

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, OCTOBER 18, 2004. THE MEETING CONVENED AT 8:30 A.M.

MEMBERS PRESENT:

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

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 Sampson moved to approve minutes of October 4, 2004 regular session, seconded by Commissioner Morris and unanimously carried in a roll call vote.

CONSENT AGENDA

Budget Amendments and Ordinance Update

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

Non Departmental

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-0000-399-01-00 Fund Balance	\$27,500.00	101-0560-430-96-79 Mediation Settle-Big John	\$27,500.00
TOTAL	\$27,500.00	TOTAL	\$27,500.00

Justification: Mediation settlement for Big John's Electric for Convention Center project.

Convention Center

101-8201-357-75-00 Space Rental	\$23,000.00	101-8201-430-26-01 M/R Building & Grounds	\$10,000.00
101-8201-357-79-00 Audi Visual Rental	\$3,000.00	101-8201-430-32-23 Coffee Break/Vending	\$3,000.00
101-8201-357-70-00 Catering Commission	\$5,000.00	101-8201-430-32-19 F&B Small wares	\$3,000.00
101-8201-357-74-00 Coffee Break/In-house	\$3,000.00	101-8201-430-40-00 Contractual Serv.	\$5,000.00
		101-8201-430-23-0 Utilities	\$8,000.00

		101-8201-430-40-50	\$5,000.00
		Temp Employees	
TOTAL	\$34,000.00	TOTAL	\$34,000.00

Justification: Increased revenues and associated expenses due to many short term bookings.

Sheriff – Seized Assets – Star

JOURNAL ENTRY

114-2011-410-33-00	\$2,500.00	114-2011-410-97-01	\$2,500.00
Transfer from Misc Exp to transfers to		Trans to Gen Fd	
Cover Incentive for FY 2005			
114-2011-410-97-01	\$2,500.00	114-0000-101-00-00	\$2,500.00
Trans to Gen Fd		Casj	
101-0000-101-00-00	\$2,500.00	101-2001-366-14-00	\$2,500.00
Cash		From Seized Assets	
TOTAL	\$7,500.00	TOTAL	\$7,500.00

BUDGET AMENDMENT

101-2001-366-14-0	\$534.00		
From Seized Assets			
101-2020-366-14-0	\$(534.00)		
101-2001-366-14-00	\$2,500.00	101-2001-410-10-03	\$2,500.00
From Seized Assets		Incentive	
TOTAL	\$2,500.00	TOTAL	\$2,500.00

Justification: Funds being used from Seized Assets to cover incentives in the Sheriff’s Department through year –end 06-30-05.

Core Creek

374-0000-348-72-00	\$(290,038.00)	374-4274-430-76-40	\$(99,245.00)
Clean Water Trust		Streamside Wetlands	
374-4275-348-72-00	\$263,000.00	374-4274-430-15-02	\$(7,346.00)
Clean Water Trust		Legal	
		374-4274-430-26-02	\$(5,614.00)
		M/R Equip	
		374-4274-430-32-40	\$(2,897.00)
		Other Supplies	
		374-4274-430-40-59	\$(23,185.00)
		NC State BAE	
		374-4274-430-73-45	\$(677.00)
		C/O Riparian Buffer	
		374-4274-430-76-04	\$(6,713.00)
		Drainage	
		374-4274-430-76-41	\$(922.00)
		Nutrient Mgmt	
		374-4274-430-76-42	\$(13,392.00)
		Riparian Buffers-Site	
		374-4274-430-76-43	\$(130,047.00)
		Restored Streamside	
		374-4275-430-15-02	\$5,000.00
		Legal	
		374-4275-430-76-40	\$233,000.00

		Stream/Riparian 374-4275-430-76-59 Contingency	\$25,000.00
TOTAL	\$(27,038.00)	TOTAL	\$(27,038.00)

Justification: Close Phase I of Core Creek Project. Set up Phase II of Core Creek Project.

Ordinance:

CORE CREEK CLEAN WATER MANAGEMENT TRUST FUND

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

Expenditures: Phase I

Controlled Drainage	\$481,287.00
Riparian Buffers-Site Prep	\$10,608.00
Riparian Buffers-Capital Outlay	\$6,323.00
Streamside Wetlands	\$65,755.00
Nutrient Management	\$179,078.00
Restored Streamside Wetlands	\$49,953.00
Legal	\$16,654.00
Cont Ser-NCSU-BAE	\$201,815.00
Other Supplies	\$3,103.00
Maintenance Repair Equip	\$386.00
Total Phase I	\$1,014,962.00

Phase II

Legal	\$5,000.00
Stream/Riparian Wetlands Restoration	\$233,000.00
Contingency	\$25,000.00
Total Phase II	\$1,277,962.00

This Ordinance is hereby amended to the following amounts for revenues.

Revenues: Phase I

Clean Water Management Trust Fund	\$1,009,962.00
NC State University	\$5,000.00
Total Phase I	\$1,014,962.00
Phase II	
Clean Water Management Trust Fund	\$263,000.00
Total Phase II	\$263,000.00
Total Revenue	\$1,277,962.00

Amended this 18th day of October, 2004.

Tax Releases and Refunds

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

Credits

TAXPAYER NAME	TICKET #	AMOUNT
AAR DEFENSE CORRECTING APPRAISAL ERROR	2004-0090325	\$67.81
CHURCH-BRIDGETON UNITED METHOD EXEMPT PROPERTY PER NCGS #105-282.1	2004-0009313	\$285.42
CHURCH-EMNANUEL ANGLICAN EXEMPT PROPERTY PER NCGS #105-282.1	2004-0009362	\$909.86
COOL COOKERS INC OUT OF BUSINESS PRIOR TO 01/01/04	2004-0090505	\$858.78
CRAVEN CRANE INC OUT OF BUSINESS PRIOR TO 01/01/04	2004-0011436	\$25.69
D S SIMMONS INC OUT OF BUSINESS PRIOR TO 01/01/04	2004-0090537	\$167.22
DIGIACOMO, WILLIAM C & SONG OUT OF BUSINESS PRIOR TO 01/01/04	2004-0090553	\$14.42
DOVE, GRACE B PROPERTY VACANT	2004-0014207	\$32.00
ENGLISH, JEFF C DID NOT OWN 01/01/04	2004-0015759	\$21.73
ERMIS, LINK PATTON MILITARY-HIS NAME ONLY 04 LES-TX EC	2004-0015833	\$58.60
ESAU, JARRED H OUT OF BUSINESS PRIOR TO 01/01/04	2004-0090588	\$367.32
FISHER, WARREN E & PAULINE E RECYCLE FEE ALREADY BILLED	2004-0091379	\$10.00
GOESS, CRAIG M & GOESS, CRAIG CORRECTING MAPPING ERROR	2004-0020148	\$1,125.28
H P U INC OUT OF BUSINESS PRIOR TO 01/01/04	2004-0090676	\$193.30
HARRIS, GABRIEL C & SCARLET L NOT LOCATED IN CRAVEN CO. 01/01/04	2004-0090204	\$79.06
HAYES, MICHAEL SPENCE NOT IN CRAVEN CO 01/01/04	2004-0023456	\$54.16

HUMPHREY, JAMES C DID NOT OWN 01/01/04	2004-0090728	\$16.26
HUMPHREY, JAMES C DID NOT OWN 01/01/03	2003-0090518	\$17.67
LANCASTER, DAVID M DID NOT OWN 01/01/04	2004-0030030	\$861.53
LOPEZ, STEVEN A DID NOT OWN 01/01/01	2001-0091735	\$422.77
MCOMBER ENTERPRISES LLC OUT OF BUSINESS PRIOR TO 01/01/04	2004-0090841	\$20.84
MITCHELL, CHARLES CLAYTON CORRECTING APPRAISAL ERROR	2004-0090240	\$2.13
MOORE, INGRID & MOORE, JAROY J CORRECT MAPPING ERROR	2004-0036185	\$23.02
MOORE, INGRID & MOORE, JAROY J CORRECT MAPPING ERROR	2003-0035654	\$28.20
MOORE, INGRID & MOORE, JAROY J CORRECTING MAPPING ERROR	2002-0035408	\$31.24
MORTGAGE ELECTRONIC REGISTRATI DID NOT OWN 01/01/2004	2004-0036902	\$465.55
NORRIS, WILLIAM CORRECTING APPRAISAL ERROR	2004-0038485	\$59.95
PANZA, JANICE JOYNER CORRECTING APPRAISAL ERROR	2004-0090921	\$107.29
SALES, ABDUL DOUBLE LISTED WITH ACCT. #57270	2004-0091018	\$31.42
SCHOONMAKER, JAMES DID NOT OWN 01/01/02	2002-0044340	\$237.03
SCHRABECK ENVIRONMENTAL OUT OF BUSINESS PRIOR TO 01/01/04	2004-0091028	\$163.77
SEBASTIAO, SEBASTIAO NOT IN CRAVEN COUNTY 01/01/03	2003-0045007	\$85.47
SEBASTIAO, SEBASTIAO NOT IN CRAVEN CO. 01/01/04	2004-0045545	\$81.00
SIGNAL TECHNOLOGY CORRECTING APPRAISAL ERROR	2004-0091043	\$67.81
T L EDWARDS INSURANCE SERVICES CORRECTING APPRAISAL ERROR	2004-0091087	\$93.28
UNDERWOODS CARPET CARE INC CORRECTING APPRAISAL ERROR	2004-0091136	\$117.27

WEYERHAEUSER REAL ESTATE DID NOT OWN 01/01/04	2004-0054561	\$262.08
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WILLIAMS, RODNEY DOUBLE LISTED WITH ACCT. 8031190	1999-0052394	\$167.17
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38 – CREDIT MEMO (S) \$7,633.40

Refunds

CHURCH-TEMPLE BAPTIST OF NEW B NO RESIDENTIAL USE	2004-0009431	\$32.00
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LAMAR ADVERTISING OF INCORRECT SITUS-SHOULD BE 6H	2000-0028597	\$5.56
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LAMAR ADVERTISING OF INCORRECT SITUS-SHOULD BE 6H	2001-0028858	\$40.21
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LAMAR ADVERTISING OF INCORRECT SITUS-SHOULD BE 6H	2001-0028860	\$1.11
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LAMAR ADVERTISING OF INCORRECT SITUS-SHOULD BE 6H	2001-0028864	\$28.51
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LAMAR ADVERTISING OF INCORRECT SITUS-SHOULD BE 6H	2002-0029235	\$54.59
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LAMAR ADVERTISING OF INCORRECT SITUS-SHOULD BE 6H	2002-0029234	\$45.29
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LAMAR ADVERTISING OF INCORRECT SITUS-SHOULD BE 6H	2003-0029445	\$70.95
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LAMAR ADVERTISING OF INCORRECT SITUS-SHOULD BE 6H	2003-0029444	\$42.08
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LAMAR ADVERTISING OF INCORRECT SITUS-SHOULD BE 6H	2003-0029447	\$1.55
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LOVETTE, RANDY NORRIS & MARY W DID NOT OWN 01/01/04	2004-0031763	\$18.20
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SCHOONMAKER, JAMES DID NOT OWN 01/01/02	2002-0044340	\$43.56
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12 – REFUND (S) \$383.61

Set Public Hearing – Private Road Naming

The Board was requested to set a public hearing for November 1, 2004 at 7:15 p.m. to hear comments regarding proposed changes to the Craven County Road Naming and Addressing Ordinance. Two requests were presented for naming private roads in the County for emergency purposes. The first road, Nolon-Johnson Road, is located within Twp. 5 off of Adams Creek Road. It was established that the proposed name is in compliance with the ordinance and the final petition was signed by all of the landowners. The second road, Willis Landing, is located within Twp. 1 off of Winn Circle. The road name is in compliance with the ordinance and the final petition was signed by 80 % of the landowners, fulfilling the minimum requirement of 75% of the landowners. Commissioner Sisk moved to set a public hearing for November 1, 2004 at 7:15 p.m. to

hear comments regarding proposed changes to the Craven County Road Naming and Addressing Ordinance, seconded by Commissioner Morris and unanimously carried in a roll call vote.

Set County Auction Date and Authorize Auctioneer

The Board was requested to set the County's surplus equipment auction for December 4, 2004 at the County's maintenance building located at 300 Howell Road. The Board was also requested to authorize Assistant County Manager, George Sawyer, to conduct the auction. Commissioner Sisk moved to set the County's surplus equipment auction for December 4, 2004, as requested, and to authorize Assistant County Manager, George Sawyer, to conduct the auction. Commissioner Morris seconded the motion, which carried unanimously in a roll call vote.

Resolution Supporting Road Improvement on Service Road

A request was considered from Brice's Creek Bible Church that the Board adopt the following resolution approving extension of a service road and petitioning the legislative delegation to apply discretionary funds to extend the service road access to their property. Commissioner Sisk moved to adopt the following resolution in support of the Brice's Creek Bible Church petition, seconded by Commissioner Morris and unanimously carried in a roll call vote.

**Resolution
In Support of
Brice's Creek Bible Church Petition**

WHEREAS, Brice's Creek Bible Church has newly acquired property on Hwy. 70 East approximately one half mile from the intersection of Hwy. 70 East and Thurman Road; and

WHEREAS, the service road which runs along that section of Hwy. 70 East stops short of the new property, leaving the church without adequate access to the property; and

WHEREAS, Brice's Creek Bible Church has requested that the County support its attempts to have the service road extended, and its petition to the local legislative delegation for application of discretionary funds to this project.

NOW, THEREFORE, BE IT RESOLVED that the Craven County Board of Commissioners supports the extension of the existing service road to the new church access location, and the use of discretionary funds for this purpose.

Adopted this 18th day of October, 2004.

Set Public Hearing For FY 2006 Community Transportation Program Grant

CARTS Director, Johnny Purvis, requested that Board set a public hearing for Monday, December 6, 2004 at 7:15 p.m. to receive public input regarding the submission of the FY 2006 Community Transportation Program (CTP)/Section 5311 Grant (Formerly Section 18 Grant). This grant is applied for annually to assist with administrative, capital and some operating expenses incurred by CARTS. Commissioner Sisk moved to set a public hearing for Monday, December 6, 2004 at 7:15 p.m., as requested, seconded by Commissioner Morris and unanimously carried in a roll call vote.

NEUSE CENTER QUARTERLY REPORT

Roy Wilson, Executive Director of Neuse Center, provided the semi-annual report that is required by the State. He reviewed the background of the mandate for the agency to become a manager of service as opposed to a provider of service, which required

recruitment of private service providers. He stated that the process has not gone as well as planned because of staff flight in anticipation of the upcoming changes. The residential services divestiture, however, has occurred more smoothly. He explained that parents, staff and community had been involved in the interview process for three finalists for residential services. At the beginning of November the selected provider will begin to manage all of the residential facilities in the four county area. Carteret County's withdrawal from the catchment area will be effective June 30, 2005. At that time, the gap between the three-county population and the required minimum population in the catchment area will widen. He reported that all developmental disabilities services have been divested and transferred to the Craven-Cherry Point Child Development Center. There was discussion of the loss of State dollars as a result of the loss of service definition to the child development center; however, Neuse Center has provided some funding for the first quarter. Although Mr. Wilson anticipates that the mental health service definition to the child development center will be restored in the future, the dollars will not likely follow. He indicated that he would like to have an opportunity in the future for clients who represent the recovery program to report on that aspect of the agency's operations.

CRAVEN – CHERRY POINT CHILD DEVELOPMENT CENTER REQUEST

Dr. Steven Engle reported on the activities and needs of the Craven – Cherry Point Child Development Center, stating that it will close January 1, 2005 if the financial needs are not addressed. He stated that the agency is looking for multiple sources of financial support. Donna Poole, Occupational Therapist with the facility, works with clients from birth to three years who have feeding problems. She made an appeal for assistance to the agency. Dr. Engle stated that the agency needs approximately \$5,000 a month in additional funding to continue operating. Commissioner Allen recommended that the Board consider the request but to defer a decision pending additional information. Melissa Garner, a parent of a client was also asked to make comments. Commissioner Morris recommended that staff be directed to look at the operating budget of the Craven – Cherry Point Child Development Center and confer with Mr. Wilson about how immediate and future needs may be addressed. It was the consensus of the Board to direct the County Manager to proceed.

REQUEST FOR RELEASE OF LATE LISTING PENALTY

Mr. Gordon Barnes, representing Williams Lawn and Garden Center, made an appeal for release of a late listing penalty, stating that he was not aware of the listing requirement for a property that was purchased in August of 2003. The Board received an analysis from Tax Administrator, Ronnie Antry, in which he stated that the time frame for listing is established by the North Carolina General Assembly and that the penalty was properly charged. He advised the Board that the Machinery Act does not allow for him to excuse the late listing penalty. The Commissioners do have the authority under the statute to compromise the penalty and the tax; however, this would be inconsistent with the Board's previous actions. Commissioner Allen moved to deny the request for removal of the late listing penalty in the amount of \$71.77, seconded by Commissioner Sisk and carried with six (6) "Ayes", there being one (1) "Nay" from Commissioner Harper.

SENIOR TARHEEL LEGISLATURE UPDATE

Craven County's representative to the Senior Tarheel Legislature, Mrs. Carolyn Bland, reported on the session just ended. She advised the Board that the General Assembly had approved four out of five 2004-2005 legislative priorities of the Senior Tarheel Legislature, as follows:

- the funding increase for the home and community care block grant
- strengthening of the community alternative program for disabled adults
- funding increase for senior centers
- funding of program for criminal background checks for potential employees in long term care facilities

She stated that no action was taken on a priority involving long term care insurance tax credit which expired December 31, 2003. She advised the Board that the Senior Tarheel Legislature met in Winston-Salem on October 5th and 6th and at that time established legislative goals for the next session of the General Assembly, as follows:

- grant funds to address environmental pollution and legislation to produce a clean and healthy environment
- additional \$5 million in home and community care block grants to support the projected increase in the older adult population accessing long term care (LTC) facilities over the next years
- a permanent LTC insurance tax credit
- increase general purpose funds for senior centers
- legislation to allow legal custody or guardianship for grandparents who are rearing grandchildren due to long-term illness, incarceration, abuse or neglect

In addition, Mrs. Bland requested that the Board consider establishing a Senior Services Advisory Board. She advocated such a board, stating that it would provide broader community input, access services being provided and garner community support. She indicated that the other surrounding counties, with the exception of Jones County, have such advisory boards which function very successfully.

APPOINTMENTS

EMS Advisory Council

The Board considered recommendations from Fire Marshal, Stanley Kite, for appointments to the EMS Advisory Council, as follows: Michael B. Ford, Jr. to replace Lucien Laurie to represent the Naval Hospital, Jean Matthews to replace Ann Davis in the Captain's position of the Cove City Rescue Squad and Linda Bland, Captain of the Fort Barnwell Volunteer Rescue Squad. Commissioner Allen nominated the recommended appointees and moved that the recommendation be accepted, seconded by Commissioner Sisk and unanimously carried, there being no additional nominees.

Upcoming Appointments – November

The Board received information on an expiring term on the Community Coalition Against Family Violence.

Work First Committee

The Board considered a request from Social Services Director, Donn Gunderson, that a Commissioner be appointed to the Work First Committee. Commissioner Sisk indicated her willingness to serve and she was appointed by the Chairman.

COUNTY ATTORNEY'S REPORT

Closed Session

County Attorney, Jim Sugg, indicated that he would request a closed session pursuant to NCGS 143-318.11(a)(3) in re Big John's Electric v. Craven County. The Chairman indicated that he would reserve the closed session until the end of the agenda.

Noise Ordinance

Mr. Sugg solicited the Board's discussion regarding requested amendments to Craven County's Noise Ordinance. During the discussion it became apparent that the hours were the main area that needed amending. The Board expressed interest in changing the beginning time for prohibited amplified noise at night from 11:00 p.m. to 10:00 p.m.

COMMISSIONERS' REPORTS

Commissioner Harper commented on three amendments that are on the ballot in the November election and advocated for a vote against Amendment One, stating that citizens would be giving up their right to vote on financing.

Commissioner Sampson advised the Board that he had received a phone call from a citizen concerning an issue of foreclosure on her property. He asked that she be allowed to explain her situation to the Board. It was the consensus of the Board to hear her. Ms. Gloria Wright of Vanceboro explained that she had received a tax foreclosure notice on the property of her deceased mother, Lena Wright. She stated that she has been paying taxes on the property all along and there seems to be some confusion as to who is getting the notices. The County Manager was directed to look into her situation.

Commissioner Sisk reported that she had attended a volunteer recognition in River Bend over the weekend and was very impressed with the work of the volunteers in the community. She indicated that she had heard many positive comments about the One-Stop Voting process. She also reported that she had visited the newly refurbished senior center on George Street and was impressed with the activities that she witnessed there.

Commissioner Staton advised the Board that he had become aware of a \$2 million fund available for recreation matching grants. He asked that the County Manager be allowed to encourage the Recreation Director to pursue this funding with an idea of developing recreation facilities in the extreme ends of the County. The deadline for the grant application is January 21st. By consensus of the Board, the staff was authorized to look into these grants and put together information that would involve development of recreation facilities in Harlowe and in the West Craven area. Commissioner Staton also reported that he has heard numerous citizen comments on how well the Board works together.

Commissioner Morris apprised the Board that a group representing Fairfield Harbour will make a request in November for the County to apply for a Clean Water Trust Fund Grant on their behalf. This, if approved, will be a pass through grant. He commented also that the State Mental Health Board is responsible for making the changes in the mental health services provisions, not the North Carolina General Assembly.

Commissioner Allen reported on the success of the Havelock Chili Festival and encouraged voters to get out the vote. He stated, however, that the Board has a policy not to politicize, so he did not encourage the citizens to vote in any particular way.

Commissioner Brown commended Vice Chairman Staton for his recent appointment to the Study Commission on Residential Encroachment.

At 10:00 a.m. Commissioner Morris moved to go into closed session after a five-minute recess, as requested by the County Attorney pursuant to NCGS 143-318.11(a)(3). Commissioner Brown seconded the motion, which carried unanimously.

At 10:20 a.m. the Board reconvened in regular session. County Attorney, Sugg, reported that the Board had discussed pending litigation in re Big John's Electric v. Craven County and the Attorney had conferred with the Board to seek advice on a final disposition. He reported that action had been taken but will not be disclosed until the proposed settlement is finalized with all parties.

At 10:21 a.m. Commissioner Sampson moved to adjourn, seconded by Commissioner Sisk and unanimously carried.

Chairman George N. Brown, Jr.
Craven County Board of Commissioners

Gwendolyn M. Bryan
Clerk to the Board