

**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 7, 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 Sampson and the Pledge of Allegiance, Commissioner Sampson moved to approve the minutes of June 4, 2008 reconvened session and June 16, 2008 regular session, seconded by Commissioner McCabe and unanimously carried.

**CONSENT AGENDA**

*Mileage Reimbursement Rate*

Due to the increase in gas prices, the Board was requested to adjust the mileage reimbursement rate from 50.5 cents to 58.5 cents per mile effective July 1, 2008. This adjustment is in accordance with the mid-year adjustment made by the Internal Revenue Service. Commissioner McCabe moved to adjust the mileage reimbursement rate from 50.5 cents to 58.5 cents per mile effective July 1, 2008, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

*Time-Warner Spin-Off Resolution*

The Board was requested to consider and adopt the following resolution from Time Warner Cable advising Craven County of its plans to separate Time Warner Cable from TWX in order that Time Warner Cable stock may be publicly traded. Commissioner McCabe moved to adopt the following resolution, as requested, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

**A RESOLUTION PROVIDING APPROVAL FOR THE SPIN-OFF OF TIME WARNER CABLE INC.**

**WHEREAS**, Craven County, North Carolina ("Franchising Authority") has granted a cable television franchise (the "Franchise") to an entity (the "Franchisee") which is a subsidiary or affiliate of Time Warner Cable Inc. ("Time Warner Cable"); and

**WHEREAS**, Time Warner Cable is a publicly-traded corporation, with approximately 84% of its current stock currently held indirectly by Time Warner Inc; and

**WHEREAS**, Time Warner Cable and Time Warner Inc. have entered into an agreement to effect a complete separation of Time Warner Cable from Time Warner Inc. (the "Spin-Off"); and

**WHEREAS**, upon closing of the Spin-Off, one hundred percent (100%) of the stock of Time Warner Cable will be publicly traded; and

**WHEREAS,** Time Warner Cable and Time Warner Inc. have filed FCC Form 394 providing details regarding the Spin-Off; and

**WHEREAS,** the Franchising Authority wishes to grant its approval for the Spin-Off as described above.

**NOW, THEREFORE, BE IT RESOLVED BY FRANCHISING AUTHORITY:**

- Section 1. The Franchising Authority hereby approves the Spin-Off.
- Section 2. Upon the closing of the Spin-Off, the Franchisee shall remain bound by the obligations under the Franchise.
- Section 3. This resolution shall become effective immediately upon passage by the Franchising Authority.

Passed, Adopted and Approved this 7<sup>th</sup> day of July, 2008.

*Tax Releases and Refunds*

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

*Credits*

| <b>TAXPAYER NAME</b>                                      | <b>TICKET #</b> | <b>AMOUNT</b> |
|---|-----------------|---------------|
| CARILLO, JOSE CRUZ<br>DID NOT OWN 01/01/2007              | 2007-0008590    | \$47.86       |
| CHOMAC INC.<br>NOT IN BUSINESS 01/01/2004                 | 2004-0090477    | \$150.16      |
| CHOMAC INC.<br>NOT IN BUSINESS 01/01/2005                 | 2005-0009642    | \$146.83      |
| CHOMAC INC.<br>NOT IN BUSINESS 01/01/2006                 | 2006-0090246    | \$141.22      |
| CHOMAC INC.<br>NOT IN BUSINESS 01/01/2007                 | 2007-0090316    | \$130.18      |
| COPELAN, NOEL L<br>DID NOT OWN 01/01/2007                 | 2007-0011747    | \$17.44       |
| CROWN GROUP INVESTMENTS<br>DOUBLE LISTED WITH ACCT #53270 | 2007-0012911    | \$10.54       |
| DETERS, WESLEY R<br>VACANT PROPERTY                       | 2007-0014630    | \$38.34       |
| EASTERN CAR CUST CABINE<br>NOT IN BUSINESS 0/01/2007      | 2007-0090424    | \$186.54      |
| FOTOS & FONTS<br>NOT IN BUSINESS 01/01/2007               | 2007-0090466    | \$373.14      |
| GI-DARE CORPORATION<br>NOT IN BUSINESS 01/01/2007         | 2007-0090494    | \$322.18      |

|  |                    |            |
|--|--------------------|------------|
| HAIGHT, KEITH RICHARD JR<br>NOT LOCATED IN CRAVEN CO 01-01-06              | 2006-0022575       | \$105.15   |
| HAIGHT, KEITH RICHARD JR<br>NOT LOCATED IN CRAVEN CO 01/01/2007            | 2007-0023253       | \$96.99    |
| HARREL, BRADLEY BEAUMAN<br>MILITARY-HIS NAME ONLY 08 LES-SC ECC-12/20/2010 | 2007-0024297       | \$200.67   |
| HARVEY, BERTHA B<br>NOT IN BUSINESS 01/01/2007                             | 2007-0090537       | \$14.54    |
| HILE, ELIZABETH<br>INCORRECT SITUS-SHOULD BE JOHNSTON COUNTY               | 2007-0026058       | \$116.37   |
| IRELAND, LENWOOD B<br>VALUE ADJUSTED PER BILL OF SALE                      | 2007-0091470       | \$850.89   |
| KUFFNER, RALPH J & MARY H<br>DID NOT OWN 01/01/2007                        | 2007-0031997       | \$124.14   |
| LSOF NEW BERN LLC<br>NOT IN BUSINESS 01/01/2007                            | 2007-0090652       | \$721.74   |
| MCDANIEL, CHARLES AARON<br>MILITARY-HIS NAME ONLY 08 LES-PA                | 2007-0036597       | \$108.97   |
| MOORE, BEVERLY JO<br>DOUBLE LISTED ON ACCT #297625                         | 2008-0090087       | \$567.31   |
| MORRIS, ROGER<br>DID NOT OWN 01/01/2007                                    | 2007-0039735       | \$59.62    |
| MORRIS, ROGER<br>DID NOT OWN 01/01/2006                                    | 2006-0091241       | \$61.31    |
| NC DEPT OF TRANSPORTATION<br>VACANT PROPERTY                               | 2007-0040372       | \$38.34    |
| SEBALD, SEAN R<br>NOT LOCATED IN CRAVEN CO 01/01/2007                      | 2007-0091519       | \$280.22   |
| TWIN RIVERS ACOUSTICS LLC<br>NOT IN BUSINESS 01/01/2007                    | 2007-0090954       | \$74.66    |
| WATSON, BRADLEY A<br>DID NOT OWN 01/01/2007                                | 2007-0057587       | \$20.43    |
|  | 27 -CREDIT MEMO(S) | \$5,005.78 |
| <b><i>Refund</i></b>   |                    |            |
| MILANI, JAMES T<br>VALUE ADJUSTED PER BILL OF SALE                         | 2007-0091498       | \$141.96   |
|  | 1 - REFUND(S)      | \$141.96   |

*Subdivisions for Approval*

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

Jeff Bierly Division – Final: The property, owned by Jack D. and Mary Cosgrove and surveyed by Suitt & Associates, is located within Twp. 9 off of SR 1230 (Rollover Creek Road). The subdivision contains 1 lot on 1.21 acres and is proposed to be served by community water and an individual septic system.

Delmas G. Atwell, Jr. Division – Final: The property, owned by Delmas G. Atwell, Sr. and surveyed by Gaskins Land Surveying, is located within Twp. 2 off of SR 1620 (Morgan Swamp Road). The subdivision contains 1 lot on 1.84 acres and is proposed to be served by community water and an individual septic system.

Mark B. and Stephanie T. Nobles Division: Reapproval for Final: The property, owned by Mark B. and Stephanie T. Nobles and surveyed by Kendall Gaskins, is located within Twp. 1 off of SR 1444 (Piney Neck Road). The subdivision contains 1 lot on 5.13 acres and is proposed to be served by community water and an individual septic system.

*Budget Amendments*

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

**CARTS – Multiple**

| <b>REVENUES</b>                      | <b>AMOUNT</b>      | <b>EXPENDITURES</b>            | <b>AMOUNT</b>      |
|--------------------------------------|--------------------|--------------------------------|--------------------|
| 101-7024-329-00-00<br>Interest       | \$575.00           | 101-7024-450-39-25<br>Co Trans | \$575.00           |
| 101-7024-348-21-00<br>Pamlico County | \$30,000.00        | 101-7024-450-39-25<br>Co Trans | \$30,000.00        |
| 101-7026-329-00-00<br>Interest       | \$810.00           | 101-7026-450-39-25<br>Co Trans | \$810.00           |
| <b>TOTAL</b>                         | <b>\$31,385.00</b> | <b>TOTAL</b>                   | <b>\$31,385.00</b> |

**Justification:** Pamlico County notified CARTS on 06-30-08 that they had an excess amount of EDTAP funds in the amount of \$30,000 which Craven can use. We are also budgeting interest for FY 2008 to spend so it will not have to return to the State.

**Sheriff**

|                                    |                    |                           |                    |
|------------------------------------|--------------------|---------------------------|--------------------|
| 101-0000-399-01-00<br>Fund Balance | \$20,637.00        | 101-2001-410-73-01<br>C/O | \$20,637.00        |
| <b>TOTAL</b>                       | <b>\$20,637.00</b> | <b>TOTAL</b>              | <b>\$20,637.00</b> |

**Justification:** Insurance Reim for wrecked vehicle being carried over to FY 2009 to purchase replacement vehicle.

**Criminal Justice Partnership Program**

|                             |             |                                |            |
|-----------------------------|-------------|--------------------------------|------------|
| 101-2201-348-54-00<br>State | \$96,817.00 | 101-2201-410-21-00<br>Rents    | \$7,740.00 |
|                             |             | 101-2201-410-22-0<br>Telephone | \$1,366.00 |
|                             |             | 101-2201-410-23-0              | \$2,250.00 |

|       |             |                    |             |
|-------|-------------|--------------------|-------------|
|       |             | Utilities          |             |
|       |             | 101-2201-410-32-01 | \$1,203.00  |
|       |             | Office Supplies    |             |
|       |             | 101-2201-410-40-0  | \$84,258.00 |
|       |             | Contractual Ser    |             |
| TOTAL | \$96,817.00 | TOTAL              | \$96,817.00 |

**Justification:** Criminal Justice Partnership Program has been approved at the same funding as 2008 pending final determination.

**Transportation (CARTS)**

|                             |            |                     |            |
|-----------------------------|------------|---------------------|------------|
| 101-7002-348-34-00          | \$1,962.00 | 101-7001-450-31-01  | \$1,962.00 |
| HCCBG Transport-State Grant |            | Regular Vehicle Exp |            |
| TOTAL                       | \$1,962.00 | TOTAL               | \$1,962.00 |

**Justification:** Approved HCCBG Grant amount higher than original projection.

**Transportation-Grant**

|                                 |             |                              |             |
|---------------------------------|-------------|------------------------------|-------------|
| 101-7024-348-21-00              | \$889.00    | 101-7024-45-39-25            | \$889.00    |
| State Grant/EHTAP               |             | SSP/CO System Transportation |             |
| 101-7026-348-26-00              | \$16,263.00 | 101-7026-450-39-25           | \$16,263.00 |
| State Grant/Craven (RGP) Gen Tr |             | SSP/CO System Transportation |             |
| 101-7023-348-34-00              | \$24,939.00 | 101-7026-450-39-50           | \$29,939.00 |
| State Grant/Jones (RGP)         |             | SSP/Jones County             |             |
| 101-7026-348-43-00              | \$25,884.00 | 101-7026-450-39-51           | \$25,884.00 |
| State Grant/Pamlico (RGP)       |             | SSP/Pamlico County           |             |
| 101-7028-348-11-00              | \$12,563.00 | 101-7028-450-39-25           | \$12,563.00 |
| State Rev/DOT Trans/WF (EMP)    |             | SSP/CO System Transportation |             |
| 101-7028-348-34-00              | \$2,248.00  | 101-7028-450-39-50           | \$2,248.00  |
| State Grant/Jones Co (EMP)      |             | SSP/Jones County             |             |
| 101-7028-348-43-00              | \$4,073.00  | 101-7028-450-39-51           | \$4,073.00  |
| State Grant/Pamlico Co (EMP)    |             | SSP/Pamlico County           |             |
| TOTAL                           | \$86,859.00 | TOTAL                        | \$86,859.00 |

**Justification:** FY 2009 ROAD available funds adjusted to reflect budget request.

**Transportation – CARTS**

|                                   |             |                          |              |
|-----------------------------------|-------------|--------------------------|--------------|
| 101-7002-368-02-00                | \$889.00    | 101-7001-450-25-00       | \$500.00     |
| Inter Dept/Elderly Handicap       |             | Travel Training Exp      |              |
| 101-7002-369-13-00                | \$16,263.00 | 101-7001-450-31-01       | \$128,002.00 |
| Inter Dept/General Publ Craven    |             | Regular Vehicle Exp      |              |
| 101-7002-368-14-00                | \$24,939.00 | 101-7001-450-32-01       | \$500.00     |
| Inter Dept/General Public Jones   |             | Office Supplies          |              |
| 101-7002-368-15-00                | \$25,884.00 | 101-7001-450-32-02       | \$500.00     |
| Inter Dept/General Public Pamlico |             | Data Processing Supplies |              |
| 101-7002-368-28-00                | \$12,563.00 | 101-7001-450-35-02       | \$500.00     |
| Inter Dept/Craven Employment      |             | Uniform Purchase         |              |
| 101-7002-369-33-00                | \$2,248.00  | 101-7001-450-40-00       | \$1,000.00   |
| Fees-InterGovt/Jones Employment   |             | Contract Services        |              |
| 101-7002-369-38-00                | \$4,073.00  | 101-7001-450-20-00       | \$200.00     |
| Fees-Intergovt/Pamlico Employment |             | Postal Exp               |              |
| 101-7002-369-50-0                 | \$21,890.00 |                          |              |
| Fees Intergovt/EHTAP Jones        |             |                          |              |
| 101-7002-369-51-0                 | \$22,453.00 |                          |              |
| Fees Intergovt/EHTAP-Pamlico      |             |                          |              |

|       |              |       |              |
|-------|--------------|-------|--------------|
| TOTAL | \$131,202.00 | TOTAL | \$131,202.00 |
|-------|--------------|-------|--------------|

**Justification:** FY 2009 ROAP funds increased due to continued supplemental funding.

**DSS 7201 Admin**

|                    |             |                      |             |
|--------------------|-------------|----------------------|-------------|
| 101-0000-399-01-00 | \$12,500.00 | 101-7201-450-40-50   | \$12,500.00 |
| Fund Balance       |             | Contractual Employee |             |
| TOTAL              | \$12,500.00 | TOTAL                | \$12,500.00 |

**Justification:** Roll forward unspent funds received from the Special Adoption fund. Total received was \$36,500. Of this amount, \$24,000 was to fund the additional hours for the part time attorney for fiscal year 08/09. The remaining \$12,500 will fund a social worker through Vanguard to finalize foster children that are cleared for adoption.

**DSS 7231 TANF**

|                    |            |                    |            |
|--------------------|------------|--------------------|------------|
| 101-7231-349-11-00 | \$5,500.00 | 101-7231-450-39-18 | \$5,500.00 |
| Trans-WK First     |            | DOT Transportation |            |
| TOTAL              | \$5,500.00 | TOTAL              | \$5,500.00 |

**Justification:** Funds from Dept of Transportation, Rural Operating Assistance Program (ROAP), originally thought to be unavailable to the Dept of Social Services for Fiscal Year 2008-2009. There is no County match.

**Recreation**

|                     |             |                    |             |
|---------------------|-------------|--------------------|-------------|
| 371-0000-399-01-00  | \$18,650.00 | 371-0571-400-97-01 | \$18,650.00 |
| Fund Balance        |             | To Genl Fd         |             |
| 101-8001-366-07-00  | \$18,650.00 | 101-8001-460-73-02 | \$18,650.00 |
| From Reserve Fd 371 |             | Other Imp          |             |

JOURNAL ENTRY

|                    |             |                     |             |
|--------------------|-------------|---------------------|-------------|
| 371-0571-400-97-01 | \$18,650.00 | 371-0000-101-00-00  | \$18,650.00 |
| Recreation         |             | Cash                |             |
| 101-0000-101-00-00 | \$18,650.00 | 101-8001-366-07-00  | \$18,650.00 |
| Cash               |             | From Reserve Fd 371 |             |

Reserve to General Fd for Recreation

**Justification:** Carryover of funds from prior year for restroom/concession building.

**Recreation**

|                     |             |                    |             |
|---------------------|-------------|--------------------|-------------|
| 371-0000-399-01-00  | \$20,000.00 | 371-0571-400-97-01 | \$20,000.00 |
| Fund Balance        |             | To Genl Fd         |             |
| 101-8001-366-07-00  | \$20,000.00 | 101-8001-460-73-02 | \$20,000.00 |
| From Reserve fd 371 |             | Other Imp          |             |

JOURNAL ENTRY

|                      |             |                     |             |
|----------------------|-------------|---------------------|-------------|
| 371-0571-400-97-01   | \$20,000.00 | 371-0000-101-00-00  | \$20,000.00 |
| To Fd 101 Recreation |             | Cash                |             |
| 101-0000-101-00-00   |             | 101-8001-366-07-00  | \$20,000.00 |
| Cash                 |             | From Reserve Fd 371 |             |

**Justification:** Grading seeding project projected \$80,000.00.

**Cooperative Ext-VAD**

|                    |                   |                    |                   |
|--------------------|-------------------|--------------------|-------------------|
| 101-4204-348-27-00 | \$6,195.00        | 101-4204-420-22-00 | \$420.00          |
| NC State           |                   | Postage            |                   |
|                    |                   | 101-4204-420-24-0  | \$1,500.00        |
|                    |                   | Meeting Exp        |                   |
|                    |                   | 101-4204-420-32-30 | \$3,500.00        |
|                    |                   | Signs              |                   |
|                    |                   | 101-4204-420-32-40 | \$775.00          |
|                    |                   | Other Supplies     |                   |
| <b>TOTAL</b>       | <b>\$6,195.00</b> | <b>TOTAL</b>       | <b>\$6,195.00</b> |

**Justification:** Budget State grant for Voluntary Agricultural District(VAD).

**Reserve/Info Tech**

|                      |             |                    |             |
|----------------------|-------------|--------------------|-------------|
| 371-0000-399-01-00   | \$71,946.00 | 371-0571-400-97-01 | \$71,946.00 |
| Fund Balance         |             | To Genl Fd         |             |
| 101-0401-366-07-00   | \$71,946.00 | 101-0401-400-73-02 | \$71,946.00 |
| From Reserve         |             | Other Imp-Fiber    |             |
| <b>JOURNAL ENTRY</b> |             |                    |             |
| 371-0571-400-97-01   | \$71,946.00 | 371-0000-101-00-00 | \$71,946.00 |
| To Genl Fund         |             | Cash               |             |
| 101-0000-101-00-00   | \$71,946.00 | 101-0401-366-07-00 | \$71,946.00 |

**Justification:** Additional fiber connections.

*Request to Set Public Hearing*

A second public hearing was requested for August 4, 2008 at 7:00 p.m. to hear comments regarding the FY 08 CDBG application for funding. Commissioner McCabe moved to set the public hearing, as requested, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

**PUBLIC HEARING – 7:00 P.M. – ON CONDITIONAL USE PERMIT**

Planning Director, Don Baumgardner, presented the request for a conditional use permit on behalf of Gary Garera at 115 Justin Drive, Lot 8 Bernwood Commercial Phase IV. He explained that the proposed use is for a commercial building available for rental. At 7:05 p.m. Commissioner Sampson moved to go into public hearing, as advertised, seconded by Commissioner McCabe and unanimously carried. There were no speakers from the public and at 7:07 p.m. Commissioner Sampson moved to close the public hearing, seconded by Commissioner McCabe and unanimously carried. Commissioner Sisk moved to approve the requested conditional use permit, seconded by Commissioner Morris and unanimously carried.

**PUBLIC HEARING – 7:00 P.M. – ON NEUSE HARBOUR PRELIMINARY ASSESSMENT RESOLUTION**

County Attorney, Jim Hicks, explained that the public hearing is the next step in the process to fund road improvements in Neuse Harbour Subdivision Phase II and assess residents. He stated that the purpose of the public hearing is to receive comments from citizens that would be affected by the assessment. At 7:08 p.m. Commissioner Sampson moved to go into public hearing, seconded by Commissioner Tyson and unanimously carried. The speakers were as follows:

1. *Mr. Rod Capshaw*, President of the Neuse Harbour Homeowners’s Association, spoke to endorse the resolution, which he stated was

overwhelmingly endorsed by the residents of Neuse Harbour Phase II, who would be affected by the assessment.

There were no additional speakers, and at 7:10 p.m. Commissioner McCabe moved to close the public hearing, seconded by Commissioner Morris and unanimously carried. Commissioner Tyson inquired how long it would take after the preparatory work is done for the roads in the subdivision to be added to the state system. Ms. Bunting indicated that the Department of Transportation and the contractor are ready to move forward as soon as the Board approves the final assessment resolution. County Manager, Harold Blizzard, stated that it would not likely be approximately 2-3 months. Commissioner Sisk moved to adopt a final assessment resolution, as follows, seconded by Commissioner Tyson and unanimously carried.

### **FINAL ASSESSMENT RESOLUTION**

#### **CRAVEN COUNTY BOARD OF COMMISSIONERS SPECIAL ASSESSMENTS-IMPROVEMENTS TO SUBDIVISION ROADS**

#### **NEUSE HARBOR PHASE TWO SUBDIVISION**

**WHEREAS**, Craven County is authorized pursuant to N.C. Gen. Stat. §153A-185(4) to make special assessments against benefited property within the County for all or part of the cost of “Constructing, reconstructing, paving, widening, installing curbs and gutters, and otherwise building and improving streets, as provided in G.S. §153A-205”; and,

**WHEREAS**, Craven County is authorized pursuant to N.C. Gen. Stat. §153A-205(b) to finance the local share of the cost of improvements made under the supervision of the Department of Transportation to subdivision and residential streets located in the County and outside a municipality, in order to bring those streets up to the standards of the Secondary Roads Council so that those streets may become a part of the State-maintained system; and in doing so shall levy and collect, pursuant to the procedures of Article 9 of Chapter 153A of the General Statutes, special assessments against benefited property to recoup that portion of the costs financed by the County; and,

**WHEREAS**, the local share is that share required by the policies of the Secondary Roads Council, and may be paid by Craven County from funds not otherwise limited as to use by law; and,

**WHEREAS**, Craven County has received a petition to finance the entire portion of costs of improvements to certain subdivision streets within the Neuse Harbour Phase Two Subdivision; and,

**WHEREAS**, Craven County has determined that said petition is made in full conformity with N.C. Gen. Stat. §153A-205, including but not limited to being signed by at least seventy-five percent (75%) of the owners of property to be assessed, who also represent at least seventy-five (75%) of all the lineal feet of frontage of the lands abutting on the streets or portions thereof to be improved; and,

**WHEREAS**, on June 2, 2008, the Craven County Board of Commissioners adopted a preliminary assessment resolution, said resolution evidencing its intent to finance the entire costs of the project; and,

**WHEREAS**, on July 7, 2008, the Craven County Board of Commissioners conducted a public hearing in conformity with N.C. Gen. Stat. §153A-192, and now desires to adopt a final assessment resolution directing that the project be undertaken.

**NOW, THEREFORE, BE IT RESOLVED** by the Craven County Board of Commissioners as follows:

1. The project to improve Neuse Harbour Boulevard, Drake Landing, Hawkes Pointe and Tremayne Drive, all in the Neuse Harbor Phase Two Subdivision, as said streets and subdivision are depicted on the maps recorded in Plat Cabinet F, Slides 82 through 86 in the Office of the Register of Deeds of Craven County, North Carolina, is hereby approved and the proper officers of the County are directed to take all actions necessary to accomplish the purposes of this final assessment resolution. However, specifically excluded from the project and this resolution is

Cabot Circle, due to its current inability to become a part of the State-maintained system.

2. The project will consist of construction activities to improve said streets, so that the same may be brought up to the standards of the Secondary Road Council to become a part of the State-maintained system. Construction activities will include such items as are necessary to bring said streets up to the standards of the Secondary Road Council to become a part of the state-maintained system, said items being more particularly described in that certain Contract Proposal of Barnhill Contracting Company, said proposal being incorporated herein by reference.
3. The basis for making assessments will be by equally assessing Lots 151 through 178, and 183 through 231 in said subdivision. Specifically excluded are Lots 179 through 182, which lots abut only Cabot Circle.
4. The entire cost of the work (100%) shall be specially assessed.
5. No assessment shall be held in abeyance.
6. Special assessments herein may be paid in annual installments over a three (3) year period, bearing interest at the rate of 6.0% per annum. The first installment is due on the date when property taxes are due, and one installment is due on the same date in each successive year until the assessment is paid in full. Any portion of an assessment that is not paid within thirty (30) days after the day that notice of confirmation of the assessment role is published shall, until paid, bear interest at the rate of 6.0% per annum.
7. The Chairman, Vice Chairman, County Clerk, County Manager, County Finance Officer and County Attorney are hereby authorized to execute any and all documents and to take all steps necessary to accomplish the purposes contained within this resolution.
8. Construction shall not commence on the project until such time as the North Carolina Department of Transportation approves the project in writing, which approval must be no sooner than ninety (90) days of the date of this final assessment resolution.

Adopted this 7<sup>th</sup> day of July, 2008.

#### **PETITION OF CITIZEN – CHARLIE SIMMONS**

Mr. Charlie Simmons spoke in opposition to the location of the new Judicial Center on Clarks Road.

#### **REPORT ON HIGHWAY 70 – A PROPOSAL**

Planning Director, Don Baumgardner, provided an update on the status of his research concerning the directive at the May 19, 2008 meeting by the Board of Commissioners to gather more data regarding the redesignation/renaming of SR1005, Old Highway 70 to US Highway 70A. Mr. Baumgardner reported the following:

##### **Route**

- NCDOT requires that an alternate route begin and end with connection points to the current primary route.
- On May 23, 2008, planning staff requested by letter from NCDOT Division Two to provide an opinion concerning the possibility for (SR1225) Clarks Road to be re-designated to US Hwy 70A as a connector from Hwy 70 to SR1005 (Old 70).

- Craven County Planning Staff received a phone call on June 17, 2008 from Steve Hamilton, a representative of NCDOT Division Two, Mr. Hamilton stated it was determined that (SR 1225) Clarks Road will not meet the cross-section requirements to be re-designated as a primary route for the US Hwy 70A request.
- Since (SR 1225) Clarks Road is no longer an option, Steve Hamilton stated the only other options that exist are the new NC 43 Connector, Glenburnie Road and First Street. (As shown on the attached maps) All of these options require approval by the City of New Bern.
  - NC 43 Connector- Drawback – The NC 43 Connector must be built first in order to designate as US 70A.
  - Glenburnie Road- No Drawbacks
  - First Street- No Drawbacks

All of the above decisions lie with the City of New Bern and all units of government must participate and pass a resolution.

- Staff will continue to work with the City of New Bern to determine a viable option that will work with the needs of the City of New Bern. Steve Hamilton stated that he has had conversations with Danny Meadows with the City of New Bern and the city is currently reviewing their options for a connection point to US 70.

### Petition

- A petition has been circulated through out the (SR 1005) Old Hwy 70 route from Jones County to the intersection with NC 55 at Beamans Fork.
  - According to the Potters who conducted a door to door petition, there were 141 business mailboxes and residential mailboxes (including renters) that live along SR 1005. They received 122 signatures of the 141, which results in 86.5 percent. (See attached petition for wording and signatures)

Does the Board of Commissioners want to honor the work that has already been done by the Potters?

-Or-

Does the Board of Commissioners want to follow the Craven County Road Naming petition requirements by mailing out new petitions to the registered property owners to obtain approval for this road name change.

By sending out a new petition the property owners would have a full understanding that if the request is approved by State and Federal authorities, that the approval would necessitate a change of address.

If the Board decides to require a valid Road Naming petition from the **property owners** reflecting at least **75 percent** concurrence with the road name changing from Old US Hwy 70 to US 70A, then the next question is;

Does the Board want to give staff the permission to send out an official petition to assist in the verification process to all the property owners along (SR 1005) Old US Hwy 70 from Jones County to Beamans Fork. Does the Board wish to move forward now?

-Or-

Does the Board want to wait until the City of New Bern has decided to participate and choose their route for the connection point before we send out the official petitions and mailings with return envelopes? (Estimated 300 mailings with return envelopes.)

Note: If the City of New Bern chooses not to participate in this process, the time and money for the mailing will be a complete loss, do we move forward or do we wait?

### Resolution

- Once a Road Naming petition is received, verified and supported by the Board of Commissioners, then the Board of Commissioners may hold a public hearing and choose to support a resolution requesting that NCDOT re-designate (SR 1005) Old US Hwy 70 to US 70A. The resolution must be identically worded as the resolutions from Jones County, Town of Dover, Town of Cove City and the City of New Bern.
- Once a public hearing is held and a resolution is adopted by the Craven County Board of Commissioners, the resolutions from Craven County, Jones County, Town of Dover, Town of Cove City and the City of New Bern would be forwarded to NCDOT Division Two, who will then forward the request to NCDOT Board of Transportation. Once the Board of Transportation approves the request, their recommendations will be forwarded to the Federal Highway Administration for final approval. According to NCDOT, they doubt that it will be approved, and if it is approved that it will not necessarily lead to any change to the maintenance of the roads. They also stated that it is a low priority road to the state based on traffic counts.
- If the request is approved by all agencies involved, US Hwy 70A will become eligible to be maintained under primary route designation funds, but according to Neil Lassiter, Division Two Engineer, sometimes the secondary road funds have more funds available for maintenance than the primary route fund. There could be a possibility that if (SR1005) Old US Hwy 70 is re-designated to US Hwy 70A it could receive fewer funds for maintenance than what it currently receives under the secondary road maintenance program. When we heard this we felt compelled to share this with the Board.
- After all policies and procedures have been followed and the road is officially changed to US 70A, then the property owners would be required to change their addresses. The necessity for address changes would only be in the unincorporated areas of the County.

Commissioner Tyson inquired of Mr. Ralph Potter if the petitioners who signed the petition supporting the proposal would be comfortable with the possibility that redesignation of the road, if successful, could result in funding decreases for maintenance. Mr. Potter did not have a definitive answer to this question. The Board reached consensus, as recommended by Commissioner Tyson, that the Planning Department should coordinate with the City of New Bern on what option may be acceptable to the City and then proceed according to the County's Road Naming Ordinance.

### **AWARD OF CONTRACT FOR UPDATING CRAVEN COUNTY'S MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

Mr. Baumgardner presented a recommendation that Holland Consulting Planners, Inc., a company which has extensive background in the development of Hazard Mitigation Plans, be awarded the bid for updating Craven County's Multi Jurisdictional Hazard Mitigation Plan. He stated that this is the firm that developed Craven County's original Multi Jurisdictional Hazard Mitigation Plan. One other company, Hobbs, Upchurch & Associates, P.A. bid for the project; however, the company lacks significant experience in developing Multi Jurisdictional Mitigation Plans. Mr. Baumgardner presented the rating sheet for administrative proposals showing the total points for each aspect of the project and in the rating Holland Consulting Planners received a total of 90 points, compared to the total of 68 points for Hobbs, Upchurch & Associates, P.A. Commissioner Morris moved to award the contract to Holland Consulting Planners, Inc., as recommended, seconded by Commissioner Sisk and unanimously carried.

**VOLUNTARY AGRICULTURAL DISTRICT (VAD) GRANT**

Mike Carroll of Cooperative Extension requested that the Board approve acceptance of Voluntary Agricultural District (VAD) grant funds in the amount of \$6,195, which will be utilized to pursue the development of a Craven County VAD. He introduced members of the AD HOC Steering Committee who were present. Commissioner Allen moved to approve acceptance of the grant funds, seconded by Commissioner Sisk and unanimously carried.

**FIRE RESPONSE MAPS**

Fire Marshal, Stanley Kite, presented changes for the Fire Response Districts, affecting West of New Bern Fire District and Harlowe Fire Department.

*West of New Bern Fire District*

Mr. Kite indicated that the new map includes property on New Liberty Road that is currently listed as a class 10 or unprotected district.

*Harlowe Fire Department*

Mr. Kite explained that the recommended change is based on a letter received from Township Six making the recommendation to include all property on NC Hwy 101 from the Havelock City Limits to the Township 5 District line.

Commissioner Sampson moved to approve the maps presented to the Board on July 7, 2008 for Township Nine/West of New Bern Fire District and Township Five/Township Six Fire District. Commissioner McCabe seconded the motion, which carried unanimously.

**UPDATE ON FIBER PROJECT AND OPTIONS OF ADDITIONAL COUNTY CONNECTIONS**

Information Technology Director, Dennis Holton, informed the Board that the fiber and wireless project for the schools is expected to be completed by July 31, 2008.

The project has installed over 60 miles of fiber optic cable, placing fiber in close proximity to several County Offices. In looking at long range costs, Mr. Holton solicited a quote for making fiber accessible to these offices.

The following quotes were provided by Corning and are guaranteed only as long as the installation crews and equipment are in the New Bern area. After this point, quotes would most likely double.

County locations in close proximity to where fiber was installed as part of the project, and cost estimate from Corning to connect to County location:

| <b>Location</b>               | <b>Material</b> | <b>Installation</b> | <b>Equip.</b> | <b>Total</b> |
|-------------------------------|-----------------|---------------------|---------------|--------------|
| Animal Control                | \$1,145         | \$5,558             | \$3,200       | \$9,903      |
| EDC                           | \$1,145         | \$5,434             | \$3,200       | \$9,779      |
| College Radio Tower           | \$1,110         | \$11,026            | \$6,000       | \$18,136     |
| Airport                       | \$2,400         | \$13,874            | \$3,600       | \$19,874     |
| Creekside Park                | \$1,145         | \$4,800             | \$3,200       | \$9,145      |
| New Bern Library              | \$1,126         | \$10,204            | \$3,800       | \$15,130     |
| Havelock Library              | \$923           | \$5,457             | \$3,800       | \$10,180     |
| Cove City & Vanceboro Library | \$6,452         | \$1,000             | \$2,000       | \$9,452      |
|                               |                 |                     |               | \$101,599    |

Any work done now would ensure the same consistency and quality control throughout.

Mr. Holton stated that installing fiber at EDC and Creekside Park are difficult to justify due to the costs versus the benefits to be realized. Therefore other less conservative options are being explored, such as DSL. Staff advised the Airport Director of the cost to connect the main terminal and he indicated that it does not appear that the benefits are worth the investment.

All of the additional projects, with the exception of EDC, Creekside Park and the Airport, total \$71,946, and can be funded through Capital Reserve

Commissioner Sisk moved to authorize continuation of the fiber to county offices, as proposed, with the exception of EDC, the Airport and Creekside Park. Commissioner Allen seconded the motion, which carried unanimously in a roll call vote.

Mr. Holton was directed to advise the Airport Director of the County's plans.

## APPOINTMENTS

### *Eastern Carolina Council of Governments*

The Board was advised that the term of James Jackson has expired on the Eastern Carolina Council of Governments. Commissioner Morris nominated Mr. Jackson for reappointment. There being no other nominees, Mr. Jackson was reappointed by acclamation.

### *Parks and Recreation Advisory Committee*

The Board considered the expiring terms of Charles Fisher and John Williams on the Parks and Recreation Advisory Committee. Commissioner Sampson nominated Mr. Fisher and Mr. Williams for reappointment. There being no other nominees, Mr. Fisher and Mr. Williams were reappointed by acclamation.

### *Fire Tax Commissioner*

The term of William Laughinghouse, No. 7 Township, is due to expire as a Fire Tax Commissioner. Commissioner McCabe nominated Mr. Laughinghouse for reappointment. There being no other nominees, Mr. Laughinghouse was reappointed by acclamation.

### *Juvenile Crime Prevention Council*

The Board was apprised of the expiring terms of Alvin Burney, Cindy Carroll, Sarah Loest, Pete Monte, Jan Parker and Sandra Phelps on the Juvenile Crime Prevention Council. Commissioner Sampson nominated all for reappointment. There being no other nominations, Mr. Burney, Ms. Carroll, Ms. Loest, Mr. Monte, Ms. Parker and Ms. Phelps were all reappointed by acclamation.

### *River Bend Planning Board*

The term of Thomas Zak as an extraterritorial member of the Planning Board is due to expire. Commissioner Sisk nominated Mr. Zak for reappointment. There being no other nominees, Mr. Zak was reappointed by acclamation.

### *Designation of NCACC Voting Delegate*

The Board was required to designate a voting delegate for the NCACC Annual Conference in August. Commissioner Sampson nominated Chairman Jason Jones. There being no other nominees, Chairman Jones was appointed by acclamation.

## COMMISSIONERS' REPORTS

*Commissioner Sampson* commented on rising gas prices and urged citizens to write legislators. He reported on the July 4 ceremony at J.T. Barber School celebrating its

designation as a historic site, and thanked Commissioners Jones and Tyson for their participation.

*Commissioner Allen* reported on the July 4 celebration in Havelock.

*Commissioner Sisk* expressed appreciation to Commissioners Jones and Tyson for their participation in the July 4 River Bend parade.

*Commissioner McCabe* stated that he is still awaiting the start-up of DOT work on NC Hwy 101 and Ferry Road.

*Commissioner Jones* reported on the success of the Ervin T. Rouse historical marker ceremony on June 18 and thanked Commissioners McCabe and Tyson for their attendance. He also reported that he had met with Clarks Road area residents concerning the lack of maintenance at the end of Staten Road. He advised that he has contacted DOT to relay the concerns.

The Chairman asked the Board's wishes concerning the meeting regularly scheduled for July 21, inasmuch as Commissioners and staff will just be returning from the NACo Conference on July 17. Commissioner Allen moved to cancel the July 21 meeting, seconded by Commissioner McCabe and unanimously carried.

At 8:50 p.m. Commissioner Sampson moved to adjourn, seconded by Commissioner Allen and unanimously carried.

---

Chairman Jason R. Jones  
Craven County Board of Commissioners

---

Gwendolyn M. Bryan  
Clerk to the Board