

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 OCTOBER 20, 2008. THE MEETING CONVENED AT 8:30 A.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, Finance Officer
- Gwendolyn M. Bryan, Clerk to the Board
- Arey Grady, Representing County Attorney

Following an invocation by Commissioner Sampson and the Pledge of Allegiance, Commissioner Sampson moved to approve minutes of the October 6, 2008 regular session, seconded by Commissioner McCabe and unanimously carried, with the following correction. The Chairman asked that No. Nine Township and Cove City Fire Department be added to his announcements concerning the fire departments that participated in the barbeque cook-off competition in Raleigh.

CONSENT AGENDA

Budget Amendments

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

Health/Child Health/Comm Disease

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-5800-370-11-00	\$(7,319.00)	101-5800-440-10-02	\$(5,491.00)
Child Health Medicaid		Full-time Salaries	
101-6302-370-09-00	\$(7,319.00)	101-5880-440-10-05	\$(60.00)
Comm Dis Medicaid		Longevity	
		101-5800-440-11-01	\$(269.00)
		Retirement	
		101-5800-440-11-02	\$(220.00)
		401K	
		101-5800-440-11-03	\$(23.00)
		Workers Comp	
		101-5800-440-11-06	\$(783.00)
		Health Insurance	
		101-5800-440-11-07	\$(58.00)
		Dental Insurance	
		101-5800-440-11-08	\$(4.00)
		Life Insurance	
		101-5800-440-11-09	\$(6.00)
		Disability Insurance	
		101-6301-440-10-02	\$(5,491.00)
		Full-time Salaries	

		101-6301-440-10-05	\$(60.00)
		Longevity	
		101-6301-440-11-01	\$(405.00)
		FICA	
		101-6301-440-11-02	\$(269.00)
		Retirement	
		101-6301-440-11-03	\$(220.00)
		401K	
		101-6301-440-11-04	\$(23.00)
		Workers Comp	
		101-6301-440-11-06	\$(783.00)
		Health Insurance	
		101-6301-440-11-07	\$(58.00)
		Dental Insurance	
		101-6301-440-11-08	\$(4.00)
		Life Insurance	
		101-6301-440-11-09	\$(6.00)
		Disability Insurance	
TOTAL	\$(14,638.00)	TOTAL	\$(14,638.00)

Justification: When budget was originally submitted, it was unknown that Cape Fear Regional Bureau for Community Action, Inc. would terminate their contract after only 2 months. Craven County Health Dept. has taken over the contract and Eddie Mace (POS #239-01) will cover this contract. A portion of Eddie Mace’s pay will be through the Jail Initiate Program; therefore, we request a reduction in Medicaid Revenue in both Child Health and Comm Disease.

Pass Through – DMA Smart Start

101-0564-349-64-00	\$67,746.00	101-0564-450-91-64	\$67,746.00
DMA Smart Start		DMA Smart Start	
TOTAL	\$67,746.00	TOTAL	\$67,746.00

Justification: Budget pass through funds for DMA Smart Start.

Tax Releases and Refunds

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

Credits

TAXPAYER NAME	TICKET#	AMOUNT
BARNTHOUSE, MICHAEL E & NEDRA DOUBLE LISTED ON ACCT #28947	2008-0091669	\$157.10
BLUE WATER HOME CONSTRUCTION CORRECTING APPRAISAL ERROR	2008-0005161	\$96.78
BONGIORNO, WILLIE E & ROBERT CORRECTING APPRAISAL ERROR	2008-0005356	\$40.69
CAROLINA MUSIC COMPANY INC NOT IN BUSINESS 01/01/2008	2008-0090325	\$7.34
CHURCH – COVE CITY CHRISTIAN-TRU EXEMPT PER GS 105-278.3 FOR 1-1-08	2008-0010427	\$364.96

COASTAL CABINETS OF NEW BERN I NOT IN BUSINESS 01/01/2008	2008-0090343	\$167.75
DAVIS, JASON STEWARD MILITARY-HIS NAME ONLY 08 LES-TN ECC-01/09/08	2008-0014243	\$69.99
DRAKE, PAUL WILBERT II MOBILE HOME-JUNKED/NOT LIVEABLE	2008-0090103	\$301.55
DUNNEBACKE, KEM F & ZELIA P CORRECTING APPRAISAL ERROR	2008-0016506	\$63.40
GAY, CRAVEN BROOK & MARY RENEE DOUBLE LISTED ON ACCT #76060	2008-0091193	\$146.43
GIESCHEN, DAVID W & ELAINE E CORRECTING APPRAISAL ERROR	2008-0090108	\$2,037.04
GORMLEY, JOSEPH V & KATHLEEN E DID NOT OWN 01/01/2008	2008-0022377	\$161.19
HALL, JOHN V INCORRECT SITUS – SHOULD BE 5-E	2008-0023797	\$133.73
JONES, CHAD MARTIN VALUE ADJUSTED PER BILL OF SALE	2008-0030247	\$11.69
KAWAMOTO, ADRIENNE J CORRECTING BILLING ERROR	2008-0031152	\$102.60
MASTRONARDO, PAT & ELEANOR CORRECTING APPRAISAL ERROR	2008-0036433	\$972.99
MOREHOUSE, MICHAEL W & MOREHO MILITARY-HIS NAME ONLY 08 LES-TX ECC-NONE (CW03)	2008-0091261	\$116.09
MORGAN, GARY L NOT LOCATED IN CRAVEN CO 01/01/2008	2008-0091265	\$597.09
PATTON, FREDERICK P NOT LOCATED IN CRAVEN CO 01/01/2008	2008-0091338	\$20.30
PHILLIPS, ROBERT THOMAS MILITARY – HIS NAME ONLY 08 LES-WV ECC-09/14/2011	2008-0044292	\$28.25
RIVERSHORE LLC CORRECTING APPRAISAL ERROR	2008-0047445	\$30.26
RIVERSHORE LLC CORRECTING APPRAISAL ERROR	2008-0047446	\$90.95
RIVERSHORE LLC CORRECTING APPRAISAL ERROR	2008-0047447	\$369.84
RIVERSHORE LLC CORRECTING APPRAISAL ERROR	2008-0047450	\$6.80
RIVERSHORE LLC CORRECTING APPRAISAL ERROR	2008-0047457	\$7.68
SHIELDS, MARGARET D CORRECTING APPRAISAL ERROR	2008-0091544	\$14.84

SUNTRUST EQUIPMENT FINANCE LATE FEE CHARGED IN ERROR	2008-0053525	\$6.89
TAYLOR ZACHARY ET AL CORRECTING APPRAISAL ERROR	2008-0054502	\$7.16
TOLER, BETTY MELONIESE NOT IN BUSINESS 01/01/06	2006-0090790	\$12.27
TOLER, BETTY MELONIESE NOT IN BUSINESS 01/01/2007	2007-0090943	\$11.74
TOLER, BETTY MELONIESE NOT IN BUSINESS 01/01/2008	2008-0090930	\$11.17
U S EXPRESS LEASING INC LATE FEE CHARGED IN ERROR	2008-0056626	\$23.74
WEBB, WILLIAM L & MARGARET L DID NOT OWN 01/01/2008	2008-0091632	\$700.85
WHITFIELD, ROSANA VACANT PROPERTY	2008-0091992	\$36.00
ZAYTOUN & RAINES CONSTRUCTION VACANT PROPERTY	2008-0062548	\$36.00
ZAYTOUN & RAINES CONSTRUCTION VACANT PROPERTY	2008-0062549	\$36.00
ZAYTOUN & RAINES CONSTRUCTION VACANT PROPERTY	2008-0062552	\$36.00
ZAYTOUN & RAINES CONSTRUCTION VACANT PROPERTY	2008-0062553	\$36.00
ZAYTOUN & RAINES CONSTRUCTION VACANT PROPERTY	2008-0062554	\$36.00
ZAYTOUN & RAINES CONSTRUCTION VACANT PROPERTY	2008-0062555	\$36.00
ZAYTOUN & RAINES CONSTRUCTION VACANT PROPERTY	2008-0062557	\$36.00
ZAYTOUN & RAINES CONSTRUCTION VACANT PROPERTY	2008-0062558	\$36.00
42 – CREDIT MEMO (S)		\$7,215.15
<i>Refunds</i>		
FIELD, PAUL & REVA CORRECTING APPRAISAL ERROR	2008-0018478	\$328.92
HEITERT, RUSSELL SCOTT & SUSAN CORRECTING APPRAISAL ERROR	2008-0026025	\$328.86
2 – REFUND (S)		\$657.78

Second Vote on Resolution Adopting Gross Receipts Tax Ordinance

At the Board's last meeting a unanimous vote was recorded on the first reading in favor of the resolution adopting the Gross Receipts Tax Ordinance. Due to the absence of Commissioner Sisk, a unanimous vote of the entire Board was not received on the first reading; therefore making a second vote necessary. Commissioner Allen moved to adopt the following resolution adopting the Gross Receipts Tax Ordinance, seconded by Commissioner Morris and unanimously carried in a roll call vote.

CRAVEN COUNTY BOARD OF COMMISSIONERS

**RESOLUTION ADOPTING AN
ORDINANCE LEVYING A TAX ON GROSS RECEIPTS DERIVED
FROM RETAIL SHORT-TERM LEASE OR RENTAL OF
HEAVY EQUIPMENT**

WHEREAS, the North Carolina General Assembly has ratified Senate Bill 1852, signed into law as Session Law 2008-144 (S.L. 2008-144); and

WHEREAS, S.L. 2008-144 repeals the property tax on certain heavy equipment leased or rented under retail short-term leases or rentals, and authorizes counties to replace the lost tax revenue through enactment of a local tax on gross receipts derived from retail short-term leases or rentals affecting certain heavy equipment.

NOW, THEREFORE, BE IT RESOLVED by the Craven County Board of Commissioners that the following Ordinance is hereby enacted:

**ORDINANCE LEVYING A TAX ON GROSS RECEIPTS DERIVED FROM
RETAIL SHORT-TERM LEASE OR RENTAL OF HEAVY EQUIPMENT**

SECTION 1. Definitions. The following definitions shall apply to this Ordinance:

“Customer” shall mean any person that leases or rents heavy equipment on a short-term lease or rental basis from a taxpayer.

“General Statutes” or “G.S.” shall refer to the North Carolina General Statutes and any reference to a particular section thereof shall include the same as may be from time to time amended, modified, supplemented, revised or superseded.

“Gross receipts” shall mean the total lease or rental price charged by a taxpayer to customers for the short term lease or rental at retail of heavy equipment, excluding sales taxes and excluding the taxes imposed by this Ordinance.

“Heavy equipment” shall have the same meaning as defined in G.S. §153A-156.1.

“Person” shall mean any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm, and any other legal entity.

“Short-term lease or rental” shall have the same meaning as defined in G.S. §105-187.1. Provided, however, a person is not considered to be in the short-term lease or rental business if the majority of the person's lease and rental gross receipts are derived from leases and rentals to a person who is a related person under G.S. §105-163.010.

“Tax Administrator” shall mean the Craven County Tax Administrator.

“Taxpayer” shall mean any person liable to Craven County for the collection, reporting and payment of the taxes imposed by this Ordinance.

SECTION 2. Levy of Tax. A tax is hereby imposed and levied in an amount equal to one and two-tenths percent (1.2%) of a taxpayer's gross receipts.

SECTION 3. Administration. The Tax Administrator shall administer and collect the taxes herein from every person engaged in the business of short-term leasing or renting of heavy equipment, and the Tax Administrator may promulgate additional rules and regulations necessary for implementation of the taxes. In addition to the provisions herein, the levy and collection of the taxes herein imposed shall be administered in the manner as provided in Chapter 105 of the General Statutes.

SECTION 4. Collection. Every person engaged in the business of the short-term lease or rental of heavy equipment at retail to customers shall collect at that time of the lease or rental the tax herein levied, place the tax so collected in a segregated account, and thereafter remit such a tax to the Tax Administrator in accordance with the provisions of this Ordinance. The taxpayer shall include a provision in each retail short-term lease or rental agreement stating that one and two-tenths percent (1.2%) of the total lease or rental price, excluding sales tax, is being charged as a tax on gross receipts. The amount of the tax shall be stated separately from the lease or rental amount and shall be shown separately on the taxpayer's records. The customer shall pay the tax to the taxpayer as trustee for and on account of Craven County. The taxpayer shall be liable for the collection thereof and for its payment to the Tax Administrator, and the taxpayer's failure to charge or to collect said tax from the customer shall not affect such liability. The taxes collected under this Ordinance are not subject to sales tax. The taxes collected under this Ordinance belong to Craven County and are not subject to creditor liens against the taxpayer.

SECTION 5. Reports and Payment of Tax. The taxes levied hereby are due and payable quarterly and are due by the last day of the month following the end of the quarter, and must be accompanied by a report as may be required by the Tax Administrator.

SECTION 6. Situs. The transaction giving rise to the tax herein levied shall be deemed to have occurred at the location of the taxpayer from where the customer takes delivery of the heavy equipment.

SECTION 7. Assessment Procedure. If the Tax Administrator discovers that any return or tax is due from a taxpayer, the taxpayer shall be notified in writing of the failure to file and of the proposed assessment, if known by the Tax Administrator. The assessment may be made on the best information of the Tax Administrator. A proposed assessment is presumed to be correct. The notice shall be delivered either in person or by United States mail sent to the taxpayer's last known address. The notice is presumed to have been received by the taxpayer unless the taxpayer makes an affidavit to the contrary within 90 days after the notice was mailed. If the taxpayer makes this affidavit, the time limitations for a request for hearing as hereafter provided apply as if the notice had been delivered on the date the taxpayer makes the affidavit.

A taxpayer who objects to the proposed assessment or the requirement to file a return is entitled to a hearing upon written request within 30 days after the date the notice was mailed, or within 30 days after the date of personal delivery. If no request for a hearing is timely made, the proposed assessment becomes final without further notice.

If a taxpayer files a timely request for hearing, the Tax Administrator shall set a hearing date within 90 days, and notify the taxpayer at least 10 days prior to the hearing date. Within 90 days after the hearing, the Tax Administrator shall notify the taxpayer of the final decision. The taxpayer may then appeal the decision as set forth in Section 9 of this Ordinance. The Tax Administrator shall have no authority to waive or compromise any interest or penalty imposed by this Ordinance.

SECTION 8. Penalties, Interest and Remedies. The provisions with respect to penalties, interest and remedies as provided in Chapter 105 of the General Statutes, shall be applicable in like manner to the tax levied and collected under this Ordinance, to the extent that the same are not inconsistent with the provisions hereof.

SECTION 9. Appeals. The Craven County Board of Commissioners, exercising the powers of the Secretary of Revenue in collecting sales and use taxes, designates the Craven County Manager, or his designees, to act as deputy for the purpose of compromising or forgiving for good cause shown any penalty or additional tax imposed herein, and for the conducting any hearings and making decisions to determine the validity of a tax imposed by the Tax Administrator. If a taxpayer claims that a tax, additional tax, penalty or interest is excessive, a notice of appeal must be filed by the taxpayer within 30 days after the final notice of the Tax Administrator is mailed or personally delivered to the taxpayer as provided in Section 7 of this Ordinance. The final decision of the deputy shall be made and mailed or delivered to the taxpayer within 30 days after the hearing. The taxpayer shall pay the tax, additional tax, penalty or interest without prejudice to any defense the taxpayer has. The taxpayer may file suit for a refund in the Superior Court of Craven County pursuant to the provisions of Chapter 105 of the General Statutes.

SECTION 10. Severability. If any section, clause or provision of this Ordinance shall be found to be invalid, the validity of the remaining sections, clauses or provisions shall not be affected thereby.

SECTION 11. Authority. This Ordinance is enacted pursuant to the provisions of G.S. §153A-156.1.

SECTION 12. Effective Date. This Ordinance and the taxes thereby levied and imposed shall become effective the 1st day of January, 2009.

ADOPTED the 20th day of October, 2008.

Health Fee Adjustments

At its meeting of October 13, 2008, the Board of Health recommended the following schedule of adjustments to the fees in Dental, Child Immunization and Maternity so that charges be equal to or greater than the rates paid by Medicaid and Medicare in order to receive full reimbursement for services. Commissioner Allen moved to approve the following fee adjustments, as recommended, seconded by Commissioner Morris and unanimously carried in a roll call vote.

Fee Increase Recommended:

<u>Procedure Code/Description</u>	<u>Current Rate</u>	<u>Medicaid Rate</u>	<u>Proposed Rate</u>
Dental			
D0160/Detailed Extensive Eval.	\$61.00	\$71.50	\$72.00
D0170/Re-evaluation, limited	\$25.00	\$30.09	\$31.00
D0220/Periapical-First PA	\$15.00	\$15.62	\$16.00
D1204/Topical Fluoride, adult	\$15.44	\$16.80	\$17.00
D2390/Resin-Base Composite Crown-ant	\$164.00	\$181.50	\$182.00
D2393/Resin-Base Comp-Three Surf, pos	\$151.00	\$151.11	\$152.00
D3351/Apexification/Recalcification	\$132.00	\$144.72	\$145.00
D3352/Apexification/Recall-Interm	\$96.00	\$105.30	\$106.00
D3353/Apexification/Recall-Final	\$192.00	\$210.60	\$211.00
D7210/Surgical-Extraction	\$104.00	\$114.40	\$115.00
D7230/Part Bony Impact-Extraction	\$171.00	\$173.85	\$174.00
D7250/Surgical Removal-Residual Root	\$114.00	\$124.74	\$125.00
D7270/Tooth Re-implantment, Accident	\$201.00	\$221.40	\$222.00

***We are requesting above increases to be effective as of September 1, 2008.

Reason for Fee Increase:

Will ensure our agency is reimbursed at the maximum rate available

Fee Addition Recommended:

<u>Procedure Code/Description</u>	<u>Medicaid Rate</u>	<u>Proposed Rate</u>
Child Immunization		
90474EP/Administering intranasal or oral vaccine	\$7.94	\$8.00
Maternity		
J3490/17 alpha hydroxyprogesterone caproate (17P)	\$20.00	\$20.00

***We are requesting above increases to be effective as of October 1, 2008.

Reason for Additions:

New services being offered

Subdivision for Approval

Craven County Planning Director, Don Baumgardner, submitted the following subdivision for the Board's approval. Commissioner Allen moved for its approval, as recommended, seconded by Commissioner Morris and unanimously carried in a roll call vote.

Homeport – Final: The property owned by Phillip S. Odom and surveyed by Suitt and Associates, is located within Twp 5 off of SR 1864 (Anchorage Drive). The subdivision contains 14 lots on 8.80 acres and proposed to be served by community water and individual septic systems.

Request to Set Public Hearing for Road Naming and Addressing Ordinance

The Planning Board requested that a public hearing be set for Monday November 3, 2008 at 7:00 p.m. in order to receive public comments on changes, additions and corrections to the Craven County Road Naming and Addressing Ordinance. Commissioner Allen moved to set a public hearing for Monday November 3, 2008 at 7:00 p.m., seconded by Commissioner Morris and unanimously carried in a roll call vote.

Multi-Jurisdictional Hazard Mitigation Program Designation of Applicant's Agent

The Board was requested to adopt a resolution in order to move forward with the FY 09 Hazard Mitigation Assistance Program for the Federal funding application to undertake updates to the Craven County Multi-Jurisdiction Hazard Mitigation Plan, and to designate Planning Director, Don Baumgardner, as primary agent and County Manager, Harold Blizzard, as secondary agent. Commissioner Allen moved to adopt the resolution, as requested, and to designate Don Baumgardner as primary agent and Harold Blizzard as secondary agent, seconded by Commissioner Morris and unanimously carried in a roll call vote.

Non-Profit Awareness Month Proclamation

At the request of local agencies, the Board adopted the following proclamation recognizing November as Non-Profit Awareness Month in Craven County, by motion of Commissioner Allen, seconded by Commissioner Morris and unanimously carried in a roll call vote.

**CRAVEN COUNTY BOARD OF COMMISSIONERS
PROCLAMATION**

Nonprofit Awareness Month 2008

WHEREAS, Craven County is home to more than 76 charitable nonprofit organizations which provide diverse services to the community; and

WHEREAS, these organizations spend more than \$250,241,305 annually serving the people of Craven County; and

WHEREAS, North Carolina's nonprofit sector puts more than \$29 billion into our state's economy, and North Carolina nonprofits' economic impact has more than doubled in a decade; and

WHEREAS, 6.5% of all jobs in our state are provided by charitable nonprofits; and

WHEREAS, people throughout Craven County support and participate in nonprofit organizations by serving as board members, volunteering, donating, and working as staff; and

WHEREAS, nonprofit employees pay income taxes and spend their salaries locally, thus paying local and state sales taxes too; they buy houses, cars, computers, groceries, clothes, home products, and all other items sold in our community; and

WHEREAS, Craven County nonprofits build partnerships and collaborate with governments, businesses, faith-based organizations, and other groups to expand resources; and

WHEREAS, nonprofits play a central role in the democratic process by providing a means for individuals to deliberate on and advocate for public policies and decisions that affect them; and

WHEREAS, Craven County nonprofits provide opportunities for developing skills, leadership abilities, and service through civic engagement; and

WHEREAS, everyone who lives in Craven County benefits from nonprofits' vital contributions of strengthening our social fabric, public policy, culture, sense of community, and future.

NOW, THEREFORE, be it resolved that the Board of Commissioners of Craven County declares November 2008 as *Nonprofit Awareness Month* and extends its congratulations to charitable nonprofits serving our community for their dedicated service to the community, and its sincere gratitude to the residents of Craven County whose volunteer spirit and donations make these organizations strong.

Adopted this 20th day of October, 2008.

PUBLIC HEARINGS

Neuse Harbour Assessment Roll

Attorney, Arey Grady, advised the Board that it would be necessary to go into public hearing, as advertised, to receive comments from the public regarding the proposed adoption of the Preliminary Assessment Roll for special assessments related to improvements to certain roads in the Neuse Harbour Phase Two Subdivision. At 8:39 a.m. Commissioner Morris moved to go into public hearing, seconded by Commissioner Tyson and unanimously carried. Ms. Johnnie Bunting of 215 Drake Landing thanked the Board and staff who were involved in this effort. There were no other speakers from the public and at 8:40 a.m. Commissioner Allen moved to close the public hearing, seconded by Commissioner McCabe and unanimously carried. At 8:40 a.m. Commissioner Allen moved to approve confirmation of the Preliminary Assessment Roll, as follows, seconded by Commissioner McCabe and unanimously carried.

RESOLUTION OF THE CRAVEN COUNTY BOARD OF COMMISSIONERS CONFIRMING THE ASSESSMENT AGAINST LOTS DESCRIBED IN PRELIMINARY ASSESSMENT ROLL NEUSE HARBOUR 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 costs of constructing, reconstructing, paving, widening, installing curbs and gutters and otherwise building and improving the streets, as provided in N.C. Gen. Stat. § 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 a subdivision and residential streets located in the county and outside of a municipality in order to bring those streets up to the standard 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 of North Carolina, special assessments against benefited property to recoup that portion of the costs financed by the county; and

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

WHEREAS, on June 16, 2008, Craven County adopted a preliminary assessment resolution and on July 7, 2008, Craven County adopted a final assessment resolution, said resolutions evidencing Craven County's intent to undertake and finance the entire cost of the proposed project; and

WHEREAS, the project is now complete and pursuant to N.C. Gen. Stat. § 153A-193, Craven County has determined that the total cost of the project to be \$12,071.74; and

WHEREAS, the preliminary assessment roll has been filed in the office of the Clerk to the Board of Commissioners, where it was available for public inspection, and on October 6, 2008 a public hearing on the roll was set for October 20, 2008 before the Board of Commissioners; and

WHEREAS, at least ten (10) days before the date set for the hearing on the roll, the Board published a notice that the preliminary assessment roll has been completed. At least ten (10) days before the date set for the hearing, the Board caused notice of the hearing to be mailed by First Class mail to each property owner listed on the roll. This notice stated the time and place of the hearing, that the roll is open for inspection in the office of the Clerk to the Board, which shows the amount on the roll of the assessment against the property of each owner; and

WHEREAS, at the public hearing held on October 20, 2008 the Commissioners heard all interested persons who appeared with respect to the preliminary assessment roll. After the hearing, the Board confirmed the assessments against those parcels described as Lots 151 through 178, and 183 through 231, Neuse Harbour Phase Two Subdivision, as depicted on maps recorded in Plat Cabinet F, Slides 82 through 86, in the Office of the Register of Deeds of Craven County, North Carolina; and

WHEREAS, after the Board shall confirm the assessment, the Clerk shall enter in the minutes of the Board the date, hour and minute of confirmation. At such time the assessment is a lien on the property assessed of the same nature and to the same extent as the lien for county property taxes with the priority set out in N.C. Gen. Stat. § 153A-200; and

WHEREAS, a copy of the assessment roll shall be delivered to the County Tax Collector for collection in the same manner as collection of county ad valorem taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Craven County Board of Commissioners that the assessment roll against Lots 151 through 178, and 183 through 231, Neuse Harbour Phase Two Subdivision, as depicted on maps recorded in Plat Cabinet F, Slides 82 through 86 in the Office of the Register of Deeds of Craven County, North Carolina be and is confirmed.

Done this 20th day of October, 2008.

Work First Plan

Social Services Director, Kent Flowers, reminded the Board that a public hearing was needed for receiving public comment on the County's proposed Work First Plan. He indicated that copies of the plan were distributed to the Commissioners and one placed in the Clerk's office for public review since the Board's last meeting. At 8:41 a.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 Commissioner Sampson moved to close the public hearing, seconded by Commissioner McCabe and unanimously carried. Commissioner Allen moved to approve the Work First Plan, as proposed by the Planning Committee, seconded by Commissioner Sampson and unanimously carried.

Closed Session

At 8:43 a.m. Commissioner Allen moved to go into closed session, seconded by Commissioner Sisk and unanimously carried, pursuant to NCGS 143-318.11(a)(6), to discuss a personnel matter. At 9:25 a.m. the Board returned to regular session and Attorney Arey Grady announced that there had been no action taken in the closed session.

ELECTIONS HAVA GRANT DISCUSSION

Ms. Esther Hardin, Chair of the Craven County Board of Elections, came forward to explain the amount of the HAVA grant award, which was received by the County for establishment of additional one-stop voting locations. She stated that the State Board of Elections Grant Committee had recommended more equipment than had been requested

in the case of several counties, including Craven County. She advised that when the existing equipment was tested prior to the opening of one-stop voting, six pieces of equipment were found not to be working properly. The additional equipment that had been deemed necessary by the State Elections Board had proven to be useful to maintain smooth operations. She stated that the new equipment was purchased at the State level and distributed, and that the last correspondence that she had received from the State Elections Board indicated that the grant amount was \$104,000; however, the Finance Office had received notification that the grant was in the amount of \$111,656.88. Ms. Hardin indicated to the Board that she would clarify the final amount. Commissioner Allen noted that voting a straight party ticket does not cast a vote for the President and Vice President and asked if this is a standard procedure. Ms. Hardin explained that the positions at the top of the ballot that are being voted on separately are a standard procedure across North Carolina. Commissioner Jones requested that in the future one-stop sites be opened on Saturdays to accommodate working people. Ms. Hardin indicated that she would take this request back to her board.

MILITARY GROWTH TASK FORCE PRESENTATION

Tom Gaskill, Executive Director of the Military Growth Task Force, presented an update on the activities and progress of the organization. The working groups that were formed included focus on housing, workforce, education, transportation, infrastructure, medical health and social services, public safety and emergency services, and quality of life factors. He reviewed the process and timeline for the activities of the task force, stating the current phase, July 08-December 08, was for preliminary impact assessment. He indicated, at the request of Commissioner Tyson, that he would share his power-point presentation with the Board.

CHAMBER OF COMMERCE FOCUS GROUP PRESENTATION

The New Bern Area Chamber of Commerce Vision Committee, which was established for the purpose of conducting a membership survey addressing “What Should New Bern Look like in 20-30 years”, made presentations in the following areas:

- The Five Points Focus Group Report was presented by Teisha Glover, who identified essential resources to promote economic development, enhanced quality of life and aesthetics.
- The Retail Growth Focus Group Report was presented by Matt Brubaker – during his presentation, Commissioner Tyson asked about the role of the Economic Development Commission in the plans for growing retail and he asked that the County Manager contact Economic Developer, Jim Davis, to determine how they may be involved in attracting big box stores. He was interested in determining what some of the demographic requirements are for attracting such businesses.
- The Business Development Focus Group Report was presented by Jim Bisbee, who highlighted the need to build upon the base that is established by aviation/aerospace, marine manufacturing, educational resources and medical resources
- The Entertainment Focus Group was presented by Todd Shuart, who addressed the need to develop nightlife in the community and a need to attract and keep young people and families with children.
- The Transportation Focus Group Report was presented by Richard Leisner, who highlighted the need for greater maintenance of the Intercoastal Waterways, development of adequate accommodations, introduction of rail travel and a public transportation system; protecting and expanding the Coastal Carolina Regional Airport as a regional hub.
- The Environment Focus Group was presented by Tim McLearn with three recommendations: promotion of renewable resources, protection of unique land and water environment and promotion of environmental initiative by creation of a Director of Sustainability that would serve the City and the County.

At 11:00 a.m. the Board was declared in recess and reconvened at 11:15 a.m.

CLEAN WATER MANAGEMENT TRUST FUND APPLICATION

Cooperative Extension Agent, Charlie Humphrey, informed the Board that an application for a Clean Water Management Trust Fund grant had been submitted as of the October 15, 2008 deadline; however, he asked that the Board approve the grant application, which would, if awarded, fund a series a rainwater harvesting projects involving local businesses and government agencies in Craven County. The proposed project would harvest rainwater for reuse. A response is expected by mid-November at which time Mr. Humphrey would return to the Board for a funding request to advance the funds for the project, for which reimbursement is expected. He stated that the only match that would be required is an in-kind match in the form of time, effort, labor and some equipment use on the part of Cooperative Extension agents. Commissioner Morris moved to approve the grant application, seconded by Commissioner Sisk and unanimously carried. As a special note, the Chairman thanked the Cooperative Extension staff for their role in the success of the Horn of Plenty during the 2008 NCACC Annual Conference, and Mike Carroll and Amy Andrews for their assistance with the Junior Livestock show that was recently held.

APPOINTMENTS

Clean Sweep Committee

The Board received a slate at its last meeting with a request that they be appointed to the Clean Sweep Committee. At that time, Commissioner Jones asked that appointments be deferred to clarify the out of County address of one of the nominees. It was determined that the nominee is a County employee who lives outside the County. Commissioner Allen nominated the slate, as follows: Dave Gardner, Jamie Johnson, Ivette Jones, Jan Parker, Pat Sager, Tim Tabak and Thomas Wooten, all who are currently serving. There were no additional nominees; therefore, the slate was accepted by acclamation.

Firemen's Relief Fund Board of Trustees

The Board received a request from the Emergency Services Department for appointments to the Firemen's Relief Fund Board of Trustees, as follows:

Felix Croom	Representing Ft. Barnwell, replacing Carroll Smith
Robert Stroud	Representing Dover, replacing Roy Whitely

There were no additional nominees and Commissioner Sisk nominated both for appointment by acclamation.

COUNTY MANAGER'S REPORT

County Manager, Harold Blizzard, presented a renewal agreement with Historic Preservation of North Carolina for their assistance in the sale of the St. Luke's building for one year. He also stated that there is a potential buyer prepared to make an offer in the near future. He asked that the Board consider renewing the contract. Commissioner Allen moved to renew the contract with Historic Preservation of North Carolina for one year, seconded by Commissioner Sisk and unanimously carried.

COMMISSIONERS' REPORTS

Commissioner Tyson announced that the Super 70 Corridor Commission will be holding a meeting in New Bern on November 13, with the regular meeting starting at 2:00 p.m. and a public meeting starting at 5:00 p.m. He stated for the benefit of the public, that the public is welcome at the 2:00 p.m. meeting but will have no opportunity for input until the public meeting at 5:00 p.m.

Commissioner Sisk thanked all who sent her get well wishes while she was ill. She noted that the gas is currently hovering at approximately \$2.93, which is not good enough. She asked that all citizens keep up protests concerning the gas prices.

Commissioner Sampson stated that Commissioner Tyson has indicated that the airport has agreed to cut the grass at the James City Historical site. He asked that staff notify the Historical Society. In addition, he asked the public to continue their pressure on gas suppliers.

Commissioner Allen reported on the North Carolina State Chili Festival which was held in Havelock on October 18.

Commissioner Jones referenced a memorandum received from Rebecca Troutman of the North Carolina Association of County Commissioners indicating that county services across the State are being affected by the declining economic conditions, as a result of a decrease in revenues and increased demand for services. He asked that staff continue looking at the current County budget to advise the Board if there are areas that can be trimmed. County Manager, Harold Blizzard, responded that staff is waiting to receive the audit for year ended June 30, 2008, which is expected in approximately two weeks. At that time he stated that he would be able to have more concrete discussions with the Board. The Chairman also commented on the recent victory of West Craven High School over New Bern High School Football Team and the fact that West Craven High School is currently undefeated.

At 11:42 a.m. the Board was declared in recess to convene as the Water Board.

At 11:52 a.m. the Board returned to regular session and Commissioner Sisk moved to go back into closed session, pursuant to NCGS 143.318.11(a)(6), to discuss a personnel matter, seconded by Commissioner McCabe and unanimously carried.

At 12:48 p.m. the Board returned to regular session. Attorney Arey Grady announced that there had been no action taken in closed session and at 12:49 p.m. Commissioner Sisk moved to adjourn, seconded by Commissioner McCabe and unanimously carried.

Chairman Jason R. Jones
Craven County Board of Commissioners

Gwendolyn M. Bryan, Clerk to the Board