

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 18, 2002. THE MEETING CONVENED AT 8:30 A.M.

MEMBERS PRESENT:

Chairman C.W. "Pete" Bland
 Vice Chairman Johnnie Sampson, Jr.
 Commissioner Lee Kyle 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 Sampson and the Pledge of Allegiance, Commissioner Phillips moved to approve regular session minutes of March 4, 2002 and special session minutes of February 27, 2002, seconded by Commissioner Talton and unanimously carried.

CONSENT AGENDA

Tax Releases and Refunds

Craven County Tax Administrator, Ronnie Antry, submitted the following routine requests for tax releases and refunds for the Board's approval. They were approved by motion of Commissioner Allen, seconded by Commissioner Phillips and unanimously carried in a roll call vote.

Credits

TAXPAYER NAME	TICKET #	AMOUNT
BRYAN, GLENN WILLIAM DID NOT OWN 1/1/2001	2001-0006417	\$ 26.06
COLEMAN, HUGH V & FRANKIE M OUT OF BUSINESS AS OF 9/1/99	2001-0090258	\$ 14.36
COLEMAN, HUGH V & FRANKIE M PER BILL OF SALE DID NOT OWN 1/1/01	2001-0090259	\$ 80.64
FLOWERS, LAWRENCE E & BESSIE K DOUBLE LISTED WITH ACCT #35337	2001-0016587	\$ 287.71
QUINN, KEVIN MOBILE HOME LISTED ON ACCT #2493950	2001-0040391	\$ 108.96
STILLEY, JOHN C DOUBLE LISTED WITH ACCT #1972400	2001-0046709	\$ 89.84

6 – CREDIT MEMO (S) \$ 607.57

Refunds

BRYAN, GLENN WILLIAM DID NOT OWN 1/1/2000	2000-0006347	\$ 25.30
FLOWERS, LAWRENCE E & BESSIE K DOUBLE LISTED WITH ACCT 35337	2000-0016438	\$ 271.33
ROBERSON, CHARLIE MRS HRS PROPERTY VACANT	2001-0041894	\$ 32.66
SHULTIS, ELVA MAE DID NOT OWN 1/1/2001	2001-0044328	\$ 44.88
VILLAGE IN THE WOODS SECTION F EXEMPT PROPERTY PER GS 105-277.8	2000-0050184	\$ 186.39
VILLAGE IN THE WOODS SECTION F EXEMPT PROPERTY PER GS 105-277.8	2001-0050552	\$ 196.20

6 – REFUNDS (S) \$ 756.76

Budget Amendments

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

DSS-7291 Mandated

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-7291-349-32-00 Energy-CIP/CP&L	\$ 3,650.00	101-7291-450-23.03 Energy-CP&L	\$ 3,650.00
TOTAL	\$ 3,650.00	TOTAL	\$ 3,650.00

Justification: Increase in allocation from Carolina Power & Light Project Share. Funds are 100% State, no County match.

Register of Deeds

101-1001-357-06-00 Register of Deeds Fees	\$ 6,000.00	101-1001-400-32-40 Other Supplies	\$ 6,000.00
101-1001-357-67-00 10% Enhancement	\$10,149.00	101-1001-400-41-20 10% Enhancement	\$ 6,149.00
101-1001-357-28-00 Child Trust	\$ 600.00	101-1001-400-41-20 10% Enhancement	\$ 4,000.00
101-1001-357-60-00 Excise	\$23,000.00	101-1001-400-45-01 Child Trust	\$ 600.00
101-1001-357-06-00 Register of Deeds Fees	\$ 3,100.00	101-1001-400-45-02 Excise State	\$23,000.00
		101-1001-400-11-03 Register of Deeds Pension	\$ 3,100.00
TOTAL	\$42,849.00	TOTAL	\$42,849.00

Justification: Ordering bonded safety paper, lamin maps etc. (bills expected) hopefully to get to the end of budget year. (binders, overage in copies, CD Rom Directory)

Health/Family Planning

101-6400-349-12-00	\$ 5,500.00	101-6400-440-40-00	\$ 5,500.00
State Rev/Family Planning-State		Health/Contractual Services	
TOTAL	\$ 5,500.00	TOTAL	\$ 5,500.00

Justification: State funds to support sterilizations in Family Planning.

Health/Home Health/Hospice

101-6502-371-02-00	\$38,400.00	101-6502-440-32-08	\$ 4,400.00
Medicare Revenue		Med Supplies/Equip	
		101-6502-440-40-27	\$15,000.00
		Room/Board	
		101-6502-440-40-20	\$ 4,000.00
		Cont. Services/Therapist	
		101-6502-440-32-05	\$15,000.00
TOTAL	\$38,400.00	TOTAL	\$38,400.00

Justification: Budget amendment required to pay an outstanding bill and cover the cost for 2 new patients for the next four months projected thru year end FY 01-02. Actuals currently exceed projected revenues by \$79,000.

FEMA NC DR 1292

260-4069-377-38-00	\$333,553.00	260-4069-430-76-23	\$333,553.00
FEMA		Demolition	
TOTAL	\$333,553.00	TOTAL	\$333,553.00

Justification: Budget FEMA NC DR 1292 Grant to cover demolition costs

Health/Smart Start-Health Check Coord.

101-5804-348-57-00	\$ (1,834.00)	101-5804-440-20-00	\$ (200.00)
Smart Start-Grant Health Check Coord		Postage Exp	
		101-5804-440-00-00	\$ (100.00)
		Telephone Exp	
		101-5804-440-25-00	\$ (731.00)
		Travel Training	
		101-5804-440-40-00	\$ (803.00)
		Contractual Serv	
TOTAL	\$ (1,834.00)	TOTAL	\$ (1,834.00)

Justification: Above amendment necessary to reduce budget by requested “4% voluntary reversion” by Smart Start.

Health/Smart-Dental Hygienist

101-5520-348-49-00	\$ (2,070.00)	101-5520-440-24-00	\$ (70.00)
Smart Start-Grant		Meeting Exp	
		101-5520-440-27-0	\$ (1,000.00)
		Advertising	
		101-5520-440-32-01	\$ (1,000.00)
		Office Supplies	
TOTAL	\$ (2,070.00)	TOTAL	\$ (2,070.00)

Justification: Above amendment necessary to reduce budget by requested “4% voluntary reversion” by Smart Start.

Health/Smart Start-CC Health Consultant

101-5806-348-51-00	\$ (2,712.00)	101-5806-440-24-00	\$ (1,000.00)
Smart Start-Grant Health Consult		Meeting Exp	
		101-5806-440-40-0	\$ (1,712.00)
		Contractual Serv	
TOTAL	\$ (2,712.00)	TOTAL	\$ (2,712.00)

Justification: Above amendment necessary to reduce budget by requested “4% voluntary reversion” by Smart Start.

Health/Legacy Grant

101-6703-348-73-00	\$ (8,512.00)	101-6703-440-32-40	\$ (8,512.00)
Project Assist-Legacy		Other Supplies	
TOTAL	\$ (8,512.00)	TOTAL	\$ (8,512.00)

Justification: Original funding authorization for \$46,000 was amended. The State is subtracting prior year funds received of \$8,512.00. Booked 00-01 \$4,256.00, Booked 01-02 \$4,256.00 – Total \$8,512.00.

ORDINANCE

**HAZARD MITIGATION
HMGP 1292-0039
FUND 260**

There is hereby amended the following amounts for the Hazard Mitigation Project.

Expenditures:

HMGP 1292-0039 Tenant Buyout

Acquisition Costs	\$262,365.00
Soft Costs (Legal, Appraisal)	\$ 9,750.00
Gen Administration	\$ 2,721.00
FEMA-Demolition	\$333,553.00
TOTAL	\$608,389.00

There is hereby amended the following amounts in revenue for the Hazard Mitigation Project.

HMGP Acquisition Funds	\$274,836.00
FEMA NC DR 1292	\$333,553.00
TOTAL	\$608,389.00

This ordinance is amended this 18th day of March, 2002.

Resolution to Establish Just Compensation

The Planning Department submitted for adoption the following Resolution to Establish Just Compensation for two dwellings in the Hazard Mitigation Acquisition Program.

Commissioner Allen moved for adoption of the resolution, as requested, seconded by Commissioner Phillips 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 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>
2460 NC Hwy 55 West	Samuel Gatlin III	100%	\$80,000.00
194 Chips Road	Tracy S. Brown	100%	\$45,000.00

Adopted this 18th day of March, 2002.

REPORT ON TEEN COURT

Wes Goforth and Regina Kimbrell provided the Board an update on Teen Court, which received funds from Craven County in the FY 2001-2002 budget. Mr. Goforth, Vice Chairman of Mediation Services, the sponsoring agency for Teen Court, gave an overview of the program, which involves peer adjudication by middle and high school students. The objective is to create an opportunity for early intervention among teen offenders. He presented a video and stated that a formal budget request will be forthcoming. Ms. Kimbrell expressed appreciation for the Board's prior support and presented student volunteer, Bonnie Merrell, a freshman at Havelock High School. Ms. Merrell presented some figures from the 2000-2001 program and responded to questions from the Commissioners. Commissioner Tyson inquired if there is any data to contrast the recidivism rate in the Teen Court Program with the same statistics for those youth who go through the juvenile court system. Mr. Goforth stated that he would seek such comparisons from Blake Belcher at the Juvenile Restitution Office. Commissioner Sampson stated to the Board that several judges have expressed the opinion that the program is a success.

REQUEST FOR PROCLAMATION OF CHILD ABUSE PREVENTION AWARENESS MONTH

Ms. Iris Derrick, District Administrator of the Guardian ad Litem Program in District 3B, presented a request that the Board proclaim April, 2002 as Child Abuse Prevention Awareness Month in Craven County, and accept the Children's Memorial Flag that is scheduled to be presented to the County at a ceremony on April 4th at the Courthouse. She requested that the flag be flown for the month of April. Commissioner Phillips moved to adopt the proclamation and approve the raising of the Children's Memorial Flag at the Courthouse in accordance with the standard County practices, seconded by Commissioner Sampson and unanimously carried. In accordance with standard County practice for such requests, the Children's Memorial Flag will be flown for one week at the Craven County Courthouse. It will be raised at noon on April 4th by Judge Crow and Judge Alexander and also displayed at the Twin Rivers Mall on April 26th, which is Children's Memorial Flag Day. Ms. Derrick asked that the Board consider taking custody of the flag. She stated that in most cases the local chairman of the Child Fatality Prevention Team would be the custodian of the flag. This is designated to be the Craven County Health Director.

WEST NEW BERN FIRE DEPARTMENT REQUEST

Doug Ferguson, President of West New Bern Fire Department, presented a proposal to acquire new apparatus for the Board's approval. He explained that no County funds are being sought and the purchase would not necessitate an increase in the fire tax rate. He explained that the replacement is for a pump truck, which will not pass the pump test for the Department's ISO rating. The amount of the proposed loan is \$240,000, at a rate of 4.96% over seven to ten years. Using accumulated annual reserve in the amount of \$20,000 in addition to end of the year surplus deposited to the reserve, the proposed purchase can be accomplished. Fire Department member, Jack Parker, stated that in the next four to five years it will probably be necessary to replace other equipment; however, this is in line with the Department's long range plan. Commissioner Phillips moved to endorse the proposed purchase of apparatus, seconded by Commissioner Talton and unanimously carried.

PLANNING - UPDATE ON CENTRALIZED PERMITTING

Planning Director, Don Baumgardner, advised the Board on the status of the Centralized Permitting Program being initiated by the Planning, Inspections, Health and Water and Sewer Departments. In addition, the Board was provided a copy of the information brochure which will be made available to the public to help guide them through the new process.

At 9:30 a.m. the Chairman declared the Board in recess.

The Board reconvened at 9:40 a.m.

TAX – PROGRESS REPORT ON REVALUATION

Craven County Tax Administrator, Ronnie Antry, provided an update on the revaluation project. He stated that some inquiries and appeals have been received by the Department since notices of values were mailed, but the response is modest. He emphasized that the records are available for public inspection and that property owners are encouraged to check their records and review them for accuracy. He advised the Board that the Board of Equalization and Review will begin meeting on May 6th. Commissioner Tyson initiated discussion concerning the valuation of new construction that occurs between revaluations. Mr. Antry informed him that new construction is valued according to the Rate of Values Schedule that was established during the most recent revaluation prior to construction. He further stated that the tax notice to new construction owners states this

basis of valuation. Chief Appraiser, Phil Nelson, continued and informed the Board that a mail-in system for inquiries has helped to alleviate walk-in and phone-in inquiries. To date the maximum wait for citizens seeking assistance from an appraiser has been ten minutes. Among 200 inquiries, 166 requested reviews, with 64% resulting in no change in value, 20% being adjusted downward and 8% adjusted upward. The average range of increase for property values has been 16% - 42%. Mr. Nelson further explained the process utilized to determine values on income producing properties based on an occupancy rate of 95%. He stated that these values can also be appealed; however, the owners need to be willing to provide access to their books and all necessary documentation.

APPOINTMENTS – NEUSE CENTER

Commissioner Tyson advised the Board that Dr. Reed Underhill has resigned from the Neuse Center Board due to time constraints. He informed the Board of his intention to nominate Dr. Mike Taylor of Eastern Carolina Internal Medicine, to fill the vacancy if there were no objections. There were no other nominees that the Board wished to have considered and Dr. Taylor will be nominated by Commissioner Tyson.

FINANCE – GENERAL OBLIGATION REFUNDING BONDS

Finance Officer, Rick Hemphill, requested that the Board consider the following bond order, which was presented by Commissioner Talton, with the motion that it be adopted, seconded by Commissioner Phillips and unanimously carried.

“BOND ORDER AUTHORIZING THE ISSUANCE OF \$15,200,000 GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF CRAVEN”

WHEREAS, the of Craven (the “County”) has issued School Bonds, Series 1996, dated June 1, 1996 and \$18,380,000 of such Bonds maturing in the years 2002 to 2017, inclusive, are outstanding (the “Outstanding School Bonds”); and

WHEREAS, the Board of Commissioners of the County deems it advisable to pay and refund all or a portion of the Outstanding School Bonds, pursuant to and in accordance with The Local Government Finance Act; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting 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 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 Commissioners of the County has ascertained and hereby determines that it is advisable to pay and refund all or a portion of the Outstanding School Bonds.

Section 2. In order to raise the money required to pay and refund the Outstanding School Bonds 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 are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of bonds authorized by this bond order shall be \$15,200,000.

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. This bond order shall take effect upon its adoption.

Commissioner Talton moved the adoption of the following resolution:

WHEREAS, the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$15,200,000 GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF CRAVEN," has been introduced at the meeting of the Board of Commissioners of the county held on March 18, 2002 and the Board of Commissioners of the County 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 27th day of March, 2002, at 10:00 o'clock A.M. in the Commissioners' Meeting Room on the second floor of the 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 qualified newspaper no fewer than six days prior to such public hearing.

(3) The County's Finance Officer is hereby directed to file with the Clerk 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.

The motion was seconded by Commissioner Phillips and unanimously carried.

COUNTY ATTORNEY'S REPORT

Resolution

County Attorney, Jim Sugg, presented the following resolution from Bond Counsel, relating to the Bond Order previously discussed and asked for its adoption. Commissioner Talton moved for its adoption, seconded by Commissioner Toon and unanimously carried.

RESOLUTION OF CRAVEN COUNTY BOARD OF COMMISSIONERS AUTHORIZING FILING APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR REFUNDING BONDS, AUTHORIZING FINANCIAL ADVISOR AND AUTHORIZING BOND COUNSEL

WHEREAS, at the regular meeting of the Craven County Board of Commissioners on March 4, 2002, Richard F. Hemphill advised the Craven County Board of Commissioners regarding issuing Fifteen Million Two Hundred Thousand and

no/100 Dollars (\$15,200,000.00) refunded bonds, which represent the outstanding General Obligation Bonds, Series 1996; and

WHEREAS, the Craven County Board of Commissioners authorized Richard F. Hemphill to proceed with filing the application with the Local Government Commission to begin the process of issuing the refunding bonds; and

WHEREAS, the Craven County Board of Commissioners authorized the investment banking firm of Ferris, Baker, Watts, Inc. to serve as Craven County's financial advisor and to provide Craven County with a financial analysis of the refunding to reflect the source and uses as well as the savings involved with the issuance of the refunding bonds; and

WHEREAS, the Craven County Board of Commissioners authorized and approved employment of the law firm of LeBoeuf, Lamb, Greene & MacRae, LLP, 125 West 55th Street, New York, New York 10019-5389 to act as bond counsel.

NOW, THEREFORE, BE IT RESOLVED that Richard F. Hemphill proceed with filing application for the refunding bonds, authorize the firm of Ferris, Baker, Watts, Inc. as financial advisors and the firm of LeBoeuf, Lamb, Greene & MacRae, LLP to serve as bond counsel

Done this 18th day of March 2002.

Closed Session

Mr. Sugg requested that the Board go into closed session pursuant to 143-318.11(a)(4) and (3) concerning incentives for industry expansion and litigation. It was the consensus of the Board to defer the closed session until the end of its meeting.

COUNTY MANAGER'S REPORT

Local Emergency Planning Committee

County Manager, Harold Blizzard, presented a memorandum from Fire Marshal, Stanley Kite, summarizing events relative to a proposal, which would allow Pamlico County to join the Craven County LEPC. He explained that the merged organization would be known as the Craven-Pamlico LEPC and would be governed by the by-laws, which were presented to the Board. This requires approval by both Craven and Pamlico Counties' Boards of Commissioners. The current year's funding for the program is \$3,500. He speculated that Pamlico County would agree to contribute \$500 towards that amount next year, although this has not been confirmed. He presented Mr. Brian Hayson, Craven County Local Emergency Planning Committee Chairperson, to answer the Board's questions. Commissioner Talton moved to approve the proposed plan, seconded by Commissioner Sampson and unanimously carried.

CARTS Request

Mr. Blizzard presented a request on behalf of CARTS to schedule a public hearing for 8:30 p.m., April 1st, concerning the Rural Transportation Program. Commissioner Phillips moved to establish a public hearing date, as requested, seconded by Commissioner Allen and unanimously carried.

COMMISSIONERS' REPORTS

Commissioner Allen apprised the Board that the Health and DSS Departments are likely to present a resolution at the Board's next meeting concerning carrying concealed weapons in the Human Services Building.

Commissioner Toon asked staff to investigate a potential problem at the Register of Deeds Office concerning public access to areas behind the counter where cash registers are in use.

Commissioner Sampson reported on a grant received for health education and enhancement in the Duffyfield area and stated that the Craven Regional Medical Center President, Ray Budrys, would be speaking at a citizen's gathering at the Stanley White Center at 7:00 p.m.

Commissioner Bland stated that in addition to the Register of Deeds Office and Human Service Building, there are security needs in the Courthouse.

At 10:40 a.m. Commissioner Toon moved to recess to convene the meeting of the Water and Sewer Board of Directors.

At 10:45 a.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)(4) concerning industrial expansion incentives and (3), concerning litigation in the matter of Big John's v. Craven County Convention Center. Commissioner Phillips seconded the motion, which carried unanimously.

At 11:30 a.m. the Board returned to regular session. County Attorney, Jim Sugg, announced that incentives had been discussed and it was the consensus of the Board that a document be drafted and brought before the Board of Commissioners and that a public hearing be scheduled on the matter at the appropriate time. In the matter of the litigation of Big John's Electric v. Craven County Convention Center, Mr. Sugg announced that the suit had been discussed and no action was taken. Information only had been provided to the Commissioners as to the County's possible liability.

At 11:35 a.m. the meeting was adjourned to reconvene at 10:00 a.m. on March 27, 2002.

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

Gwendolyn M. Bryan, Clerk