the First Amendment;

WHEREAS, there are Federal and State obscenity laws against illegal hardcore pornography to protect public safety, public health and public morality;

WHEREAS, pornography degrades and dehumanizes both female and male participants;

WHEREAS, much pornography features and promotes rape and other anti-social behavior in an era of increasing sexual violence and an epidemic of sexually transmitted diseases;

WHEREAS, so called “adult” pornography is commonly used by pedophiles to desensitize children and break down their resistance to sexual acts;

WHEREAS, children are increasingly molesting other children in imitation of what they have seen in pornography;

WHEREAS, Americans throughout this great nation will be participating in Pornography Awareness Week by displaying white ribbons as symbols of community standards.

NOW, THEREFORE, the Craven County Board of Commissioners proclaims the week of October 29, 2000 through November 5, 2000 as PRONOGRAPHY AWARENESS WEEK.

TAX DEPARTMENT MATTERS

Tax Releases and Refunds

Craven County Tax Administrator, Ronnie Antry, presented the following routine requests for tax releases and refunds for the Board’s approval. Commissioner Tyson requested that he be allowed to abstain because his name appeared on one of the lists. Commissioner Allen moved to allow Commissioner Tyson to abstain, seconded by Commissioner Bland and unanimously carried. Commissioner Phillips moved to approve the tax releases and refunds, as presented, seconded by Commissioner Bland and unanimously carried in a roll call vote.

Credits

TAXPAYER NAME	TICKET#	AMOUNT
ADAMS, KEVIN D MILITARY, BOAT IN HIS NAME ONLY	2000-0000179	\$ 118.57
ANDREWS, KATHERINE DWMH USED FOR STORAGE ONLY	2000-0001149	\$ 24.00
AVERY, LES E & JUDY K PROPERTY BILLED INCORRECTLY REBILLED ON SUPPLEMENT	2000-0001768	\$ 66.72
BLACKISTON, DALLAS PARCEL BILLED INCORRECTLY	2000-0004263	\$ 39.27
BRAXTON, MICHAEL BOAT SOLD 3/6/99	2000-0005392	\$ 8.17
BURDULIS, CHARLES S MILITARY, BOAT IN HIS NAME ONLY	2000-0006947	\$ 65.77

BUTLER, WANDA YVONNE BILLED INCORRECTLY, REBILLED ON SUPPLEMENT	2000-0007163	\$ 87.21
C & R CUSTOM CABINETS BUSINESS DOUBLE LISTED W/17366	2000-0007251	\$ 50.38
CAMDEN, JOHN R & LEILANI D DID NOT OWN BOAT 1-1-2000	2000-0007385	\$ 3.35
CHILDERS, JUDY ANN MH SOLD IN '98	1999-0008796	\$ 46.90
CHILDERS, JUDY ANN MH SOLD IN '98	2000-0008928	\$ 42.22
CONGELTON, WANZER & GARY DWELLING HAS BEEN VACANT SINCE '95	2000-0010052	\$ 24.00
COWAN, THOMAS EARL BILLED INCORRECTLY, REBILLED ON SUPPLEMENT	2000-0010646	\$ 23.16
DAUB, KENNETH LEE & GEORGETTE REBALUED BOAT PER BILL OF SALE	2000-0011941	\$ 9.82
DAUGHERTY, DAVID MH DOUBLE LISTED W/33347	1999-0090348	\$ 215.50
DAUGHERTY, DAVID MH DOUBLE LISTED W/33347	2000-0011957	\$ 189.46
DAVIS, MYRTLE L MH MOVED TO PITT CO 9-99	2000-0012300	\$ 117.33
DELPH, CHRISTOPHER CHARLES HOUSE BILLED INCORRECTLY	2000-0012766	\$ 136.19
DIGITAL TV & RADIO INC BUSINESS LISTED INCORRECTLY	2000-0013020	\$ 233.29
DRAKE, AARON GENE TAGGED VEHICLE AFTER LISTING	2000-0013711	\$ 1.72
DUNN, MONA SWMH DOUBLE LISTED W/35898	2000-0014095	\$ 65.24
DUVALL, LEIF A BOAT REVALUED	2000-0014234	\$ 38.49
EAGAN, TALENA MH DOUBLE LISTED W/28484	2000-0014298	\$ 354.93
EDWARDS, CLAUDE & CAROLYN BOAT IS LOCATED IN BEAUFORT CO	2000-0014585	\$ 196.47
ELKS, DANNY LEE & MARILYN FAYE BILLING ERROR	2000-0014842	\$ 4.33
ENGLISH, FREDERICK & DAISY BILLED INCORRECTLY REBILLED ON SUPPLEMENT	2000-0015056	\$ 130.32

EVERETT, CHARLES L NO DWELLING ON THIS SITE SOLD '95	2000-0015360	\$ 24.00
FILLINGAME, RODNEY JR & LEIGH PARCEL TRANSFERRED IN ERROR	2000-0016018	\$ 32.40
FLEET HEALTHCARE FINANCE CORP DOUBLE LISTED EQUIPMENT W/WACHOVIA LEASING	2000-0016365	\$ 233.97
GARDNER, JOHN BOAT NOT TAXABLE IN CRAVEN COUNTY	2000-0017786	\$ 120.09
GORDON, DAVID BOAT NOT IN CRAVEN COUNTY 1-1-2000	2000-0012061	\$ 40.59
HARKER, JACK GLENN & PATRICIA SWMH DOUBLE LISTED W/2319	2000-0021447	\$ 126.48
HARKINS, DAVID & HELEN MH DOUBLE LISTED W/39325	2000-0021458	\$ 107.02
HOPEWELL, GEORGE ROBERT BLDG REMOVED FROM PROPERTY IN '95	2000-0024028	\$ 1.28
HUMPHREY, SUSAN C FLOODED MH, BOUGHT BY BANK FOR 2000	2000-0024613	\$ 191.99
JONES, JAMES ANDREW SECOND HOME IN CRAVEN COUNTY	2000-0026637	\$ 24.00
KING, DAVID D & CAROL BILLED INCORRECTLY REBILLED ON SUPPLEMENT	2000-0027767	\$ 141.00
KREGEL, TOM BOAT BILLED INCORRECTLY	2000-0028378	\$ 38.40
LABRIOLA, JOHN E DID NOT OWN BOAT 1-1-2000	2000-0028536	\$ 25.59
MANNING, BRENDA SECOND HOME IN CRAVEN COUNTY	2000-0031071	\$ 24.00
MARTIN, GILLETTE MH VACANT SINCE 1997	2000-0031516	\$ 24.00
MAXEY, JASON A & JANET H REVALUED JUNKED VEHICLE	2000-0031858	\$ 28.51
MCNALLY, EMILY REBALUED MH PER BILL OF SALE	2000-0032959	\$ 7.80
MORGAN, MELVIN BUILDINGS REMOVED IN 1999	2000-0034895	\$ 9.92
NEUSE BUILDERS OF NEW BERN INC BILLED INCORRECTLY FOR 2000 REBILLED ON SUPPLEMENT	2000-0036125	\$ 96.00
PARKER, CHARLES E JR BOAT VALUED INCORRECTLY	2000-0037697	\$ 296.74
ROBERTSON, HORACE MH VACANT '94	2000-0041659	\$ 24.00

ROUSE, PRESTON WADE PARCEL BILLED INCORRECTLY	2000-0042599	\$ 18.49
SAILER, STEVEN W & MARLO ANN INCORRECTLY BILLED REBILLED ON SUPPLEMENT	2000-0042599	\$ 528.86
SHACKELFORD, SAMMIE L & FILLIN PARCEL BILLED INCORRECTLY	2000-0043635	\$ 349.07
STANLEY, GENEVA MH DOUBLE LISTED W/1536900	2000-0045802	\$ 37.28
STILLEY, GEORGE O DWELLING HAS BEEN VACANT SINCE '95	2000-0046250	\$ 24.00
TAYLOR, MARTHA W DID NOT RECEIVE SCE	2000-0047593	\$ 137.12
TERRY, RUEBEN L MILITARY EXEMPT FOR BOAT	2000-0047866	\$ 15.39
TOTH, TROY A & BARBARA W MOVED BOAT OUT OF STATE BEFORE 1-1-2000	2000-0048772	\$ 33.36
TRZASKO, MICHAEL J & LISA M GO BOAT LISTED IN JONES CO.	2000-0049297	\$ 16.83
TYSON, CHARLES F JR & JEANNIE SECOND DWELLING IN CRAVEN COUNTY	2000-0049665	\$ 24.00
WENDELL, ROGER BOAT NOT IN CRAVEN COUNTY 1-1-2000	2000-0051638	\$ 227.89
WETHERINGTON, MARIE SUTTON & P DWELLING VACANT FOR 2 YEARS	2000-0051950	\$ 24.00
WRIGHT, JAMES C OUT OF BUSINESS AS OF 12-31-99	2000-0055111	\$ 17.81
YOUNGER, ALVIN M & GERTRUDE P CORRECTED PARCEL	2000-0055434	\$ 2.96

61 – CREDIT MEMO(S) \$5,367.65

Refunds

ANDREWS, BILLY LEROY & INTEREST CHARGED IN ERROR	2000-0001129	\$ 4.35
DUNN, ROSA WHITE MH BILLED INCORRECTLY	2000-0014142	\$ 141.17
GREEN, ANDREW ROY HRS DWELLING SOLD IN '95	1999-0019221	\$ 24.00
GREEN, ANDREW ROY HRS DWELLING SOLD IN 1995	1998-0018367	\$ 24.00
GREEN, ANDREW ROY HRS DWELLING SOLD IN 1995	1997-0018360	\$ 27.00

MCNALLY, EMILY
REVALUED MH PER BILL OF SALE

2000-0090007

\$ 8.70

6 – REFUND(S) \$229.22

Appeal of Late Listing Penalty

The Board considered an appeal of a late listing penalty in the amount of \$74.13, submitted by Gary Coats of O/E Systems, Inc. The appeal was submitted based upon a postage meter date on the listing of January 28th, although the listing did not appear in the tax office until February 2, 2000. There was not a post office cancellation. Commissioner Allen moved to deny the request for relief based upon the County’s prior actions in such appeals, seconded by Commissioner Bland and unanimously carried in a roll call vote.

PLANNING DEPARTMENT MATTERS

Planning Director, Don Baumgardner, presented the following matters for the Board’s consideration.

Subdivisions for Approval

Brian L. and Tracy H. Davis Div. – Final: The property, owned by Brian and Tracy Davis and surveyed by Matthews Surveying, is located within Twp 3 off of SR 1245 (Old Dover Road). The subdivision contains 1 lot and is proposed to be served by an individual septic system and community water. The Planning Board reviewed and recommended the subdivision for final approval.

Forest Fun Phase Three – Final: The property, owned by H&W Investments and surveyed by Robert H. Davis, is located within Twp 7 off of SR 1110 (Wilcox Road). The subdivision contains 8 lots and is proposed to be served by community water and sewer. The Planning Board reviewed and recommended the subdivision for final approval.

Commissioner Talton moved to approve the recommendations of the Planning Board, seconded by Commissioner Sampson and unanimously carried.

Request for Driveway Paving for Township 7 Rescue Squad

The Board was presented the following resolution petitioning the Division of Highways to pave the driveway of Township 7 Rescue Squad, utilizing secondary road construction funds. Commissioner Talton moved for adoption of the resolution, seconded by Commissioner Sampson and unanimously carried.

**NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR DRIVEWAY PAVING**

North Carolina
County of Craven
Road Description Twp 7 Rescue Squad Driveway

WHEREAS, the attached request has been filed with the Board of County Commissioners of the County of Craven requesting that the above described driveway, the location of which has been indicated in red on the attached map, be paved utilizing secondary road construction funds;

NOW, THEREFORE, be it resolved by the Board of County Commissioners of the County of Craven that the Division of Highways is hereby requested to pave the above described driveway once it meets the established standards and criteria.

COMMISSIONERS' REPORTS

Commissioner Bland requested to make his report due to the necessity for Commissioner Allen to be excused from the meeting early. Commissioner Bland presented a plaque on behalf of the Vanceboro Christian Help Center to the Board of Commissioners for their support during the past year since the Hurricane Floyd disaster.

At 9:53 a.m. Commissioners Allen and Talton requested to be excused. Commissioner Tyson moved to excuse Commissioner Allen and Commissioner Talton, seconded by Commissioner Phillips and unanimously carried.

APPOINTMENTS

Welfare Reform Advisory Committee

At the Board's meeting on October 2, 2000 members were appointed to the Welfare Reform Advisory Committee, as well as designation of a representative from the local chapter of the NAACP. The NAACP submitted the name of Mr. Alfred Barfield. Commissioner Tyson moved to accept the recommendation of the NAACP, seconded by Commissioner Phillips and unanimously carried.

Council on Women

The Board entertained a recommendation from the Council on Women that Ms. Susan Austin be re-appointed. Commissioner Sampson moved to accept the recommendation of the Council on Women, seconded by Commissioner Bland and unanimously carried.

Upcoming Appointments for November

The Board was advised that the terms of Dell Ipock and Bill Hartman on the Economic Development Commission are due to expire in November. These appointments were deferred.

BUDGET AMENDMENTS

Craven County Finance Officer, Rick Hemphill, presented the following budget amendments for the Board's approval. Commissioner Bland moved for their approval, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

CCMG/Health/Schools

TRANSFER FROM	AMOUNT	TRANSFER TO	AMOUNT
101-1501-400-15.81 Operations	\$ 154,854.00	101-1501-366-09-00 CCCMG OPS	\$ 154,854.00
101-1501-400-32.90 CCCMG Materials	\$ 52,400.00	101-1501-366-39-00 CCCMG Materials	\$ 52,400.00
101-6500-366-23-00 Trans to Multiple Hlth	\$ 37,057.00	101-6500-440-98-00 Trans out to Multiple	\$ 37,057.00
275-0000.399-00-00 Fund Balance	\$(1,021,757.00)	275-0000.345.05.00 Sales Tax	\$(1,021,757.00)
TOTAL	\$(777,446.00)	TOTAL	\$(777,446.00)

Justification: New Computer System HTE does not accommodate debits and credits in budget fields as our old system did. In order to effect the conversion to the new system, we had to change the reverse expenditure accounts in Central Maintenance Garage to revenue, the reverse revenue transfers in home health to expenditures and the reverse revenue in Schools Debt Service Fund Balance to a sales tax decrease in revenue. The funds will still be received, the budgets remain essentially the same except are reported in

a different manner. The bottom totals will change but offset each other. This is an accounting entry only and was handled during the conversion.

Emergency Services

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-2301-349.36-00 Emergency Management EOC Grant	\$ 810.00	101-2301-410.32-40 Other Supplies	\$ 810.00
TOTAL	\$ 810.00	TOTAL	\$ 810.00

Justification: To purchase two dry erase boards for the County EOC.

Sheriffs – Seized Property

114-2011-349.18-00 Seized Assets State	\$ 4,422.00	114-2011-410.33-00 Misc. Expense	\$ 4,422.00
TOTAL	\$ 4,422.00	TOTAL	\$ 4,422.00

Justification: Revenue – Seized assets from State of N.C. 10-10-00.

Health/Environmental

101-3101-349.67-00 Env. Health	\$ 253.00	101-3101-420.32-40 Other Supplies	\$ 253.00
TOTAL	\$ 253.00	TOTAL	\$ 253.00

Justification: Money received from Summer Food Program.

Sheriff

101.2006.377.06.00 LLEBG Grant 2000 LB BX1076	\$29,037.00	101.2006.410.73.01 C/O Equipment	\$32,263.00
101.00.399.01.0 Fund Balance	\$ 3,226.00		
TOTAL	\$32,263.00	TOTAL	\$32,263.00

Justification: Budget grant to be used for radio equipment etc.. Also local 10% match.

Cooperative Extension – Smart Start Parents/Teachers

TRANSFER FROM	AMOUNT	TRANSFER TO	AMOUNT
101-4242-420.32-40	\$ 100.00	101-4242-420.25-10	\$ 100.00
TOTAL	\$ 100.00	TOTAL	\$ 100.00

Justification: Unexpected training expense required for “Ages 3-5 Year Certification”

Solid Waste

101.3235.420.40.68 Landfill	\$ 9,710.00	101.3235.420.40.65 Illegal Dump	\$ 9,710.00
TOTAL	\$ 9,710.00	TOTAL	\$ 9,710.00

Justification: Funds are needed to cover the cost of cleanup at Hodges Parker site on Broad Creek Road.

HIGHER EDUCATION BOND RESOLUTION

Dr. Steve Redd, President of Craven Community College, had submitted a request that the Board adopt the following resolution endorsing the Higher Education Bond. Commissioner Bland moved for its adoption, seconded by Commissioner Sampson. Commissioner Phillips raised questions concerning the obligation of the County's taxing power. After some discussion the motion carried unanimously.

RESOLUTION

RESOLUTION IN SUPPORT OF HIGHER EDUCATION BONDS TO ASSIST NORTH CAROLINA'S COMMUNITY COLLEGES AND UNIVERSITIES IN MEETING THEIR FACILITY NEEDS AND ACCOMMODATING THEIR STUDENTS

WHEREAS, higher education has historically played a tremendous role in building the State of North Carolina into the thriving economic, cultural, and social leader that it is today; and

WHEREAS, North Carolina's community colleges and universities allow citizens of this State to learn the skills necessary to compete in today's and tomorrow's competitive economy; and

WHEREAS, North Carolina's systems of higher education are acclaimed as being among the best in the country; and

WHEREAS, in the next decade, our community colleges expect more than 57,000 new students to enroll, and our universities' enrollment will grow by more than 48,000 students; and

WHEREAS, our higher education campuses must upgrade and construct academic, residential and administrative facilities, including critical laboratory and classroom space, to accommodate the growing numbers of students; and

WHEREAS, the \$3.1 billion bond package approved by the General Assembly will assist our community colleges and universities in meeting their significant facility needs; and

WHEREAS, the bonds are subject to voter approval on the November 2000 ballot and deserve rightful consideration by the citizens of this State;

NOW, THEREFORE, BE IT RESOLVED that Craven County Board of Commissioner's strongly supports the higher education bond proposal because it will enable our systems of higher education to better educate tomorrow's students and maintain North Carolina's place as the national leader in higher education learning and training.

This is the 16th day of October in the year of 2000.

COUNTY ATTORNEY'S REPORT

County Attorney, Jim Sugg, presented for the Board's approval a cooperative agreement with the Marine Corps Air Station, Cherry Point, for road improvements for Creekside Park. Commissioner Phillips moved to approve the agreement, seconded by Commissioner Sampson and unanimously carried.

COMMISSIONERS' REPORTS

Commissioner Sampson commented on the success of the Mum Fest during the weekend of October 14th.

Commissioner Tyson made inquiry concerning recent complaints about the Register of Deeds Office and suggested that a Notary Public be available in that office.

Commissioner Bland reported on the Friends of Farmers meeting, which he attended on October 11th.

Commissioner Toon sent out a reminder on the upcoming Havelock Chili Festival and asked that the County be allowed to enter into a basic military agreement for improvements to Ward Lane with MCAS Cherry Point. Commissioner Phillips moved to approve the agreement, seconded by Commissioner Bland and unanimously carried.

At 10:20 a.m. Commissioner Tyson moved to adjourn, seconded by Commissioner Bland and unanimously carried.

Albert H. Toon, Chairman
Craven County Board of Commissioners

Gwendolyn M. Bryan
Clerk to the Board