

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 2, 2007. THE MEETING CONVENED AT 7:00 P.M.

MEMBERS PRESENT:

- Chairman Johnnie Sampson, Jr.
- Vice Chairman Jason R. Jones
- Commissioner Lee Kyle Allen
- Commissioner Theron McCabe
- Commissioner Perry L. Morris
- Commissioner M. Renée Sisk
- 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 Jones and the Pledge of Allegiance, Commissioner Sisk moved to approve the minutes of March 19, 2007, seconded by Commissioner Morris and unanimously carried.

CONSENT AGENDA

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.

Sheriff

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-0000-399-01-00	\$73,380.00	101-2001-410-10-02	\$60,947.00
Fund Balance		Salaries	
		101-2001-410-11-01	\$4,662.00
		Fica	
		101-2001-410-11-02	\$2,913.00
		Retirement	
		101-2001-410-11-05	\$3,047.00
		Leo 5%	
		101-2001-410-11-03	\$1,811.00
		Workers Comp	
TOTAL	\$73,380.00	TOTAL	\$73,380.00

Justification: Budget fund balance to cover Sheriff's Department salary shortages due to payment of annual leave, compensatory time and holiday accruals on termination.

Tax Releases and Refunds

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

Credits

TAXPAYER NAME	TICKET#	AMOUNT
ARTHUR, E GLEN & SANDRA G DID NOT OWN 01/01/06	2006-0001581	\$110.87
CAMPBELL, SAMUEL GLENN VACANT PROPERTY	2006-0008183	\$33.12
CARLL, MARK D JR CORRECTING APPRAISAL ERROR	2006-0090235	\$62.63
CARLSON, FREEDOM J & ERIKA V MILIT ½ VAL. FREEDOM 06 LES-FL ECC-NONE (MAJOR)	2006-0008436	\$25.35
GASKINS, ROGER & STACEY E DID NOT OWN 01/01/06	2006-0020018	\$352.47
HILL, KATRINA S DOUBLE LISTED ON ACCT #53555	2006-0025499	\$275.52
HODGE, STEPHANIE DID NOT OWN 01/01/2001	2001-0091721	\$30.28
HUFF, SCOTT T & MISTY G DID NOT OWN 01/01/06	2006-0026819	\$85.22
IPOCK, GRACE N SCE ERROR CORRECTED FOR 2006	2006-0027397	\$158.05
PLESO, WILLIAM LEE & LUCY DID NOT OWN 01/01/2006	2006-0091312	\$494.15
QUALITY PLUS DRYWALL INC NOT IN BUSINESS 01/01/2006	2006-0090661	\$75.94
TUTT, OTIS C CORRECTING APPRAISAL ERROR	2006-0053917	\$1,089.48
TOTAL		\$2,793.08

Refunds

HILL, KATRINA S DOUBLE LISTED ON ACCT #53555	2005-0091283	\$288.23
HODGE, STEPHANIE DID NOT OWN 01/01/2000	2000-0023593	\$52.32
HODGE, STEPHANIE DID NOT OWN 01/01/2001	2001-0023786	\$62.15
HODGE, STEPHANIE DID NOT OWN 01/01/2001	2001-0091721	\$36.53
TAYLOR, ZACHARY CORRECTING APPRAISAL ERROR	2006-0091782	\$103.21
5 – REFUND (S)		\$542.44

Request to Set Public Hearing – Road Naming and Addressing Ordinance

The Planning Department requested that a public hearing be set for Monday, April 16, 2007 at 8:30 a.m. to hear comments regarding proposed changes to the Craven County Naming and Addressing Ordinance. Commissioner Sisk moved to set a public hearing for Monday, April 16, 2007 at 8:30 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 Sisk moved for their approval, seconded by Commissioner Morris and unanimously carried in a roll call vote.

Bear Claw – Final: The property, owned by W. Davis Lugg, Jr., and surveyed by Terry Wheeler, is located within Twp. 1 off of SR 1448 (Bear Hold Road). The subdivision contains 6 lots on 6.36 acres and is proposed to be served by community water and individual septic systems.

Creekwood Phase Five – Final: The property, owned by Matt Piwowarski and engineered by Avolis Engineering, is located within Twp. 7 off of SR 1116 (Thurman Road). The subdivision contains 6 lots on 1.57 acres and is proposed to be served by community water and City of New Bern sewer.

Heath Lease Renewal

The Craven County Recreation and Parks Department recommended that the County enter into a one-year lease agreement with Levie and Betty Heath, as was done last year, to farm the land adjacent to Cove City Park. The area is not needed for recreational use at this time and the farm use will keep the land maintained until the County decides to use this for other purposes. Commissioner Sisk moved to enter into a one-year lease agreement with Levie and Betty Heath, as requested, seconded by Commissioner Morris and unanimously carried in a roll call vote.

Congregate Site Meal Bid

A bid opening was held on March 21, 2007 for the Congregate Meal Program and one bid was received from Golden Corral. Golden Corral offered the same price per meal for 07-08 as the current rate of \$4.25 plus tax. The Department of Social Services has requested that the Board accept the bid from Golden Corral for the Congregate Meal Program. Commissioner Sisk moved to award the contract to Golden Corral for the Congregate Meal Program, as requested, seconded by Commissioner Morris and unanimously carried in a roll call vote.

PUBLIC HEARING: REQUEST FOR A CONDITIONAL USE PERMIT

Planning Director, Don Baumgardner, was called forward to explain the request for a conditional use permit in Township 7 that was the subject of the public hearing. He explained that the proposed use is for a commercial shopping center on a portion of the property and that a meeting had been conducted with the Airport Manager and there was no objection from the Airport concerning the proposed use. At 7:04 p.m. Commissioner Jones moved to go into public hearing, as advertised, seconded by Commissioner Morris and unanimously carried. There were no speakers from the public and at 7:05 p.m. the Board went out of public hearing by motion of Commissioner Sisk, seconded by Commissioner Morris. Commissioner Sisk then moved to grant the request for the conditional use permit to Trent Development Partnership, owners of the parcel located at 935 US Hwy. 70 E. Commissioner Morris seconded the motion, which carried unanimously.

PETITIONS OF CITIZENS

Frank Kerr petitioned the Board in protest to a tax bill.

Charles Simmons spoke on behalf of property owners on Clark Road to submit a petition dated December 2005, opposing the location of the new Craven County Law Enforcement Center.

TEEN COURT PRESENTATION

Brenda Harris and Lori Ochs presented members of the Teen Court program, and announced that the Craven County Teen Court team had won the 2007 Mock Trial Competition, first place trophy for the second consecutive year. The annual report of the program was distributed and William Farmer, an attorney in the Teen Court program and Jamie Bullock, a prosecuting attorney, provided comments concerning the benefits of the program. Commissioner Tyson requested that a congratulatory letter be drafted and directed to the Craven County participants in the 2007 Mock Trial Competition.

EMS MATTERS

Recommendation for New Bern First Responder Franchise

The EMS Advisory Council received an application from the City of New Bern Fire Department for a First Responder Franchise, which was reviewed and approved for recommendation on March 21, 2007. This will allow the New Bern Fire Department to respond to EMS calls and assist existing franchised ambulance services in the area. Commissioner Allen moved to approve the recommendation of the EMS Advisory Council to grant a First Responder Franchise to the City of New Bern Fire Department. The motion was seconded by Commissioner McCabe and carried unanimously. It was noted that the granting of the franchise will need to be placed on the next agenda for a second vote.

Harlowe Fire Department Driveway Paving

Mr. Kite presented a request on behalf of the Harlowe Fire Department for the following resolution petitioning the North Carolina Department of Transportation to assist in the construction of the driveway for the station on Ferry Road. The request is to pave the driveway connection to Ferry Road from the bay doors as authorized by NC General Statutes, utilizing funds from the secondary road appropriations. Commissioner McCabe moved to adopt the resolution, seconded by Commissioner Allen and unanimously carried.

BOARD OF COMMISSIONERS – COUNTY OF CRAVEN REQUEST FOR CONSTRUCTION OF ACCESS TO HARLOWE FIRE DEPARTMENT

North Carolina

County of Craven

Project Description: Paving of Driveway to Harlowe Fire Department

WHEREAS, the attached request has been filed with the Craven County Board of Commissioners requesting that the above described project be approved; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described project should occur, if the project is within the policy, procedures, and funding capability of the Division of Highways of the Department of Transportation.

NOW, THEREFORE, be it resolved by the Craven County Board of Commissioners that the Division of Highways is hereby requested to review and approve the use of Secondary Road Highway Funds for said access improvement.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Craven at a meeting on the 2nd day of April, 2007.

WITNESS my hand and official seal this the 2nd day of April, 2007.

Mr. Kite also reported to the Board on the recent Department of Insurance inspections stating that the all areas passed the audit.

APPOINTMENTS

Nursing Home Advisory Committee

The Board was advised of the impending expiration of Ella Flynn's term. Commissioner Allen moved to reappoint Ms. Flynn on the Nursing Home Advisory Committee, seconded by Commissioner Sisk and unanimously carried.

New Bern Electric Services Board

Commissioner Tyson recommended that the name of Charlie Mitchell, who resides in Taberna, be submitted for consideration to the City of New Bern and moved to close nominations, seconded by Commissioner McCabe and unanimously carried.

COUNTY ATTORNEY'S REPORT

County Attorney, Jim Sugg, asked that the Board further defer consideration of an order to close a portion of Swiss Road in Twp. 7. He stated that there are clarifications needed relative to the description of the area to be closed.

COUNTY MANAGER'S REPORT

Time Clock

County Manager, Harold Blizzard, informed the Board that a time clock, which had been requested by the Chairman, has been received and asked that the Board consider how it wishes to operate the clock.

Issues Related to the Placement of the Law Enforcement Complex

Mr. Blizzard read into the record the following response to recent rumors and public comment related to the location of County facilities.

Recent rumors and news articles about relocating the County Courthouse and other County facilities outside the City of New Bern have caused me to take this time to clear up any misunderstandings there may be about the County's intentions relative to the facilities proposed for construction on Clarks Road.

Craven County has experienced jail overcrowding problems for the past 15 years. Since that time efforts have been made to retrofit the jail with additional bunks to accommodate the growing jail population. Additionally, new programs like the Day Reporting Center and Work Release were implemented to reduce the number of people that enter the jail. Although those measures met with some success, the jail population continues to grow straining facilities and manpower to the point it has become almost unmanageable. Also, state jail officials have warned that conditions at the current jail have become so critical that they eventually will be forced to take action against the County if it does not begin plans to address the problem. One of the first options investigated was the feasibility of expanding the current facility, but it was not deemed feasible.

As a result, approximately three years ago the Board of Commissioners committed to building a new jail. Immediately the County solicited requests for qualifications from architectural firms experienced in designing jails. The Board interviewed architects and visited several facilities across the state designed by these firms. Simultaneously, the County negotiated a construction management agreement with Construction Control Corporation to oversee the design and construction of the new facility. It was about that time, the Chairman of the Board of Commissioners appointed an ad hoc Jail Committee to fully assess the jail replacement needs and expedite the planning process. The Jail Committee consisted of two Commissioners, the Sheriff and his staff, the Chief Jailer, the Building Maintenance Director, and the County Management Team. Since that time the Jail Committee has met frequently.

The Jail Committee initially met with court officials, including judges, the District Attorney, and the Clerk of Superior Court to discuss needs. The Committee made a recommendation to hire an architect and on December 19, 2005, the Board of Commissioners entered into an agreement with Mosley Architects for architectural services for the design and construction of a new jail, Sheriff's Department offices, Magistrate's courtroom and office, and **a district courtroom**. Subsequently, the Jail Committee, along with the architect and construction manager, met further with court officials, Sheriff's Department and Jail staff, and others. Soon afterwards the Committee began actively searching for property to locate the proposed facility and in that process had contact with City of New Bern officials about prospective sites and facilities both inside and outside the New Bern corporate limits. Search for a site included properties as close as two blocks from the existing jail and as far away as property adjacent to the regional landfill. After a year long search, the Committee recommended the property previously owned by Major Tripp on Clarks Road. This site was selected primarily for the following reasons:

- Availability at a reasonable price
- Soil conditions and wetlands were non-issues
- Good access to a major road (US 70)
- Less than 15 minutes driving time to the current courthouse facilities
- Reasonable distance to both water and sewer facilities
- Area immediately around the site was sparsely inhabited
- Enough property was available to expand the proposed facility when and if needed

Although plans for the new facility from the beginning included a magistrate's office and one district courtroom, a district courtroom as not finally recommended until the site had been selected. According to Sheriff Monette, approximately 75% to 80% of the people in jail eventually go directly to district court from jail. A 30 year cost analysis performed by the construction manager estimated it would cost approximately \$1.5 million to transport inmates from the new jail to the current facilities. Those cost savings along, with substantially reduced security risks associated with not having to bus inmates downtown, confirmed previous thinking to build a courtroom at the new jail site. Additionally, parking problems and congestion which currently plague downtown New Bern would receive considerable relief on days court is in session.

Finally, there are no plans in the near future to move other courts to the new site, nor are there plans to relocate any other County buildings, Court Administrative Offices, District Attorney's office, judges' offices and the County's E-9114 Center. Although the Superior Courtroom in the old courthouse is somewhat outdated and inefficient, the Courthouse Annex is less than 15 years old and will serve its purpose for many years to come. If things go as planned Superior Court could very well be held in Courtroom 4 of the Annex where District Court is currently conducted, thereby freeing the old Superior Courtroom space to be restored to its original design and be used for special sessions, ceremonial purposes and public hearings for large gatherings. However, should there be a need for new or additional courtrooms or other County facilities at the Clarks Road site, the area available there will give officials that option should they consider doing so.

In conclusion, discussions about the proposed facility over the past three years have been honest and forthright. The County Commissioners have the sole responsibility for making decisions related to this project and have worked diligently to arrive at a solution. Hardly anyone would argue against the need for a new jail and Sheriff's office. The Magistrate's office and District Courtroom are logical additions to the new facility that will best serve the taxpayers of Craven County. Although some may debate the location for these new facilities, the County Commissioner have worked hard in deciding what is best for the county as a whole, for now and in the future.

Mr. Blizzard outlined the desirable timetable for advertising and opening bids by mid-May. Commissioner Morris stated that he was the Chairman at the time that the decision was made concerning the location of the facility and that the Board had looked extensively for suitable properties, including two parcels that were located in the City of New Bern. He stated that the Mayor and the City Manager were approached concerning those two parcels. Commissioner Allen inquired what would be the consequences of not moving forward and Mr. Blizzard responded that the County could be ordered by the state or a judge to build a facility. Commissioner Jones expressed some concerns relative to the facilities, stating that more than a few residents were in opposition to its location. He asked that the Board take another look at relocating the facility within the city limits. He expressed the apprehension that over the years a move of all facilities would be inevitable as a result of pressure from the area attorneys and others related to the trial process. Commissioner Morris reemphasized that the City of New Bern had shut the door on the parcels within the city limits that were identified that would have been adequate. Commissioner Sampson expressed the hope that the entire district court operation not be moved to the new site out of New Bern unless it is a phased process. There was discussion concerning the feasibility and transportation issues for citizens needing to appear in district court but who are not incarcerated at the facility. Commissioner Tyson inquired about the possibility of maintaining a partial district court presence in downtown New Bern for those citizens. The County Manager agreed to look into the feasibility of there being a satellite district court operation.

COMMISSIONERS' REPORTS

Commissioner Tyson reported on Department of Transportation work that has been started in the James City area, resulting in the closing of all cross intersections between New Bern and Havelock for left turning traffic.

Commissioner Morris announced that West Craven Middle School has won the History Bowl and extended congratulations. He stated that Mr. Tim Tabak has agreed to serve as the County's appointee to the Coastal Resources Advisory Committee and nominated him for appointment. Commissioner McCabe moved to close nominations, seconded by Commissioner Tyson and unanimously carried, with Mr. Tabak being appointed by acclamation.

Commissioner Sisk commented on the County Employee Award's Banquet.

Commissioner McCabe expressed concern about traffic on NC Hwy 101, which hampers access to mailboxes that are, in some cases, across the road from residences. He asked that the County Manager check with the postmaster or whoever would have authority about the possibility of moving the boxes onto the same side of the residences. He also stated that mailboxes located at Pine Cliff Road at Shady View Beach Road are sometimes inaccessible because of the condition of the road.

Commissioner Allen expressed regrets for having missed the Employee Award's Program. He commented also that the State Ethics Report generally does not affect most appointments made by Craven County or the appointments of the Commissioners.

Commissioner Jones stated that Craven Community College appointees are affected by the State Ethics Commission Report. He advised the Board of one resignation on the Craven Community College Board. Prior to the Board considering additional appointments to Craven Community College, he moved that the Board follow suit with other counties in adopting a resolution to have the State Ethics Commission reconsider

the requirement for filing a long disclosure form by these appointees. Commissioner Allen seconded the motion, which carried unanimously. Commissioner Jones also announced that on April 12 he will be holding a community meeting for members of the Dover and Cove City communities in conjunction with Representative Wainwright concerning water and sewer issues. He announced that on April 29 at 3:00 p.m. he is hoping to hold a dedication for the West Craven Park. He asked that a letter of invitation be sent to former Commissioner George Brown.

Commissioner Sampson stated that the time clock that has been acquired by the County is going to be used to insure equitable allotment of time for all petitioners and public hearing speakers coming before the Board. He also continued to seek support for pressuring elected officials at the state and national levels to address the escalating gas prices.

At 8:22 p.m. Commissioner Morris moved to adjourn, seconded by Commissioner Jones and unanimously carried.

Chairman Johnnie Sampson, Jr.
Craven County Board of Commissioners

Gwendolyn M. Bryan
Clerk to the Board