

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, APRIL 3, 2006. THE MEETING CONVENED AT 7:00 P.M.

MEMBERS PRESENT:

- Chairman Perry L. Morris
- Vice Chairman Johnnie Sampson, Jr.
- Commissioner Lee Kyle Allen
- Commissioner George N. Brown, Jr.
- Commissioner M. Renée Sisk
- Commissioner Leon C. Staton
- Commissioner Steve Tyson

STAFF PRESENT:

- Harold Blizzard, County Manager
- Ray H. Moser, Assistant County Manager
- Richard F. Hemphill, County Finance Officer
- Gwendolyn M. Bryan, Clerk to the Board
- James R. Sugg, County Attorney

Following an invocation by Commissioner Brown and the Pledge of Allegiance, Commissioner Brown moved to approve minutes of the March 20, 2006 regular and reconvened sessions, seconded by Commissioner Staton and unanimously carried.

CONSENT AGENDA

Request to Set CARTS Public Hearing

A request was made by CARTS to set a public hearing on Monday, May 1 at 7:00 p.m. for the purpose of receiving public input on the FY 2006-2007 ROAP (Rural Operating Assistance Program) Funds. Commissioner Sampson moved to set a public hearing for 7:00 p.m. on Monday, May 1, as requested, seconded by Commissioner Brown and unanimously carried in a roll call vote.

Tax Releases and Refunds

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

Credits

TAXPAYER NAME	TICKET#	AMOUNT
BENNETT, BRUCE DOUBLE LISTED ON ACCT #48644	2005-0004028	\$43.04
BENNETT, BRUCE DOUBLE LISTED ON ACCT #48644	2004-0003892	\$46.40
BENNETT, BRUCE DOUBLE LISTED ON ACCT #48644	2003-0003845	\$50.63
BENNETT, BRUCE DOUBLE LISTED ON ACCT #48644	2002-0003840	\$55.60
BRYAN, JOHN L JR DID NOT OWN 01/01/2005	2005-0090601	\$106.83

BRYANT, JAMES A & JOYCE H DOUBLE LISTED ON ACCT #32909	1999-0090015	\$526.91
BRYANT, JAMES A & JOYCE H DOUBLE LISTED ON ACCT #32909	2000-0090920	\$71.71
BRYANT, JAMES A & JOYCE H DOUBLE LISTED ON ACCT #32819	1999-0006392	\$74.95
BRYANT, JAMES A & JOYCE H DOUBLE LISTED ON ACCT #32819	2000-0006560	\$71.71
BRYANT, JAMES A & JOYCE H DOUBLE LISTED ON ACCT #32819	2001-0006636	\$78.50
CATES PROPANE PLANT CONSTRUCT DID NOT OWN 01/01/05	2005-0008989	\$54.40
COVEY, PAMELA DID NOT OWN 01/01/1999	1999-0010434	\$129.99
COVEY, PAMELA DID NOT OWN 01/01/1999	1999-0090106	\$143.26
DUFFY, PATRICK J & JESSICA C VALUE ADJUST. PER BILL OF SALE	2005-0015129	\$192.11
GRANDPAS CRAFTS 2000 INC DID NOT OWN 01/01/05	2005-0021246	\$120.86
INMAN, MARSHALL R MILITARY-HIS NAME ONLY 05 LES-TX ECC-03/17/07	2005-0026873	\$48.97
LYNCH, WILLIAM R JR PROPERTY VACANT	2004-0032065	\$36.00
LYNCH, WILLIAM R JR PROPERTY VACANT	2003-0031554	\$38.88
LYNCH, WILLIAM R JR PROPERTY VACANT	2002-0031310	\$41.76
MCNEIL, THELMA GODFREY SHOULD HAVE BEEN BILLED ON PARCEL # 7-006-029	2005-0035584	\$147.41
MILLER, SCOTT EVAN ADJUSTMENT OF VALUE PER BILL OF SALE	2005-0091250	\$61.12
MONTGOMERY, ROBERT MILITARY-HIS NAME ONLY 06 LES-VA ECC-10/13/06	2005-0037072	\$202.03
MOTES, WILLIAM J & LINDSAY M DID NOT OWN 01/01/2005	2005-0090822	\$58.83
PICCIANO, ROSEMARIE DID NOT OWN 01/01/2005	2005-0041692	\$76.39
SHIVAR, TIMOTHY W DID NOT OWN 01/01/2005	2005-0047330	\$74.15
SMITH, DEBORAH S PROPERTY VACANT	2003-0046230	\$38.86

SWING ZONE INC	2005-0050690	\$69.45
NOT IN BUSINESS 01/01/2005		

27 – CREDIT MEMO (S) \$2,660.75

Refunds

AIR LIGUIDE INDUSTRIAL US LP	2005-0000387	\$7,569.57
DID NOT OWN 01/01/2005		

MESSER GRIESHEIM INDUSTRIES IN	2004-0034911	\$8,186.11
DID NOT OWN 01/01/2003		

2 – REFUND (S) \$15,755.68

Community Services Block Grant Review

The Board received a grant application summary for the FY 2006-2007 community services block grant submitted by Coastal Community Action. No action by the Board was required, other than a record of the Board having received the information for review. Commissioner Sampson moved to certify that the application summary has been reviewed by the Board of Commissioners, and by entering it into the record.

Subdivisions for Approval

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

Neuse Point East, Phase Six – Final: The property, owned by J.M. Stallings & O.L. Humphries and surveyed by Strickland Surveying, P.A., is located within Twp. 5 off of Cederwood Drive and near SR 1768 (Shadyview Beach Road). The subdivision contains 15 lots on 23.4 acres and is proposed to be served by community water and individual septic systems. The Planning Board reviewed and recommended the subdivision for final approval.

Lake Hazel Estates, Phase One – Final: The property, owned by Isaac and Alice Holton and surveyed by Atlantic Survey & Design, P.A., is located in Twp. 2 off of SR 1600 (Broad Creek Road). The subdivision contains 4 lots on 5.64 acres and is proposed to be served by County water and individual septic systems. The Planning Board reviewed and recommended the subdivision for final approval.

Budget Amendments and Ordinance Updates

Craven County Finance Officer, Rick Hemphill, submitted the following budget amendments and ordinance updates for the Board’s approval. Commissioner Sampson moved for their approval, seconded by Commissioner Brown. During discussion, Commissioner Sisk inquired why there was a budget amendment for \$.045. It was explained that the amendment reflected the close-out of a grant, which requires complete accountability. The motion to approve the budget amendments and ordinance updates carried unanimously in a roll call vote.

EMS – HRSA 05-06

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-2314-377-50-00	\$19,826.00	101-2314-410-32-40	\$2,600.00
HRSA 05-06		Other Supplies	
		101-2314-410-73-21	\$17,226.00
		C/O Under \$5,000	

TOTAL	\$19,826.00	TOTAL	\$19,826.00
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Justification: Budget HRSA Grant in the amount of \$19,826 to cover PC's, licenses and accessories. No County Match

Health/Environmental

101-3101-349-92-00	\$500.00	101-3101-420-32-40	\$500.00
State Rev/Restaurant Heart		Other Supplies	
TOTAL	\$500.00	TOTAL	\$500.00

Justification: Additional State Revenue available for Restaurant Heart Health Surveys.

Health/Bioterrorism

101-5010-357-86-00	\$6,400.00	101-5010-440-24-00	\$1,900.00
Service Fees/Courses/Seminar		Meeting Expenses	
		101-5010-440-40-0	\$4,000.00
		Contractual Services	
		101-5010-440-25-0	\$500.00
		Travel Training	
TOTAL	\$6,400.00	TOTAL	\$6,400.00

Justification: Revenue will be collected as attendance fees for April 11, 2006 Vincent Covello Bioterrorism Conference.

Health/Healthy Carolinians

101-6604-348-17-00	\$(4,800.00)	101-6604-440-40-00	\$(4,471.00)
Kate B. Reynolds		Contractual Services	
		101-6604-440-32-40	\$(329.00)
TOTAL	\$(4,800.00)	TOTAL	\$(4,800.00)

Justification: Refund has been made to Kate B. Reynolds for grant money awarded before state grant was approved.

Jail Project/Reserve

371-0571-400-98-50	\$500,000.00	371-0571-400-97-68	\$500,000.00
Trans to Fund 101		Jail Fd 368	

Transfer from General Fund line to Jail Line

Journal Entry

371-0571-400-97-68	\$1,000,000.00	371-0000-101-00-00	\$1,000,000.00
Jail Fund 368		Cash	
368-0000-101-00-00	\$1,000,000.00	368-0000-366-07-00	\$1,000,000.00
Cash		From Reserve Fund 371	

Reserve Fund 371 to Jail Project Fund 368

BUDGET AMENDMENT

368-0000-366-07-00	\$1,000,000.00	368-2008-410-73-05	\$685,000.00
From Reserve Fd 371		Land	
		368-2008-410-76-59	\$315,000.00
		Contingency	

TOTAL	\$1,000,000.00	TOTAL	\$1,000,000.00
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Justification: Budget reverse funds set aside for Jail Project in the project.

Core Creek

JOURNAL ENTRY

374-4275-430-97-01	\$0.45	374-0000-101-00-00	\$0.45
To Gen'l Fd		Cash	
101-0000-101-00-00	\$0.45	101-0000-335-00-00	\$0.45
Cash		Misc	

Balance in Core Creek Project not expended

BUDGET AMENDMENT

374-4275-348-72-00	\$(6,294.00)	374-4275-430-40-00	\$(6,295.00)
Clean Water Mgmt		Contractual	
		374-4275-430-97-01	\$1.00
		To Gen'l Fd	
TOTAL	\$(6,294.00)	TOTAL	\$(6,294.00)

Justification: Close out project with a residual fund balance of \$.45 to general fund.

ORDINANCES

Jail – Law Enforcement Center
Fund 368

This ordinance is hereby approved in the following amounts for expenditures for the Jail – Law Enforcement Center.

Expenditures:

Professional Services	\$ 900,176.00
Land	\$ 700,000.00
Contingency	\$ 399,824.00
TOTAL	\$2,000,000.00

The following revenues are hereby estimated for the Schools Roof Construction Project.

Revenues

From County Reserve	\$2,000,000.00
TOTAL	\$2,000,000.00

This ordinance is hereby amended this 3rd day of April, 2006.

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	\$ 44,953.00
Legal	\$ 16,654.00
Cont Ser – NCSU-BAE	\$ 201,815.00
Other Supplies	\$ 3,103.00
Maintenance Repair Equip	\$ 386.00
Capital Less than \$5,000	\$ 3,580.00
 Total Phase I	 \$1,013,542.00
 Phase II	
Legal	\$ 1,987.00
Other Supplies	\$ 20,968.00
Stream/Riparian Wetlands Restoration	\$ 235,170.00
Transfer to General Fund 101	\$ 1.00
 Total Phase II	 \$ 258,126.00
 Total Expenditures	 \$1,271,668.00

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	\$256,706.00
 Total Phase II	 \$256,706.00
 Total Revenue	 \$1,271,668.00

Amended this 3rd day of April, 2006.

PETITIONS OF CITIZENS

Keith McCoy requested on behalf of the Craven County Junior Livestock Association that the Board consider a contribution to support the purchase of livestock for four Craven County 4H participants in the Coastal Plains Livestock Show being held in Kinston in April. He provided the livestock purchase costs, as follows:

- lamb kids - \$250
- hogs - \$125 - \$150
- steers - \$1,000
- goats - \$100

In addition to the purchase of the livestock, there are costs for feed. He advised that Farm Bureau has donated \$350 per child. Commissioner Brown moved to donate \$1,000, seconded by Commissioner Sampson. Commissioner Sisk inquired if the project is a money-making project, and if so, how are proceeds used. Mr. McCoy responded that the proceeds from the project will go into a college fund. There was discussion concerning the propriety of donating County funds in this fashion and it was suggested that any appropriation by the Board needs to be channeled through the County's Cooperative Extension program. Commissioner Brown amended his motion by indicating that the

donation be made from fund balance on the condition that staff could determine a legitimate and appropriate manner of doing so. The motion carried unanimously in a roll call vote.

Non-Dept

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-0000-399-01-00 Fund Balance	\$1,000.00	101-0190-420-96-92 4H – Livestock	\$1,000.00
TOTAL	\$1,000.00	TOTAL	\$1,000.00

Justification: Junior Livestock Association – April 17 & 18.

Joe Hennessey expressed his objection to the request of the Craven Regional Airport for \$74,000 in the 2007 budget for marketing purposes. He stated his position that the airport needs to fund the correction of internal problems relative to the Airport Rescue Firefighters (ARFF) Program before utilizing funds for marketing.

Charles Simmons spoke in opposition to siting the new jail in the Clarks community.

Ray Griffin requested a copy of the County Attorney’s opinion relative to the placement of a Ten Commandments monument on the Craven County Courthouse grounds.

TEEN COURT ANNUAL REPORT

Laurie Kritz provided an update on the current year’s Teen Court Program, stating that the program has served 74 referrals to date compared to a goal of 50. In addition, she announced that Craven County had taken first place in a recent mock trial court competition. Program participants, Robert Anderson, Jamie Bullock and Kylie Sams expressed their appreciation for the program and explained how the program has benefited them.

CABLE FRANCHISE AGREEMENT – 2ND VOTE

The Board was requested to take a second vote on the amendments to the cable franchise agreements with Cox Cable and Time Warner that were approved on March 20. Commissioner Allen moved to ratify the approval of the amendments to the franchise agreements, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

APPOINTMENTS

Twp. 3 Fire Tax Commissioner

The Board received a request from Twp. 3 Fire Tax Commission that an appointment be made to replace P.J. Whitley, who is deceased. The name of Rodney G. Russell was submitted and recommended. Commissioner Brown nominated Mr. Russell and moved that nominations be closed, seconded by Commissioner Tyson and unanimously carried, with Mr. Russell being appointed by acclamation as a Fire Tax Commissioner for Twp. 3.

Coastal Resources Advisory Committee

The Board was requested to consider an appointment to the Coastal Resources Advisory Committee to replace Natalie Baggett who resigned. County Manager, Harold Blizzard, has served to represent Craven County in the interim. It was the Board’s consensus to defer this appointment.

Planning Board

A request was received for an appointment to fill a vacancy on the Planning Board created by the resignation of Mr. Charles Dickenson. A letter of interest from Ms. Regina Crawford was presented. It was the consensus of the Board to defer this appointment.

Upcoming Appointments – April

The Board was advised that the term of Earley Toon on the Regional Aging Advisory Committee is due to expire in April.

Recreation & Parks Advisory Board

Commissioner Allen asked that the Board consider an appointment to the Recreation & Parks Advisory Board and recommended Robert Sabdo to represent District Six. There was discussion but no objection and Mr. Saddo was appointment by acclamation.

COUNTY ATTORNEY’S REPORT

Resolution for Sale at Auction of Adams Creek Road Parcel

County Attorney, Jim Sugg, presented the following resolution authorizing the sale of real property at public auction. He advised the Board that the tax value of the parcel is \$1,800 and requested that the parcel be sold at the courthouse steps on May 9 at 12:00 noon. Commissioner Sisk moved to adopt the resolution authorizing execution of the sale and to post the sale at public auction in the *Sun Journal*, seconded by Commissioner Brown and unanimously carried.

RESOLUTION OF THE CRAVEN COUNTY BOARD OF COMMISSIONERS AUTHORIZING THE SALE OF REAL PROPERTY AT PUBLIC AUCTION

WHEREAS, Craven County (“County”), a body politic and corporate, is the owner of a parcel of land designated as +/- .500 acres of property on Adams Creek Road, Lot 2, Township No. Five (5), Craven County, New Bern, North Carolina, and being more particularly described on Exhibit “A” attached hereto; and

WHEREAS, County has determined that said property is no longer needed for County purposes and should be sold at public auction; and

WHEREAS, County became the owner of said property in a Commissioner’s Deed, which is recorded in Book 2430, Page 255, in the Office of the Register of Deeds of Craven County; and

WHEREAS, County shall sell said property at public auction after publishing notice of the sale in the *Sun Journal* at least one (1) time not less than 30 days before the sale, which Notice shall contain the description of the property to be sold. Said terms of the sale are referenced in this authorizing resolution.

NOW, THEREFORE, the Craven County Attorney is authorized to sell the parcel of land described herein designated as +/- .500 acres of property on Adams Creek Road, Lot 2, Township No. Five (5), Craven County, New Bern, North Carolina, as recorded in Book 2430, Page 255, in the Office of the Register of Deeds of Craven County, and being more particularly described on Exhibit “A” attached hereto, with the

highest bidder depositing ten percent (10%) of the purchase price with County to be held in escrow to ensure completion of the purchase of the property, if said bid is accepted by County.

Adopted this 3rd day of April, 2006.

EXHIBIT "A"

All that certain lot or parcel of land lying and being situate in Number Five (5) Township, Craven County, North Carolina, and being more particularly described as follows:

All of that lot, tract or parcel of land in Craven County, North Carolina, in Number Five (5) Township on the southeast side of Adams Creek Road (NCSR 1700) and more particularly described as follows:

BEGINNING at an existing iron pipe in the southeast right of way line of Adams Creek Road at the center of a ditch, which place of beginning lies South 41 degrees 15 minutes West 58.0 feet and South 70 degrees 36 minutes East 31.2 feet from the intersection of the centerline of Adams Creek Road (NCSR 1700) with the centerline of NCSR 1703 and running thence with the southeast right of way line of Adams Creek Road to the complement of North 50 degrees 31 minutes East 188.23 feet to a new iron pipe; thence South 26 degrees 51 minutes East 198.93 feet to a new iron pipe; thence South 63 degrees 09 minutes West 32.38 feet to a new iron pipe in the center of ditch; thence with the center of said ditch North 70 degrees 36 minutes West 33.08 feet to an existing iron pipe; thence continuing with the center of said ditch North 70 degrees 36 minutes West 185.35 feet to an existing iron pipe in the southeast right of way line of Adams Creek Road, the place of beginning. Containing 0.5 acres according to a plat entitled "SURVEY FOR MARK W. WERTHWEIN," prepared by James C. Simmons, Registered Land Surveyor L-1532, as recorded in Book 944, Page 863, Craven County Registry.

Subject to restrictive covenants and easements of record. **Parcel No. 5-021-035.**

Ambulance Ordinance

The Board was advised that Convalescent Transport Service contacted EMS Director, Stanley Kite, to inform him of their inability to continue serving Craven County and their intent to withdraw from any further service. He requested that the franchise relinquished by Convalescent Transport Service be awarded to Johnston Ambulance Service (JAS), as the Board had previously approved JAS for the award of the next available franchise. Commissioner Brown moved to award the franchise to Johnston Ambulance Service, seconded by Commissioner Sisk and unanimously carried. The Board was apprised of the necessity to have a second vote on the award of the franchise at its next meeting.

Proposed Transfer of BSH Logistics Facility

Arey Grady of the County Attorney's office, presented to the Board documents relative to the transfer request of the BSH Logistics Facility, with a request for approval, as follows:

- 1) Waiver of Craven County's right of first refusal
- 2) Acknowledgement of Completion of initial phase of construction
- 3) Clarification of buyout provision
- 4) Consent to subdivision
- 5) Prepayment of buyout
- 6) Estoppel certificate

Mr. Grady advised the Board that approval of the foregoing documents would be of no cost to the County, as the seller (developer, Olive Branch Partners) would reimburse the County for legal costs, and would not be detrimental to the County's position.

Commissioner Allen moved to approve the request *in toto*, seconded by Commissioner Sampson and unanimously carried.

COMMISSIONERS' REPORTS

Commissioner Allen announced his participation in a Disaster Food Awareness telecast.

Commissioner Staton thanked the Board for approval of the sewer feasibility study to be conducted for District 5.

Commissioner Brown reported on a meeting of the NCACC Executive Board and the House Select Committee. Funds in the amount of \$65 million are available from State Medicaid savings and it has been proposed that \$30 million be used to permanently cap Medicaid costs for all counties at the current levels, and that the balance be used to provide targeted relief to all counties based on each county's percentage of Medicaid eligible citizens.

Commissioner Morris introduced a copy of correspondence to NCDOT from Craven County's legislative delegation as a result of concerns expressed by Commissioners in the March 20 joint meeting.

At 8:30 p.m. Commissioner Sisk moved to go into closed session pursuant to NCGS 143-318.11(a)(3) concerning ongoing litigation, seconded by Commissioner Brown and unanimously carried.

At 9:12 p.m. the Board returned to regular session. The Chairman announced that no action had been taken in closed session and Commissioner Brown moved to adjourn, seconded by Commissioner Sampson.

Chairman Perry L. Morris
Craven County Board of Commissioners

Gwendolyn M. Bryan, Clerk to the Board