

**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, FEBRUARY 17, 2003. THE MEETING CONVENED AT 8:30 A.M.**

**MEMBERS PRESENT:**

Chairman Johnnie Sampson, Jr.  
 Vice Chairman Lee Kyle Allen  
 Commissioner George Brown  
 Commissioner Bill Harper  
 Commissioner Perry Morris  
 Commissioner M. Renée Sisk  
 Commissioner Leon C. Staton

**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 Sisk and the Pledge of Allegiance, Commissioner Morris moved to approve minutes of the February 3<sup>rd</sup> regular and reconvened sessions, seconded by Commissioner Brown and unanimously carried.

**CONSENT AGENDA**

*Tax Releases and Refunds*

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

*Credits*

<b>TAXPAYER NAME</b>	<b>TICKET #</b>	<b>AMOUNT</b>
ANDERSON, JERRY HENRY DOUBLE LISTED AS REAL PROPERTY	1995-0000809	\$ 63.32
ANDERSON, JERRY HENRY DOUBLE LISTED AS REAL PROPERTY	1996-0000889	\$ 47.77
ANDERSON, JERRY HENRY DOUBLE LISTED AS REAL PROPERTY	2002-0001077	\$ 32.88
BEAVERS, CHRISTOPHER CRAIG MILITARY-HIS NAME ONLY 02 LES-OK ECC-NONE (MAJOR)	2002-0003314	\$ 210.10
BENDER, JENNIFER R CORRECTED APPRAISAL ERROR	2002-0003757	\$ 127.67
DAUGHERTYS TRUCKING LLC OWNS ONLY LICENSED VEHICLE	2002-0012225	\$ 55.68
DAUGHERTYS TRUCKING LLC OWNS ONLY LICENSED VEHICLE	2001-0090297	\$ 62.44

DUNCAN, MACON F PERSONAL PROPERTY ONLY-BOAT, BOAT TRAILER AND MOT	2002-0014242	\$ 32.88
GASKINS, GARY A & SHIRLEY H PROPERTY VACANT	2002-0018490	\$ 32.64
GENERAL ELECTRIC CAPITAL BUSIN NOT IN BUSINESS 1/1/2002	2002-0018912	\$ 68.98
HALL, ANN L CORRECTED APPRAISAL ERROR-REBILLED TO NEW OWNER	2002-0021134	\$ 606.88
HALL, LAURA MAE PROPERTY VACANT	2002-0021184	\$ 32.24
HILL, JOHNNY VALUE ADJUSTED PER ABOS BLUE MARINE	2002-0023774	\$ 79.08
IPOCK, TRACY JOE VACANT PROPERTY	2002-0025680	\$ 32.88
IVORY, WILLIAM M MILITARY-HIS NAME ONLY 03 LES-ID	2002-0025745	\$ 43.51
MCCLAIN, ERNEST III & JUDY A DOUBLE LISTED ON ACCT #30163	1999-0091750	\$ 396.32
MCCLAIN, ERNEST III & JUDY A DOUBLE LISTED ON ACCT #30163	2000-0032079	\$ 327.17
MITCHELL, SHIRLEY N DOUBLE LISTED ON ACCT #29808	2002-0090800	\$ 236.18
NIKOLAS OF NEW BERN INC DID NOT OWN LISTED FURNISHING 01/01/02	2002-0037276	\$ 622.75
RILEY, JOSEPH B & ANGELA M DID NOT OWN 1/1/02-OWNED BY FEMA	2002-0091050	\$ 198.95
ROLLINS, JENNINGS F & CARTER A DID NOT OWN 1/1/2002	2002-0042998	\$ 3.69
SAFE CLEAN CARPET CARE DID NOT OWN 1/1/2002	2002-0043703	\$ 48.81
SIMMONS, TONY ORLANDA DID NOT OWN 1/1/2002	2002-0045353	\$ 296.51
TYER, RANDY NEIL PROPERTY VACANT	2002-0050697	\$ 32.00
TYNDALL, KEITH LEE DOUBLE TAXED ON BOAT AS PART OF INVENTORY	2000-0090591	\$ 220.09
TYNDALL, KEITH LEE DOUBLE TAXED ON BOAT AS PART OF INVENTORY	2001-0090847	\$ 203.30
TYNDALL, KEITH LEE DOUBLE TAXED ON BOAT AS PART OF INVENTORY	2000-0090591	\$ 220.09

TYNDALL, KEITH LEE	2001-0090847	\$ 203.30
DOUBLE TAXED ON BOAT AS PART OF INVENTORY		
TYNDALL, KEITH LEE	2002-0050741	\$ 179.93
DOUBLE TAXED ON BOAT AS PART OF INVENTORY		
WETZEL, CHARLES DAVID	2002-0053216	\$ 45.82
CORRECTED APPRAISAL ERROR ON BOAT		
WILSON, KEN	2002-0090903	\$ 976.76
NO TAX SITUS IN CRAVEN CO-BOAT IN TRANSIT		
29 – CREDIT MEMO(S)		\$ 5,317.23

*Refunds*

SAWYER, SHARON B	2002-0044143	\$ 116.27
DOUBLE LISTED ON ACCT #30658		
SIMMONS, TONY ORLANDA	2001-0044602	\$ 328.02
DID NOT OWN 1/1/2001		
TAYLOR, EDWARD & KAREN	2002-0048647	\$ 32.00
PROPERTY VACANT		
VANCEBORO HUNTING CLUB	2002-0051104	\$ 285.60
CORRECTED CLERICAL ERROR		
4 – REFUND(S)		\$ 761.89

*Budget Amendments*

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

***DSS 7221 Adult Services***

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-7221-349-78-00	\$(30,000.00)	101-7221-450-39-18	\$(30,000.00)
Adult Day Care		Adult Day Care	
TOTAL	\$(30,000.00)	TOTAL	\$(30,000.00)

**Justification:** Allocation reduced by the State. Funds will not be used due to the closing of the adult day care center. Funds are 100% State.

***DSS 7291 Mand. & 7201 Admin***

101-7291-349-32-00	\$ 6,776.00	101-7291-450-23-04	\$ 6,776.00
Energy CIP		CIP	
101-7221-349-22-00	\$ 1,224.00	101-7201-450-40-00	\$ 1,224.00
Services Staff & Ovhd		Contractual Services	
TOTAL	\$ 8,000.00	TOTAL	\$ 8,000.00

**Justification:** Additional funds allocated for the Crisis Intervention Program and the administrative costs associated with the program. Funds are 100% federal.

***DSS 7291 Mand. & 7201 Admin***

101-7291-349-32-00	\$ 17,833.00	101-7291-450-23-04	\$ 17,833.00
Energy CIP		CIP	
101-7221-349-00-00	\$ 1,981.00	101-7201-450-40-00	\$ 1,981.00
TOTAL	\$ 19,814.00	TOTAL	\$ 19,814.00

**Justification:** Additional funds allocated for the Crisis Intervention Program and the administrative costs associated with the program. Funds are 100% federal.

***DSS 7231 TANF***

<b>TRANSFER FROM</b>	<b>AMOUNT</b>	<b>TRANSFER TO</b>	<b>AMOUNT</b>
101-7231-450-10-02	\$ 30,700.00	101-7231-450-39-28	\$ 10,700.00
Salaries Positions		Foster Care IVE	
		101-7231-450-39-21	\$ 20,000.00
TOTAL	\$ 30,700.00	TOTAL	\$ 30,700.00

**Budget Amendment**

101-7231-349-30-00	\$ 94,300.00	101-7231-450-39-28	\$104,300.00
IV-E Foster Care		IV-E Foster Care	
101-7231-349-31-0	\$ 10,000.00		
IV-B Foster Care			
TOTAL	\$104,300.00	TOTAL	\$104,300.00

**Justification:** Foster care payments have greatly exceeded originally anticipated budget amounts. There are several group homes with high monthly rates anywhere from \$2,000 to \$5,400. The IV-E reimbursement rate is approx 82%, the IV-B reimbursement rate is 50%.

IV-E:  $\$115,000 \times 82\% = \$94,300$  with the fund balance needed = \$20,700  
 IV-B:  $\$20,000 \times 50\% = \$10,000$  with the fund balance needed = \$10,000

***Rescue Squads***

101-2825-357-53-00	\$ 11,000.00	101-2801-410-40-03	\$ 22,715.00
NB Craven Rescue		Collection Contract	
101-2827-357-51-00	\$ 19,150.00	101-2825-410-33-10	\$ 9,900.00
Ft Barnwell		90 % Collection	
101-2828-357-49-00	\$ 24,000.00	101-2827-410-33-10	\$ 17,235.00
Bridgeton		90 % Collection	
101-2829-357-50-00	\$101,000.00	101-2828-410-33-10	\$ 21,600.00
Vanceboro		90 % Collection	
101-2830-357-52-00	\$ 26,000.00	101-2829-410-33-10	\$ 90,900.00
Cove City		90% Collection	
101-2831-357-56-0	\$ 46,000.00	101-2830-410-33-10	\$ 23,400.00
Twp #7		90 % Collection	
		101-2831-410-33-10	\$ 41,400.00
		90 % Collection	
TOTAL	\$227,150.00	TOTAL	\$227,150.00

**Justification:** Budget additional collections being received from Ambulance billings. All squad revenue projections are near to exceeding or have exceeded their budgets.

***Health/GIS – Environmental Health***

101-3139-346.01-00	\$ 7,000.00	101-3139-420-73-21	\$ 7,000.00
GIS-DUKE		C/O	
TOTAL	\$ 7,000.00	TOTAL	\$ 7,000.00

**Justification:** Additional grant money from Duke University for the GIS System. Money will be used for four (4) additional computer systems in Environmental Health.

***Health/Environmental Health***

TRANSFER FROM AMOUNT		TRANSFER TO	AMOUNT
101-3101-420-32-40	\$ 588.00	101-3101-420-73-21	\$ 588.00
Other Supplies		C/O 500-4,999	
TOTAL	\$ 5880.0	TOTAL	\$ 588.00

**Justification:** Transfer request to cover the shortage in Dept. 3139 to purchase four computers with the additional GIS grant money.

***Health/Cardiovascular***

101-6702-369-37-00	\$ 7,500.00	101-6702-440-25-00	\$ 1,500.00
Cardiovascular		Travel Training	
		101-6702-440-32-01	\$ 1,000.00
		Office Supplies	
		101-6702-440-32-40	\$ 5,000.00
		Other Supplies	
TOTAL	\$ 7,500.00	TOTAL	\$ 7,500.00

**Justification:** State is awarding CVH an additional \$7,500 for African Americans in the community to help educate on ways to healthy eating habits to reduce hypertension, high cholesterol, diabetes, and overweight/obesity.

***Health/Bioterrorism (2)***

101-5015-348-00-00	\$ 4,300.00	101-5015-440-27-00	\$ 4,300.00
State Bio-terrorism (2)		Advertising	
TOTAL	\$ 4,300.00	TOTAL	\$ 4,300.00

**Justification:** State grant to educate public on How and Who to contact in matters associated with an actual or suspected biological attack or an unusual outbreak of disease.

***Health/Project Assist-Legacy***

101-6703-348-73-00	\$ 23,000.00	101-6703-440-24-00	\$ 450.00
Project Assist-Legacy		Meeting Expenses	
		101-6703-440-27-00	\$ 6,000.00
		Advertising	
		101-6703-440-32-40	\$ 4,550.00
		Other Supplies	
		101-6703-440-40-0	\$ 12,000.00
		Contract Serv	

TOTAL	\$ 23,000.00	TOTAL	\$ 23,000.00
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**Justification:** Above request to support State grant awarded for Legacy.

***Sheriff – Seized Assets***

**JOURNAL ENTRY**

114-2001-410-97-01	\$ 5,115.00	114-0000-101-00-00	\$ 5,115.00
To Gen'l Fund		Cash	
101-0000-101-00-00	\$ 5,115.00	101-2020-366-14-00	\$ 5,115.00
Cash		From Fd 114	
County share of Radar Trailer			

**LINE ITEM TRANSFER**

114-2001-410-33-00	\$ 5,115.00	114-2001-410-97-01	\$ 5,115.00
Misc Exp		To Gen Fd	

COUNTY Portion of Radar Trl

TOTAL	\$ 5,115.00	TOTAL	\$ 5,115.00
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**Budget Amendment**

101-2020-366-14-00	\$ 5,115.00	101-2020-410-73-01	\$ 10,230.00
Fd 114 Seized Assets		C/O	
101-2020-377-08-00	\$ 5,115.00		
Federal			
101-2020-377-08-00	\$ 646.00		
Federal			
101-0000-399-01-00	\$ (646.00)		
Fund Balance			

TOTAL	\$ 10,230.00	TOTAL	\$ 10,230.00
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**Justification:** Budget STAR Grant to purchase radar trailer. Star Grant pays 50% and seized asset fund will pay the local contribution of 50% (\$5,115 each). Also update federal revenues to reflect actuals which will result in a savings to fund balance of \$646.

***Sheriff***

101-0000-399-01-00	\$ 10,500.00	101-2001-410-7301	\$ 10,500.00
Fund Balance		Cap Outlay over \$5,000	

TOTAL	\$ 10,500.00	TOTAL	\$ 10,500.00
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**Justification:** Appropriate money for Sheriff's replacement car. Insurance to pay \$11,390.50.

***Community College***

TRANSFER FROM	AMOUNT	TRANSFER TO	AMOUNT
381-8600-480-37-06	\$100,000.00	381-8601-480-37-06	\$100,000.00

TOTAL \$100,000.00 TOTAL \$100,000.00

**Justification:** Transfer \$100,000 of money approp for Havelock project to be used for expansion of Kelso Hall on New Bern capacity.

**HEALTH DEPARTMENT MATTERS**

*Presentation of County Program Award*

Robert Hester, Field Representative of the North Carolina Association of County Commissioners, presented an award to the Craven County Health Department for the Association’s Outstanding County Program. He stated that Craven County’s program, “Breathing Should Be Easy”, was one of twelve selected out of fifty entries. The entry was submitted by Deborah Yarborough.

*Departmental Overview*

Health Director, Wanda Sandelé, presented an overview of the Health Department’s programs and operations. She stated that the County’s Health Department regards the community as the patient. She outlined costs associated with premature and preventable deaths in North Carolina caused by unhealthy lifestyles, and highlighted activities under environmental health, personal health, mosquito control, home health and hospice and the mobile dental unit. Concerns were identified in the areas of fixed and/or shrinking funding, increases in the Spanish speaking population, health status indicators, and threats of bioterrorism.

*Recommended Fee for New Restaurant Plan Review*

Ms. Sandelé informed the Board that the Craven County Health Board at its February 10<sup>th</sup> meeting, discussed and passed a recommendation for a \$100 fee for Environmental Health’s review of new restaurant plans. She stated that recent legislation now allows local health departments to charge up to \$200 for plan review, which typically takes about four hours. Surrounding counties are in the process of establishing a local fee of \$100, which is considered reasonable. Commissioner Brown moved to approve the recommendation of the Health Department to initiate a \$100 fee for Environmental Health’s review of new restaurant plans, to become effective March 1, 2003. Commissioner Staton seconded the motion, which carried unanimously.

**RESOLUTION IN SUPPORT OF NEW LEADERSHIP OF THE NC GLOBAL TRANSPARK AUTHORITY**

Royce Jordan, Vice Chair of the Craven Regional Airport, presented the following resolution in support of new leadership of the North Carolina Global Transpark for the Board’s consideration. Commissioner Harper asked that consideration of the resolution be deferred until a Global Transpark representative could come before the Board to address questions. Commissioner Sisk suggested that the original resolution adopted by the previous Board could be rescinded rather than adopting a new resolution. Commissioner Allen moved to adopt the resolution, seconded by Commissioner Brown and carried by five (5) “Ayes”, there being two (2) “Nays” from Commissioners Harper and Sisk.

**RESOLUTUION  
IN SUPPORT OF  
NEW LEADERSHIP OF  
THE NORTH CAROLINA GLOBAL TRANSPARK AUTHORITY**

**WHEREAS**, representatives of the Craven Regional Airport previously presented concerns about the State of North Carolina subsidizing commercial air service at the Kinston Regional Airport, and

**WHEREAS**, the State Department of Transportation has since satisfactorily assured officials of the Craven Regional Airport that the State will not be subsidizing commercial air service at the Kinston Regional Airport, and

**WHEREAS**, the North Carolina Global Transpark Authority has been recently reorganized and its operations placed under the leadership of Eugene A. Conti, Jr., Chief Deputy Secretary of the North Carolina Department of Transportation, and

**WHEREAS**, the North Carolina Global Transpark assets represent a major public investment in eastern North Carolina for the purpose of promoting much needed economic development in the region, and

**WHEREAS**, the Craven County Board of Commissioners desires to evidence its support for the North Carolina Department of Transportation and the new leadership of the North Carolina Global Transpark Authority.

**NOW THEREFORE**, be it resolved that the Craven County Board of Commissioners does hereby confirm its support for the new leadership of the North Carolina Global Transpark Authority and the purpose for which it was created.

Adopted this 17th day of February, 2003

#### **COMMUNITY COLLEGE REQUEST**

The Board considered a request that was presented by Dr. Scott Ralls, President of Craven Community College, that the County authorize use of \$100,000 of County funds, as well as \$100,000 of state bond funds currently designated for the Havelock project, to fund an expansion of the industrial laboratory area in Kelso Hall on the New Bern campus. He explained that the college is experiencing an enrollment surge of 11% year-to-date. The Early Childhood Program and the Industrial Technology Program are also experiencing tremendous growth. New funding in the amount of \$700,000 has been attracted for Industrial Technology training. Commissioner Sampson emphasized his concern about the need to introduce more trades into the curriculum, and presented a \$500 check for the Johnnie Sampson Scholarship Fund. Commissioner Morris moved to approve the request of Craven Community College, seconded by Commissioner Harper and unanimously carried.

#### **TAX FORECLOSURE AGREEMENT**

Craven County Tax Administrator, Ronnie Antry, presented an agreement with Attorney Mark Bardill for legal services related to foreclosure activity. He explained that the service is needed in order to collect delinquent taxes on several hundred properties on which the taxes are chronically delinquent. As of August, 2002, when the County Attorney mailed letters to these taxpayers, there was approximately \$500,000 that the County has been unsuccessful in collecting through means of attachment and garnishment. He further explained that the recommendation for the agreement was for a four (4) year term based on the timetable involved in the process. Commissioner Morris moved to approve the Tax Foreclosure Agreement with Attorney Mark Bardill, seconded by Commissioner Allen and unanimously carried.

#### **TAX FORECLOSURE AGREEMENT**

This agreement, made and entered into this the 17<sup>th</sup> day of February, 2003, by and between Craven County, hereinafter referred to as County, and Mark D. Bardill, Attorney at Law, hereinafter referred to as Attorney, shall be for the legal services to be provided

for foreclosure actions on delinquent real property taxes due to the County, and to this end, make the parties hereto make the following recitals:

WITNESSETH:

**WHEREAS**, County desires to implement a tax foreclosure program to collect delinquent real property taxes due to the County; and

**WHEREAS**, Attorney has in excess of seventeen years serving as Special Tax Attorney for the Counties of Jones and Onslow; and

**WHEREAS**, Attorney will incur certain costs necessary to handle the increased work load on himself, his staff and his offices in order to serve the County in said capacity; and

**WHEREAS**, to assist Attorney with said costs, County desires to appoint Attorney as its sole and exclusive special tax attorney for a term of four years; and

**WHEREAS**, Attorney desires to serve in said capacity for County upon the agreements, conditions and covenants set forth hereunder.

**NOW, THEREFORE**, for good and valuable consideration, and upon the agreements, conditions, and covenants found herein, the parties hereto agree as follows:

1. The Attorney shall initiate foreclosure actions for all parcels with taxes delinquent for more than one year in batches of 100 parcels per assignment made on the first day of every other month during the term of this agreement, or in more frequent intervals, upon mutual agreement of the parties hereto. Nothing herein shall require any assignments in the event that there are no delinquent taxes that are more than one year old.

2. The Tax Collector shall provide to the Attorney the name of the delinquent taxpayer, the most recent address on file, the total delinquent taxes, including interest and penalties by year, and a map of the parcel with its identification number. This information shall be in the form of a computer printout and GIS Map, with other information provided as available.

3. All related work and filing of foreclosure action shall take place within one hundred twenty (120) calendar days from the date that the Tax Collector transmits the initial information outlined in Paragraph 2 above and the request for foreclosure to the Attorney. If the Taxpayer tenders payment in full prior to the filing of the complaint, the Tax Collector must accept payment and no attorney fees are applicable.

4. The Attorney shall notify the Tax Collector, in writing, immediately upon the filing of a foreclosure complaint with the Office of the Clerk of Superior Court. Failure by the Attorney to be responsive to the Tax Collector's request within the prescribed one hundred twenty (120) day period shall render this agreement null and void.

5. The Attorney shall bring the foreclosure to conclusion within two years after filing said foreclosure action with the Clerk of Court's office; however, if for some reason, the foreclosure action is not concluded within two years of filing, a written statement must be submitted to the Tax Collector as the reason why the action had not been concluded.

6. The Attorney shall be compensated in each foreclosure action in accordance with procedures set forth in the North Carolina General Statutes, Chapter 105

as ordered by a District Court Judge, or as agreed between the instant Taxpayer and Attorney. Attorney shall be guaranteed compensation for foreclosure on each parcel in the amount of five hundred and 00/100 dollars (\$500.00) plus all incurred expenses, i.e., service fees, copy charges, postage, publication costs, filing fees, and the like. Attorney shall be paid said compensation and costs upon settlement of the foreclosure action prior to the Order of Foreclosure, upon redemption of the parcel from sale or as part of the amount paid to purchase the property at sale. If the Taxpayer applies to the District Court for determination of a reasonable attorney fee pursuant to the procedures set forth in the North Carolina General Statutes, Chapter 105, and the Court awards less than \$500.00 per parcel, the County shall pay the balance of said compensation within thirty (30) days of said award from the County's local funds for legal work.

7. The Attorney shall use his best efforts to be appointed the Commissioner in the Order of Foreclosure, and upon public sale of such property pursuant to the Order of Foreclosure as provided for in Chapter 105, the Attorney shall be entitled to a Commissioner's Fee, plus incurred expenses, in accordance with the schedule provided for in Chapter 105, as approved by the Clerk of Superior Court, provided, however, to assist the County in collecting all taxes due without reduction by the amount of the Commissioner's Fee, the Attorney agrees that as Commissioner, he shall be paid only to the extent available after payment of all amounts so ordered in the Order of Foreclosure plus the expenses incurred by the Attorney to advertise and give proper notice of public sale of such property. To this end, these expenses shall be added to the amount of taxes, fees and costs as ordered in the Order of Foreclosure to determine the opening bid by the County for purchase of such property from local funds. For purposes of illustration, compare the examples below there a typical 5% commission would be appropriate in a foreclosure with \$400.00 of taxes, \$700.00 of attorney fees and costs and \$400.00 of advertising/notice of public sale expenses (Total without Commissioner's Fee \$1,500):

Example #1 – County as High Bidder @ \$1,500

In this example, the County is paid in full for the taxes and interest which have accrued to the date the Order of Foreclosure is entered, the Attorney is paid in full for the attorney fee and costs incurred to the date of the Order of Foreclosure, the expenses incurred by the Attorney to advertise and give proper notice of public sale are paid, but no Commissioner's Fee is paid.

Example #2 – Other High Bidder @1,550

In this example, all amounts outlined in Example #1 are paid, plus \$50.00 of the \$75.00 5% Commissioner's Fee is paid.

Example #3 – Other High Bidder @ \$1,600

In this example, all amounts outlined in Example #1 are paid, the \$75.00 5% Commissioner's Fee is paid, and \$25.00 is paid to the Taxpayer as surplus from the sale.

8. If the Taxpayer files a petition in bankruptcy during the period any foreclosure action brought pursuant to this agreement is pending, the Tax Collector shall file, as part of its claim to the bankruptcy court, the fees, costs and expenses set forth herein, and shall pay Attorney for such amounts within thirty (30) days of written notification to Tax Collector of such bankruptcy. If the Taxpayer's petition is dismissed or a lift of the stay of bankruptcy court is obtained during the term of this agreement, Attorney agrees to proceed with the foreclosure and complete the remaining services due from him hereunder.

9. If the County assigns to the Attorney, in any one assignment, more than one parcel owned by the same Taxpayer, the County's obligation to pay the compensation set forth in Paragraphs 6,7 and 8 shall be based on the following per parcel charge: 2 to 9 parcels, five hundred and 00/100 dollars (\$500) per parcel; 10 to 19

parcels, four hundred fifty and 00/100 dollars (\$450.00) per parcel, 20 or more parcels, four hundred and 00/100 dollars (\$400.00) per parcel.

10. The Attorney shall not apply for fees over the amounts aforementioned except for unusual, novel, or difficult cases.

11. The County shall pay to the Attorney a fixed fee of two hundred fifty dollars and 00/100 (\$250.00) plus all incurred expenses, i.e., service fees, copy charges, postage, publication costs, filing fees, and the like, from the County's local funds for legal work performed in the event of double listings, erroneous information provided by the Tax Collector to the Attorney, or clerical or administrative problems discovered by the Attorney which result in legal impracticality to effect proper collection remedies through foreclosure.

12. To ensure that the proper amount of delinquent taxes and interest are collected, the Attorney shall contact the Tax Collector for verification of amount due at the time when, and if, the Taxpayer satisfies the tax lien after the complaint is filed but prior to foreclosure.

13. All funds collected shall be paid to the Tax Collector and shall be paid in the form of cash, bank check or certified funds. County shall immediately inform Attorney of the receipt of any such funds and the parcel to which they pertain. Any part of any such funds that represent attorney fees, service fees, copy charges, postage, publication costs, filing fees, and the like shall be remitted to Attorney as part of the next ensuing regular bi-weekly disbursement by the County Finance Office so long as Attorney's current settlement letter for said parcel is received by the Tax Collector prior to the weekly deadline for same.

14. During the term of this agreement, Attorney shall be the sole and exclusive special tax attorney for the County. County shall use its best efforts to assign all of its parcels with delinquent real property taxes to Attorney pursuant to the terms hereof during the term of this Agreement.

15. County and Attorney agree that Attorney's services hereunder are limited to the general prosecution of foreclosure actions to collect delinquent taxes assessed against real property located in the County, including title search services, document preparation, court appearances to obtain orders of foreclosure by default judgment or judgment on the pleadings, appearances as Commissioner to sale property at public sale, and negotiation with Taxpayers in settlement of such actions. Attorney's services hereunder do not include preparation and court appearances for summary judgment, trial or appeal and the County shall provide all such legal services.

16. This agreement shall be for a period of four (4) years from date of execution by the County.

#### **ADULT DAY CARE TASK FORCE**

Social Services Director, Donn Gunderson, presented information to the Board concerning funding for the USSI Adult Day Care Program. He stated that the \$30,000 which is being returned to the state for this program was intended for use on a draw basis, and is not an outright grant; therefore, the \$30,000 which the Board had attempted to hold at the County level at its previous meeting will need to be returned to the state, as the spending authority is expired for the current fiscal year. He stated that the County will again be entitled to these draw down funds as of July 1, 2003, if there is another operating adult day care program in existence.

## APPOINTMENTS

### *Sexual Assault Resource Center*

The Board considered a request from the Sexual Assault Resource Center that Ms. Sue McCallum and Dr. Barbara Harris-Murphy be appointed. Commissioner Sisk moved that the appointments be made as recommended, seconded by Commissioner Staton and unanimously carried. Commissioner Harper recommended that nominees for appointments appear before the Board in the future. Commissioner Sisk expressed a desire to have information about nominees, but not to have them come before the Board. She presented a form for the Board's review, relative to the appointment process, for detailing information.

## COUNTY MANAGER'S REPORT

### *Leasing Buyout Property*

Craven County Manager, Harold Blizzard, informed the Board that the County's consultants and contractors have completed all work related to the purchase of properties in Craven County that were eligible for the federal buyout of properties in the floodplain as a result of Hurricane Floyd. These properties are now owned by the County and the County is responsible for all future maintenance of the properties. He advised the Board that the County has received inquiries regarding the possibility of leasing some of the properties. Leasing the properties with certain conditions would meet federal requirements. Staff proposed that they be permitted to seek parties interested in leasing the properties and negotiate an agreement to insure maintenance of the property. Fourteen (14) parcels ranging from one-half acre to thirty acres are involved. Commissioner Morris moved to authorize staff to pursue lease arrangements, seconded by Commissioner Harper and unanimously carried.

### *Commissioners' Meeting Schedule*

The Board was reminded of its joint meeting scheduled with the Craven County Board of Education at 3:00 p.m. on February 25<sup>th</sup> and its joint meeting with representatives of Craven County municipalities on March 5<sup>th</sup> at 6:00 p.m. The Board was also asked to cancel its meeting regularly scheduled for March 3<sup>rd</sup> due to the Commissioners' travel to the NACo Legislative Briefing. Commissioner Brown moved to cancel the March 3<sup>rd</sup> meeting and to recess the current meeting at the end of business to reconvene on February 25<sup>th</sup> at 3:00 p.m. Commissioner Staton seconded the motion, which carried unanimously.

### *Surplus Vehicle*

Assistant County Manager, George Sawyer, advised the Board that a Sheriff's vehicle had been totaled. He requested authorization to declare it surplus in the amount of \$11,390.50, which was offered by the insurance company and proposed to keep the vehicle as salvage. The vehicle will be stored at E&J Automotive and the revenue from body parts will be shared with E&J in exchange for free storage. Other parts will be retained for use by the Craven County Garage. He requested that the Board authorize the vehicle disposition, as well as an allocation of \$10,500 from fund balance to replace the vehicle. Commissioner Brown moved to approve the requested disposition of property and allocation in the amount of \$10,500 from fund balance, seconded by Commissioner Harper and unanimously carried in a roll call vote.

## COMMISSIONERS' REPORTS

*Commissioner Harper* expressed concern about the recent assault at New Bern High School and questioned why the case would be under the authority of the School Board as opposed to the law enforcement agencies.

*Commissioner Morris* brought up a problem with drainage ditches at Fairfield Harbour.

At 10:45 a.m. Commissioner Allen moved to recess to reconvene on February 25<sup>th</sup> at 3:00 p.m., seconded by Commissioner Staton and unanimously carried.

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Chairman Johnnie Sampson, Jr.  
Craven County Board of Commissioners

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Gwendolyn M. Bryan  
Clerk to the Board