

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, JULY 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 Sampson and the Pledge of Allegiance, Commissioner Sisk moved to approve minutes of May 24 and June 11, 2007 reconvened sessions, June 12, 2007 special session and June 18, 2007 regular session, seconded by Commissioner Morris and unanimously carried.

CONSENT AGENDA

Tax Releases and Refunds

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

Credits

| TAXPAYER NAME | TICKET# | AMOUNT |
|--|----------------|---------------|
| CADENA, DAVID R DID NOT OWN 01/01/2006 | 2006-0007930 | \$43.48 |
| FONVILLE, HELEN M PROPERTY VACANT | 2006-0018188 | \$33.84 |
| HARGETT, CARL H DECEASED-UNCOLLECTABLE TAX | 1999-0020660 | \$117.14 |
| HARGETT, CARL H DECEASED-UNCOLLECTABLE TAX | 1999-0090145 | \$276.50 |
| HARGETT, CARL H DECEASED-UNCOLLECTABLE TAX | 2001-0021434 | \$118.07 |
| HARGETT, CARL H DECEASED-UNCOLLECTABLE TAX | 2002-0021691 | \$105.74 |
| HIGGINS, ROBERT MICHAEL CLERICAL ERROR ON VALUE OF BOAT | 2005-0025011 | \$7.73 |

| | | |
|---|--------------------|------------|
| HIGGINS, ROBERT MICHAEL CLERICAL ERROR ON VALUE OF BOAT | 2006-0025325 | \$7.13 |
| JOSE, PATRICK EMIL DECEASED-UNCOLLECTABLE | 2006-0029576 | \$10.60 |
| NORDAN, VICKY P INCORRECT SITUS-SHOULD BE WAKE CO | 2005-0039495 | \$22.97 |
| NORDAN, VICKY P INCORRECT SITUS-SHOULD BE WAKE CO | 2006-0091259 | \$20.64 |
| OWENS, PHILLIP CORRECTING VALUE OF BOAT | 2005-0091255 | 1,766.86 |
| OWENS, PHILLIP DID NOT OWN 01/01/2006 | 2006-0091279 | \$1,900.96 |
| PITTMAN, JESSE LEE JR DID NOT OWN 01/01/06 | 2006-0091307 | \$140.85 |
| PURSER, MICHAEL TRAVIS CORRECTED APPRAISAL ERROR | 2006-0090657 | \$67.14 |
| RALPH, TOMMY DOUBLE LISTED ON ACCT #30417 | 2006-0090920 | \$43.50 |
| WHITE, JASON & TIFFANY B REPO IN 2005-DID NOT OWN 01/01/06 | 2006-0057245 | \$279.84 |
| WILLIAMS, ALBERT KEVIN CORRECTED APPRAISAL ERROR | 2006-0058178 | \$34.21 |
| WILLIAMS, ALBERT KEVIN CORRECTED APPRAISAL ERROR | 2005-0091017 | \$41.49 |
| | 19 –CREDIT MEMO(S) | \$5,038.69 |

Refunds

| | | |
|--|---------------|---------|
| RALPH, TOMMY DOUBLE LISTED ON ACCT #30417 | 2004-0042068 | \$41.24 |
| RALPH, TOMMY DOUBLE LISTED ON ACCT #30417 | 2005-0043268 | \$43.00 |
| | 2 – REFUND(S) | \$84.24 |

Budget Amendments

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

Pass Through

| REVENUES | AMOUNT | EXPENDITURES | AMOUNT |
|---------------------------------------|------------|---------------------------------------|------------|
| 101-0564-349-64-00 DMA Smart Start | \$5,600.00 | 101-0564-480-91-64 DMA Smart Start | \$5,600.00 |
| TOTAL | \$5,600.00 | TOTAL | \$5,600.00 |

Justification: FY 2007 Budget June State revenue in the amount of \$5,600 to be passed through County to Smart Start to cover cost of 2 Smart Start employees and related costs.

Jail

| | | | |
|--------------------|-------------|--------------------|-------------|
| 101-0000-399-01-00 | \$50,000.00 | 101-2008-410-32-08 | \$50,000.00 |
| Fund Balance | | Medical | |
| TOTAL | \$50,000.00 | TOTAL | \$50,000.00 |

Justification: FY 2007 – Budget fund balance to cover unexpected medical bill in excess of \$48,500.

CJPP Day Reporting

| | | | |
|--------------------|------------|--------------------|------------|
| 101-2201-348-54-00 | \$1,929.00 | 101-2201-410-40-00 | \$1,929.00 |
| State | | Cont. Ser | |
| TOTAL | \$1,929.00 | TOTAL | \$1,929.00 |

Justification: Additional approved travel funds (Jan 2007) were not budgeted. State has now approved to use for Contractual Services.

Pass Through

| | | | |
|--------------------|-------------|--------------------|-------------|
| 101-0564-349-64-00 | \$67,000.00 | 101-0564-480-91-64 | \$67,000.00 |
| DMA Smart Start | | DMA Smart Start | |
| TOTAL | \$67,000.00 | TOTAL | \$67,000.00 |

Justification: FY 2008 Budget State revenue in the amount of \$67,000 to be passed through County to Smart Start to cover cost of 2 Smart Start employees and related costs.

Environmental Health

| | | | |
|--------------------|---------------|--------------------|---------------|
| 101-0000-399-01-00 | \$(13,650.00) | 101-3101-420-73-21 | \$(13,650.00) |
| Fund Balance | | C/O 500-4,999 | |
| TOTAL | \$(13,650.00) | TOTAL | \$(13,650.00) |

Justification: Line item overstated in original budget resulting in a return to fund balance of \$13,650.

CJPP Day Reporting

| | | | |
|--------------------|--------------|--------------------|--------------|
| 101-2201-348-54-00 | \$102,926.00 | 101-2201-410-21-00 | \$8,640.00 |
| State | | Rents | |
| | | 101-2201-410-22-0 | \$2,400.00 |
| | | Telephone | |
| | | 101-2201-410-23-0 | \$1,850.00 |
| | | Utilities | |
| | | 101-2201-410-25-10 | \$500.00 |
| | | Travel | |
| | | 101-2201-410-25-15 | \$4,049.00 |
| | | Travel Clients | |
| | | 101-2201-410-32-01 | \$1,203.00 |
| | | Supplies | |
| | | 101-2201-410-40-0 | \$84,284.00 |
| | | Cont Ser | |
| TOTAL | \$102,926.00 | TOTAL | \$102,926.00 |

Justification: Temporary budget as approved by Karen Buck pending State notification of FY 2008 budget.

CARTS – Multiple

| | | | |
|-------------------------|--------------|--------------------|-------------|
| 101-7002-368-02-00 | \$40,894.00 | 101-7001-450-31-02 | \$89,701.00 |
| EDTAP | | Veh Exp | |
| 101-7002-368-13-0 | \$32,317.00 | | |
| RGP | | | |
| 101-7002-368-28-0 | \$16,490.00 | | |
| Work First | | | |
| | | | |
| 101-7024-348-21-00 | \$3,562.00 | 101-7024-450-39-25 | \$40,894.00 |
| EDTAP | | EDTAP | |
| 101-7024-348-21-0 | \$37,332.00 | | |
| EDTAP Supplemental | | | |
| | | | |
| 101-7026-348-26-00 | \$(7,025.00) | 101-7026-450-39-25 | \$32,317.00 |
| RGP | | RGP | |
| 101-7026-348-26-0 | \$39,342.00 | | |
| RGP Supplemental | | | |
| | | | |
| 101-7028-349-11-00 | \$5,495.00 | 101-7028-450-39-25 | \$16,490.00 |
| Work First | | | |
| 101-7028-349-11-0 | \$10,995.00 | | |
| Work First Supplemental | | | |

Justification: The Rural Operating (ROAP) funds for FY 2008 have increased over the amount originally budgeted for CARTS in the amount of \$89,701. Due to the new grant requirements, Social Services will be decreasing their grant portion but will still retain \$5,500 for direct Work First clients. CARTS will transport others who are eligible under this grant but may not be eligible under the DSS guidelines for Work First. CARTS and DSS are working closely to use the allocation in the best ways possible.

DSS 7231 TANF FY 0708

| | | | |
|--------------------|--------------|--------------------|--------------|
| 101-7231-349-11-00 | \$(5,929.00) | 101-7231-450-39-38 | \$(5,929.00) |
| DOT Trans-State | | DOT Transportation | |
| | | | |
| TOTAL | \$(5,929.00) | TOTAL | \$(5,929.00) |

Justification: Amount received from Department of Transportation for the ROAP grant for DSS will be less than originally anticipated. There is no County match.

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 McCabe and unanimously carried in a roll call vote.

Pine Cove – Final: The property, owned by KMT Properties, LLC, and surveyed by Atlantic Survey and Design, is located within Twp. 7 off of SR 1962 (Goose Creek Road). The subdivision contains 14 lots on 8.012 acres and is proposed to be served by community water and individual septic systems.

Heritage Farm – Final: The property, owned by Harry B. Taylor and engineered Thomas Engineering, is located within Twp. 5 off of SR 1714 (Godette School Road). The subdivision contains 23 lots on 9.62 acres and is proposed to be served by community water and individual septic systems.

Racoon Court – Final: The property, owned by Paul and Theresa Hewson and surveyed by Joseph T. Chance, is located within Twp. 7 off of SR 1199 (Possum Trot Road). The subdivision contains 4 lots on 1.87 acres and is proposed to be served by community water and individual septic systems.

Forest Oaks Section 1-A-Final: The property, owned by H&D Developers, LLC and surveyed by Kendall Gaskins, is located within Twp. 1 off of US Hwy. 17 N. The subdivision contains 39 lots on 30.32 acres and is proposed to be served by community water and individual septic systems.

Resolution Expressing Intent to Reimburse

The Board was requested to adopt the following reimbursement resolution relative to the \$1.8 million being advanced to the Airport Authority for purchase of the Arthur Property.

**RESOLUTION
CRAVEN COUNTY, NORTH CAROLINA
DECLARATION OF AN OFFICIAL INTENT TO REIMBURSE**

BE IT HEREBY RESOLVED, that Craven County, North Carolina does hereby adopt the following declaration (the “Declaration”) of Official Intent to Reimburse.

This Declaration is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2, and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the Official Intent of Craven County, North Carolina (the “Issuer”) with respect to the matters contained herein.

1. **Expenditures to be incurred.** The Issuer has incurred, and in the future will incur, expenditures (the “Expenditures”) to purchase land adjacent to the Craven Regional Airport in Craven County, North Carolina (the “Project”).
2. **Plan of finance.** The issuer intends to finance the cost of the Project with the proceeds of debt to be issued by the Issuer (the “Borrowing”), the interest of which is to be excluded from gross income for federal income tax purposes.
3. **Maximum principle amount of debt to be issued.** The maximum principle amount of the Borrowing to be incurred by Issuer to finance this project is not to exceed \$1,800,000.00.
4. **Declaration of official intent to reimburse.** The issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing, in an amount not to exceed \$1,800,000.00.

Adopted this 2nd day of July, 2007.

REHABILITATION CONTRACT AWARD – FY SCATTERED SITE PROGRAM

A bid opening (rebid) for the rehabilitation of one (1) home in the CDBG-SS program was held on June 14, 2007. Bid packages were received by three (3) contractors; D. Clark & Associates, Strickland Construction and United Building Group. D. Clark & Associates was the recommended contractor.

| | | |
|--|--|------------------------|
| Mary Campbell (owner) 9395 Main Street Vanceboro | D. Clark & Associates Contractor/Low Bidder | Bid Amount \$45,517 |
|--|--|------------------------|

Commissioner Sisk moved to award the contract to the low bidder, D. Clark & Associates, as requested, seconded by Commissioner McCabe and unanimously carried.

PETITIONS OF CITIZENS

The following citizens spoke in opposition to the location of the new Judicial Center on Clarks Road:

1. *Charlie Simmons*
2. *Raymond Simmons*
3. *O'Neal Simmons*

PUBLIC HEARINGS

CARTS Rural Operating Assistance Program Grant

At 7:15 p.m. Commissioner Jones moved to go into public hearing, as advertised, for the Rural Operating Assistance Program (ROAP) Grant Application. Commissioner McCabe seconded the motion, which carried unanimously. CARTS Director, Phyllis Toler, provided for the Board an overview of the ROAP and its requirements. There were no speakers from the public and at 7:17 p.m. Commissioner Sisk moved to close the public hearing, seconded by Commissioner Morris and unanimously carried. Commissioner Allen moved to authorize the grant application for the Rural Operating Assistance Program, seconded by Commissioner Morris and unanimously carried.

Conditional Use Permit

At 7:19 p.m. Commissioner Morris moved to go into public hearing, as advertised, concerning a request for a conditional use permit, seconded by Commissioner McCabe and unanimously carried. Planning Director, Don Baumgardner, provided some detail concerning the location of parcel #7-108-3-006 and intended use of the parcel that would be permitted. There were no speakers from the public and at 7:21 p.m. Commissioner Jones moved to close the public hearing, seconded by Commissioner McCabe and unanimously carried. Commissioner Allen moved to approve the request for a conditional use permit at 1722 Old Airport Road, for use of parcel #7-108-3-006 for a commercial structure to house a gym and storage, seconded by Commissioner Tyson and unanimously carried.

Ordinance Governing the Use of Designated Recreation Areas

At 7:22 p.m. Commissioner Sisk moved to go into public hearing, as advertised, to receive public input on a proposed ordinance to regulate recreational usage at Spring Garden and Cowpen Landings, seconded by Commissioner Morris and unanimously carried. There were no members of the public who wished to speak. At 7:24 p.m. Commissioner Allen moved to close the public hearing, seconded by Commissioner McCabe and unanimously carried. Commissioner Morris moved to adopt the ordinance, with corrections, by deletion of references to swimming in Sections 2C and 3G. His reason for striking those references is because the State controls both aspects of the activity at the ordinance sites. Commissioner Jones seconded the motion to adopt the ordinance, with corrections, and the motion was carried unanimously.

Proposed Off-Premise Sign Ordinance

Planning Director, Don Baumgardner, provided a power point presentation reviewing the development of an ordinance to control signage in the County and he summarized the provisions of the ordinance. At 7:32 p.m. Commissioner Sisk moved to go into public hearing, as advertised, to receive public comment on the proposed ordinance, seconded by Commissioner Morris and unanimously carried. The following citizens spoke:

1. *Mayor John Kirkland of River Bend* spoke in favor of the ordinance, asserting that it embodies a reasonable compromise without being too punitive to the sign industry. He expressed the opinion that controlling signs is a safety issue, as well as an aesthetic one.

2. *Robert Moore representing Patriot Outdoor Signs* spoke stating that the outdoor sign industry had been provided an opportunity for input after the fact but not at the point of crafting the proposed ordinance. He stated that the proposed ordinance would reflect the most restrictive regulations along the Highway 70 Corridor to date.
3. *Mark Odell of Lamar Advertising* stated that 70% of the company's Craven County billboard advertisers are local businesses and 90%, including neighboring county businesses which produce tax revenue for Craven County. He asked that the Board defer enacting the ordinance and study it further. He cited a Virginia Tech research study done in 2004, which indicated that signage, and more specifically changeable copy signage, is not a hazard.
4. *Mark Russell, representing Next Media*, a small advertiser in eastern North Carolina, requested an opportunity to have input by the sign industry.

At 7:41 p.m., there being no additional speakers, Commissioner Sisk moved to close the public hearing, seconded by Commissioner Jones and unanimously carried.

During the discussion among members of the Board, Commissioner Allen objected to the dimension restrictions in the proposed ordinance, stating that the proposed 360 sq. ft. of surface area is not standard. He also asserted that any ordinance being considered should include on-premise signs. Commissioner Morris asked that the Board consider more discussion on animated signs. He suggested that changeable copy signs could ultimately reduce the number of signs by having more than one business advertised at one location. Commissioner Tyson shared this opinion. Commissioner Sisk commented that the Virginia Tech study is not necessarily definitive and recommended that the Board act to limit outdoor signs until better information is available. Commissioner Jones stated his opinion that the signs are a distraction but if they are maintained the distance should be increased between signs. Commissioner Allen inquired if self advertising on billboards is considered a vacant billboard or if it is considered a sign copy billboard. He asked for clarification of these definitions. Planning Consultant, Dale Holland, indicated that it is permissible for billboard owners to advertise their advertising space on the billboards. Commissioner Tyson commented that the most contentious items are the changeable copy signs and the distance between signs. He suggested that the Board keep the distance as suggested in the ordinance and amend it later if necessary. Commissioner Sampson also recommended that the Board consider changes to the ordinance later when the need for additional clarification becomes evident, rather than holding up the document. Commissioner Morris inquired how changeable signage, such as amber alerts, are controlled. Mr. Odell responded that with Lamar Advertising, a system is already in place to incorporate information in concert with local law enforcement.

Mr. Kirkland was allowed to address the Board again and he inquired how much Lamar Advertising charges for advertising amber alerts, hurricane evacuation routes, etc. Mr. Odell responded that this is done on a pro bono basis as community service advertising by Lamar. Mr. Baumgardner advised the Board that the industry is recommending that expandable signs be allowed, but not to exceed ten percent (10%) of the total sign area. He was directed to refine the ordinance and return to the Board, including addressing the following concerns:

- 378 square feet of surface area versus 360 square feet
- Changeable copy/animation definitions
- Itemization of municipalities named in ordinance

At the end of the discussion Mr. Baumgardner was allowed to introduce a request for a standard SR 2 Road Addition Resolution for Crump Woods subdivision. Commissioner Morris moved to approve the resolution, seconded by McCabe and unanimously carried.

ADDITIONS TO AGENDA*Sampson Recognition*

Commissioner Sampson read publicly a plaque that was presented to Mrs. Ethel Sampson on the occasion of her ordination.

Resolution

Commissioner Jones presented a request for the Board's adoption of a resolution from Juvenile Crime Prevention Council directed to Craven County's Legislative Delegation asking the General Assembly to retain the recurring status for selected non-profit agencies in Craven County. Commissioner Jones moved to draft and forward the resolution, seconded by Commissioner Sisk and unanimously carried.

APPOINTMENTS*ABC Board*

The Board received information concerning the expiring term of Jimmy Whitford and was advised that he is eligible to serve an additional term. Commissioner Morris nominated Mr. Whitford for reappointment. There were no additional nominations and Commissioner Tyson moved to close nominations and appoint Mr. Whitford by acclamation, seconded by Commissioner McCabe and unanimously carried.

River Bend Board of Adjustment

Commissioner Sisk moved to approve the recommendation from River Bend that Kelly Forrest be appointed to replace Ralph Kilmer as a full voting extraterritorial member on the River Bend Board of Adjustment, and to seek a replacement for Kelly Forrest as an alternate at a later date. There were no additional nominees and Kelly Forrest was appointed by acclamation.

NCACC Voting Delegate

The Board was asked to name a voting delegate to the NCACC Annual Conference being held in Fayetteville August 16-19. Commissioner Sisk nominated the Chairman to be designated as the voting delegate and Commissioner Allen nominated the Vice Chairman as an alternate. By consensus, these nominees will go forward.

Tax Assessor

The Board was advised of the expiring term of Ronnie Antry as the Craven County Tax Assessor. Commissioner Allen nominated Mr. Antry for another four (4) year term. There were no additional nominees and Mr. Antry was reappointed by acclamation.

COUNTY MANAGER'S REPORT*July 16 Meeting*

Mr. Blizzard advised the Board that the majority of Commissioners will be in attendance at the NACo National Conference at the time of the Board's next regularly scheduled meeting on July 16. He asked that the Board consider either cancelling or rescheduling the meeting. Commissioner Allen moved to cancel the July 16 meeting, seconded by Commissioner Morris and unanimously carried.

Approval of Borrowing Documents

Mr. Blizzard advised the Board that the documents for the 2007-2008 borrowing would need to be approved after July 11 but prior to the Board's next regularly scheduled meeting on August 6, and he asked that the Board consider recessing at the conclusion of business to reconvene at 8:30 a.m. on July 12. Commissioner Allen moved to set a

reconvened meeting, as recommended, at 8:30 a.m. on July 12, seconded by Commissioner Jones and unanimously carried.

COMMISSIONERS' REPORTS

Commissioner Tyson commented on the increase in business at Craven Regional Airport and he noted the appearance of a Craven County citizen, Sgt. Edmundson, on ABC's Person of the Week.

Commissioner Sisk stated that misinformation is still circulating concerning the new Judicial Center and stressed that it will only consist of one building. She also stated that the facility is not originally a 600 bed facility but simply has the capacity to expand to that number. She reminded Commissioners of the River Bend 4th of July Parade at 10:00 a.m. on Wednesday, July 4.

Commissioner McCabe expressed concerns about mosquitoes in his district and stated that he has called the Health Department as a result of many complaints among his constituents.

Commissioner Allen informed the Board that he has been asked to serve on the Public Health Working Group for NACo and the North Carolina Accreditation Board of Directors.

Commissioner Jones recognized and commended the Clarks residents in attendance and he also commended two (2) City of Dover Commissioners who volunteered to help with solid waste collection in order to keep the tax rate down. He urged citizens to leverage their congressional representatives to support passage of the 2007 farm bill.

At 8:45 p.m. Commissioner McCabe moved to recess until 8:30 a.m. on June 12, seconded by Commission Jones and unanimously carried.

Chairman Johnnie Sampson, Jr.
Craven County Board of Commissioners

Gwendolyn M. Bryan
Clerk to the Board