

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, APRIL 16, 2001. THE MEETING CONVENED AT 8:30 A.M.

MEMBERS PRESENT:

Chairman C.W. "Pete" Bland
 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.

STAFF PRESENT:

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

Following an invocation by Commissioner Allen and the Pledge of Allegiance, Commissioner Sampson moved to approve minutes of the April 2, 2001 regular session, seconded by Commissioner Phillips and unanimously carried.

CONSENT AGENDA

Consent agenda items were presented and approved as follows:

Tax Releases and Refunds

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

Credits

TAXPAYER NAME	TICKET #	AMOUNT
ECKLER, MELISSA A DID NOT OWN MOBILE HOME 1-1-00	2000-0014471	\$ 36.23
GASKINS, GARLAND C & JEANNETTE MOBILE HOME USED ONLY FOR STORAGE	2000-0018122	\$ 24.00
HICKS, JETTIE DWELLING LISTED IN ERROR	1999-0022464	\$ 131.03
HICKS, JETTIE DWELLING DOUBLE BILLED IN ERROR	2000-0023109	\$ 133.44
LEAVENWORTH, ROY WILLIAM & B MOBILE HOME SOLD IN MARCH '99	2000-0029253	\$ 121.22
PAUL, MARGARET R DWELLING VACANT SINCE '96	2000-0038063	\$ 24.00
PORTER, VICKIE MOBILE HOME DOUBLE LISTED W/5788875	2000-0090519	\$ 46.94

ROSE BAY YACHTS INC	2000-0090094	\$ 986.31
BUSINESS DOUBLE LISTED W/20759		

SMITH, J WILBUR	2000-0090555	\$ 177.85
MOBILE HOME DOUBLE LISTED W/32224		

9 – CREDIT MEMO(S) \$ 1,681.02

Refunds

DEVELOPERS DIVERSIFIED REALTY	2000-0012898	\$2,339.85
REAL ESTATE VALUE BILLED IN ERROR		

HICKS, JETTIE	1998-0021530	\$ 115.54
DWELLING LISTED IN ERROR		

2 – REFUND(S) \$ 2,455.39

Budget Amendments

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

DSS Adult/Child Ser

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-7221-349-50.00	\$ 37,720.00	101-7221-450-39.25	\$ 40,000.00
Med. Trans. Serv. Admin		County System Transp. Med.	
101-0000-399-01.00	\$ 2,280.00		
TOTAL	\$ 40,000.00	TOTAL	\$ 40,000.00

Justification: Large increase in Medicaid Transportation expenditures as a result of the dramatic increase in the cost of Medicaid overall. The County match is approx. 5.7%.

Sheriff

101-0000-399-01-00	\$150,000.00	101-2008-410.21.01	\$150,000.00
Fund Balance		Board Prisoners	
TOTAL	\$150,000.00	TOTAL	\$150,000.00

Justification: Budget and additional \$150,000 to cover the cost of housing prisoners through year end.

Health/Family Planning

101-6400-349-12-00	\$ 12,000.00	101-6400-440-40-00	\$ 12,000.00
State Family Plan		Contractual	
TOTAL	\$ 12,000.00	TOTAL	\$ 12,000.00

Justification: State Grant to support sterilizations for low income men and women in the family planning program.

Sheriffs – Seized Property

114-0000-349-18-00	\$ 25.00	114-2001-410.33-00	\$ 25.00
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Fed		Misc. Exp.	
TOTAL	\$ 25.00	TOTAL	\$ 25.00

Justification: Budget Fed revenue received 3-28-01.

Sheriff's Seized Property

114-2011-348-18.00	\$ 3,112.00	114-2011-410-33-00	\$ 3,112.00
State		Misc. Exp	
TOTAL	\$ 3,112.00	TOTAL	\$ 3,112.00

Justification: State Funds received for Unauth Sub Tax Dist on 3-28-01.

Health/Legacy Grant Award

101-6703-348-73-00	\$ 8,512.00	101-6703-440-24-00	\$ 552.00
Legacy Grant Award		Meeting Exp	
		101-6703-440-25-00	\$ 400.00
		Travel/Training	
		101-6703-440-32-40	\$ 3,235.00
		Other Supplies	
		101-6703-440-40-50	\$ 4,325.00
		Cont. Services	
TOTAL	\$ 8,512.00	TOTAL	\$ 8,512.00

Justification: State awarded Legacy Grant to Health Dept. in the amount of \$8,512.00

Data Processing

101-0401-368-16-00	\$ 5,500.00	101-0401-400-32-40	\$ 3,500.00
DP Supplies		Other Supplies	
		101-0401-400-40-37	\$ 2,000.00
		Computer Professional Ser	
TOTAL	\$ 5,500.00	TOTAL	\$ 5,500.00

Justification: Allocation of excess revenue to other supplies and computer professional services line items. This fiscal year has had an unusually high number of equipment breakdowns resulting in additional supplies and outside help in resolving the problems. Much more paper has been used than originally estimated and is mainly attributed to switching to the new financial and payroll systems. Verifications, training and generally learning which reports are really needed all consumed large amounts of paper. Some items for the new phone systems were purchased directly from DP line items. Loss of 2 experienced DP employees have caused more dependency on outside computer professionals for certain tasks and repairs. As the 2 new employees become familiar with equipment and systems outside dependency should return to normal levels.

Joint Industrial Park

101-0000-399-01-00	\$200,000.00	101-4420-430-73-05	\$200,000.00
Fund Balance		Land Options	
TOTAL	\$200,000.00	TOTAL	\$200,000.00

Justification: To appropriate funds for purchase of options for joint industrial park.

DSS – Mandated Programs

101-7291-349-16-00	\$(100,000.00)	101-7291-450-39-17	\$(100,000.00)
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Smart Start		Smart Start	
TOTAL	\$(100,000.00)	TOTAL	\$(100,000.00)

Justification: Reduction in allocation from Division of Child Development.

Cooperative Extension/Parents as Teachers

101-4242-348-59-00	\$(13,105.00)	101-4242-420-40-50	\$(12,105.00)
Smart Start PATS		Cont Ser – Personnel	
		101-4242-420-25-15	\$(1,000.00)
		Training	
TOTAL	\$(13,105.00)	TOTAL	\$(13,105.00)

Justification: Reverted excess funds to Smart Start.

Planning: Road Abandonment Request

The Board considered a request from the NC Department of Transportation to have a portion of Godette School Road (SR 1714) abandoned. Commissioner Talton moved to adopt the standard road abandonment resolution for this project, as follows, seconded by Commissioner Toon and unanimously carried in a roll call vote.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ABANDONMENT FROM THE STATE MAINTENANCE
SECONDARY ROAD SYSTEM

North Carolina
County of Craven
Road Description Abandonment of a portion of SR 1714 (Godette School Road)
In Craven County

WHEREAS, the attached letter from the Department of Transportation has been received by the Board of County Commissioners of the County of Craven requesting that all of the above described road, the location of which has been indicated in red on the attached map, be abandoned from the Secondary Road System; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be abandoned from the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the abandonment of the road from the system.

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 review the above described road, and to abandon the road for maintenance.

Planning: FY 2000 Hazard Mitigation Grant Program (HMGP) Acquisition and Relocation Resolution of Just Compensation

The Board considered a request from the Planning Department that a resolution to establish just compensation for thirteen (13) owner occupied properties in the current buyout project be adopted, allowing the Planning Department to proceed with making formal offers of just compensation to the property owners whose homes were destroyed during Hurricane Floyd. Commissioner Talton moved to adopt the following resolution, seconded by Commissioner Toon and unanimously carried in a roll call vote.

**CRAVEN COUNTY
RESOLUTION TO ESTABLISH JUST COMPENSATION
HAZARD MITIGATION ACQUISITIONS**

WHEREAS, appraisal reports prepared by Robert Cardini Appraisal Service for the parcels indicated below to this resolution, was presented to the Craven County Board of Commissioners for their review; and

WHEREAS, information pertaining to the name of the owner, parcel number and location was available to each member of the Board of Commissioners; and

WHEREAS, the Board of Commissioners wishes to establish Just Compensation for each parcel acquired by Craven County; and

WHEREAS, the delimits of the property and the interest to be acquired therein was presented to the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED:

THAT, the Department of Planning and Community Development of Craven County certified that the work of the appraiser, with respect to each property has been performed in a competent manner in accordance with applicable State law, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, State and Local policies and requirements; and

THAT, Just Compensation is hereby established for each of the parcels as follows:

<u>Address of Unit</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Estab. Fair Market Value</u>
6250 River Road	Lucille Adams	100%	\$32,500.00
106 Streets Ferry Road	Edward Wilson	100%	\$33,000.00
155 Pond Street	Danny Tolar	100%	\$56,000.00
7671 River Road	Bobby Flake	100%	\$29,000.00
1170 Cowpen Landing	Allene Haddock	100%	\$47,300.00
8115 River Road	Mack Creech	100%	\$67,980.00
125 Chips Road	Louis Lucier	100%	\$60,800.00
149 High School Road	John Bobbitt	100%	\$66,000.00
6575 River Road	William Maple	100%	\$29,500.00
8550 River Road	Brantley Garris	100%	\$60,000.00
110 Trenton Road	Levie Heath	100%	\$150,000.00
360 Maple Cypress Road	Edward Sutton	100%	\$75,000.00
114 Ducks Way	Susan Doering	100%	\$73,500.00

Adopted this 16th day of April, 2001.

Demolition Bid Award Concerning Just Compensation

A bid opening for the demolition of four (4) units in the FY 2000 Crisis Housing Assistance Project was held on April 11, 2001 at 2:00 p.m. Bids were received by four regional contractors as follows: Everette George, Styron Construction, Lewis Simmons and Plan B Demolition.

Contract award recommendations were for the contractor submitting the lowest lump sum bid for four units as follows:

<u>Unit #</u>	<u>Contractor/Bid Amount</u>
#3 Ruby Mitchell, 2711 Dover Road, Cove City	Styron Construction
#14 Eula Jenkins, 823 Eubanks Street, New Bern	\$ 10,850 (Total Lump Sum)

- #17 Joseph Nelson, 8901 River Road, Vanceboro
#25 Elizabeth Canady, 429 Railroad Street, Dover

Commissioner Talton moved to approve the recommended bid awards, seconded by Commissioner Toon and unanimously carried in a roll call vote.

REPORTS OF NURSING HOME ADVISORY COMMITTEE AND ADULT CARE HOME ADVISORY COMMITTEE

Adult Care Home Advisory Committee

Mr. John Thompson provided the annual report for the Adult Care Home Advisory Committee. He reported that there are a total of 573 beds in the County's adult care homes, with 402 current residents. One of the needs that he stressed is for more community involvement in the activities at the adult care homes. He indicated that there are numerous worship services being held in the homes but the need is for assistance with recreational activities and routine activities such as correspondence.

Nursing Home Advisory Committee

Ms. Angela Hollowell, Ombudsman, provided the annual report of the Nursing Home Advisory Committee. She reported that there are currently five facilities, with a total of 499 beds in the County. Problems that she highlighted are with staffing as a result of non competitive wages, missing personal items, and critical care.

CRAVEN REGIONAL AIRPORT HEIGHT CONTROL ORDINANCE: SECOND VOTE

At its April 2nd meeting the Board voted to adopt a proposed Airport Height Control Ordinance; however, a full Board was not present, necessitating a second vote. Commissioner Phillips moved to adopt the proposed Height Control Ordinance, seconded by Commissioner Talton and unanimously carried.

CRAVEN COUNTY REGIONAL AIRPORT

HEIGHT CONTROL ORDINANCE

CRAVEN COUNTY, NORTH CAROLINA

INTRODUCTION

ENACTMENT:

AN ORDINANCE ESTABLISHING AIRPORT-RELATED ZONING REGULATIONS FOR CERTAIN AREAS OF THE COUNTY OF CRAVEN, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF NORTH CAROLINA GENERAL STATUTES 153A-340 THROUGH 153A-348 INCLUSIVE, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

PREAMBLE:

WHEREAS, the General Statutes of North Carolina empowers Craven County to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the County Commissioners deem it necessary, for the purpose of promoting the health, safety, or general welfare of the County to enact such an Ordinance, and

WHEREAS, the County Commissioners have appointed a Planning Board to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, it is further declared that the prevention of the creation of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which Craven County North Carolina may raise and expend public funds and acquire land or interests in land.

WHEREAS, airport hazards endanger the lives and property of users of airports and occupants and owners of property in their vicinity, and

WHEREAS, the creation or establishment of an airport hazard injures the community served by the airport in question, and

WHEREAS, in the interest of the public health, safety and general welfare, it is necessary that the creation or establishment of airport hazards be prevented, and

WHEREAS, the prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of police power without compensation, and

WHEREAS, the Planning Board has given reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, with a view to preventing airport hazards and protecting public interests, and

WHEREAS, the Planning Board has submitted its final report to the County Commissioners, and

WHEREAS, the County Commissioners have given due public notice of hearings relating to the zoning district, regulations and restrictions, and have held such public hearings, and

WHEREAS, all requirements of the General Statutes of North Carolina, with regard to the preparation of the report of the Planning Board and subsequent action of County Commissioners have been met;

NOW, THEREFORE, BE IT ORDAINED BY CRAVEN COUNTY, NORTH CAROLINA, AS FOLLOWS:

SECTION 1.0 GENERAL

1.1. Authority

The provisions of this Ordinance are adopted under authority granted by the General Assembly of North Carolina (General Statutes 153A-340-348).

1.2. Jurisdiction

The regulations set forth in this Ordinance shall be applicable within the area shown on the Craven County Regional Airport Height Control Map which is included by reference as a part of this ordinance.

1.3. Conflicting Regulations

In the event of conflict between any airport zoning regulations and any other county regulations applicable to the same property, the more stringent limitation or regulation shall govern and prevail.

1.4. Title

This Ordinance shall be known as Craven County Regional Airport Height Control Ordinance, and may be cited as the Height Control Ordinance. This ordinance and Height Control Map shall replace (repeal) the "Airport Zoning Ordinance of Craven County" dated November 7, 1960 and the "Airport Zoning Map" dated January 9, 1952.

SECTION 2.0 DEFINITIONS

2.1. General

For the purpose of this Ordinance certain terms or words used herein shall be interpreted as follows.

2.2. Tense and Number

- (1) The present tense includes the future tense and the future tense includes the present tense.
- (2) The singular number includes the plural number and the plural number includes the singular number.

2.3. Word Interpretations

- (1) The word "may" is permissive.
- (2) The words "shall" and "will" are mandatory.
- (3) The word "County" shall mean the County of Craven, North Carolina.
- (4) The words "County Commissioners" shall mean County Commissioners of Craven County, North Carolina.
- (5) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (6) The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.
- (7) The word "lot" includes the words plat or parcel.

2.4. Definitions

- (1) Airport: means Craven County Regional Airport.
- (2) Airport Elevation: means the highest point of an airport's usable landing area measured in feet from sea level.
- (3) Airport Height Restriction Zones: The definitions of these zones are set forth in Section 3.0 of this Ordinance.
- (4) Approach Surface: means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the airport height restriction zones limitations set forth in Section 3.2. of this Ordinance. In plan view the perimeter of the approach surface coincides with the perimeter of the approach zone.

- (5) Building Inspection Department: means the administrative agency which has been designated by the Craven County Board of Commissioners to administer airport zoning regulations.
- (6) Conical Surface: means slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
- (7) Construction: means the erection or alteration of any structure either of a permanent or temporary character.
- (8) Excepted Height Limitations: means nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure to a height up to fifty (50) feet above the surface of the land.
- (9) Height: means the overall height of a structure, including any appurtenance thereon, and for the purpose of determining the height limitations set forth herein, the datum shall be mean sea level elevation unless otherwise specified.
- (10) Horizontal Surface: means a horizontal plane one hundred fifty (150) feet above the established airport elevation or at a height of one hundred sixty-eight and three tenths (168.3) feet above mean sea level, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- (11) Nonconforming Use: means any structure or use of land which was lawfully in existence prior to the enactment of the regulations and which does not conform to these regulations. Trees outside the transition zone are exempt.
- (12) Non-precision Instrument Runway: means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
- (13) Obstruction: means any structure or other object, including a mobile object, which exceeds a limiting height set forth in Section 3.3. of this Ordinance. Trees outside the transition zone are exempt.
- (14) Precision Instrument Runway: means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- (15) Primary Surface: means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 3.2 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (16) Runway: means a defined area on an airport prepared for landing and take-off of aircraft along its length.

- (17) Structure: means any object constructed or installed by man, including but not limited to buildings, towers, smokestacks, utility poles, and overhead transmission lines.
- (18) Transitional Surfaces: means surfaces extend outward at ninety (90°) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90°) degree angles to the extended runway centerline.
- (19) Utility Runway: means a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.
- (20) Larger Than Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- (21) Hazard to Air Navigation- An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (22) Non-Residential – Any building/structures over 50 feet in height.

SECTION 3.0 HEIGHT RESTRICTIONS

3.1. General

Notwithstanding any other provisions of this Ordinance, no structure may be built within any zone established by this Ordinance which in any way endangers or interferes with the landing, takeoff, or maneuvering of aircraft intending to use the airport. In the interest of Aviation and Public Safety, the Craven County Regional Airport Authority will insure that all aircraft operating within the zonal areas of this ordinance comply with the Federal Aviation Administration requirements for normal flight activity in the immediate vicinity of the airport. No special or unusual activity (acrobatics, parachuting, etc.) will be authorized without the express written consent of the Airport Authority.

3.2. Airport Height Restriction Zones Map attached.

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Craven County Regional Airport. Such zones are shown on the Craven County Regional Airport Height Control Map consisting of one (1) sheet, prepared by Holland Consulting Planners, Inc., and dated March 2001, which is by reference made a part of this Ordinance. A lot located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various height restriction zones are hereby established and defined as follows:

- (1) Utility Runway Non-precision Instrument Approach Zone (Runway 13 and Runway 31): The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- (2) Non-precision Instrument Approach Zone (Runway 22): The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (3) Precision Instrument Runway Approach Zone (Runway 4): The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (4) Transitional Zones: The transitional zones are the areas beneath the transitional surfaces.
- (5) Horizontal Zone: The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii for all runways designated utility or visual and ten thousand (10,000) feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (6) Conical Zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward from the horizontal zone at a slope of twenty (20) to one (1) for a distance of four thousand (4,000) feet.

3.3. Airport Height Zone Restrictions

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) Utility Runway Visual Approach Zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
- (2) Non-precision Instrument Approach Zone: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
- (3) Precision Instrument Runway Approach Zone: Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; thence slopes outward forty (40) feet horizontally for each foot upward to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.
- (4) Transitional Zone: Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation, which is eighteen and three tenths (18.3) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach

surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90°) degree angles to the extended runway centerline.

- (5) Horizontal Zone: Established at one hundred fifty (150) feet above the airport elevation or at a height of one hundred sixty-eight and three tenths (168.3) feet above mean sea level.
- (6) Conical Zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation, three hundred sixty-eight and three tenths (368.3) feet above mean sea level.
- (7) Excepted Height Limitations: Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure to a height up to fifty (50) feet above the surface of the land.

SECTION 4.0 RESERVED

SECTION 5.0 NON-CONFORMING SITUATIONS

5.1. The regulations prescribed herein shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as the effective date hereof, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted and completed within two years thereof.

5.2. Definitions

Unless the context clearly indicates otherwise, the terms defined below are used in this article in the following manner:

- (1) Non-Conforming Situation: means a situation that occurs when, on the effective date of this Ordinance or any amendment hereto, an existing structure does not conform to one (1) or more of the regulations applicable to the height restriction zone in which the structure is located.
- (2) Non-Conforming Building or Structure (Dimensional Non-Conformity): means a non-conforming situation that occurs when the height of a building does not conform to the regulations applicable to the height restriction zone in which the property is located.
- (3) Non-Conforming Project: means any structure that is incomplete at the effective date of this Ordinance and would be inconsistent with any regulation applicable to the height restriction zone in which it is located if completed as proposed or planned.

5.3. Completion of Non-Conforming Projects

The construction or erection of any non-conforming project may be completed provided:

- (1) All construction is done pursuant to a validly issued building permit.

5.4. Extension or Enlargement of Non-Conforming Situations

5.4.a. Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of non-conformity of a non-conforming situation.

5.4.b. Physical alteration of structures or the placement of new structures on open land are unlawful if they result in greater non-conformity with respect to height limitations.

5.4.c. Minor repairs to and routine maintenance of structures where non-conforming situations exist are permitted and encouraged.

5.4.d. A structure that is non-conforming in any respect or a structure that is used in a non-conforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:

- (1) A letter of intent is received by the Building Inspector within six (6) months from the time of such destruction;
- (2) A building permit is obtained from the Building Inspector within one (1) year from the time the damage or destruction took place;
- (3) The reconstructed building shall eliminate height limitation non-conformities if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the non-conforming use of such building.
- (4) The cost of reconstruction is less than eighty (80%) percent of the assessed tax value of the structure.

5.4.e. Whenever the Building Inspector determines that a nonconforming structure has been more than eighty (80%) percent torn down, no permit shall be granted that would allow such structure to exceed the applicable height limits as specified in Section 3.

5.5. Marking and Lighting

Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming structure is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Craven County Regional Airport Director to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. This requirement shall not apply to trees located outside the transition zone. Such markers and lights shall be installed, operated, and maintained at the expense of the Craven County Regional Airport Authority.

SECTION 6.0 ADMINISTRATION AND ENFORCEMENT

6.1. Administration and Enforcement

The Building Inspector shall administer and enforce this Ordinance. He may be provided with assistance of such other persons as the County Commissioners may direct.

If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it. He shall order removal of illegal buildings or structures or of additions, alterations, or structural changes

hereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

6.2. Non-Residential Building Permit Requirements

After the adoption of this Ordinance, no new structures shall be established unless a building permit is applied for and issued by the Building Inspector. No permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Adjustment.

6.3. Application for Non-Residential Building Permit

All applications for non-residential building permits shall be accompanied by plans in duplicate, drawn to scale, showing the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as may be required by the Building Inspector including existing or proposed building or alteration; the elevation of all structures and utility lines taller than fifty (50) feet as determined by a licensed surveyor; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.

One (1) copy of the plans shall be returned to the applicant by the Building Inspector after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. Should the Building Inspector disapprove an application for a building permit, the reasons for disapproval shall be listed on the application. The second copy of the plans, similarly marked, shall be retained by the Building Inspector.

6.4. Expiration of Building Permit

If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be canceled by the Building Inspector and written notice thereof shall be given to persons affected.

If after commencement the work is discontinued for a period of twelve (12) months, the permit therefore shall immediately expire and be canceled by the Building Inspector and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

6.5. Building Permit for Non-Residential New or Altered Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a building permit shall have been issued therefore by the Building Inspector stating that requirements of this Ordinance.

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a building permit. Upon completion of the work the permit shall be issued in conformity with the provisions of this Ordinance including the following requirements:

- (1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any structure less than seventy-five (75) feet of vertical height above the ground, except when because of terrain, land contour, or topographic features, such structure would extend above the height limits prescribed for such zones.

- (2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than three thousand two hundred (3,200) feet from the ends of runways 31 and 13, five thousand three hundred feet (5,300) from the end of runway 22, and seven thousand seven hundred feet (7,700) from the end of runway 4; no permit shall be required for any structure less than seventy-five (75) feet of vertical height above the ground, except when such structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such airport height restriction zones.
- (3) In the areas lying within the limits of the precision approach transition zones beyond the perimeter of the conical zone, no permit shall be required for any structure less than seventy-five (75) feet of vertical height above the ground, except when such structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
- (4) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, in excess of any of the height limits established by this Ordinance except as set forth in Section 3.0.
- (5) No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (6) Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to permit the Craven County Regional Airport Authority at its own expense, to install, operate, and maintain the necessary markings and lights.

A temporary building permit may be issued by the Building Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

The Building Inspector shall maintain a record of all building permits and a monthly summary of all permits issued shall be made available to the public.

Failure to obtain a building permit shall be a violation of this Ordinance and punishable under Section 9.3 of this Ordinance.

6.6. Construction to be as Stated on Building Permits

Building permits issued on the basis of plans and applications approved by the Building Inspector authorize only the arrangements and construction set forth in such approved plans and applications. Arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Section 9.3 herein.

6.7. Right of Appeal

If the building permit is denied, the applicant may appeal the action of the Building Inspector to the Board of Adjustment.

6.8. Duties of Building Inspector, Board of Adjustment, Courts and County Commissioners as to Matters of Appeal

It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Building Inspector and that such questions shall be presented to the Board of Adjustment only on appeal from the Building Inspector; and that from the decision of the Board of Adjustment recourse shall be to courts as provided by law.

It is further the intention of this Ordinance that the duties of the County Commissioners in connection with the Ordinance shall not include the hearing and passing of disputed questions that may arise in connection with the enforcement thereof, but only considering and passing upon any proposed amendment or repeal of the Ordinance.

SECTION 7.0 AMENDMENTS

7.1. Amending the Ordinance

The County Board of Commissioners may amend the text regulations and zoning map according to the following procedures.

The following action shall be taken by the applicant:

- (1) Initiation of Amendments - Proposed amendments may be initiated by the County Commissioners, Planning Board, Airport Authority, Board of Adjustment, or by one (1) or more interested parties.
- (2) Application - An application for any amendment shall contain a description of the proposed zoning regulation or district boundary to be applied. Such application shall be filed with the Planning Department not later than fifteen (15) working days prior to the Planning Board meeting at which consideration of the application is requested.
- (3) Fee - A fee to be established by the County Commissioners shall be paid to Craven County, North Carolina, to cover necessary administrative costs and advertising costs.
- (4) Letter of Notification - Whenever any property is petitioned for rezoning or application for Special Use Permit, all such petitions shall be accompanied by letters of notification in the following manner:
 - (a) A letter of notification for each property owner as shown on the Craven County tax listing within two hundred (200) feet from any and all points of the property in question shall be prepared for first class mailing by the Planning Department staff to the last addresses listed for such owners on the Craven County tax records;
 - (b) The letter shall contain adequate information to notify such owners and residents of the specific request of the applicant as well as the time, date, and location of public hearing;
 - (c) Such letters are to be placed in unsealed, stamped and addressed envelopes ready for mailing. The return address of the Planning Department must appear on the envelopes;
 - (d) A list of all persons and their addresses to whom the letters are to be sent must accompany all such applications; and
 - (e) Failure of any addressee of such letter of notification to receive same shall not in any way invalidate or affect subsequent action on the petition for rezoning.

7.2. Action by the Planning Board

The Planning Director will immediately submit petitions for rezoning to the Airport Director for review and recommendation. No petition for rezoning shall be acted on by the Planning Board until a written recommendation is received from the Airport Director. However, failure of the Airport Director to provide a recommendation within forty-five (45) days of his receipt of the rezoning application shall be considered a recommendation for approval.

Planning Board Consideration - The Planning Board shall consider and make recommendations to the County Commissioners concerning each proposed zoning amendment. The Planning Board shall review any proposed amendment at a regularly scheduled meeting held and advertised in accordance with its Rules of Procedure then in effect. In lieu of separate consideration, the Planning Board may review an amendment in a joint meeting with the County Commissioners at a public hearing held in conformity with the requirements of Section 7.3 of this Ordinance.

7.3. Action by the County Commissioners

Notice and Public Hearing - No amendment shall be adopted by the County Commissioners until after public notice and hearing. Notice of public hearing shall be published once a week for two (2) successive calendar weeks in the local newspapers. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. Public notice may also be posted on the property concerned indicating the proposed change and date of public hearing.

Action by County Commissioners - Before taking such lawful action as it may deem advisable, the County Commissioners shall consider the Planning Board's recommendation on each proposed zoning amendment.

- (1) Petitions for amendment that receive favorable recommendation of the Planning Board, or petitions on which the Planning Board fails to make its recommendation within thirty (30) days after the Planning Board's public hearing, shall be scheduled for public hearing before the County Commissioners. Such public hearing shall be duly advertised.
- (2) Petitions for amendments that receive an unfavorable or adverse recommendation of the Planning Board may be appealed within ten (10) days of the date of such adverse decision to the County Commissioners by filing with the Clerk of the Board a notice, in writing, stating therein the action of the Planning Board and the amendment requested. Before taking action on any proposed amendment, the County Commissioners shall hold a public hearing. Public Hearings on proposed zoning amendments will be held at such times as the County Commissioners shall decide.

7.4. Resubmission of a Denied Petition

No resubmission of a denied petition may be resubmitted within six (6) months of its previous denial. A petition which is withdrawn after action by the Planning Board, but before action by the County Commissioners, shall not be resubmitted prior to a period of six (6) months from the date of original submission to the Planning Board.

SECTION 8.0 BOARD OF ADJUSTMENT

8.1. Creating the Board of Adjustment

The Craven County Board of Commissioners shall provide for the appointment of the Craven County Board of Adjustment (hereinafter called the Board). Insofar as possible, members of the Board shall be appointed as follows: at least three (3) residents of the area which is zoned shall be appointed to the Board; however, the Board shall consist of a minimum of five (5) members. Insofar as possible, initial appointment to the Board shall be as follows: one-third (1/3) for a term of three (3) years; one-third (1/3) for a term of two (2) years; and one-third (1/3) for a term of one (1) year. Two (2) alternate members may be appointed for a term of three (3) years to serve in the absence of regular members. The successor to the regular and the alternate members shall be appointed for three (3) year terms. Vacancies shall be filled for the unexpired term only. Members of the Board of Adjustment may be removed for cause by the County Commissioners upon written charges and after public hearing.

8.2. Meetings

The Board shall elect one (1) of its members as Chairman and another as Vice-Chairman who shall serve for one (1) year. The Building Inspector shall serve as secretary to the Board of Adjustment. The Board shall draw up and adopt the rules of procedures under which it will operate. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action.

8.3. Filing and Notice for an Appeal

Appeals from the enforcement and interpretation of this Ordinance and appeals for variances may be taken to the Board of Adjustment by any person aggrieved or by any office, department, board or bureau of the County affected. Notice of an appeal to the Board of Adjustment shall be filed with the Building Inspector. An appeal stays all proceedings in furtherance of the action from, unless the Building Inspector files a Certificate stating that by reason of facts stated in the Certificate a stay would, in his opinion, interfere with enforcement of the Ordinance because the violation is transitory in nature, or would cause imminent peril to life and property. The Building Inspector shall have one (1) copy of said certificate delivered by registered mail or by personal service to the appellant and to each member of the Board within ten (10) calendar days from the date the appeal is filed with the Building Inspector. The Certificate shall also be placed on file in the office of the Building Inspector for public inspection and recorded in the minutes of the next meeting of the Board.

Where said Certificate is filed by the Building Inspector, proceedings in furtherance of the original order shall not be stayed otherwise than by a restraining order, which may be granted by a court of record in Craven County.

Hearing of the Appeal - After receipt of notice of an appeal, the Board Chairman shall schedule the time for a hearing, which shall be at a regular or special meeting.

Notice - At least one (1) week prior to the date of the hearing, the Building Inspector shall furnish all adjoining property owners with written notices of the hearing. Notice of Public Hearing shall be published once a week for two (2) consecutive calendar weeks in the local newspaper. Public notice may also be posted on the property concerned indicating the proposed change and date of public hearing.

Fees for Appeal Variances - A fee to be established by the County Commissioners shall be paid to Craven County, North Carolina, to cover the necessary administrative costs and advertising expenses.

8.4. Powers and Duties

The Board of Adjustment shall have the following powers and duties:

- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any decision made by the Building Inspector or other administrative officials in the carrying out or enforcing of any provision of the Ordinance. A concurring vote of four-fifths (4/5) of the members of the Board shall be necessary to reverse, wholly or partly, any such decision.

- (2) To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. A concurring vote of four-fifths (4/5) of the members of the Board shall be necessary to grant a variance. A variance from the terms of this Ordinance shall not be granted by the Board unless and until the following findings are made:
 - (a) That special condition and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district;
 - (b) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - (c) That the special conditions and circumstances do not result from the actions of the applicant;
 - (d) That the application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Airport Director for advice as to the aeronautical effects of the variance. If however, failure of the Airport Director to provide a recommendation within forty-five (45) days of his receipt of the variance request shall be considered a recommendation for approval.

8.5. Appeal from the Board of Adjustment

An appeal from the decision of the Board of Adjustment shall be subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the Office of the Clerk to the Board, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk or Chairman or the Board at the time of the hearing of the case, whichever is later.

SECTION 9.0 LEGAL PROVISIONS

9.1. Provisions of Ordinance Declared to be Minimum Requirements

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted regulations, the most restrictive or that imposing the higher standards, shall govern.

9.2. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor and shall be punishable pursuant to the provisions of NCGS 14-4 which provides that violation of a County Ordinance is a misdemeanor punishable by either a maximum fine of fifty dollars (\$50.00) or imprisonment for not more than thirty (30) days as amended. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

In addition to an injunction, the County may petition the court to enter an order of abatement as part of the judgment in the cause. Such petition may request that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other chattel be removed from buildings on the property; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance.

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the County may execute the order of abatement. If the County executes the order, it has a lien on the property, in the nature of a mechanic's or material man's lien, for the costs of executing the order.

Nothing herein contained shall prevent the Craven County from taking such other lawful action as is necessary to prevent or remedy any violation.

9.3. Approval of the Craven County Health Department

The Building Inspector shall not issue a building permit for any structure which requires the Craven County Health Department's approval for the installation of a sewage disposal system until such approval has been granted by the Craven County Health Department. Evidence of approval shall accompany the application for a building permit.

9.4. Separability Clause

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

9.5 Effective Date

This Ordinance shall take effect and be in force from and after its adoption by the

Craven County Board of Commissioners, North Carolina, this 16th day of April 2001.

SOLID WASTE FRANCHISE RENEWAL AGREEMENT: SECOND VOTE

On April 2nd the Board voted to approve renewal of solid waste franchise agreements, which required a second vote. Commissioner Sampson moved to ratify the Board's approval of the renewed franchise agreements, seconded by Commissioner Tyson and unanimously carried.

MILITARY FAMILY OF THE QUARTER RESOLUTION

The following resolution was drafted to recognize the family of GySgt John R. Brummer as Military Family of the Quarter. Commissioner Talton moved to adopt the resolution, seconded by Commissioner Sampson and unanimously carried. Commissioner Allen was designated by the Board to represent the County at the recognition luncheon on May 10th to present the Board's resolution.

**RESOLUTION
HONORING GYSGT JOHN R. BRUMMER
AND HIS FAMILY
AS MILITARY FAMILY OF THE QUARTER**

WHEREAS, GySgt John R. Brummer serves with Marine Attack Squadron 231 aboard MCAS Cherry Point; and

WHEREAS, his activities as Aviation Ordinance Technician include Health Benefits Representative and Squadron Adopt a School Coordinator; and

WHEREAS, GySgt Brummer has educated and assisted many Marines and their families with health programs and medical situations, and has, as Adopt a School Coordinator, dedicated many hours to development and organization of successful programs at Arthur Edwards Elementary School; and

WHEREAS, Mrs. Teresa Brummer, a Kindergarten teacher at Arthur Edwards Elementary School, is an avid PTO organizer, and frequently drives the school bus for various activities; and

WHEREAS, the Brummer children, Ashley, 11, has excelled as an Honor Roll student at Arthur Edwards, and Tyler, 6, is an active Tiger Cub; and

WHEREAS, GySgt John R. Brummer and his family are a great asset to Marine Attack Squadron 231, the United States Marine Corps, and the local community.

NOW, THEREFORE, BE IT RESOLVED that the Craven County Board of Commissioners recognizes GySgt John R. Brummer and his family for their active participation in local community life, and salutes them as Military Family of the Quarter.

Adopted this the 16th Day of April, 2001.

**9:00 A.M. PUBLIC HEARING: FY 2001 CDBG CONCENTRATED NEEDS
APPLICATION**

The second public hearing required to apply for a CDBG Housing Rehabilitation Grant was opened, as advertised. Mr. Allen Crawford of Holland Consulting Planners presented the final project application request and reviewed with the Board target areas, budget, and the County's proposed commitment to the project. The County was requested to make a commitment of \$100,000 to the project. The following citizens spoke:

Mr. Charles Simmons of Tuscarora, advised the Board that a road adjacent to Tuscarora Road has been attempting to get water for about ten years. It has been estimated that \$2,000 would be needed to install the lines. He asked if some of the monies from a concentrated needs grant could be applied to these waterline installations, for about a half mile in length on Farrow Road. Mr. Crawford stated that part of a \$105,000 amount, included in the local option funding, could be considered for this if fifty one percent (51%) or more of the residents on Farrow Road are determined to be low income. He stated that the local option part of the funds could be used outside of the target area.

There were no additional speakers and at 9:12 a.m. Commissioner Sampson moved to close the public hearing, seconded by Commissioner Toon and unanimously carried.

FY 01-02 CDBG CONCENTRATED NEEDS RESOLUTION OF LOCAL COMMITMENT

Commissioner Sampson moved to approve the following resolution to commit \$100,000, subject to understanding of the details and consideration along with other budget priorities for the concentrated needs. The motion was seconded by Commissioner Phillips and unanimously carried in a roll call vote.

CRAVEN COUNTY FY01-02 CDBG CONCENTRATED NEEDS APPLICATION RESOLUTION OF LOCAL GOVERNMENT

WHEREAS, Craven County wishes to demonstrate local support for its proposed FY01-02 CDBG Concentrated Needs application; and

WHEREAS, the County wishes to submit a competitive application to the Division of Community Assistance;

NOW, THEREFORE, the Board of Commissioners of Craven County hereby resolves to commit \$100,000 in unrestricted local revenues to the FY01-02 CDBG Concentrated Needs project, if the project is funded. These funds will be disbursed at the discretion of the Board of Commissioners during the FY01-02 and FY02-03 budget years. Local funds may be budgeted for rehabilitation, clearance, or public works improvements by the County's planning consultant, based on the use that will provide the most competitive application.

RESOLVED this 16th day of April, 2001.

At 9:27 a.m. a recess was declared.

The Board reconvened at 9:31 a.m.

9:30 A.M. PUBLIC HEARING ON APPROPRIATION OF FUNDS FOR LAND ACQUISITION OPTIONS: INDUSTRIAL DEVELOPMENT

At 9:31 a.m., the Board went into public hearing, as advertised, to receive public comment concerning its expressed intent to appropriate up to \$200,000 to purchase options on land for industrial development. It was explained that land would be specified along with the cost at the appropriate time if and when an actual land acquisition transaction is at hand. The following citizens addressed the Board.

Mr. Robert Mills inquired about the number of acres involved in the options. County Attorney, Jim Sugg, responded that there were 5,500 acres involved.

Mr. Charles Simmons asked about the location and Mr. Sugg responded that the property being considered is in the Cove City area.

At 9:39 a.m., there being no additional citizens who wished to speak, Commissioner Sampson moved to close the public hearing, seconded by Commissioner Toon and unanimously carried.

Commissioner Sampson moved to adopt the following resolution to appropriate up to \$200,000 from fund balance to purchase options on land for industrial development. The motion was seconded by Commissioner Talton and unanimously carried in a roll call vote.

**RESOLUTION OF THE
CRAVEN COUNTY BOARD OF COMMISSIONERS
OF ITS INTENTIONS TO APPROPRIATE AND
EXPEND MONEY FOR THE PURPOSE OF
ACQUIRING LAND FOR AN INDUSTRIAL PARK AND
CALLING FOR A PUBLIC HEARING PURSUANT TO
THE PROVISIONS OF N.C. Gen. Stat. § 158-7.1(b) and (c)**

WHEREAS, pursuant to the provisions of N.C. Gen. Stat. § 158-7.1(b) and by a Resolution duly considered and adopted at its regular meeting on April 2, 2001, Craven County gives public notice of its intention to purchase certain options and land for an industrial park to be used for manufacturing, assembly, fabrication, processing, warehousing, research and development, office use or similar industrial or commercial purposes; and

WHEREAS, N.C. Gen. Stat. § 158-7.1(c) requires that any appropriation or expenditure for the aforesaid acquisition must be approved by the County after a public hearing; and

WHEREAS, the County must publish a notice of the public hearing at least ten (10) days before the hearing is held; and

WHEREAS, it is anticipated that the cost of acquiring the options and extensions of said options will be in an amount of Two Hundred Thousand and no/100 Dollars (\$200,000.00); and

WHEREAS, Craven County gives notice of its intention to appropriate funds for the purpose of acquiring said options to purchase property and calls for a public hearing pursuant to said statute to be held on the 16th day of April, 2001 at 9:30 a.m.

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

Section 1. The Craven County Board of Commissioners has ascertained and hereby determines that it is necessary to acquire options for the purchase of approximately 5,500 acres of land in Craven County for an industrial park to be used for manufacturing, assembly, fabrication, processing, warehousing, research and development, office use, or similar industrial or commercial purposes.

Section 2. It is necessary to appropriate money for the purchase of said options to purchase said land in the amount of Two Hundred Thousand and no/100 Dollars (\$200,000.00) and pursuant to the provisions of N.C. Gen. Stat. § 158-7.1 must call for a public hearing and publish a notice of said hearing at least ten (10) days before the hearing is held.

Section 3. The Craven County Board of Commissioners hereby gives notice of a public hearing to be held on the 16th day of April, 2001 at 9:30 a.m. for the purpose of receiving public comments regarding the acquisition of the options to purchase land and the appropriation and expenditure of funds for said purpose.

Done this 2nd day of April, 2001.

REVISIONS TO WORK FIRST PLAN

Craven County Social Services Director, Donn Gunderson, presented revisions to the Welfare Reform Plan for the years 2001-2003, as required by the State. Commissioner Sampson moved to approve the revisions, seconded by Commissioner Talton and unanimously carried.

TAX APPEAL

Craven County Tax Administrator, Ronnie Antry, presented an appeal of a late filing penalty for room occupancy tax by Bridgepointe Hotel. His recommendation was that the County's policies be upheld and applied to this taxpayer as they have been applied to taxpayers in the past. Commissioner Tyson moved to deny the appeal, seconded by Commissioner Phillips and unanimously carried. Mr. Antry suggested mailings to businesses that would clarify for them what constitutes delivery, in order to minimize these appeals in the future.

REQUEST BY SHERIFF'S DEPARTMENT

Captain Bob Brown presented to the Board a request for a budget amendment in the amount of \$150,000 to offset a negative balance in the jail budget line item, Board Prisoners. In addition, the request is to cover the projected expenses needed until the end of the current fiscal year. Commissioner Talton moved to approve the budget amendment in the amount of \$150,000, as requested to come from fund balance, seconded by Commissioner Sampson and unanimously carried in a roll call vote. County Manager, Harold Blizzard, recommended that several members of the Board of Commissioners confer with representatives of the Sheriff's Department and representatives of Probation to consider the ramifications of decisions and possible alternatives concerning the housing of inmates. Commissioners Bland and Phillips volunteered to be members of this committee.

FLOOD PLAIN MANUFACTURED FOUNDATION REQUIREMENTS

County Planning Director, Don Baumgardner, presented the current status of staff review relative to flood insurance program requirements. He reported that an agreement has been reached on an alternative to required permanent foundations for mobile homes being placed in flood zones designated by the new maps. Certificates of elevation, however, would be required on new set-ups to certify the finished floor elevation. Mobile homes could be placed if fill dirt is used to raise the ground level. Commissioner Bland moved to allow Mr. John Jenkins and Ms. Marie Fulcher, mobile home park owners in Twp. 1, to address the Board during this presentation, seconded by Commissioner Sampson and unanimously carried. Mr. Jenkins objected to being required to pay for certificates of elevation for each new set up. Mr. Jenkins was informed that some areas of his mobile home park would qualify for immediate occupation, and the County Planning Director and Chief Inspector offered to perform those areas without delay. Planning Director, Don Baumgardner, also advised Mr. Jenkins that the mapping of the entire Neuse River Basin is being reviewed with special attention being requested for the area in question, to determine if modifications to the mapping are in order. This is projected for completion by September, 2001.

APPOINTMENTS

Area Agency on Aging

The Board considered an appointment to the Area Agency on Aging Board to replace Ms. Mary Swartz; however, this appointment was deferred until the Board's next meeting by motion of Commissioner Sampson, seconded by Commissioner Toon.

Adult Care Home Advisory Committee

The Board considered a request by Rev. John Thompson, Chairman of the Adult Care Home Advisory Committee, that Mr. and Mrs. Charles Gupton and Mr. and Mrs. Sanford Stallings be appointed to this committee. Commissioner Allen nominated Mr. and Mrs. Stallings and Mr. and Mrs. Gupton. Commissioner Phillips moved that nominations be closed, seconded by Commissioner Allen and unanimously carried, with Mr. and Mrs. Gupton and Mr. and Mrs. Stallings being appointed by acclamation.

INTRODUCTION OF COMMUNITY COLLEGE BOND ORDER

County Finance Officer, Rick Hemphill, presented the following resolution regarding the Community College \$1,800,000 bond for the Board's approval. He advised the Board that a public hearing would also be necessary. Commissioner Allen moved to adopt the following resolution calling for a public hearing at 7:30 p.m. on May 7, 2001 and directed the Finance Officer to file a Statement of Debt with the Clerk to the Board. The motion was seconded by Commissioner Tyson and unanimously carried.

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$1,800,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF CRAVEN"

WHEREAS, the Board of Commissioners of the County of Craven has received and considered a resolution from the Board of Trustees of Craven Community College including a request that the Board of Commissioners provide additional facilities at Craven Community College; and

WHEREAS, the Board of Commissioners of the County of Craven deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board of Commissioners has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the secretary of the Local Government Commission has notified the Board that the application has been filed and accepted for submission to the Local Government Commission; **NOW, THEREFORE**,

BE IT ORDERED by the Board of Commissioners of the County of Craven, as follows:

Section 1. The Board of Commissioner of the County of Craven has ascertained and hereby determines that it is necessary to provide additional community college facilities at Craven Community College, including the construction of a building and the acquisition and installation of necessary furnishings and equipment, and to pay capital costs of such improvements.

Section 2. In order to raise the money required to pay capital costs of providing the improvements as set forth above, in addition to any funds which may be made available for such purpose from any other source, bonds of the County of Craven are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of said bonds authorized by this bond order shall be \$1,800,000.

Section 3. A tax sufficient to pay the principal of and interest on said bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County's debt has been filed with the Clerk of the Board of Commissioners and is open to public inspection.

Section 5. No debt shall be contracted during any fiscal year by the issuance of bonds pursuant to this bond order if the amount of such debt and of all other debt contracted during such fiscal year shall exceed two-thirds of the amount by which the outstanding indebtedness of said County shall have been reduced during the next preceding fiscal year, unless the incurring of such debt shall be submitted to a vote of the people of the County and shall be approved by a majority of those who vote thereon.

Section 6. This bond order shall take effect thirty days after its publication following adoption, unless it is petitioned to a vote of the people within thirty days after the date of its publication as introduced as provided in G.S. 159-60, and in such latter event, it shall take effect when approved by the voters of said County.

Commissioner Allen moved that the following resolution be adopted:

WHEREAS, the bond order entitled, “BOND ORDER AUTHORIZING THE ISSUANCE OF \$1,800,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF CRAVEN,” has been introduced at the meeting of the board of Commissioners held on April 16, 2001 and the Board of Commissioners desires to provide for the holding of a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act; **NOW, THEREFORE**,

BE IT RESOLVED by the board of Commissioners of the County of Craven, as follows:

- (1) The public hearing upon said bond order shall be held on the 7th day of May, 2001 at 7:30 o'clock, p.m. at the Craven County Administration Building, 406 Craven Street, in New Bern, North Carolina.
- (2) The Clerk of the Board of Commissioners is hereby directed to cause a copy of the bond order to be published with a notice of such hearing in the form prescribed by law in a qualified newspaper not fewer than six days prior to such public hearing.
- (3) The County's Finance Officer is hereby directed to file with the Clerk of the Board of Commissioners prior to publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the assessed value of property subject to taxation by the County and the net debt of the County.

BID AWARDS

Courthouse HVAC

The Board was advised that bids were received on April 10, 2001 at 2:00 p.m. for replacement of the HVAC system at the Craven County Courthouse. A bid tabulation form was presented with a recommendation that the award be made to the low bidder, Bolton Corporation, from Morehead City, North Carolina, in the amount of \$184,800. Assistant County Manager, George Sawyer, informed the Board that funds have been budgeted in the current year's budget to fund this project. Commissioner Sampson moved to award the bid, as recommended, to Bolton Corporation, seconded by Commissioner Toon and unanimously carried.

Recycling

Mr. Sawyer reported that bids for a recycling program were opened on April 11th at 2:00 p.m. He reported that the bids ranged from \$2.49 per household per month to \$3.05 per household per month. He recommended that the bid be awarded to the low bidder, GDS, in the amount of \$2.49 per household per month beginning July 1, 2001 and extending for five years with the option of a two year or five year extension. He informed the

Board that GDS is willing to pick up recyclables the same day as they are currently being picked up in all areas of the County. Commissioner Phillips moved to award the bid to GDS with a five-year extension option, seconded by Commissioner Sampson and unanimously carried.

Solid Waste Ordinance Amendment

Mr. Sawyer advised the Board that the Solid Waste Ordinance would need to be amended effective July 1, 2001 to accommodate the change in the recycling vendor. He also proposed that the fee schedule be changed to eliminate the flat fee, and allow the haulers to negotiate with individual customers. Commissioner Toon moved to approve the recommended changes to the ordinance, seconded by Commissioner Phillips and unanimously carried.

COUNTY MANAGER'S REPORT

Proposed JLUS Budget and Request for Resolution

County Manager, Harold Blizzard, advised the Board that the Office of Economic Adjustment has given tentative approval to the proposed budget submitted for the Eastern Carolina Joint Land Use Study (ECJLUS). East Carolina Council, in finalizing the financial commitments on behalf of local government, requested that Craven County adopt the following resolution of support and participation in specifying a maximum pledge amount of \$11,257 in cash to the study. Commissioner Sampson moved to adopt the following resolution, seconded by Commissioner Toon and unanimously carried.

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, an Eastern Carolina Joint Land Use Study (ECJLUS) is underway to coordinate future planning efforts of the MCAS Cherry Point 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 pledge a maximum of \$11,257 in cash and \$10,899 in-kind services to fulfill the local match requirements of the ECJLUS.
2. The County commits to a good faith effort to implement the JLUS recommendations.

Adopted this 16th day of April 2001.

Joint Meeting with Havelock

Mr. Blizzard informed the Board that the Havelock Board of Commissioners has requested a joint meeting with the Craven County Board of Commissioners and proposed that the meeting be set for 12:00 noon on April 18th.

COMMISSIONERS REPORTS

Commissioner Bland inquired about the land in the Industrial Park, which the Firemen's Association has expressed interest in for a training site. He was informed that County Economic Director, Jim Davis, is still in the process of a survey and analysis completed and it was recommended that he be contacted directly concerning the status.

At 12:30 p.m. Commissioner moved to recess to convene as the Water and Sewer Board, seconded by Commissioner Sampson and unanimously carried.

At 1:00 p.m. the Board returned to regular session.

Commissioner Toon moved to go into closed session, as requested by the County Attorney, pursuant to NCGS 143-318.11(a)(6), concerning a personnel matter.

At 1:45 p.m. Commissioner Toon moved to return to open session, seconded by Commissioner Tyson and unanimously carried.

County Attorney, Jim Sugg, reported that the Board had discussed a personnel matter but there was no action to report.

At 1:46 p.m. Commissioner Phillips moved to recess until 12:00 p.m. on April 18th at Winsteads with the Havelock Board of Commissioners, seconded by Commissioner Sampson and unanimously carried.

Chairman, C.W. "Pete" Bland

Gwendolyn M. Bryan
Clerk to the Board