

**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, NOVEMBER 3, 2003. THE MEETING CONVENED AT 7:00 P.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 Sampson and the Pledge of Allegiance, Commissioner Sisk moved to approve minutes of the October 20, 2003 regular session, seconded by Commissioner Brown 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. Commissioner Brown 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>
BASCO, CARMENCITA RECYCLE BILLED IN ERROR	2003-0090237	\$ 32.00
BATTEN PROPERTIES LLC-TOMMY CORRECTING APPRAISAL ERROR	2003-0002982	\$ 409.78
COSTANZO, ROBERT J & ARLENE D CORRECTING APPRAISAL ERROR-WILL BE REBILLED	2003-0010758	\$ 218.40
CRAWFORD, DELBERT B MILITARY-HIS NAME ONLY 03 LES-SC ECC-06/29/06	2003-0011345	\$ 31.85
EXUM, SADIE CORRECTING SCE BILLING FOR 2000-2003	2003-0091123	\$ 38.00
GATLIN, LEONARD O PROPERTY VACANT	2003-0090452	\$ 32.00

GRANDPAS CRAFTS 2000 INC CORRECTION OF LISTING INFORMATION	2003-0020149	\$ 95.51
HILL, CHARLES AUSTIN NOT LOCATED IN CRAVEN CO. 1/1/1999	1999-0022549	\$ 255.81
HILL, CHARLES AUSTIN NOT LOCATED IN CRAVEN CO. 1/1/2001	2000-0023199	\$ 227.74
HILL, CHARLES AUSTIN NOT IN CRAVEN CO. 1/1/2001	2001-0023390	\$ 220.27
HOKUM, ELSIE CORRECTING SCE BILLING	2003-0091102	\$ 156.82
HUNTER, JOHN S & GENUS, LLOYD DID NOT OWN 1/1/2003	2003-0025393	\$ 55.41
JAMES, BRADFORD EMERSON VALUE ADJ. PER BILL OF SALE	2003-0091237	\$ 76.38
JARONA, ANTHONY W II & LEAH R CORRECTING APPRAISAL ERROR	2003-0091238	\$ 70.89
LINC EQUIPMENT RECEIVABLES ONE NOT IN BUSINESS 1/1/2003	2003-0030775	\$ 310.81
MEDFORD, SANDRA W DID NOT OWN 1/1/2000	2000-0033176	\$ 48.52
MEDFORD, SANDRA W DID NOT OWN 1/1/2001	2001-0091636	\$ 54.40
NORTH CAROLINA RSA #9 INC LATE PENALTY CHARGED IN ERROR	2003-0037934	\$ 151.59
NORTH CAROLINA RSA #9 INC LATE PENALTY CHARGED IN ERROR	2003-0037935	\$ 144.51
NORTH CAROLINA RSA #9 INC LATE PENALTY CHARGED IN ERROR	2003-0037936	\$ 459.21
NORTH CAROLINA RSA #9 INC LATE PENALTY CHARGED IN ERROR	2003-0037937	\$ 3.53
NORTH CAROLINA RSA #9 INC LATE PENALTY CHARGED IN ERROR	2003-0037938	\$ 143.92
NORTH CAROLINA RSA #9 INC LATE PENALTY CHARGED IN ERROR	2003-0037939	\$ 155.32
NORTH CAROLINA RSA #9 INC LATE PENALTY CHARGED IN ERROR	2003-0037940	\$ 134.12
NORTH CAROLINA RSA #9 INC LATE PENALTY CHARGED IN ERROR	2003-0037941	\$ 40.23
NORTH CAROLINA RSA #9 INC LATE PENALTY CHARGED IN ERROR	2003-0037942	\$ 18.61

NORTH CAROLINA RSA #9 INC LATE PENALTY CHARGED IN ERROR	2003-0037943	\$ 89.62
NORTH CAROLINA RSA #9 INC LATE PENALTY CHARGED IN ERROR	2003-0037944	\$ 225.62
NORTH CAROLINA RSA #9 INC LATE PENALTY CHARGED IN ERROR	2003-0037945	\$ 350.30
PAUL, MARGARET R CORRECTING BILLING ERROR	2003-0039259	\$ 32.00
TOLER, SHELBY ANDREWS DOUBLE LISTED ON ACCT #7242752	2003-0091140	\$ 46.23
TURNAGE, WALTER E SR PROPERTY VACANT	2003-0051013	\$ 32.00
	32 – CREDIT MEMO (S)	\$ 4,361.40

***Refunds***

TURNAGE, WALTER E SR PROPERTY VACANT	2001-0049797	\$ 32.00
TURNAGE, WALTER E SR PROPERTY VACANT	2002-0050597	\$ 32.00
	2 – REFUND (S)	\$ 64.00

***Budget Amendment***

Craven County Finance Officer, Rick Hemphill, submitted the following budget amendment for the Board’s approval. Commissioner Brown moved for its approval, seconded by Commissioner Morris and unanimously carried in a roll call vote.

***Health/Asthma Coalition***

101-3140-336-02-00 \$ 4,341.00 Asthma Misc Donations	101-3140-420-40-00 \$ 4,341.00 Contractual Services
TOTAL \$ 4,341.00	TOTAL \$ 4,341.00

**Justification:** The total of \$4,341 will be turned over to American Lung Association and they in turn will donate \$2,500 to the Health Dept.

***Request to Set Public Hearing – Road Naming and Addressing Ordinance***

The Planning Department requested that the Board set a public hearing on Monday, November 17, 2003 at 10:00 a.m. to hear comments regarding proposed changes to the Craven County Road Naming and Addressing Ordinance. Commissioner Brown moved to set a public hearing on Monday, November 17, 2003 at 10:00 a.m. as requested, seconded by Commissioner Morris and unanimously carried in a roll call vote.

***Subdivisions for Approval***

Craven County Planning Director, Don Baumgardner, submitted the following subdivisions for the Board’s approval. Commissioner Brown moved for their approval, seconded by Commissioner Morris and unanimously carried in a roll call vote.

Whitehorse Run, Section 3-B-Final: The property, owned by Cherry Branch, Ltd and engineered by John Thomas, is located in Township 5 off of Secretariat Drive. The subdivision contains 18 lots on 10.73 acres of land and is proposed to be served by County water and individual septic systems. The Planning Board reviewed and recommended the subdivision for final approval.

Reedy Creek, Phase 3 – Final: The property, owned by Reedy Creek, LLC and surveyed by Robert Davis, is located in Township 7 off of Goose Creek Road. The subdivision contains 11 lots on 7.691 acres of land and is proposed to be served by County water and individual septic systems. The Planning Board reviewed and recommended the subdivision for final approval.

River Place, Section 2 – Final: The property, owned by Barakh Properties, LLC and surveyed by Spruill and Associates, is located in Township 9 off of Dean Drive. The subdivision contains 3 lots on 1.797 acres of land and is proposed to be served by County water and individual septic systems. The Planning Board reviewed and recommended the subdivision for final approval.

*Request to Set Public Hearing – 2003 CDBG Amendment*

The Planning Department requested that the Board set a public hearing for November 17, 2003 at 10:00 a.m. to hear comments regarding the FY 03 CDBG Scattered Site Program amendment. Commissioner Brown moved to set a public hearing for November 17, 2003 at 10:00 a.m., as requested, seconded by Commissioner Morris and unanimously carried in a roll call vote.

**PETITIONS OF CITIZENS**

*Mr. Al Coley* appeared on behalf of Swiss Bear to express appreciation to the County for its support to Swiss Bear and Mum Fest.

*Mr. Charles Simmons* discussed with the Board his concerns and the concerns of residents of the Tuscarora-Rhems area relative to a ditch containing stagnating water on Tuscarora Road. He stated that the area has become a serious breeding ground for mosquitoes and asked the Commissioners to intercede with the Department of Transportation to clean out ditches on Tuscarora Road from Highway 17 to Dry Monia Road and on Dry Monia Road. The County Manager was directed to contact the Department of Transportation to see if there is anything that they can do to alleviate this problem.

*Mr. Rick Dove*, who was not scheduled to appear before the Board, was added to the agenda at the request of Commissioner Harper and with the consent of the remaining Commissioners. He spoke to the Board concerning hydrogen sulfide gas emissions limits which are being considered, and raised his concerns about who speaks for the County on important issues. He stated the opinion that there should have been public input on the presentation which the County Manager made at a public hearing concerning hydrogen sulfide gas emissions limits. The Chairman responded that he had been aware of the comments being made by the County Manager in advance and had not objected, as the County Manager was presenting comments on the economic importance of a particular industry in the County and did not represent an official position of the County.

**APPOINTMENTS**

*Firemen's Relief Fund Board of Trustees*

Commissioner Allen moved to accept the following slate, as presented, for appointment of Firemen's Relief Fund Trustees, seconded by Commissioner Harper and unanimously carried, with the nominees being appointed by acclamation. (William O. Gaskins, Douglas Whitford, Johnny D. Midgette, Abe Cleve, Graham Williams, Harvey Phillips, Ralph Roeland, James Johnson, Theron McCabe, Adrian Becton, Jack Parker, Joey

Haddock, Charlton Mitchell, William H. McCoy, Duward White, Roy Whitley, Arthur Thompson, Carroll White, Raymond T. White, George Brown, Bobby McLawhorn, Clarence Simpson)

*Fire Tax Commissioners*

Commissioner Allen moved to approve the following slate, as presented, for appointment of Fire Tax Commissioners, seconded by Commissioner Brown and unanimously carried, with the Fire Tax Commissioners being appointed by acclamation. (William Mathews, P.J. Whitley, Charles Willis, Adrian Becton, Angelo Batista, Clarence Edwards, Charles Miller, Reuben Earl Hart, Alton Riggs, Macon Duncan, Bobby McLawhorn, Clarence Simpson, Gus Kite, Grover Lancaster, Curtis Morris, E.J. Carawon, Benjamin F. Broadway, Luther E. Gaskins, William Todd Stilley, G.A. Whitford, III., Linwood Brown, Mike Lucas, Lewis S. Redd, Alan Wetherington, James T. Jackson, Milton McCoy)

*Allies in Defense of Cherry Point*

The Board was apprised of a vacancy existing on the Allies in Defense of Cherry Point due to the death of former Commissioner Albert Toon. The group has not been active since his death and the Board was requested to appoint another Commissioner as it is now being reactivated. Commissioner Staton moved to defer appointment, seconded by Commissioner Sampson. Commissioner Allen offered an amendment that nominations be accepted immediately, as deferment would be counterproductive, and he placed his name in nomination. Commissioner Harper seconded the motion. The amended motion carried with four (4) "Ayes" from Commissioners Allen, Brown, Harper and Sisk, there being three (3) "Nays" from Commissioners Morris, Sampson and Staton. Commissioner Staton then offered his name in nomination. Commissioner Brown moved to close nominations on the two names, seconded by Commissioner Allen and unanimously carried. In a roll call vote, Commissioner Allen received four (4) votes from Commissioners Allen, Brown, Harper and Sisk, there being three (3) votes for Commissioner Staton from Commissioners Morris, Sampson and Staton.

**PUBLIC HEARINGS – 7:30 P.M.**

At 7:30 p.m. the Board was declared in public hearing, as advertised, to receive public comment on the following two items:

*2003 CDBG Scattered Site Funding*

The purpose of the public hearing was to receive public input on the County's intention to apply for supplemental funds under its FY 03 CDBG program. Grants up to \$200,000 have been made available for up to four counties to supplement their current grants. The following citizen spoke:

*Charles Simmons* of Tuscarora Road inquired if the government will ever have a program to assist with septic tank failures and if any of the scattered site funding could be utilized in such a way. He was advised that the current Scattered Site Program is a volunteer based initiative which is why it is being partnered with Habitat for Humanity. The planning consultant indicated that he was not aware of any programs that would treat only septic problems.

At 7:51 p.m. Commissioner Allen moved to go out of public hearing, seconded by Commissioner Morris and unanimously carried. Commissioner Brown moved to approve the grant application, seconded by Commissioner Harper and unanimously carried.

*Carts Grant Application*

At 7:54 p.m. the Board was declared back in public hearing for the purpose of receiving public input on the proposed Community Transportation Program (CTP) Grant

Application to be submitted to the North Carolina Department of Transportation by Craven County for FY 2004-2005. There were no members of the public who wished to speak and Commissioner Brown moved to close the public hearing, seconded by Commissioner Harper.

### ADOPT CARTS RESOLUTION

Commissioner Morris moved to adopt the following resolution authorizing the CARTS Grant Application, seconded by Commissioner Sisk and unanimously carried.

### COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

#### RESOLUTION

Applicant Seeking Permission to Apply for Community Transportation Program Funding, Enter Into Agreement With The North Carolina Department Of Transportation And to Provide the Necessary Assurances.

A motion was made by *(Board Member's Name)*

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and seconded by *(Board Member's Name)*

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for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, *(Applicant's Name)* Craven County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the *(Authorized Official's Title)\** Chairman

of *(Name of Applicant's Governing Body)* Craven County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

The Chairman recognized Leadership Craven participants who were in attendance.

## TRANSPORTATION AND PLANNING MATTERS

### *Transportation Improvement Plan and Rural Planning Organization Transportation Projects*

Craven County Planning Director, Don Baumgardner, presented the TIP and RPO proposed transportation projects to the Board for their approval, as follows:

#### **Transportation Improvement Plan Projects:**

- US 70 Corridor between Raleigh and the State Port at Morehead City
- \* US 70 Bypass of Havelock
- \* US 17 Bypass of New Bern
- \* US 17 Bypass Jacksonville to New Bern
- Multi-lane US 17 from NC 55 at Bridgeton to Vanceboro
- \* Planning, design and construction of the Highway 43 Connector from NC 55 to US 70 and US 17 with an overpass as contained in the 1992 New Bern Area Thoroughfare Plan
- \* Havelock US 70 Service Roads – North and South Sides
- \* New Bern – Town of Trent Woods: widen Trent Road

#### **Enhancements:**

- Three-County area-wide bicycle and pedestrian plan
- Bicycle improvement: Brices Creek Road
- Continued stabilization of New Bern Railroad Depot
- Broad Street-from First Street to East Front Street improvements
- First Street-from US 70 to Broad Street improvements

#### **Bridges:**

- \* Trent River Bridge Rehabilitation
- Fund study to determine feasibility of constructing bridge to replace Minnesott/Cherry Branch Ferry

(\* Denotes local Craven County projects)

He advised the Board that the TIP public hearing is scheduled for 3:00 p.m. on November 10<sup>th</sup> at Craven Community College. Commissioner Brown moved to support the Craven/Pamlico/Jones Transportation Committee recommendations and Craven County's local request for presentation to the Department of Transportation. Commissioner Morris seconded the motion, which carried unanimously.

#### *Update on Status of Hurricane Isabel Recovery*

Mr. Baumgardner advised the Board that citizens who have been affected by Hurricane Isabel damage must register with FEMA in order to be considered for any state or federal assistance even if they have been told that they will not receive any. He announced the toll free number for registering with FEMA. Commissioner Allen inquired if debris is still being picked up. The County Manager stated that the County has already done all of the debris pick up that was planned.

## COUNTY ATTORNEY'S REPORT

County Attorney, Jim Sugg, provided the Board a brief update on matters relative to the Neuse Harbor Roads Project and the division of the Grantham precinct.

**COUNTY MANAGER’S REPORT**

*Special Projects Requiring Budget Amendments*

Assistant County Manager, George Sawyer, presented to the Board updates on the Landfill Leachate Project and projects relative to the Animal Services Center and courthouse basement mildew problem. He requested a budget amendment in the amount of \$81,831, reflecting \$40,426 for the landfill leachate problem, \$10,358 for the Animal Services Center and \$31,243 for the courthouse basement project. He advised the Board that Morris Construction Company had provided the best quote for the disposal of garbage that is dug up in the trenching at the Landfill Leachate Project. Commissioner Harper moved to approve the \$81,831 from fund balance to complete these projects, seconded by Commissioner Sisk. Commissioner Allen moved to excuse Commissioner Morris from the vote inasmuch as his brother is the owner of the construction company. Commissioner Brown moved to second the motion, which carried unanimously. The appropriation motion carried unanimously in a roll call vote.

*Animal Control, Solid Waste, Courthouse*

<b>REVENUES</b>	<b>AMOUNT</b>	<b>EXPENDITURES</b>	<b>AMOUNT</b>
101-0000-399-01-00	\$ 81,831.00	101-2601-410-26-01	\$ 7,008.00
Fund Balance		M/R Bldg Grds	
		101-2601-410-23-0	\$ 3,270.00
		Utilities	
		101-3235-420-40-68	\$ 40,426.00
		Landfill Maint	
		101-1306-400-26-02	\$ 500.00
		M/R Equip	
		101-1301-400-26-01	\$ 30,627.00
		M/R Bldg Grds	
<b>TOTAL</b>	<b>\$ 81,831.00</b>	<b>TOTAL</b>	<b>\$ 81,831.00</b>

**Justification:** Budget Fund Balance to cover Landfill Leachate Project-\$40,426, Animal Control mold problem-\$10,278 and courthouse mold problem \$31,127.

*GIS Site*

The Board was asked to make a determination concerning authorization to place photos of homes and structures in Craven County available to the Tax Appraisal staff on the GIS web site. Commissioner Brown stated that as a realtor he felt that the posting of the photos would have no great benefit to realtors and moved that they not be included on the GIS site. Commissioner Staton seconded the motion, which carried unanimously.

*Surplus Vehicles*

County Manager, Harold Blizzard, advised the Board that there are currently thirty (30) County vehicles that have been surplus and are scheduled for auction. He advised the Board that Craven Community College has requested three (3) vehicles for utilization in their Basic Law Enforcement Program. They currently have three that have been utilized, which would be returned to the County for disposal. In addition, he stated that three fire departments, Tri-Community, Township Six and Harlowe have also requested one vehicle each. The Board was also advised that Harlowe currently has one donated County vehicle in use. Commissioner Brown stated that the only stipulation that he would recommend is that these vehicles be returned to the County for final disposal when no longer serviceable. Commissioner Brown moved to donate the best six vehicles out of the number to be auctioned as requested. Commissioner Morris seconded the motion, which carried unanimously in a roll call vote. The following vehicles were chosen for

donation: VIN# 2FALP71W4TX107441, 1996 Ford Crown Victoria; VIN# 2FALP71W3TX107446, 1996 Ford Crown Victoria; VIN# 2FALP71W5TX107447, 1996 Ford Crown Victoria; VIN# 2FALP71W1TX107445, 1996 Ford Crown Victoria; VIN# 2FALP71W5VX206322, 1997 Ford Crown Victoria; VIN 2FALP71W5VX225302, 1997 Ford Crown Victoria.

### COMMISSIONERS' REPORTS

*Commissioner Harper* expressed his deep concern about issues related to air and water quality in the County.

*Commissioner Sisk* advised of anonymous communication that she had received questioning the right of a fire company to give an old fire truck to the City of Swan Quarter. She reported that her investigation determined that they do have the right to do so.

*Commissioner Staton* made a presentation to Harlowe Fire Department on behalf of Havelock Communities Improvement Association.

*Commissioner Morris* extended appreciation from Fairfield Harbour for storm clean up activities by the County. He also stated that the beaver coalition involving nineteen counties is developing a map which includes Craven County delineating the most serious beaver problems. He stated that Claude Taylor had been scheduled to attend this meeting, but suggested that the Board defer on mapping until the project underway is completed in order to avoid duplication. Commissioner Morris also reminded the Board of an upcoming meeting relative to the new flood maps and stated that County Planner, Don Baumgardner, will develop a revised map for submission to the Board prior to sending up to Raleigh.

Commissioner Morris presented the following resolution concerning the Tobacco Buy-Out Program and moved that the Board adopt it. Commissioner Brown seconded the motion, which carried unanimously.

### CRAVEN COUNTY, NORTH CAROLINA BOARD OF COMMISSIONERS RESOLUTION

#### RE: TOBACCO ALLOTMENT BUY-OUT PROGRAM

**WHEREAS**, tobacco production has played a vital role in the economy of Eastern North Carolina throughout the history of the region; and

**WHEREAS**, tobacco producers and their families have been important contributors to the family-oriented society which makes our region so desirable; and

**WHEREAS**, the tobacco industry is now under assault on many fronts, as a result of which the continued production of tobacco in the region is seriously endangered; and

**WHEREAS**, the elimination of tobacco production in Eastern North Carolina will not prevent the production and consumption of cigarettes, as tobacco will be supplied in the future by importation of less costly tobacco; and

**WHEREAS**, the proposed tobacco allotment buy-out program is absolutely necessary for those who have worked so hard to create equity in their tobacco allotment.

**IT IS ACCORDINGLY, HEREBY RESOLVED** that the Board of Commissioners of Craven County, hereby expresses its unqualified support for implementation of a tobacco allotment buy-out program which fairly compensates tobacco producers for their loss of allotment, and urges all federal legislative action required to promptly enact and implement that program.

**IT IS FURTHER RESOLVED** that the Craven County Board of Commissioners hereby express their pride in tobacco producers and their families, and their appreciation for the important societal contributions they have made through their hardworking, family-oriented lifestyle.

Adopted this 3<sup>rd</sup> day of November, 2003.

*Commissioner Allen* reported that the soil wetness test to which the County objected has been taken off the table for consideration; however, he warned that it is not a dead issue yet and vigilance is needed when it resurfaces. He also asked that staff research the potential of reducing smoking in the County Administration Building as a result of citizen complaints.

At 9:05 p.m. Commissioner Allen moved to adjourn, seconded by Commissioner Brown and unanimously carried.

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Chairman Johnnie Sampson, Jr.  
Craven County Board of Commissioners

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Gwendolyn M. Bryan, Clerk