

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, MAY 5, 2008. THE MEETING CONVENED AT 7:00 P.M.

MEMBERS PRESENT:

- Chairman Jason R. Jones
- Vice Chairman Theron McCabe
- Commissioner Lee Kyle Allen
- Commissioner Perry L. Morris
- Commissioner Johnnie Sampson, Jr.
- 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
- Jim Hicks, County Attorney

Following an invocation by Commissioner Sisk and the Pledge of Allegiance, Commissioner Morris moved to approve minutes of the April 21, 2008 regular session, seconded by Commissioner Tyson and unanimously carried.

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 Sampson moved for their approval, seconded by Commissioner Tyson and unanimously carried in a roll call vote.

Credits

| TAXPAYER NAME | TICKET# | AMOUNT |
|--|----------------|---------------|
| ANDERSON, MICHAEL LEE & ANGELA DID NOT OWN 01/01/2007 | 2007-0001198 | \$92.18 |
| BARAKH PROPERTIES LLC CORRECTING APPRAISAL ERROR | 2007-0002600 | \$11.46 |
| BARAKH PROPERTIES LLC CORRECTING APPRAISAL ERROR | 2007-0002599 | \$15.93 |
| BOGGS, DARLENE DID NOT OWN 01/01/2007 | 2007-0005160 | \$89.65 |
| FIRST CAPITAL FINANCIAL SOLUTION NOT IN BUSINESS 01/01/2007 | 2007-0090458 | \$139.91 |
| HUNT, SAMANTHA BILLED AS REAL FOR 2007 | 2007-0090159 | \$390.25 |
| 6 – CREDIT MEMO (S) | | \$739.38 |

Refunds

| | | |
|---|--------------|----------|
| BROWNING, BRENDA DOUBLE BILLED ON SAME ACCT #65207 | 2007-0006917 | \$220.89 |
|---|--------------|----------|

| | | |
|---|----------------|----------|
| GANTT, EDWARD L & AMY R CORRECTING APPRAISAL ERROR | 2007-0019978 | \$335.00 |
| HUNT, SAMANTHA BILLED AS REAL FOR 2007 | 2007-0090159 | \$30.17 |
| WILKINS, RAY & PATSY DOUBLE LISTED ON ACCT #52727 | 2007-0059867 | \$94.89 |
| | 4 – REFUND (S) | \$680.95 |

Budget Amendments

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

Juv. Rest./Non-Dept.

| REVENUES | AMOUNT | EXPENDITURES | AMOUNT |
|--------------------------------------|--------------|--------------------------------------|--------------|
| 101-0564-348-10-00 Comm for Child | \$(1,993.00) | 101-0564-450-91-01 Comm for Child | \$(1,993.00) |
| 565-0000-348-19-00 Juvenile Rest | \$1,993.00 | 565-7500-500-40-47 Juvenile Rest | \$1,993.00 |

Justification: Unused funding from JCPC Administration is being transferred to Juvenile Restitution Bank to pay for restitution earned by juveniles. Approved by Craven JCPC and Jesse Riggs, Eastern Area DJJDP Consultant 4/14/08.

Pass Through

| | | | |
|---|------------|---|------------|
| 101-0564-348-12-00 Psy Serv Ct Ref Yth | \$2,600.00 | 101-0564-450-91-03 Psy Serv Ct Ref Yth | \$2,600.00 |
| 101-0564-348-56-00 Rebound-UCP | \$1,550.00 | 101-0564-450-91-56 Rebound-UCP | \$1,550.00 |
| TOTAL | \$4,150.00 | TOTAL | \$4,150.00 |

Justification: Budget State Juvenile and Delinquency Prevention funds to be passed through Craven to Psychological Services for Court Referred Youth (\$2,600) and Rebound – United Cerebral Palsy (\$1,550).

Jail

| | | | |
|------------------------------------|-------------|-------------------------------|-------------|
| 101-0000-399-01-00 Fund Balance | \$54,776.00 | 101-2008-410-32-08 Medical | \$54,776.00 |
| TOTAL | \$54,776.00 | TOTAL | \$54,776.00 |

Justification: Unexpected medical for inmate whose thumb was bitten off.

EMS/Rescue Squads

| | | | |
|------------------------------------|------------|---------------------------------|----------|
| 101-0000-399-01-00 Fund Balance | \$1,989.00 | 101-2825-410-46-10 Insurance | \$370.00 |
| | | 101-2827-410-46-10 Insurance | \$379.00 |
| | | 101-2828-410-46-10 Insurance | \$564.00 |

| | | | |
|-------|------------|--------------------|------------|
| | | 101-2829-410-46-10 | \$100.00 |
| | | Insurance | |
| | | 101-2830-410-46-10 | \$303.00 |
| | | Insurance | |
| | | 101-2831-410-46-10 | \$273.00 |
| | | Insurance | |
| TOTAL | \$1,989.00 | TOTAL | \$1,989.00 |

Justification: To Cover shortage of VFIS of North Carolina A & SC (General Insurance) Renewal Policy for Rescue Squads dated 3/14/08.

Transportation (CARTS)

| | | | |
|---------------------------------|-----------|-------------------------|-----------|
| 101-7002-348-04-00 | \$(9,000) | 101-7001-450-31-01 | \$(9,000) |
| Home Community Care Block Grant | | Regular Vehicle Expense | |
| TOTAL | \$(9,000) | TOTAL | \$(9,000) |

Justification: HCCBG funds will not be utilized for transportation services.

Fire Departments

| | | | |
|--------------------|----------|--------------------|----------|
| 240-0000-399-00-00 | \$43.00 | 240-2900-410-46-00 | \$43.00 |
| Fund Balance | | Insurance | |
| 241-0000-399-00-00 | \$43.00 | 241-2900-410-46-00 | \$43.00 |
| Fund Balance | | Insurance | |
| 242-0000-399-00-00 | \$43.00 | 242-2900-410-46-00 | \$43.00 |
| Fund Balance | | Insurance | |
| 243-0000-399-00-00 | \$43.00 | 243-2900-410-46-00 | \$43.00 |
| Fund Balance | | Insurance | |
| 245-0000-399-00-00 | \$42.00 | 245-2900-410-46-00 | \$42.00 |
| Fund Balance | | Insurance | |
| 246-0000-399-00-00 | \$42.00 | 246-2900-410-46-00 | \$42.00 |
| Fund Balance | | Insurance | |
| 247-0000-399-00-00 | \$42.00 | 247-2900-410-46-00 | \$42.00 |
| Fund Balance | | Insurance | |
| 248-0000-399-00-00 | \$43.00 | 248-2900-410-46-00 | \$43.00 |
| Fund Balance | | Insurance | |
| 249-0000-399-00-00 | \$43.00 | 249-2900-410-46-00 | \$43.00 |
| Fund Balance | | Insurance | |
| TOTAL | \$384.00 | TOTAL | \$384.00 |

Justification: To cover shortage of VFIS of North Carolina for A & SC (General Insurance) Renewal Policy dated 3/14/08 for Fire Departments.

Request to Set Public Hearing – CDBG Application

Craven County Planning Director, Don Baumgardner, requested that a public hearing be set for May 19, 2008 at 8:30 a.m. regarding the FY 08 CDBG application for funding. Commissioner Sampson moved to set a public hearing for May 19, 2008 at 8:30 a.m., as requested, seconded by Commissioner Tyson and unanimously carried in a roll call vote.

Request to Set Public Hearing – FY 06 Closeout Program

The Planning Department requested that a public hearing be set for May 19, 2008 at 8:30 a.m. to hear a report on the Scattered Site Housing Grant program accomplishments and budget. Commissioner Sampson moved to set a public hearing for May 19, 2008 at 8:30 a.m., seconded by Commissioner Tyson 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 Sampson moved for their approval, seconded by Commissioner Tyson and unanimously carried in a roll call vote.

Spikes Subdivision – Reapproval for a Final: The property, owned by Elizabeth Payton and surveyed by Atlantic Survey & Design is located within Twp. 9 off of SR 1423 (SW Craven Middle School Road). The subdivision contains 2 lots on 2.033 acres and is proposed to be served by community water and individual septic systems.

Johnny Godley & Tina Godley (David Sawyer) Division – Final: The property, owned by Johnny & Tina Godley and surveyed by Kendall Gaskins is located within Twp. 2 off of Jimmys Road. The subdivision contains 1 lot on 2.44 acres and is proposed to be served by community water and an individual septic system.

PETITIONS OF CITIZENS

Larry Baldwin spoke to the Board concerning the proposed Stormwater Rules. He expressed the opinion that the Board's resolution opposing the new Stormwater Rules, which was adopted in October of 2007, was premature because it was adopted prior to the Board's hearing a full presentation on the rules, which occurred at its regular session on April 21, 2008.

Charles Simmons spoke in opposition to the siting of the new Judicial Center, and urged that the Board reconsider the location.

7:00 P.M. PUBLIC HEARING – FLOOD DAMAGE PREVENTION ORDINANCE

At 7:14 p.m. Commissioner Morris moved to go into public hearing, as advertised, to receive public comment on updating panel 5620 of the Flood Damage Prevention Ordinance. Commissioner McCabe seconded the motion, which carried unanimously. There were no speakers from the public and at 7:15 p.m. Commissioner Sampson moved to close the public hearing, seconded by Commissioner Morris and unanimously carried. Commissioner Sisk moved to adopt panel 5620, updating the Flood Damage Prevention Ordinance to reflect the dates of the new Flood Insurance Rate Maps for this panel which exists in Pitt County, with a small portion of the map area within Craven County. Commissioner Morris seconded the motion, which carried unanimously.

CRAVEN COMMUNITY COLLEGE BUDGET PRESENTATION

Don Brinkley, Chairman of the Finance Committee of the Craven Community College Board of Trustees, presented the proposed budget for FY 2008-2009. He highlighted the increases in the proposed budget, as follows:

- A 4% increase in the cost of utilities for 9 months remaining
- Salary and benefits increase of \$70,000, to include a 5% salary increase estimate and 2 new custodians
- One new security position for \$30,000 to provide security in the 2 new buildings.
- Supplies and materials - \$10,000
- Increase in staff supplements by \$200-\$500
- Capital Outlay of \$50,000 to include cost for a parking lot which is currently under construction, mobile classroom for Havelock Campus and refitting light fixtures for energy efficiency

CRAVEN COUNTY SCHOOLS BUDGET PRESENTATION

David Clifton presented the proposed school's budget for FY 2008-2009 and highlighted the following impacts to the budget:

- A 5% increase for certified personnel
- A 4% increase for non-certified and clerical personnel

- A 7.96% increase in retirement benefits
- Conversion of supplement from a flat rate to a percentage of salary at 6%, totaling \$963,000
- \$2,000 in maintenance technology
- \$150,000 for replacement of classroom computers that are greater than five years old
- A 5% increase in electrical and mechanical expenses, totaling \$156,040
- Text books

The total increase in the current expense budget is \$2,155,940.00, reflecting a 9.2% increase. The total increase in revenue being requested of the County is \$2,455,940.00.

AIRPORT MATTERS

Jim Creech, Chairman of the Craven Regional Airport Authority, presented the Authority's request that the Board of Commissioners support a petition for authorization of a name change. The Airport Authority proposes to change the name of Craven Regional Airport to Coastal Carolina Regional Airport, with the tagline "Gateway to the Crystal Coast". The airport serves a broader area than New Bern and Craven County; therefore, the Airport Authority believes that identifying the airport with the broader scope of service will enhance its marketing strategies.

The airport Authority wishes to petition Craven County's legislative delegation for introduction of local legislation which will provide for the proposed name change, and for the addition of three (3) non-voting ex officio members, one each from Carteret, Jones and Pamlico Counties. Commissioner Allen moved to approve the request to petition the legislative delegation for introduction of local legislation in the upcoming session, which would authorize these changes. Commissioner Sampson seconded the motion, which carried unanimously.

During discussion, Commissioner Jones stated for the record that he had originally been skeptical to rush into supporting the request; however, he decided to go along with the desires of the other commissioners.

APPOINTMENTS

Havelock Planning Board

The Board was advised that the term of Marion Sykes, serving as an extraterritorial jurisdiction member of the Havelock Planning Board, will expire. The City of Havelock requested that he be considered for reappointment. Commissioner Allen nominated Mr. Sykes for reappointment, and there being no additional nominees, Marion Sykes was reappointed by acclamation.

Havelock Board of Adjustment

The Board received a request from the City of Havelock for reappointment of Tom McCarthy as an extraterritorial jurisdiction member, and Kathy Ziegler as an alternate. Commissioner Allen nominated Mr. McCarthy and Ms. Ziegler for reappointment. Commissioner McCabe moved to defer these appointments until the Board's next meeting. Commissioner Sampson seconded the motion, which carried with six (6) "ayes", there being one (1) "nay" from Commissioner Allen. Commissioner McCabe stated that he would like to research the location of Alvin West's residence relative to the ETJ area.

COUNTY ATTORNEY'S REPORT

Craven County V. Coastal Electronics

County Attorney, Jim Hicks, provided the Board an update on Craven County's lawsuit against Coastal Electronics. He stated that the lawsuit was based upon failure of Coastal Electronics to perform services and to provide property paid for in advance by Craven County. The amount of the County's payment was \$49,488.35, which was included in

the claim, along with a claim for unfair and deceptive trade practices. He advised the Board that on April 15, 2008 a judgment had been entered against Coastal Electronics and damages awarded in the amount of \$149,965.05, including attorney’s fees.

Offer to Purchase from Craven County a Portion of Lot 967 Pembroke Subdivision

Mr. Hicks advised the Board of an offer to purchase a 25’x100’ portion of lot 967 in the Pembroke Subdivision, which was acquired by the County under tax foreclosure. John Burt, owner of the adjacent lot, wishes to purchase the parcel. The offer, in the amount of \$1,050, reflects the current tax value; however, the amount of taxes due plus costs at foreclosure was \$1,319.97. Mr. Hicks advised the Board of its options under NCGS Section 160A-269, which is a process requiring public notice that the County has received the offer and intends to accept, pending an opportunity for upset bids. He recommended the upset bid process if the County wishes to dispose of the property, with a minimum offer of \$1,319.97, reflecting the taxes and fees owed. Commissioner Morris moved to allow the County Attorney to proceed with his recommended process, seconded by Commissioner Tyson and unanimously carried.

COUNTY MANAGER’S REPORT

County Manager, Harold Blizzard, presented the following resolution, which was amended since its presentation to the Board at its last meeting. Commissioner Tyson moved for adoption of the foregoing resolution, seconded by Commissioner Morris and unanimously carried.

**CRAVEN COUNTY
BOARD OF COMMISSIONERS
SECONDARY ROAD PROGRAM**

WHEREAS, the NC General Assembly passed House Bill 1513 during the 2007 session; and

WHEREAS, HB 1513 allows counties to “voluntarily” participate in the costs of transportation projects; and

WHEREAS, the 21st Century Transportation Committee and the Transportation Oversight Committee are considering a2 eliminating the state’s Secondary Roads Program; and

WHEREAS, eliminating the state’s Secondary Roads Program could force counties to maintain and pave secondary roads.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CRAVEN COUNTY THAT:

1. It strongly opposes any efforts by the General Assembly or NCDOT to shift any transportation costs formerly paid by the State to the counties.
2. It strongly opposes any efforts by the General Assembly to appropriate local revenues whether property tax, sales tax, or any other local revenue for State transportation programs or any other State programs.
3. It strongly urges all counties to be fully aware and concerned that any invitation to participate in discussions of transportation needs may lead to an indirect appropriation of local funds.
4. It strongly urges all counties to contact the NC Association of County Commissioners and direct it to oppose any efforts to transfer the funding of any State programs to counties.
5. That a copy of this resolution be sent to each county in the State.
6. That copies of this resolution are sent to Craven County’s representatives in the NC General Assembly along with each and every commissioner’s heartfelt concern about the transfer of this and future state costs to counties.

ADOPTED this the 5th day of May, 2008.

Emergency Services Request

Mr. Blizzard presented a request that the Emergency Services Department be authorized to receive \$8,463 in a State Emergency Services grant budget amendment. The proposed use for the funds would be the purchase of a new trailer stocked with cots, as well other materials. Commissioner Morris moved to approve the request and the following budget amendment, seconded by Commissioner McCabe and unanimously carried in a roll call vote.

EMS

| | | | |
|--------------------|-------------------|-------------------------|-------------------|
| 101-2301-349-36-00 | \$8,463.00 | 101-2301-410-73-21 | \$8,463.00 |
| EMS State | | C/O 4-less than \$5,000 | |
| TOTAL | \$8,463.00 | TOTAL | \$8,463.00 |

Justification: Budget supplemental State funds to cover cost of a trailer and other less than \$5,000 capital items.

Ervin T. Rouse Marker

Mr. Blizzard advised the Board that the State marker for the intersection of US Hwy 55 and Wintergreen Road, denoting the birthplace of Ervin T. Rouse, is ready to be erected and proposed two dates for the celebration. By consensus, the Board established that the date for holding the ceremony is June 28, 2008 at 10:00 a.m.

COMMISSIONERS' REPORTS

Commissioner Morris reported on the success of the Strawberry Festival in Vanceboro. He commented on numerous emails that were received following the public hearing that was held on April 7 concerning proposed amendments to Craven County's Animal Control Ordinance. He stated that many of the correspondents indicated that Commissioner Sisk was the only Commissioner who opposed the amendment. He noted that there were several Commissioners who opposed the amendment and that there was no action taken on the proposal.

Commissioner Sisk expressed concern about the heavily wooded area surrounding West Craven Park and inquired if there is anything being done to control hunting in the area. Chairman Jones indicated that he shared that concern and already addressed it with the Parks and Recreation Advisory Board.

Commissioner Sampson reported on his attendance at the 112th birthday party of Ms. Melinda Harris. He also reported that the Second Chance Act, HB 1593, has been passed and signed by President Bush. He also asked constituents to continue to bring pressure to bear on elected officials relative to the rising gas prices.

Commissioner Allen announced that he had made a comment at the last meeting that was misunderstood and misreported by the *Sun Journal*. He thanked Ms. Mayo of the *Sun Journal* for clarifying his comment concerning the 30 foot easement at the Sheraton. He cautioned citizens who make contracts for home repairs and urged them to be sure to get references prior to contracting for home improvement work.

Commissioner McCabe indicated that his requests of DOT for road work in his district are being addressed slowly.

Commissioner Jones advised that discussion is continuing concerning the redesignation of Old Highway 70 as US 70 A in the western part of the County. County Attorney, Jim Hicks, indicated that, according to his research, all local governments whose jurisdictions lie along the corridor, would also have to pass a resolution. This would involve Craven and Jones Counties, as well as the municipalities of Dover and Cove City. He also stated

that it could involve New Bern depending upon where the alternate route would rejoin US 70. He cautioned that redesignation of the road would involve address changes for residents along the road who are outside of corporate limits. The Board reached consensus to consider a resolution and scheduling of a public hearing on the matter at its next meeting.

Chairman Jones announced the groundbreaking of the Cove City Sewer project at 1:00 p.m. on May 7.

At 8:35 p.m. Commissioner McCabe moved to go into closed session pursuant to NCGS 143-318.11(a)(3) for discussion under attorney/client privilege. Commissioner Morris seconded the motion, which carried unanimously.

At 9:00 p.m. the Board returned to regular session. Mr. Hicks announced his opinion that the County has no ownership interest in the thirty foot walkway around the Convention Center and extending to the Sheraton. He stated that some conveyance documents seemed initially contradictory relative to the section of the walkway around the Convention Center, but do not seem to imply any uncertainty regarding the area between the Convention Center and the Sheraton and beyond, including any area where the marina is located.

At 9:05 p.m. Commissioner Sisk moved to adjourn, seconded by Commissioner Morris and unanimously carried.

Chairman Jason R. Jones
Craven County Board of Commissioners

Gwendolyn M. Bryan
Clerk to the Board