

**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, JANUARY 3, 2005. THE MEETING CONVENED AT 7:00 P.M.**

**MEMBERS PRESENT:**

Chairman George N. Brown, Jr.  
 Vice Chairman Perry L. Morris  
 Commissioner Lee Kyle Allen  
 Commissioner Bill Harper  
 Commissioner Johnnie Sampson, Jr.  
 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 Allen and the Pledge of Allegiance, Commissioner Sisk moved to approve minutes of the December 22, 2004 regular session, seconded by Commissioner Staton and unanimously carried in a roll call vote.

**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 Sisk 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>
ARTHUR, TERESA BUCK DOUBLE LISTED WITH ACCT #52881	2004-0001553	\$37.10
BAXTER, DAVID BARRUS & SUE E DOUBLE LISTED WITH ACCT. #53291	2004-003103	\$407.97
BROWN, DONALD PROPERTY VACANT	2004-0006217	\$32.00
CHURCH-HOLLY HILL PENTECOSTAL EXEMPT PER GS 105-278.3	2004-0009379	\$32.00
GAYLE, RODNEY DID NOT OWN 01/01/1999	1999-0090928	\$52.25
GIBISON, MARK WAYNE DOUBLE LISTED WITH ACCT. #42145	2004-0091613	\$342.05
HAWKER, JEFFREY JOSEPH DID NOT OWN 01/01/2004	2004-0023254	\$25.41
HAWKER, JEFFREY JOSEPH	2003-0022876	\$30.06

DID NOT OWN 01/01/03		
HAWKER, JEFFREY JOSEPH DID NOT OWN 01/01/02	2002-0022731	\$35.47
HERITAGE OF NEW BERN INC DID NOT OWN 01/01/2004	2004-0023945	\$216.50
HODGES, MARILYN NOT IN BUSINESS 01/01/2004	2004-0090714	\$35.42
HODGES, MARILYN NOT IN BUSNIESS 01/01/2003	2003-0091231	\$39.10
ISITT, SHONN A MILITARY-HIS NAME ONLY RESIDENT OF FL	1999-0024505	\$70.11
JIMENES, JOSEFINA G DID NOT OWN 01/01/2003	2003-0026667	54.20
JONES, WILLIAM H PROPERTY VACANT	2004-0028240	\$32.00
LOVICK, DALTON DOUBLE LISTED WITH ACCT #48394	2003-0031277	\$89.86
PARKER, HODGES DID NOT OWN 01/01/2004	2004-0090925	\$36.40
PROVIDENT BANK DOUBLE LISTED WITH ACCT #51451	2004-0041564	\$241.36
RANDAL, PRICHARD DOUBLE LISTED WITH ACCT #41354	2004-0042112	\$59.34
RANDAL, PRICHARD DOUBLE LISTED WITH ACCT #41354	2003-0041536	\$66.07
REGISTER, RANDY LEE DOUBLE LISTED ON 9-047-036.2	2004-0042493	\$96.86
RIOS, JOSE BARAJAS DOUBLE LISTED WITH ACCT #51207	2004-0091564	\$42.89
ROBERTSON, HORACE PROPERTY VACANT	2004-0043621	\$32.00
SANDLIN, ALTON & FEDORKA JOHN DOUBLE LISTED WITH ACCT #1934	2001-0043213	\$25.91
SONGAILO, EDWARD R CORRECTING APPRAISAL ERROR	2004-0091577	\$651.54
STEWART, RODNEY A DWMH LISTED AS REAL FOR 2004	2004-0090120	\$396.16
STEWART, RODNEY A PROPERTY VACANT	2004-0048356	\$32.00
TIPPETT, ASHBY WADE INCORRECT SITUS-SHOULD BE PAMLICO COUNTY	2004-0091688	\$52.75

**Refunds**

ARTHUR, TERESA BUCK 2003-0001577 \$37.35  
 DOUBLE LISTED WITH ACCT. #52881

1 – REFUND \$37.35

*Budget Amendment*

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

**Animal Control**

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-2601-357-39-00 Inmate Training Program	\$680.00	101-2601-410-40-89 Inmate Training Program	\$680.00
TOTAL	\$680.00	TOTAL	\$680.00

**Justification:** Four dogs every 90 days will be house broken and trained by inmates at the Craven Correctional Institute (State). Adopters will pay \$85 (customary fee) to adopt the animals. Fees may vary if the animal has been spayed/neutered already. Four dogs x 2 sessions x \$85 = \$680.

**PLANNING DEPARTMENT MATTERS**

*7:00 p.m. Public Hearing on Proposed Amendments to the Subdivision Ordinance*

Planning Director, Don Baumgardner, explained that the proposed update to the Craven County Subdivision Ordinance is the first since 1989 and is being proposed for health safety and general welfare of the citizens of Craven County. At 7:05 p.m. Commissioner Sampson moved to go into public hearing, as advertised, seconded by Commissioner Morris and unanimously carried. Mr. Baumgardner further explained that the buffering requirement that is proposed in the amendments seems to be the most controversial issue. It only applies to buffer areas between commercial and residential properties in subdivisions and would not affect areas in the County outside of subdivisions. He stated that should the Board choose to adopt the amendments, the earliest possible effective date would be January 3, 2005. The following citizens spoke during the public hearing:

1. *Mr. Stan Lettas of 1325 Pine Valley Drive* spoke on behalf of the Greenbrier Property Owner’s Association and raised questions concerning the timing of the proposed amendment, as well as the actual buffering requirements contained in the proposal. He expressed the opinion that the timing could interfere with plans and progress relative to the NC Highway 43 Connector that will affect Greenbrier. He suggested that the road, once it is placed, should determine some of the development issues and urged the Board to defer a decision on this proposed amendment until the connector project is settled, which is anticipated to be around mid 2005. He also expressed the opinion that the proposed buffering requirements give too many options to a developer and pose less control than if left at a 50 ft. He asked that the Board consider leaving the buffer requirement at 50 ft. as opposed to the proposed 20 ft. and enhance the requirements at 50 ft. relative to shrubbery and fencing.

2. *Mr. Joe Rose of 3600 Camelot Drive* expressed concern with the way that the proposed amendments are written. He asked that the Board consider including two (2) additional types of development to be covered by the requirement, those being resorts and

condominiums. He urged that the Board to consider leaving the buffer width at 50 ft. with enhancements.

3. *Ms. Ann Ocorr of 114 Johnson Point Road* asked for clarification concerning the application of the proposed ordinance to subdivisions only. It was clarified that the ordinance would not apply to property adjacent to subdivisions that lies outside of the subdivisions. She asked that the Board consider having the buffering requirement tied to the intensity of a property's use.

4. *Mr. Charlie Peckham of 209 Rankin Court* asked that a method be established that would allow the public to be notified about major developments in their area through publication in newspaper or letters to the affected property owners. He also asked that the traffic patterns in the areas of subdivision development be studied and considered when applying the requirements. He asked if the ordinance amendments would address required space for recreation within a subdivision. Planning Director, Don Baumgardner, responded that there is no such requirement at the state level. The County makes recommendations if a developer chooses to include such a recreational space as an option, but it is doubtful that the County could mandate such a requirement.

5. *Mr. Ed Hickok of 211 Rankin Court* expressed concern about congestion at the intersection of Carolina Pines Blvd. and Hwy. 70 E. and addressed the issue of a need for a traffic light.

6. *Mr. Ernie Ensley of 314 Madam Moores Lane* urged the Board to review the City of New Bern's buffering requirements. He stated that theirs are a little less restrictive than the County's and reminded the Board that the buffer is not currently included in lot square footage. This could have an adverse impact on lot values.

7. *Mr. Charlie Simmons of 2218 Tuscarora Road* expressed concern about the buffer zones between standing stagnant water resulting from subdivision development. Mr. Baumgardner responded that in non nutrient sensitive areas there is a 50 ft. requirement of non disturbance. Mr. Simmons also expressed concern about the spraying of effluent on hog farms which affects adjacent properties. Commissioner Morris commented that such spraying is not allowed within 100 ft. of a property line to an existing property; however, County staff were directed to contact the state office in Washington that regulates this activity and do some investigation.

8. *Ms. Jennifer Johnson of 101 Fort Road* asked that the Board consider maintaining a 50 ft. buffer with enhancements.

9. *Ms. Becky Kafer of 3412 Camelot Drive* spoke in favor of retaining the 50 ft. buffer.

10. *Ms. Susan Eddington of 1121 Basil Drive*, representing the Greenbrier Property Owner's Association, inquired about the required distance from a wetland for commercial developments within subdivisions. She also spoke in favor of keeping the 50 ft. buffer requirement as a standard and applying variances as needed. Mr. Baumgardner stated that the County has no authority to grant variances in this matter in the absence of zoning in the County.

At 8:00 p.m., there being no additional members of the public who wished to address the Board, Commissioner Sampson moved to close the public hearing, seconded by Commissioner Morris and unanimously carried. Commissioner Allen moved to postpone any action on this ordinance until the Board's February 7, 2005 meeting. Commissioner Sisk seconded the motion, which carried unanimously.

#### *Presentation Regarding the FY 2005 Pre-Disaster Mitigation Program*

Mr. Baumgardner, informed the Board of an opportunity for funding through the Pre-Disaster Mitigation Program (PDM), which provides funds to communities for implementation of cost-effective mitigation projects prior to a disaster event. He stated that the proposed project area is Fairfield Harbour. The application deadline for this grant is January 31<sup>st</sup>. The grant, if received, would be 75% federally funded and 25%

funded from other sources, primarily the beneficiaries, in this case Fairfield Harbour property owners. He requested the Board's authorization to move forward. Commissioner Staton moved to authorize the Chairman to sign the application if the Planning staff can get it developed within the deadline. Commissioner Morris seconded the motion, which carried unanimously. Commissioner Morris was asked to help with Fairfield Harbour contacts to determine the level of interest within the community.

*Presentation Regarding Building Code Effectiveness Grading Schedule (BCEGS)*

Mr. Baumgardner made a presentation concerning a survey which was done to provide statistical data regarding a community's Inspections Department to insurers, assisting in their underwriting and premium development programs for homeowners insurance. The removal of the Wind-Borne Debris provisions from the state building code has had a negative impact on the ratings of many jurisdictions. He requested that the Board consider adoption of the following resolution seeking the support of the North Carolina Association of County Commissioners in having the Wind-Borne Debris provisions reinstated into the state building code. Commissioner Sampson moved to adopt the resolution and asked the Chairman to present it at the upcoming Legislative Goals Conference of the North Carolina Association of County Commissioners, seconded by Commissioner Harper and unanimously carried.

**RESOLUTION SUPPORTING THE  
REINSTATEMENT OF WIND-BORNE DEBRIS  
PROVISIONS (1609.1.4 Protection of Openings)  
TO THE STATE BUILDING CODE**

**WHEREAS**, the Craven County Inspections Department was recently evaluated by ISO, Inc., a supplier of statistical data and underwriting information, and regressed from a Class 4 to a Class 8; and

**WHEREAS**, the survey recognizes the building codes in effect in a community and how a community enforces those codes; and

**WHEREAS**, the results of the evaluation are distributed to insurers to assist in their insurance underwriting and premium development programs; and

**WHEREAS**, all communities within the high wind zone areas of North Carolina have similarly regressed due to the NC Building Code Council's deletion of item 1609.1.4 of the State Building Code (Protection of openings); and

**WHEREAS**, it is not possible for the Craven County Inspections Department to re-classify to the former Class 4 without the re-instatement of item 1609.1.4 to the State Building Code; and

**WHEREAS**, the Department of Insurance indicated that homeowners insurance rates will be impacted in the future if the lack of these code provisions result in higher losses in high wind zone areas, and that the possibility exists that insurance carriers licensed in the State of North Carolina may not renew or offer coverage voluntarily.

**NOW, THEREFORE, BE IT RESOLVED** by the Craven County Board of Commissioners that the Board supports the reinstatement of item 1609.1.4 (Protection of openings) to the State Building Code, and requests the support of the North Carolina Association of County Commissioners and North Carolina League of Municipalities in having this item reinstated by the North Carolina Building Code Council as soon as possible.

Adopted this 3<sup>rd</sup> day of January, 2005.

At 8:45 p.m. the Board was declared in recess. The Board reconvened at 8:55 p.m.

## **AUDIT REPORT**

Mr. Lou Cannon of McGladrey and Pullen presented the annual Craven County audit report for the year ended June 30, 2004. In summary, he stated that Craven County's tax rate is below the average for similar size counties, as well as the state. The fund balance is also slightly below that of similar size counties and the state average, while the collection rate is higher than both categories. He stated that the County's collection operation is efficient and that the County's fund balance is within safe limits. He rendered a clean, unqualified opinion on the financial statement and compliance controls, which represents the highest possible standard.

## **COUNTY ATTORNEY'S REPORT**

County Attorney, Jim Sugg, presented the resolution outlining the actions taken by the Board sitting as the Board of Directors of the Northwest Craven Water and Sewer District on December 22<sup>nd</sup>. The resolution and notice for publication sets out the description and conditions of the sale of a lot in the district, reflecting the action taken by the Board at that time.

## **COMMISSIONERS' REPORTS**

Commissioners expressed New Years' greetings to citizens and commented on the tragedy in the Indian Ocean basin.

*Commissioner Staton* announced the expenditures made by the DOT in District 5 for road improvements.

At 9:35 p.m. Commissioner Sampson moved to adjourn, seconded by Commissioner Sisk and unanimously carried.

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

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Gwendolyn M. Bryan  
Clerk to the Board