

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, NOVEMBER 17, 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
- Richard Hemphill, County Finance Officer
- Gwendolyn M. Bryan, Clerk to the Board
- Jim Hicks, County Attorney

STAFF ABSENT:

- Ray H. Moser, Assistant County Manager

Following an invocation by Commissioner Sisk and the Pledge of Allegiance, Commissioner Morris moved to approve minutes of November 3, 2008 regular session, seconded by Commissioner McCabe and unanimously carried.

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, as requested, seconded by Commissioner McCabe and unanimously carried in a roll call vote.

Credits

| TAXPAYER NAME | TICKET# | AMOUNT |
|---|----------------|---------------|
| BANKVEST CAPITAL CORPORATION DISMISSED BY BANKRUPTCY 9/26/07 | 1999-0002268 | \$2,180.42 |
| BANKVEST CAPITAL CORPORATION DISMISSED BY BANKRUPTCY 9/26/07 | 1999-0002269 | \$36.88 |
| BANKVEST CAPITAL CORPORATION DISMISSED BY BANKRUPTCY 9/26/07 | 1999-0002270 | \$493.56 |
| BANKVEST CAPITAL CORPORATION DISMISSED BY BANKRUPTCY 9/27/07 | 1999-0002271 | \$53.79 |
| BANKVEST CAPITAL CORPORATION DISMISSED BY BANKRUPTCY 9/27/07 | 1999-0002272 | \$1,080.89 |
| BONNICI, ANTHONY M SECOND RESIDENCE IN COUNTY | 2008-0005372 | \$36.00 |
| CAMPBELL, ARMESTER LEE PROPERTY VACANT | 2008-0008399 | \$36.00 |
| CHURCH – EMMANUEL FELLOWSHIP EXEMPT PER GS 105-278.3 | 2008-0010440 | \$744.02 |

| | | |
|--|--------------|------------|
| COASTAL ICE HOUSES, LLC BUSINESS NOT IN OPERATION 01/01/2008 | 2008-0091685 | \$1,254.00 |
| HEATH, KENNETH J JR DID NOT OWN MOBILE HOME 01/01/2008 | 2008-0025881 | \$44.82 |
| JRW LOGGING INC NOT IN BUSINESS 01/01/2008 | 2008-0090548 | \$781.17 |
| MCGOVERN, ROBERT VICTOR & KATH RECYCLE FEE NOT DUE ON SECOND HOME OWNED IN COUNTY | 2008-0037544 | \$36.00 |
| MILLETT, BRADBURNE NOT LOCATED IN CRAVEN CO 01/01/2008 | 2008-0091227 | \$12.40 |
| MORTON HOLDINGS INC CORRECTING APPRAISAL ERROR | 2008-0090207 | \$4,683.38 |
| PATS FURNITURE CO INC UNCOLLECTABLE – OUT OF BUSINESS | 2004-0090926 | \$4.23 |
| PATS SODA SHOP UNCOLLECTABLE – OUT OF BUSINESS | 2004-0090927 | \$2.44 |
| ROACH, JAMES SCE REMOVED – TAXPAYER DECEASED 04/03/08 – REBILLING | 2008-0047533 | \$173.31 |
| SHEPPARD, MICHAEL M NOT TAXABLE IN CRAVEN COUNTY | 2008-0091770 | \$932.69 |
| STEVENS, E M UNCOLLECTABLE | 2000-0046087 | \$63.00 |
| VAUGHAN, RONALD T & KATHY A MILITARY – HIS NAME ONLY – LES – MO ECC – 04/30/09 | 2008-0091903 | \$602.68 |
| VENTERS, KIM C NOT LOCATED IN CRAVEN CO 01/01/2008 | 2008-0091907 | \$591.35 |
| WILLIAMS, SELENA E DID NOT OWN 01/01/2008 | 2008-0092024 | \$39.85 |

22 – CREDIT MEMO (\$) \$13,982.88

Refunds

| | | |
|--|--------------|-------------|
| CAMPBELL, ARMESTER LEE PROPERTY VACANT | 2007-0008256 | \$36.00 |
| UDRT OF NORTH CAROLINA LLC CORRECTING APPRAISAL ERROR | 2008-0056631 | \$18,919.86 |

2 – REFUND (\$) \$18,955.86

Budget Amendment

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

DSS 7291 Mandated

| REVENUES | AMOUNT | EXPENDITURES | AMOUNT |
|--|--------------|----------------------------------|--------------|
| 101-7291-349-32-00 Energy CIP, CP&L | \$151,389.00 | 101-7291-450-23-04 Energy CIP | \$151,389.00 |
| TOTAL | \$151,389.00 | TOTAL | \$151,389.00 |

Justification: Additional allocation has been received for the Crisis Intervention Program. There is no County match, funds are 100% federal.

FY 2007-2008 AUDIT REPORT

Lou Cannon & Brian Dunn of McGladrey & Pullen presented the annual audit report for the year ended on June 30, 2008. An unqualified “clean” opinion was rendered as a result of the audit, which represents the highest level of assurance. During the 2008 fiscal year, Craven County realized a tax levy collection rate of 98.27%, an increase in the 2007 rate of 98.19%, which is higher than the average rate statewide, and that of similar size counties. The unreserved end-of-year fund balance was 18.52%, which represents more than a two-month reserve for expenses, although it reflects a decrease from the previous year’s fund balance, and is lower than that of statewide and similar size county averages. Mr. Cannon assured the Board that the decrease is not a negative indicator, as it reflects that the County is not stockpiling revenues, but using them for appropriate expenditures. In addition it reflects a stable tax rate, which is lower than statewide and similar size county averages.

PLANNING DEPARTMENT MATTERS

Repetitive Flood Elevation Contract

The County was awarded a grant under the 2006 Pre-Disaster Mitigation Program to elevate the home of Brian and Loretta Bickwit. Due to insufficient funding to complete the project to elevate the home, the grant was suspended under the 2006 Pre-Disaster Mitigation Program. The County reapplied under the 2008 Repetitive Flood Claim Program and once again received a grant to elevate the home of Brian and Loretta Bickwit, in the amount of \$98,000 for the elevation, foundation and retrofitting.

Planning Department staff recommended award of the work to C&S House Raisers and House Movers, Inc. from Washington, North Carolina, who submitted the lowest bid for the elevation and retrofitting of the home, located at 207 Channel Run Drive in River Bend. The Planning Department requested that the Planning Director be given the authority to enter into and execute contract documents for this work. It was emphasized that all funds for the project are FEMA funds. Commissioner Tyson moved to award the bid to C&S House Raisers and House Movers in the amount of \$98,000 and to grant authority for the Planning Director to enter and execute contract documents for this project, seconded by Commissioner Allen and unanimously carried.

US 70-A Petition Update

Planning Director, Don Baumgardner, advised the Board that on September 12, 2008, the Planning Department mailed out petitions to all property owners on Old Highway 70 (SR 1005) asking if they agree or disagree with changing the name of Old Highway 70 to US 70A or any other NCDOT approved designation, with a 60 day response deadline. As of November 15, 2008, 157 petitions were received: 118 were in favor and 39 were against. The response rate was 52%; however, only 39% of total property owners are in favor of a change. Craven County’s ordinance requires 75% of total property owners along a road to agree with such a change. When asked for his opinion as to how to proceed, County Attorney, Jim Hicks, suggested that he be allowed to meet with staff and Mr. and Mrs. Ralph Potter to look for a possible alternative; however, he stated that he does not see how to get around the ordinance as it stands. It was the consensus of the Board to allow staff and the County Attorney to continue to see if the dilemma can be resolved.

APPOINTMENTS

Adult Care Home Advisory Committee

At the last regular session the Board considered filling a vacancy created by the death of Albert Clark. The appointment was deferred at that time. Commissioner Tyson nominated Ms. Mary Swartz. There being no other nominations, Ms. Swartz was appointed by acclamation.

Health Board

The Board received notification from the Health Director that several terms will expire at the end of December, and that none of the individuals whose terms are expiring are eligible for reappointment. Commissioner Morris moved to defer the appointments, seconded by Commissioner Sampson. Commissioner Allen indicated that he had a nominee for the Physician position, although unconfirmed; however after further discussion, the motion to defer carried with six (6) "Ayes", there being one (1) "Nay" from Commissioner Allen.

Fire Tax Commissioners

The Board was informed that the terms of Fire Tax Commissioners' Macon Duncan (Rhems), Rodney Russell (Twp. 3), and Linwood Brown (West New Bern) have expired. In addition, the terms of Benjamin Broadway (Tri-Community), Clarence Edwards (Twp. 6), Luther Gaskins (Swift Creek), Rueben Earl Hart (Twp. 7), James T. Jackson (Twp. 9), Grover Lancaster (Twp. 1), Mike Lucas (West New Bern), William Matthews (Twp. 3), Bobby McLawhorn (Rhems), Roy McCabe (Twp. 5), Milton McCoy (Twp. 9), Curtis Morris (Twp. 1), Larry Paul (Twp. 6), Steve Redd (West New Bern), Alton Riggs (Twp. 7), Clarence Simpson (Rhems), James Smith (Twp. 3), William Stilley (Swift Creek), Archie White (Tri-Community), G.A. Whitford (Swift Creek) are due to expire in December. There was notification that all are willing to continue serving except G.A. Whitford, III of Little Swift Creek. Commissioner Morris nominated all for reappointment, with the one exception, and Joseph Wetherington to replace G.A. Whitford, as recommended by Little Swift Creek Fire Dept. There being no other nominations, Mr. Wetherington and all others were appointed by acclamation.

COUNTY ATTORNEY'S REPORT

County Attorney, Jim Hicks, recommended enactment of a provision regarding building permits and inspections in the Craven County Code, which will provide the County more options and more remedies. Violation of the County Code will allow the County to seek monetary penalties, with each day of violation constituting a separate offense, as opposed to an abatement hearing process, which is the only remedy currently available to the County without such a provision.

The following proposed amendment to the Craven County Code of Ordinances, modeled on the format used by most jurisdictions, was presented by Mr. Hicks.

An Ordinance to Amend The Craven County Code

BE IT ORDAINED, by the Board of Commissioners of Craven County that the Craven County Code is hereby amended as follows:

Amendment No. 1

That Chapter 4, Article I is hereby amended in its entirety as follows:

Sec. 4-1 INSPECTION DEPARTMENT.

There is created an inspection department for the County, which shall be staffed by one or more inspectors appointed by the County Manager, who may be given the titles of building inspector, electrical inspector, plumbing inspector, housing inspector, zoning inspector, heating and air conditioning inspector, fire prevention inspector or deputy or assistant inspector, or such other titles as may be generally descriptive of the duties assigned, all as authorized by G.S. Chapter 153A, Article 18, Part 4 (“Building Inspection”), and all of whom shall have the duties and responsibilities addressed in G.S. Chapter 153, Article 18, Part 4.

Sec. 4-2 BUILDING PERMITS.

(a) The erection, construction or alteration of any building, structure, or part thereof shall not be commenced until a building permit shall have been issued by the inspection department pursuant to the authority contained in G.S. 153A-357, pertaining to permits.

(b) Before a permit required by subsection (a) of this Section 4-2 is issued, the applicant therefore shall submit to the inspection department an application, on appropriate forms to be furnished by the inspection department, containing a detailed statement of the specifications and accompanied by three (3) full and complete copies of all plans of the proposed work or construction.

(c) A schedule of fees to be charged by the inspection department shall be determined by the Board of Commissioners from time to time and shall be kept on file in the office of the inspection department and in the office of the County Clerk.

(d) If it shall appear to the staff of the inspection department that the proposed construction meets the requirements of the state building code, and all required fees have been paid, the department shall issue the building permit.

(e) If the construction for which the applicant seeks a building permit has already begun at the time the permit is sought, an additional administrative fee may be assessed in addition to the regular permit fee, all as fixed by the schedule adopted by the Board of Commissioners from time to time.

Secs. 4-3 PENALTIES.

Violation of any provision of this Chapter 4 shall be punishable as set forth in Secs. 1-11 and 1-12, and as may be otherwise allowed by this Code or state law.

Secs. 4-4 — 4-15 RESERVED.

Adopted by the Craven County Board of Commissioners this 17th day of November, 2008., effective immediately.

Mr. Hicks recommended that penalties be incorporated into the provision per the penalties section of the existing Craven County Code Sec. 1-11.

Commissioner Allen moved to adopt the proposed amendment to the Craven County Code of Ordinances, seconded by Commissioner Morris and unanimously carried on the first reading.

COMMISSIONERS' REPORTS

Commissioner Tyson reported that the meeting on November 13th concerning the Highway 70 Corridor Committee and public presentation was productive.

Commissioner Morris thanked poll workers and all who exercised their right to vote in the 2008 General Election, especially early voters, and commented that West Craven High School football team continues to advance.

Commissioner Sisk commented that the Superintendent of Schools is seeking mentors for students who do not receive help and/or support at home, and mentors for junior and senior projects. He is also seeking donation of laptop computers from businesses and individuals who are upgrading equipment.

Commissioner Sampson inquired as to how New Bern gas stations charge upwards of \$2.05/gallon when gas is under \$2.00 everywhere else in surrounding areas. He stated that there needs to be an investigation into this matter. He was very appreciative of the HAVA grant funds received from the State for additional one-stop sites.

Commissioner Allen announced his reappointment to regional directorship of NALBOH. He announced the upcoming NACo Task Force on Governance meeting on November 20th and at the Legislative Conference in Washington in March. He solicited input from the Commissioners.

Commissioner McCabe announced that he attended the Eastern Carolina Council of Governments (ECCOG) meeting Thursday and was unable to attend the Hwy 70 Corridor Committee presentation. He stated that he was elected 2nd Vice President of the ECCOG.

Commissioner Jones commented on a number of break-ins that have occurred in the western part of the County recently. He will request a meeting with the Sheriff and community residents. He announced that the Hwy 55 West project is going out for bid this week. He also attended the funeral of Pat Wright, wife of former Commissioner, Earl Wright, and asked that a card be sent out to Mr. Wright on behalf of the Board.

CLOSED SESSION

At 9:50 a.m. Commissioner McCabe moved to go into closed session, seconded by Commissioner Tyson pursuant to NCGS 143-318.11 (a)(3) to discuss matters under attorney-client privilege. At 10:40 a.m. the Board was declared back in regular session. County Attorney, Jim Hicks, reported on two matters that had been discussed in closed session:

- Negotiations for sale of the St. Luke's Building; and
- Attorney-client privilege regarding voting districts

There was no action taken on either matter and at 10:40 a.m. Commissioner McCabe 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