

**THE BOARD OF COMMISSIONERS OF THE COUNTY OF CRAVEN MET IN REGULAR SESSION IN THE COMMISSIONERS' ROOM OF THE CRAVEN COUNTY ADMINISTRATION BUILDING, 406 CRAVEN STREET, NEW BERN, NORTH CAROLINA ON MONDAY, MARCH 19, 2001. THE MEETING CONVENED AT 8:30 A.M.**

**MEMBERS PRESENT:**

Vice-Chairman Johnnie Sampson, Jr.  
Commissioner Lee K. Allen  
Commissioner Donald Phillips  
Commissioner J. Harold Talton  
Commissioner Albert H. Toon  
Commissioner Charles F. Tyson, Jr.

**MEMBERS ABSENT:**

Chairman, C.W. "Pete" Bland

**STAFF PRESENT:**

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

Following the invocation and the Pledge of Allegiance, Commissioner Tyson moved to approve the minutes of February 19<sup>th</sup> regular session, February 22<sup>nd</sup> reconvened session, and March 3<sup>rd</sup> special session, seconded by Commissioner Talton and unanimously carried.

**CONSENT AGENDA**

The following items were presented to the Board and approved as follows:

*Planning Department: Designation of Applicant's Agent Resolution*

The Board was asked to adopt a resolution to provide additional authorization for Linda LeDrew to act as a designated agent for Hazard Mitigation Grant Program federal disaster assistance on behalf of Craven County. Commissioner Talton moved to adopt the resolution, seconded by Commissioner Phillips and unanimously carried in a roll call vote.

*Planning Department: Subdivision for Approval*

Kathy Haislip Division – Final. The property, owned by Robert L. Heath and surveyed by Matthew Surveying, is located within Township 3 off of SR 1239 (Up Creek 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. Commissioner Talton moved for its approval, seconded by Commissioner Phillips and unanimously carried in a roll call vote.

*Planning Department: Request to approve amendment for FY 2000 Crisis Housing Assistance Project*

A request was made to approve an amendment to the County's current resolution approving task force. The amendment allows inclusion of seven (7) citizens as a community task force for hurricane recovery. The committee is intended to act as an intermediary between County residents and the Board of Commissioners. Nominees were as follows:

Mance Hardey	Flood Victim	1355 Hwy 118, Vanceboro
Shirley Mitchell	Flood Victim	8895 River Road, Vanceboro
David McNeal	Catholic Social Ministries	

Connie Lewis  
Don Baumgardner  
Jane Robb

Vanceboro Christian Help Center  
Planning Director  
Housing Recovery Center Counselor

Commissioner Talton moved to approve the slate for the committee, as presented, seconded by Commissioner Phillips and unanimously carried in a roll call vote.

*Planning Department: Request for Public Hearing on FY 2001 CDBG*

The Board was asked to set a public hearing date for April 16, 2001 at 9:00 a.m. to receive public comment concerning the FY 2001 CDBG Concentrated Needs Application. Commissioner Talton moved to set the public hearing, as requested, for 9:00 a.m. on April 16, 2001, seconded by Commissioner Phillips and unanimously carried in a roll call vote.

*Tax Releases and Refunds*

County Tax Administrator, Ronnie Antry, submitted the following routine requests for tax releases and refunds for the Board's approval. Commissioner Talton moved for their approval, seconded by Commissioner Phillips and unanimously carried in a roll call vote.

*Credits*

<b>TAXPAYER NAME</b>	<b>TICKET #</b>	<b>AMOUNT</b>
BAYSDEN, TERRY DOUBLEWIDE MOBILE HOME DESTROYED IN '98	1999-0003059	\$ 201.41
BLALOCK, HELEN R NO LONGER OWN BOAT AS OF 1-1-2000	2000-0004317	\$ 3.11
CHAPMAN, DIANE HALL MOBILE HOME BURNED IN '99	2000-0008636	\$ 309.99
DRICKMAN, JESSEE MILITARY HIS NAME ONLY, TO PAY RECYCLE ONLY	2000-0090349	\$ 161.89
HARGETT, LINDA DIANNIA SOLD MH IN 1998	1999-0020768	\$ 44.18
HARGETT, LINDA DIANNIA MOBILE HOME SOLD IN 1998	2000-0021371	\$ 39.80
HARPER, CAROL R DID NOT OWN MOBILE HOME	2000-0021563	\$ 244.24
HARPER, CAROL R DID NOT OWN MOBILE HOME 1-1-2000	2000-0021562	\$ 271.14
JOHNSON, ROY MOBILE HOME DOUBLE LISTED W/35071	2000-0026271	\$ 166.42
LAGOY, DAVID ELRICK BOAT NOT IN CRAVEN COUNTY 1-1-2000	2000-0028577	\$ 52.52
LAGOY, DAVID ELRICK BOAT NOT IN CRAVEN COUNTY 1-1-99	1999-0027805	\$ 48.34
LYNCH, JAMES C BOAT LISTED IN PAMLICO CO FOR 1-2000	2000-0090462	\$ 12.33

NELSON, SAMUEL L DWELLING FLOODED DURING FLOYD	2000-0036071	\$ 48.45
PARKHILL, ROBERT MATTHEW MILITARY HSI NAME ONLY, TO PAY RECYCLE ONLY	2000-0037819	\$ 35.16
REASON, RAY & SUE LISTED TO WJC ENTERPRISES #8149765	2000-0090523	\$ 50.86
SMITH, JEFFERY NEIL MOBILE HOME DOUBLE LISTED W/40010	2000-0044825	\$ 339.99
WELLS, NOLAN WAYNE MILITARY "MI" RESIDENCE BOAT TITLED IN HIS NAME ON	1999-0049988	\$ 7.90
WELLS, NOLAN WAYNE MILITARY "MI" RESIDENCE BOAT TITLED IN HIS NAME ONLY	2000-0051613	\$ 7.30
WESLEY, MARY SOLD MOBILE HOME IN 1998	1999-0050039	\$ 65.75
WESLEY, MARY SOLD MOBILE HOME IN 1998	2000-0051665	\$ 58.64
WILLIAMS, CHESTER EDWIN JR DID NOT OWN BOAT 1-1-99	1999-0052061	\$ 63.77
WILLIAMS, CHESTER EDWIN JR DID NOT OWN BOAT 1-1-00	2000-0053711	\$ 158.76

22 – CREDIT MEMO(S) \$2,391.95

*Refunds*

MORRIS, CURTIS LEE & MYRTLE M INTEREST LEFT OFF ORIGINAL REFUND	2000-0090855	\$ 39.00
MURPHY, CLAUDE A MEHTAP BUILDING CHARGED TO WRONG PARCEL	2000-0035533	\$ 62.33
WILLIAMS, CHESTER EDWIN JR DID NOT OWN BOAT 1-1-99	1999-0052061	\$ 83.36

3 – REFUNDS \$ 184.69

*Budget Amendments and Ordinance Updates*

Craven County Finance Officer, Rick Hemphill, submitted the following budget amendments and ordinance updates for the Board's approval. Commissioner Talton moved for their approval, as submitted, seconded by Commissioner Phillips and unanimously carried in a roll call vote.

*Elections*

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-0000-399-01-00 Fund Balance	\$ 2,759.00	101-0601-400-40.09 Precinct Officials	\$ 2,759.00
TOTAL	\$ 2,759.00	TOTAL	\$ 2,759.00

**Justification:** To cover additional cost of general election in Nov for precinct officials.

***Schools Debt Service***

275-0000-399-00-00	\$2,041,589.00	275-5800-480-97-38	\$2,041,589.00
Fund Balance		Transfer to Fund 380	
TOTAL	\$2,041,589.00	TOTAL	\$2,041,589.00

**Justification:** Budget funds in school service to be transferred to project. Project was approved by the Commissioners in August 2000 but budget was not allocated in D/S for transfer.

***Health/Smart Start-Dental Hygienist***

101-5520-348.49-00	\$ (9,385.00)	101-5520-440.20-00	\$ (200.00)
Smart Start		Health/Postage	
		101-5520-440.22-00	\$ (200.00)
		Health/Telephone	
		101-5520-440.24-00	\$ (150.00)
		Health/Meeting	
		101-5520-440.25-00	\$ (400.00)
		Health/Travel	
		101-5520-440.26-01	\$ (1,935.00)
		Maintenance/Repair	
		101-5520-440.32-01	\$ (500.00)
		Supplies	
		101-5520-440.40-06	\$ (6,000.00)
		Contractual Services	
TOTAL	\$ (9,385.00)	TOTAL	\$ (9,385.00)

**Justification:** Smart Start has requested to complete budget amendment for any expected unspent dollars.

***DSS/Adult child Services***

101-7221-336-40.00	\$ 21,553.00	101-7221-450-41.10	\$ 21,553.00
Ryan White Purch.		Ryan White Pruch. Serv	
TOTAL	\$ 21,553.00	TOTAL	\$ 21,553.00

**Justification:** Available funding exceeds the amount originally budgeted. There is no County match required.

***Cooperative Ext. 4-H Assets***

101-4239-348-05-00	\$ 2,407.00	101-4239-420-40-50	\$ 2,407.00
CBA 4-H		Cont. Ser Emp	
TOTAL	\$ 2,407.00	TOTAL	\$ 2,407.00

**Justification:** Miscalculation on previous budget change form.

***DSS – Mandated Programs***

101-7291-349-1.00	\$102,231.00	101-7291-450-39.26	\$102,231.00
Child Day Care		Child Day Care	
101-7291-349-16.00	\$ 20.00	101-7291-450-39.17	\$ 20.00
Smart Start Day Care		Smart Start Day Care	
TOTAL	\$102,251.00	TOTAL	\$102,251.00

**Justification:** Additional funds allocated from the Division of Child Development.

***Health/Vector Control***

101-5900-336-02-00	\$ 109.00	101-5900-440-32.40	\$ 109.00
Donations/Misc Rev transferred from Foundation to Vector Control		Supplies per Pete	
TOTAL	\$ 109.00	TOTAL	\$ 109.00

**Justification:** Request needed to take balance from Foundation account and place in Vector Control.

***Courthouse/HVAC***

366-0000-366-07-00	\$250,000.00	366-1367-400-75-01	\$ 50,000.00
From Reserve		Engineering	
		366-1367-400-40-14	\$200,000.00
		Heating/Air Conditioning	
TOTAL	\$250,000.00	TOTAL	\$250,000.00

**Justification:** Set up project for Courthouse Air Conditioning/Heating – Funds are already budgeted in reserve to cover the cost.

***Health/Environmental***

101-3101-349-29-00	\$ 1,527.00	101-3101-420-25-00	\$ 527.00
Food & Lodging		Travel & Training	
		101-3101-420-32-40	\$ 1,000.00
		Other Supplies	
TOTAL	\$ 1,527.00	TOTAL	\$ 1,527.00

**Justification:** State grant to support Food and Lodging Program for a 100% compliance 3 rate for mandated inspections of Food and Lodging establishment for FY 99-00.

***Cooperative Extension – PATS***

101-4242-348-59-00	\$ 3,500.00	101-4242-420-25-15	\$ 3,500.00
Smart Start – PATS		Training - Client	
TOTAL	\$ 3,500.00	TOTAL	\$ 3,500.00

**Justification:** Unexpected training: “Born to Learn Conference” on April 28-May 2 St. Louis, MO.

***Economic Study – Gold Leaf Foundation***

359-0000-336-35-00	\$100,000.00	359-4260-420-40-00	\$100,000.00
Gold Leaf Foundation		Cont. Ser	
TOTAL	\$100,000.00	TOTAL	\$100,000.00

**Justification:** Set up Cooperative Extension Economic Study – Gold Leaf Foundation.

***County Reserve – Jail Annex***

353-0000-366-07-00	\$100,000.00	353-2008-410-76-01	\$ 26,551.00
From C/Res		Const.	
		353-2008-410-76-59	\$ 73,449.00
		Contingency	

TOTAL	\$100,000.00	TOTAL	\$100,000.00
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**Justification:** Budget funds as approved from Capital Reserve to Jail Annex Project to cover costs.

***Health/Smart Start-Hlth Ck Coord***

101-5804-348.57-00	\$ 15,600.00	101-5804-440.40-00	\$ 15,600.00
Grant/Smart Start-Hlth C		Health/Contractual Ser	
TOTAL	\$ 15,600.00	TOTAL	\$ 15,600.00

**Justification:** Additional Smart Start Grant money to fund a Spanish interpreter for Child Health Services. This will only go through year end.

***Health/Vector Control***

101-5900-349-45-00	\$ 48,719.00	101-5900-440-32-40	\$ 48,719.00
Vector Control Revenue		Other Supplies	
TOTAL	\$ 48,719.00	TOTAL	\$ 48,719.00

**Justification:** The amount shown represents the spend down dollars that would have carried the program through Dec 2001. With the attached memo from the state we are requesting these funds be moved into the current fiscal year for the purchase of chemicals.

***Sheriff's – Seized Assets***

114-2011-348-18-00	\$ 2,438.00	114-2011-410-33-00	\$ 2,438.00
State Seized Assets		Misc Exp	
TOTAL	\$ 2,438.00	TOTAL	\$ 2,438.00

**Justification:** Funds

***Rescue***

101-0000-399-01-00	\$ 14,932.00	101-2825-410-33-20	\$ 14,932.00
Fund Balance		New Bern/Craven Rescue Grant Match	
TOTAL	\$ 14,932.00	TOTAL	\$ 14,932.00

**Justification:** To appropriate from Fund Balance 50% match for Dept. of Ins. Grant to New Bern/Craven Rescue Squad.

***School Roof Project***

380-8507-366-04-00	\$ 92,869.00	380-8507-480-76-01	\$ 92,869.00
Trf in from D/S Fund		School Roofs – J.T. Barber	
380-8502-366-04-00	\$ 25,000.00	380-8502-480-76-01	\$ 25,000.00
		Covered Walk @ NBHS	
TOTAL	\$117,869.00	TOTAL	\$117,869.00

**Justification:** Set up shortage for the 5 school roofs and covered walk @NBHS

***Debt Service Fund***

275-0000-399-00-00	\$117,869.00	275-8500-480-97-38	\$117,869.00
Fund Balance		Trf to School Roof Project	
TOTAL	\$117,869.00	TOTAL	\$117,869.00

**Justification:** Set up trf to School Roof Project to cover shortage for J T Barber and also to cover walkway @ NBHS

***Ordinances***

***Cooperative Extension Economic Study Fund 359***

This ordinance is hereby approved in the following amounts for expenditures.

Expenditures:

Contractual Service	\$	100,000.00
Total	\$	100,000.00

It is estimated the following revenues will be available to fund this project.

Revenues:

Gold Leaf Foundation	\$	100,000.00
Total	\$	100,000.00

This ordinance is hereby approved this 19<sup>th</sup> day of March, 2001.

***Jail Annex Fund 353***

This ordinance is hereby amended in the following amounts for expenditures.

Expenditures:

Administration/Legal	\$	25,000.00
Construction	\$	251,551.00
Contingency	\$	73,449.00
Total	\$	350,000.00

It is estimated the following revenues will be available to fund this project.

Revenues:

From General Capital Reserve	\$	350,000.00
Total	\$	350,000.00

This ordinance is hereby approved this 19<sup>th</sup> day of March, 2001

**BOARD OF EDUCATION MATTERS**

***Review of Five Year Building Plan***

Superintendent of Schools, William Rivenbark, provided the Board an explanation of the updated Facility Needs Survey, which the Board of Education prepared to submit to the State. He explained that it is a procedure that is followed every five years, and requested

that the Board authorize the Chairman to sign the survey certifying that the Board of Commissioners has reviewed the survey prior to submission to the State's School Board. Commissioner Allen moved to receive the document for review and to authorize the Chairman's signature certifying review, seconded by Commissioner Toon and unanimously carried.

*Results of Bid Opening*

Assistant Superintendent, David Clifton, presented the results of the bid opening for the school roof repairs, as follows. He pointed out that the actual bid totals were \$463,000 less than totals to accomplish the projects at A H Bangert, Grover C. Fields, Trent Park, and Vanceboro Farm Life. The actual additional funds required for J.T. Barber after applying savings from the other projects in the amount of \$463,000 would be \$92,869. Mr. Clifton explained that the bids have been awarded to the low bidders in each case. Commissioner Tyson noted that there is no covering for the walkway between the Special Education building at New Bern High School and the main building. He recommended that the Board of Education consider applying some of the funds saved toward a project to build a roof for this area. Mr. Clifton responded that cost has already been estimated at \$25,000 to accomplish this. Commissioner Tyson moved to increase the proposed appropriation for the J.T. Barber roof project in the amount of \$92,869, by \$25,000 to address the issue of the walkway roof at New Bern High School, totaling \$117,869. The motion was seconded by Commissioner Allen and unanimously carried in a roll call vote.

	<b>ESTIMATED BUDGET</b>	<b>ACTUAL BIDS</b>	<b>AMOUNT (OVER) UNDER BUDGET</b>
	<u>                    </u>	<u>                    </u>	<u>                    </u>
<b>A H BANGERT</b>			
Construction	\$ 606,939	\$ 333,686	\$ 273,253
Contingency	<u>30,347</u>	<u>16,684</u>	<u>13,663</u>
	637,286	350,370	286,916
Fees	<u>50,983</u>	<u>50,983</u>	<u>                    </u>
	688,269	401,353	286,916
<b>G C FIELDS</b>			
Construction	757,168	607,056	150,112
Contingency	<u>37,858</u>	<u>30,353</u>	<u>7,505</u>
	795,026	637,409	157,617
Fees	<u>63,603</u>	<u>63,603</u>	<u>                    </u>
	858,629	701,012	157,617
<b>TRENT PARK</b>			
Construction	352,096	283,864	68,232
Contingency	<u>17,644</u>	<u>17,193</u>	<u>3,451</u>
	369,740	298,057	71,683
Fees	<u>7,071</u>	<u>7,071</u>	<u>                    </u>
	399,320	327,637	71,683
<b>VANCEBORO F/L</b>			
Construction	84,179	134,000	-49,821
Contingency	<u>4,208</u>	<u>6,700</u>	<u>-2,492</u>
	88,387	140,700	-52,313
Fees	<u>7,071</u>	<u>7,071</u>	<u>                    </u>
	95,458	147,771	-52,313
<b>TOTALS</b>			
Construction	1,800,382	1,358,606	441,776
Contingency	<u>90,057</u>	<u>67,930</u>	<u>22,127</u>
	1,890,439	1,426,536	463,903
Fees	<u>151,237</u>	<u>151,237</u>	<u>                    </u>
	2,041,676	1,577,773	463,903
<b>J T BARBER</b>			
Construction	575,815	429,488	146,327
Contingency	<u>28,791</u>	<u>21,474</u>	<u>7,317</u>
	604,606	450,962	153,644
Fees	<u>48,369</u>	<u>48,369</u>	<u>                    </u>
	652,975	499,331	153,644

Funds actually required for JT BARBER – Const.	35,429
Insulation	18,000
	<hr/>
	53,429
Cost of full time monitoring	39,440
	<hr/>
Funds required over the original budget 2,041,676	92,869

*Scheduling of Joint Meeting Regarding New Schools*

Mr. Carr Ipock, Chairman of the School Board, invited the Commissioners to attend a community forum being held that evening in Havelock concerning the placement of a new school. He explained that the Board of Education has been holding community forums in order to get public input on this matter. He suggested that the Board of Education complete the forums prior to any joint meeting with the Board of Commissioners and recommended that Mr. Rivenbark and County Manager, Harold Blizzard get together to schedule a joint meeting of the two Boards after the forums have concluded. It was the consensus of the Board to follow his recommendation.

**NEUSE CENTER PRESENTATION**

Neuse Center Executive Director, Roy Wilson, discussed with the Board legislative issues that are pending and which would affect the delivery of mental health services. The Board was requested to adopt the following resolution opposing the pending legislation. Commissioner Tyson moved for adoption of the resolution, seconded by Commissioner Talton and unanimously carried.

**RESOLUTION REGARDING MENTAL HEALTH/DEVELOPMENTAL DISABILITIES/SUBSTANCE ABUSE SYSTEM REORGANIZATION**

**WHEREAS**, in response to the recommendations of the Study of State Psychiatric Hospitals and Area Mental Health; the General Assembly has created the Joint Legislative Oversight Committee on Mental health, Developmental Disabilities and Substance Abuse Services, and

**WHEREAS**, the Legislative Oversight committee has established a Governance Subcommittee to consider appropriate governance structures at the State and local levels, and

**WHEREAS**, the Governance Subcommittee is reviewing draft legislation which would eliminate the current local area authority structure while key decisions regarding the scope of services, target populations, State organization and financing of the service system have not been made, and

**WHEREAS**, key stakeholder members of the Governance Subcommittee have recommended that the reorganization and reform of the State Department of Health and Human Services should be resolved prior to considering possible reorganization at the local level.

**NOW, THEREFORE, BE IT RESOLVED** by the Craven County Board of Commissioners that

1. The Board expresses its full support for and confidence in the Board and staff of Neuse Center MH/DD/SA Area Program, the area authority for MH/DD/SA services in Carteret, Craven, Jones and Pamlico Counties.
2. The Board strongly recommends that the Governance Subcommittee develop plans for the reorganization and restructuring of the State Department of Health and Human Services and Commission on Mental Health Services.
3. The Board supports legislation which will give counties the flexibility to organize and deliver MH/DD/SA services in ways which will be most effective in their communities, including retaining the area authority

structure, and which provides full State funding of a basic benefit package for all citizens in need of mental health treatment.

4. The Board further acknowledges the very difficult task of the Oversight Committee and supports its efforts to assure an effective mental health system in North Carolina.

#### **PETITION OF CITIZEN**

Commissioner Allen asked that the Board recognize Mr. John Jenkins to speak. Mr. Jenkins sought assistance or relief regarding new FEMA elevation requirements being applied to a trailer park which he owns. He expressed the belief that the requirements are unfair, and being applied unequally. Craven County Planning Director, Don Baumgardner, explained that his department is working with FEMA to attempt to develop a compromise in some of the requirements.

#### **PETITION FOR REQUEST TO CLOSE A PORTION OF LIMA ROAD**

Mr. Robert Adams was placed on the agenda to ask for the Board's support in requesting the closing of a portion of Lima Road; however, Mr. Adams was not present.

#### **4-H REQUEST**

Ms. Ivy Reid, representing Craven County 4-H, presented a request that the Board endorse submitting a grant to the Department of 4-H Youth Development. The grant is for funds in the amount of \$30,000, which would be utilized to expand existing services for children during the summer months of 2001. The services, in the form of summer day camps, would provide safe nurturing environments for youth to participate in enriching activities. The target population was described as youth living in substandard housing, as well as unserved and underserved youth. She explained that the grant funds require no match on behalf of the County and do not obligate the County to continue funding once funds have been expended. The location of the proposed program is the Abundant Life Center in New Bern, which would accommodate approximately 40 children. Commissioner Tyson moved to authorize the application for funds, with the understanding that there is no match required. The motion was seconded by Commissioner Phillips and unanimously carried.

#### **EMERGENCY SERVICES MATTERS**

##### *No. 9 Township Fire Department Request*

In compliance with the terms of the contract with the County, Chief Dickie Fairburn of the No. 9 Township Fire Department, requested the Board's authorization for the purchase of a new brush truck. He stated that the Department intends to purchase the truck from the West New Bern Fire Department. Commissioner Allen moved to endorse the plans of the Department for the purchase of a brush truck, seconded by Commissioner Phillips and unanimously carried.

##### *Tri-Community Fire Department Request*

Mr. Robert Cuthrell, President of the Tri-Community Fire Department, presented a request concerning a need to purchase 30 air packs in order to upgrade the Department's Self Contained Breathing Apparatus. He stated that the total purchase would be \$65,000, \$30,000 being funds on hand, and \$35,000 borrowed. He explained that it would be a capital outlay expenditure in the current year and finances would carry it over into the year 2002 budget of the Fire Department. Commission Talton moved to endorse the plans of the Tri-Community Fire Department, seconded by Commissioner Phillips and unanimously carried.

*New Bern Craven Rescue Request*

Craven County Fire Marshal, Stanley Kite, presented a request on behalf of Captain Alvin Moore of New Bern Craven Rescue, that the Commissioners match a grant in the amount of \$14,932 from the North Carolina Department of Insurance. The following items have already been approved for purchase by the Department of Insurance and will need to be received and invoiced by April 30, 2001. Commissioner Tyson moved for appropriation of \$14,932 from fund balance to match the grant amount, seconded by Commissioner Talton and unanimously carried in a roll call vote.

**APPROVED EQUIPMENT**

- 3 Kenwood Mobile Receivers
- 5 Kenwood Portable Tranceivers
- 5 Pagers
- 1 Power Hawk Reciprocating Saw W/Battery Pack
- 1 Set Rescue 42 Plates
- 1 Hurst 20c Ram
- 1 Hurst 60c Ram
- 1 Hurst Mini Cutter
- 1 Set Kobalt Standard Wrenches 10 Pcs.
- 1 Set Kobalt 78 Pc. Socket Set
- 1 Set Kobalt Screwdrivers 21 Pc. Set
- 1 Set Kobalt Metric Wrenches 10 Pc.
- 1 Kobalt 40" Tool Chest
- 2 Auto Defibs
- 2 N6500 CAS Oscillomate w/o SPO2
- 1 N5014 Heartstart 4000 Battery Pack

**PETITION OF CITIZEN**

Commissioner Talton requested that the Board hear from Keith McCoy concerning pending legislation relative to fox trapping. Mr. McCoy stated to the Board that the rationale for its previously adopted resolution requesting legislation to allow for trapping of foxes is no longer valid. He stated that the resolution was adopted as a precaution against the spread of rabies; however, foxes have not been shown to carry rabies at the rate that was first thought. He also protested that the fox traps can hurt hunting dogs. He requested that the Board adopt a resolution to rescind the first resolution which was sent in petition to Craven County's Legislative Delegation. Craven County Manager, Harold Blizzard, contacted Senator Scott Thomas, concerning status of the requested legislation. He reported that the Senator had indicated that the bill would not be introduced in this session, because the resolution was sent during the previous session. Therefore, it is a moot issue.

**RESOLUTION**

Commissioner Tyson presented the following resolution to honor Graham A. Barden and moved that it be adopted. The motion was seconded by Commissioner Toon and unanimously carried.

**RESOLUTION OF CRAVEN COUNTY  
BOARD OF COMMISSIONERS PETITIONING THE ARCHIVES AND  
HISTORY DEPARTMENT OF CULTURAL RESOURCES FOR A  
HIGHWAY HISTORICAL MARKER**

**WHEREAS**, Graham A. Barden spent his entire adult life in Craven County as a teacher, football coach, civic leader, attorney, judge, member of the North Carolina Legislature and as a member of the United States Congress, during which time he distinguished himself in every endeavor that he undertook; and,

**WHEREAS**, notwithstanding Congressman Barden's outstanding service in the North Carolina Legislature, his greatest achievement came after he was elected to the

United States Congress in 1934 where he continued to serve for 26 years representing the Third Congressional District. During The Great Depression, he cooperated with the Roosevelt Administration and the Democratic Leadership of the House of Representatives, but maintained an independence that sometimes placed him in an opposing position from that of the Administration or the Democratic Leadership; and,

**WHEREAS**, his achievements in Congress were many and often times a first and included passage of the Veterans' Bonus Bill of 1935, National Agriculture Bills and Farm Support Legislation, Military Build-up Legislation in 1939 due to the War in Europe. In 1940 Congressman Barden was instrumental in making possible and locating Camp Davis Army Base at Holly Ridge, Onslow County, North Carolina, Camp LeJeune Marine Base, Onslow County, North Carolina and Cherry Point Air Station, Havelock, North Carolina; and,

**WHEREAS**, in 1952, after much strong opposition, he provided the leadership necessary to reopen Seymour Johnson Air Base in Wayne County, North Carolina as a Strategic Air Command base; and,

**WHEREAS**, Congressman Barden's strong support for the Lend-Lease Programs aided the English and their allies to resist and finally defeat Nazi aggression. Although he continued his strong support of the military defense complex, he did not reduce his steadfast opposition to drafting young men 18 years old to fight in the War; and,

**WHEREAS**, his long interest in vocational rehabilitation resulted in education and rehabilitation of many disabled veterans and citizens so they could locate and fill meaningful jobs. He introduced the Vocational Rehabilitation Act in Congress and pushed it through to enactment which was known as the Barden-LaFollette Vocational Rehabilitation Act; and,

**WHEREAS**, he succeeded in getting a G.I. Bill of Rights enacted which included all G.I.'s instead of those whose education was interrupted by the War; and,

**WHEREAS**, he was a strong advocate of education and was the Chief Warrior for the negro colleges statewide. He fought tirelessly against the federal government's control and intervention into local school systems and for giving the local systems the right to be free from meddling and interference from Washington; and,

**WHEREAS**, his efforts to enact House Resolution (H.R. 7490) provided for annual aid to schools in areas such as Craven County where there were large numbers of children enrolled due to military bases or federal installations being located in the community resulting in schools being built in Havelock and others expanded throughout Craven County; and,

**WHEREAS**, Congressman Barden was a strong advocate of the working man's rights and supported the Administration's position on labor resulting in the enactment of the National Labor Relations Act. Notwithstanding his voting for labor's right to promote unionization and to guarantee to labor certain rights including the right to organize and bargain collectively, he opposed forcing the worker to be required to join a union as a condition of employment resulting in the enactment of Section 14B of the Taft-Hartley Act, which assures that state law could block union shops; and

**WHEREAS**, during his time in Congress, he was a tireless fighter in combating corrupt practices in unions and assured the members a more democratic vote in their unions. His effort on their behalf resulted in passing of the Landrum-Griffin Bill which contributed to labor reforms; and,

**WHEREAS**, he was the chief negotiator with the federal authorities seeking the creation of the 227,000 acres Croatan National Forest which he handled almost single-handedly; and,

**WHEREAS**, Congressman Graham A. Barden died on January 29, 1967 and is buried in the Cedar Grove Cemetery in New Bern four blocks from the Craven County Courthouse, but the principals of government that he battled for did not die with him.

**WHEREAS**, his efforts on behalf of the citizens of New Bern, Craven County, North Carolina and the United States, are deserving of permanent recognition and the erection of a highway historical marker to be placed upon the streets of New Bern at or near Craven County Courthouse to commemorate the life and works of this great American; and,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Craven County Board of Commissioners in regular session do express to Congressman Barden's family and friends its gratitude for his life of dedicated service to all the citizens of Craven County, North Carolina and the United States.

**IT IS FURTHER RESOLVED** that the Division of Archives and History be requested to cause a Highway Historical Marker to be dedicated and erected along Broad Street, New Bern, North Carolina at or near the Craven County Courthouse commemorating the life and service of Congressman Graham A. Barden.

**IT IS FURTHER RESOLVED** that a copy of this Resolution be spread upon the minutes of the Craven County Board of Commissioners, a copy be presented to the family of Congressman Graham A. Barden, and a copy sent to the Honorable Michael F. Easley, Governor of North Carolina, and a copy sent to the Honorable Beverly Perdue, Lieutenant Governor of North Carolina.

Adopted this 19<sup>th</sup> day of March, 2001.

#### **APPOINTMENTS**

The Board was advised of upcoming appointments in April on the Craven County Planning Board and of appointments that are needed on the Area Agency on Aging due to one resignation and the non-attendance of another member. It was the consensus of the Board to defer these appointments until its next regular session. Commissioner Allen, however, asked that the Board receive a nomination to replace Mr. Robert Daly, deceased, on the Nursing Home Advisory Committee. He nominated Ms. Carolina Crawford to this position, to lay on the table until the Board's next meeting.

#### **SECOND VOTE ON JUNKED VEHICLE ORDINANCE**

At the Board's meeting on February 19<sup>th</sup> a less than unanimous vote was taken on the Junked Vehicle Ordinance. In a second vote, by motion of Commissioner Tyson, seconded by Commissioner Phillips, the ordinance was adopted, there being four (4) "Ayes" from Commissioners Allen, Phillips, Talton, and Tyson, and two (2) "Nays" from Commissioners Sampson and Toon.

#### **AN ORDINANCE PROHIBITING "JUNKED MOTOR VEHICLES" IN CRAVEN COUNTY, NORTH CAROLINA AND PROVIDING FOR THEIR PROPER REMOVAL AND DISPOSITION**

**WHEREAS**, Craven County is authorized by N.C. Gen. Stat. § 153A-132.2 to regulate, restrain or prohibit the abandonment of junked motor vehicles on public grounds and on private property within the county's ordinance-making jurisdiction upon finding that such regulation, restraint or prohibition is necessary and desirable to promote or enhance community, neighborhood or area appearance, and to enforce such ordinance by removing and disposing of junked motor vehicles; and

**WHEREAS**, the Craven County Board of Commissioners finds that prohibiting "junked motor vehicles" within the ordinance-making jurisdiction of Craven County, and providing for their removal and disposition, is necessary and desirable to promote and enhance the attractiveness and aesthetic appearance of the County; to protect property values; to preserve the livability and attractiveness of neighborhoods; **to protect the**

**environment;** to promote tourism, conventions, and other opportunities for economic development; to promote and enhance the attractiveness of the County’s major and minor residential and commercial streets, roads and highways which present the primary public visibility to residents, visitors and commuters of the County; and to promote the comfort, happiness, and emotional stability of residents in the vicinity of junked motor vehicles.

**NOW, THEREFORE,** the Craven County Board of Commissioners hereby enacts this Ordinance Prohibiting “Junked Motor Vehicles” in Craven County, North Carolina and Providing for Their Proper Removal and Disposition (“this Ordinance”):

Section 1. Definitions.

- A. A “junked motor vehicle” means a vehicle that:
  - 1. does not display a current license plate or inspection sticker; and
  - 2. is located such that it is visible from a public street or highway, or from a private subdivision street or road; and
  - 3. is either
    - a. partially dismantled or wrecked, or
    - b. buried or partially buried, or
    - c. cannot be self-propelled or moved in the manner in which it originally was intended to move, or
    - d. is more than five (5) years old and appears to be worth less than One Hundred Dollars (\$100.00) based upon the appraised value set by the Craven County Tax Appraiser.

Provided, however, that no vehicle which is kept or stored at a bona fide “automobile graveyard” or “junkyard” as defined in N.C. Gen. Stat. § 136-143 shall be considered a “junked motor vehicle” subject to the provisions of this Ordinance.

- B. “Board” means the Craven County Board of Commissioners or a duly authorized county official or employee acting on behalf of the Craven County Board of Commissioners.

Section 2. Junked Motor Vehicles Prohibited.

It shall be unlawful to maintain a junked motor vehicle anywhere within the ordinance-making jurisdiction of Craven County, North Carolina.

Section 3. Removal of Junked Motor Vehicles from Property without Owner’s Consent.

This ordinance provides for the removal of junked motor vehicles from private property, without the consent of the owner, lessee or occupant of the premises and without the consent of the owner of the junked motor vehicle, and for the proper disposition of such vehicles at an automobile graveyard or automobile junkyard.

Section 4. Removal of Junked Motor Vehicles from Property with Owner’s Consent.

This ordinance provides for the removal of junked motor vehicles from private property, with the consent of the owner, lessee or occupant of the premises for the proper disposition of such vehicles at an automobile graveyard or automobile junkyard upon presentation of satisfactory evidence of proof of authority to give consent or proof of ownership of said junked motor vehicle by the requestor.

Section 5. Procedure for Determining Whether a Vehicle is a “Junked Motor Vehicle” Subject To Towing.

The County shall determine whether a vehicle is a “junked motor vehicle,” and is subject to towing, only as follows:

Step 1. Determination whether vehicle is a “junked motor vehicle.” The Board shall personally view the alleged junked motor vehicle. If the Board determines that the vehicle is not a junked motor vehicle as defined above, then no further action shall be taken. If the Board determines that the vehicle is a junked motor vehicle as defined above, then it shall proceed to Step 2. In viewing any alleged junked motor vehicle, the Board shall in all cases where appropriate comply with the provisions of Article 4A of Chapter 15 of the General Statutes of North Carolina.

Step 2. Balancing of Aesthetic Benefits vs. Private Hardship. After viewing junked motor vehicle and the surrounding area, the Board shall determine whether the aesthetic benefits of removing the junked motor vehicle outweigh the burdens imposed on the owner of the junked motor vehicle. In making this determination, the Board may consider the following factors:

- a. protection of property values;
- b. promotion of tourism and other economic development opportunities;
- c. indirect protection of public health and safety;
- d. preservation of a character and integrity of the community;
- e. promotion of the comfort, happiness, and emotional stability of area residents; and
- f. any other factors reasonable related to the balancing of aesthetic benefits against burdens imposed upon the owner of the junked motor vehicle.

The Board must make written findings showing its consideration of the relevant factors, and must make a written finding as to whether the aesthetic benefits of removing the junked motor vehicle outweigh the burdens imposed on the owner of the junked motor vehicle. If the board finds that the aesthetic benefits of removing the junked motor vehicle do not outweigh the burdens imposed upon the owner of the junked motor vehicle, then no further action shall be taken. If the Board finds that the aesthetic benefits of removing the junked motor vehicle outweigh the burdens imposed upon the owner of the junked motor vehicle, then it shall proceed to the next step.

Step 3. Notice to Owner. If the Board has determined that the aesthetic benefits of removing the junked motor vehicle outweigh the burdens imposed upon the owner of the junked motor vehicle, then it shall give notice, or make a diligent attempt to give notice, to the owner of the junked motor vehicle, as follows:

- a. in all cases, post written notice on the windshield, or some other conspicuous place on the junked motor vehicle, immediately upon the determination that the aesthetic benefits of removing the junked motor vehicle outweigh the burdens imposed upon the owner of the junked motor vehicle; and
- b. if the vehicle has a North Carolina registration plate or registration, give written notice to the registered owner by certified mail by placing said notice in the mail within 24 hours after the determination is made, and notify by telephonic communication if the owner’s telephone number can be ascertained; or
- c. if the vehicle is registered in some other state, give written notice to the registered owner by certified mail by placing said notice in the mail within 72 hours after the determination is made, and notify by telephonic

communication, to the owner as soon as the owner's identity can be ascertained; or

- d. if the vehicle is not registered in any state, or its state registration cannot be determined, the Board shall make diligent efforts to obtain the name, address and telephone number of the owner, and to mail written notice, and give notice by telephonic communication, to the owner as soon as the owner's identity can be obtained.

Step 4. Contents of Written Notice. The written notice required by this section shall include the following information:

- a. a description of the vehicle and vehicle identification number, if available;
- b. a statement that Craven County has determined that the vehicle is a "junked motor vehicle" in violation of this ordinance, and the date on which this determination was made;
- c. a statement that Craven County intends to cause the vehicle to be towed to an automobile graveyard or junkyard no sooner than thirty (30) days after the date of determination;
- d. the name and address of the automobile graveyard or junkyard to which the vehicle will be towed; and
- e. a description of a procedure which the owner must follow to appeal to a Magistrate of Craven County to contest the proposed towing.

Step 5. Towing. If the owner of the junked motor vehicle has not filed a written request for a hearing before a Magistrate of Craven County within thirty (30) days after the determination that the aesthetic benefits of towing a junked motor vehicle outweigh the burdens on the junked vehicle's owner, as provided in this section, the Board may cause the vehicle to be towed immediately upon the expiration of the thirty (30) day period. If the owner makes a timely written request for a hearing before a Magistrate, then the Board shall not cause the vehicle to be towed until and unless the Magistrate determines that there is a probable cause to believe that the vehicle is a junked motor vehicle subject to towing pursuant to the terms of this ordinance. If the Magistrate determines that there is a probable cause to believe that the vehicle is a junked motor vehicle subject to towing pursuant to the terms of this ordinance and the owner appeals to the district court as provided in this section, the Board may nonetheless cause a vehicle to be towed pending the decision of the district court, but no tower's lien imposed pursuant to Section 6 shall be enforced until such time as the district court rules on such appeal.

Step 6. Owner's Right to Hearing Before Magistrate.

Within thirty (30) days after the date of the determination that the aesthetic benefits of towing a junked motor vehicle outweigh the burdens on the junked vehicle's owner, the owner of a vehicle which the Board has determined to be a junked motor vehicle may make a written request to a Magistrate of Craven County to determine whether there is a probable cause to believe that the vehicle is a junked motor vehicle subject to towing pursuant to the terms of this ordinance. Such hearing, if properly requested by the Owner, shall be conducted pursuant to N.C. Gen. Stat. § 20-219.11.

Step 7. Appeal to District Court.

Any party who is aggrieved by the Magistrate's decision may appeal from the Magistrate's decision to the District Court of Craven County.

Section 6. Tower's Lien.

Upon towing a junked motor vehicle at the Board's request pursuant to this ordinance, the tower shall have a lien upon the vehicle for towing and storage fees as by

law provided. Such lien may be enforced only in accordance with applicable provisions of Chapter 44A of the General Statutes of North Carolina.

**Section 7. Option to Pay or Post Bond.**

At any time after the junked motor vehicle has been towed, the owner may obtain possession of the vehicle by 1) paying the towing fee or 2) posting a bond for double the amount of the towing fee.

**Section 8. County Authorized to Enter into Contracts.**

For the purpose of facilitating the enforcement of this ordinance, the County may enter into contracts with one or more towers, automobile graveyards and/or junkyards for the removal and disposition of junked motor vehicles.

**Section 9. Requirement of Indemnification.**

The County may require any person requesting the removal of a junked motor vehicle from private property to indemnify the County against any loss, expense or liability incurred because of the removal, storage or sale thereof.

**Section 10. Procedure for Junked Motor Vehicles Which Constitute Health or Safety Hazards.**

In the event that a junked motor vehicle has also been declared by Craven County Health Director, or his designee, to be a health or safety hazard, then pursuant to the provisions of N.C. Gen. Stat. § 153S-132(c), the County may cause such vehicle to be towed from either public or private property immediately upon the determination that it is a health or safety hazard. In the event that a vehicle is towed immediately upon the determination that it is a health or safety hazard. In the event that a vehicle is towed immediately pursuant to this provision, the County shall give notice to the owner of the vehicle as required by N.C. Gen. Stat. § 20-219.11(a) and (b).

**SECOND VOTE ON SIGN MORATORIUM EXTENSION AND EXPANSION**

A second vote was taken to 1) to extend the moratorium on issuing sign permits along US Highway 70 E for an additional 180 days, to and including the 15<sup>th</sup> day of September, 2001, and 2) expand the area covered by the moratorium to the extraterritorial jurisdiction of the City of Havelock. Commissioner Phillips moved to approve both items, seconded by Commissioner Talton and carried in a roll call vote with five (5) "Ayes" from Commissioners Allen, Phillips, Sampson, Talton, and Tyson, there being one (1) "Nay" from Commissioner Toon.

**COUNTY ATTORNEY'S REPORT**

County Attorney, Jim Sugg, indicated that he would request a closed session. It was the Board's consensus to defer the closed session until the end of the meeting.

**COUNTY MANAGER'S REPORT**

*Update on Computer System at Register of Deeds Office*

County Manager, Harold Blizzard, reported on the problems with the computer system at the Register of Deed's Office, which interfered with the legal and business communities being able to conduct business since late February. He stated that there were several parts to the problem as follows: 1) there was a major power outage in the City of New Bern, which outlasted the battery back-up. 2) there was a hard drive crash which was repaired on the third business day, and 3) both major back-up tapes were corrupted. He stated that changes were underway to make the backup procedure more functional and recommended that a committee be established consisting of the Register of Deeds, County Manager, and presidents of the local Bar Association, and Board of Realtors, to study the procedures that are in place for safeguarding the information. Commissioner

Tyson asked that the Manager direct a letter to members of the local Bar Association explaining what happened and procedures being put into place to prevent future occurrences.

*Report of Finance Officer*

Finance Officer, Rick Hemphill, reported on his recent meeting with the State Community College Department Finance Office concerning utilization of \$2 million state bonds for a classroom building at the Havelock Campus of Craven Community College. He stated that the State Board of Community Colleges requires official notification that the Board supports utilization of \$2 million state bonds in this way. Commissioner Phillips moved to forward to the North Carolina Department of Community Colleges official notification that the Craven County Board of Commissioners does support the State's transferring \$2 million of state bonds to development of a classroom building at the Havelock Campus of Craven Community College; to agree to move \$2 million previously committed by the County for the classroom building to the next project, which is a technology building. The motion was seconded by Commissioner Talton and unanimously carried.

**COMMISSIONERS' REPORTS**

*Commissioner Allen* noted the impending departure of Clean Sweep Coordinator, Bobbi Waters, and asked that the Board consider recognizing her with a resolution at its next meeting. There was consensus among the members of the Board to do this.

*Commissioner Phillips* thanked all who extended their condolences for the death of his grand-daughter.

*Commissioner Sampson* expressed the desire that the Board will exercise every avenue possible to help Mr. John Jenkins and others who are in his situation as a result of Hurricane Floyd.

Commissioner Phillips moved to go into closed session at the request of the County Attorney, pursuant to NCGS 143-318.11(a)(3), (4), (5), relative to Cargo Lifter, land acquisition and an industrial prospect.

At 12:15 p.m. the Board returned to regular session.

Mr. Sugg reported that the purpose of the closed session was to discuss land negotiations with Cargo Lifter, but no action was taken. He also reported that a new industry was discussed, there being no action taken. Relative to property acquisition, he stated that instructions were given to the County's negotiating agent, Jim Davis.

At 12:18 p.m. Commissioner Talton moved to recess until 8:30 a.m. on March 29, 2001, seconded by Commissioner Phillips and unanimously carried.

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Chairman, C.W. "Pete" Bland  
Craven County Board of Commissioners

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Gwendolyn M. Bryan  
Clerk to the Board