

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 DECEMBER 15, 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

MEMBERS ABSENT:

- 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
- Aaron Arnett, County Attorney's Office

Following an invocation by Commissioner Sisk and the Pledge of Allegiance, Commissioner Sisk moved to approve the minutes of December 1, 2008, seconded by Commissioner McCabe and unanimously carried.

CONSENT AGENDA

Budget Amendments

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

EMS

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-2301-349-36-00 EMS Grant	\$7,000.00	101-2301-410-40-00 Contractual Service	\$7,000.00
TOTAL	\$7,000.00	TOTAL	\$7,000.00

Justification: Holland Consulting Emergency Services Plan update.

EMS

101-2301-349-36-00 EMS Grant	\$1,347.00	101-2301-410-73-21 C/O under \$5,000	\$1,347.00
TOTAL	\$1,347.00	TOTAL	\$1,347.00

Justification: Grant used for conditioner chargers.

DSS 7291 Mandated

101-7291-349-32-00 Energy CIP, Cp&L	\$88,430.00	101-7291-450-23-04 Energy CIP	\$88,430.00
--	-------------	----------------------------------	-------------

TOTAL	\$88,430.00	TOTAL	\$88,430.00
-------	-------------	-------	-------------

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

DSS 7291 Mandated/DSS 7231 TANF

101-7291-349-16-00	\$119,773.00	101-7291-450-39-17	\$119,773.00
Day Care Smart Start		Day Care Smart Start	
101-7231-349-38-0	\$8,049.00		
Smart Start Admin			
101-00-399-00-0	\$(8,049.00)		
Fund Balance			

TOTAL	\$119,773.00	TOTAL	\$119,773.00
-------	--------------	-------	--------------

Justification: Funding authorization from the Division of Child Development allocating additional Smart Start dollars. There is no County match.

DSS 7295 Senior Program

101-7295-349-63-00	\$(1,444.00)	101-7295-450-26-01	\$(1,426.00)
General Purpose		M & R, Bldg/Grounds	
101-0000-399-01-00	\$(482.00)	101-7295-450-32-01	\$(500.00)
Fund Balance		Office Supplies	

TOTAL	\$(1,926.00)	TOTAL	\$(1,926.00)
-------	--------------	-------	--------------

Justification: Contract amount from the Eastern Carolina Council of Governments (ECC) for the Senior Center General Purpose funding is \$1926 less than originally anticipated amount. Funds are 75% reimbursed, with 25% County match.

Convention Center

101-8201-366-81-0	\$40,000.00	101-8201-430-96-64	\$40,000.00
TDA 801 300 th Anniversary		300 th Anniversary	

TOTAL	\$40,000.00	TOTAL	\$40,000.00
-------	-------------	-------	-------------

Justification: Transfer from TDA 801 to Convention Center for 300th Anniversary.

Convention Center

101-0000-399-01-00	\$25,000.00	101-8201-430-96-64	\$25,000.00
Fund Balance		300 th Anniversary	

TOTAL	\$25,000.00	TOTAL	\$25,000.00
-------	-------------	-------	-------------

Justification: Budget fund balance to cover Convention Center costs associated with City of New Bern 300th Anniversary.

Tax Releases and Refunds

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

Credits

TAXPAYER NAME	TICKET#	AMOUNT
ARTHUR, GUY M JR CORRECTING APPRAISAL ERROR	2008-0001672	\$91.03
BASTIAN, MICHAEL & DELUCA, PAT DOUBLE LISTED ON ACCT #74255	2008-0003247	\$57.30
BAYER REVOCABLE TRUST – ALICE J ANNEXED INTO TOWN OF HAVELOCK – 10 MOS RELEASED	2008-0092077	\$105.43
BILLS DISTRIBUTION COMPANY INC ORDERED BY BOARD OF E & R 12/9/2008	2008-0004672	\$2.11
CHERRY BRANCH LIMITED PARTNERS CORRECTING APPRAISAL ERROR	2008-0010206	\$22.37
CHERRY BRANCH LIMITED PARTNERS CORRECTING APPRAISAL ERROR	2008-0010219	\$53.24
DELUCA, PATRICIA ANN & BASTIAN INCORRECT SITUS – SHOULD BE 2A	2008-0014913	\$47.05
FIFER, ROBERT MILITARY – HIS NAME ONLY 08 LES-OH ECC-NONE (LTCOL)	2008-0091694	\$1,617.11
FINDER, EDMUND INOCRRRECT YEAR PLACED ON PROPERTY	2008-0091695	\$6,824.07
GARRIS, CALVIN LEE DOUBLE LISTED ON SAME ACCT #49365	2008-0090448	\$872.02
GIBBS, KENNETH W DMD PA ORDERED BY BOARD OF E&R 12/9/2008	2008-0021579	\$90.28
GOLDMAN METALS INC DID NOT OWN 01/01/2008	2008-0022183	\$501.02
GREATER BAY BANK NA ORDERED BY BOARD OF E&R 12/9/2008	2008-0022689	\$16.81
GREATER BAY BANK NA ORDERED BY BOARD OF E & R	2008-0022690	\$4.53
GREATER BAY BANK NA ORDERED BY BOARD OF E & R 12/9/2008	2008-0022691	\$13.91
HOLDER, DAVID LEE SCE APPROVED BY BOARD OF E & R 12/9/2008	2008-0090505	\$201.38
HOOD, JOHN C III DID NOT OWN 01/01/2008	2008-0090178	\$48
HOUSE OF SILK FLOWERS INC ORDERED BY BOARD OF E & R 12/9/2008	2008-0027682	\$190.78
JENKINS, JOHN DID NOT OWN 01/01/2008	2008-0090184	\$95.13

JENKINS, JOHN DID NOT OWN 01/01/2008	2008-0090183	\$5.98
LINCARE INC ORDERED BY BOARD OF E & R 12/9/2008	2008-0034233	\$10.87
LINCARE INC ORDERED BY BOARD OF E & R 12/9/2008	2008-0034234	\$145.97
MONETTE, JAMES G JR CORRECTING APPRAISAL ERROR	2008-0039341	\$407.79
MOORE, M HARVEY HEIRS DOUBLE LISTED ON ACCT #42063	2008-0092132	\$347.83
ROCK SPRINGS CONSTRUCTION INC NOT IN BUSINESS 01/01/2008	2008-0090831	\$69.74
SHIELDS, MARGARET D ORDERED BY BOARD OF E & R 12/9/2008	2008-0091659	\$1,508.47
SLEIGHT, BARBARA A ORDERED BY BOARD OF E & R 12/9/2008	2008-0050938	\$8.32
THE RENAISSANCE CENTER OF E N DID NOT OWN 01/01/2008	2008-0090919	\$67.10
TOLER, LEW C VACANT PROPERTY	2008-0055497	\$36.00
TRENT NEUSE HOTEL LLC ORDERED BY BOARD OF E & R 12/9/2008	2008-0055847	\$593.51
TRENT NEUSE HOTEL LLC ORDERED BY BOARD OF E & R 12/9/2008	2008-0055848	\$2,263.96
	31 – CREDIT MEMO (S)	\$16,271.59

Refunds

GRVELES, JAMES A & CHEYENNE B CORRECTING APPRAISAL ERROR	2008-0023290	\$59.18
MCKEON, WILLIAM C & GEENA M CORRECTING APPRAISAL ERROR	2008-0037689	\$84.01
PREMIUM PRODUCTS INC ORDERED BY BOARD OF E & R 12/9/2008	2008-0045295	\$30.34
	3 – REFUND (S)	\$173.53

Subdivisions for Approval

Craven County Planning Director, Don Baumgardner, submitted the following subdivisions 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.

William F. Daugherty, Jr. – Final: The property, owned by William F. Daugherty, Jr., and surveyed by Chet Suitt & Associates, is located within Twp. 9 off of SR 1401 (Spring Garden Road). The subdivision contains 1 lot of 1.31 acres and is proposed to be served by community water and an existing individual septic system.

Herbert C. Avery – Final: The property, owned by Herbert C. Avery and surveyed by Kendall Gaskins, is located within Twp. 2 off of SR 1618 (Territorial Road). The subdivision contains 4 lots on 3.07 acres and is proposed to be served by community water and an existing septic system.

Fentress P. Brinn and Mary S. Brinn – Final: The property, owned by Fentress P. and Mary S. Brinn and surveyed by Kendall Gaskins, is located within Twp. 1 off of SR 1400 (River Road). The subdivision contains 1 lot on 5 acres and is proposed to be served by an existing septic system and community water.

McRay K. Whitford – Final: The property, owned by McRay K. Whitford and surveyed by Kendall Gaskins, is located within Twp. 2 off of SR 1621 (Core Point Road). The subdivision contains 1 lot on 1.63 acres and is proposed to be served by an individual septic system and community water.

Renclair Subdivision Section 3 – Final: The property, owned by Clarissa M. Eubanks and surveyed by Kendall Gaskins, is located within Twp. 1 off of NC Hwy 118. The subdivision contains 2 lots on 1.13 acres and is proposed to be served by community water and individual septic systems.

Lozano-Skinner – Final: The property, owned by Nick K. Koonice and surveyed by Matthews Surveying, is located within Twp. 9 off SR 1480 (Lane Farm Road). The subdivision contains 1 lot on 0.45 acres and is proposed to be served by an individual septic system and community water.

Russell Cayton – Final: The property, owned by Charles C. Mitchell and surveyed by Matthews surveying, is located within Twp. 3 off of SR 1245 (Dover Road). The subdivision contains 1 lot on 2.80 acres and is proposed to be served by an individual septic system and community water.

Mark Steven Stroud and Wife Amy Koonce Stroud Div. – Final: The property, owned by Mark and Amy Stroud and surveyed by Terry Wheeler, is located within Twp. 7 off of SR 1193 (Lilliput Drive). The subdivision contains 1 lot on 1.22 acres and is proposed to be served by an individual septic system and community water.

Road Addition Request

The Planning Staff received a request to add Wild Turkey Road, Jack Rabbit Lane, Acorn Drive, Grouse Court and Ferret Run Lane in the River Trace Subdivision located within Twp. 7 to the state maintenance and to adopt a standard SR-2 Road Addition Resolution. Commissioner Sampson moved to add Wild Turkey Road, Jack Rabbit Lane, Acorn Drive, Grouse Court and Ferret Run Lane to the state maintenance and to adopt a standard SR-2 Road Addition Resolution, as requested, seconded by Commissioner McCabe and unanimously carried.

PRESENTATION ON VOLUNTARY AGRICULTURAL DISTRICT (VAD)

Mike Carroll, Cooperative Extension Service, presented a proposed Voluntary Agricultural District Ordinance that has been in the making for about a year, along with landowner application and conservation easement. He reported that 10 square miles of farmland in Craven County has been lost due to development from 1997-2004. The primary objective of the VAD is to preserve and protect farmland, through a voluntary enrollment program. He introduced members of the Advisory Board who were present, and explained the Advisory Board make-up, expense, support and duties.

He stated that a memorandum of agreement will be available for municipalities with farms inside city limits if the ordinance is adopted. The proposed VAD was contrasted with a proposed Enhanced VAD, which has stricter guidelines. In both cases, the enrollment agreement flows with the deed and automatically transfers upon death, sale, gift, etc of the enrolled property. In North Carolina 64 counties, including Jones, Lenoir and Beaufort, have VADs already in place, and Pamlico County is in the developmental

process. The VAD would be in accordance with state laws and would be jointly administered by Cooperative Extension and County Soil & Water Conservation, which would collect fees and receive applications. Commissioner Morris moved to set a required public hearing for January 5, 2009 at 7:00 p.m., seconded by Commissioner Allen and unanimously carried.

APPOINTMENTS

Cove City Library Board

The terms of William Jones and Sidney French on the Cove City Library Board are due to expire. Commissioner Sampson nominated Mr. Jones & Mr. French for reappointment. There were no other nominees and Mr. Jones and Mr. French were reappointed by acclamation.

Regional Library Board

The term of Esther Hardin on the Regional Library Board will expire at the end of December. Commissioner Sampson nominated Ms. Hardin for reappointment. There were no other nominees and Ms. Hardin was reappointed by acclamation.

Firemen's Relief Fund Board of Trustees

The expired terms of George Brown, William Gaskins, Joey Haddock, James Johnson, Theron McCabe, John McCollum, William McCoy, Bobby McLawhorn, Johnny Midgett, Jack Parker, Richard Peterson, Harvey Phillips, Warren Richardson, Ralph Roeland, Clarence Simpson, Arthur Thompson, Carroll White, Duward White, Raymond White, Douglas Whitford, Roy Whitley, Graham Williams and the expiring term of Adrian Becton were considered. Commissioner Sampson nominated all of the above for reappointment. There were no other nominees and the slate was reappointed by acclamation.

EMS Advisory Council

The terms of Debra Banks, Linda Boulanger, Linda Bland, Joe Huffman, Jean Matthews, Jane Sobotor and Rick Zacardelli are due to expire on the EMS Advisory Council. Commissioner Morris nominated Ms. Banks, Ms. Boulanger, Ms. Bland, Mr. Huffman, Ms. Matthews, Ms. Sobotor and Mr. Zacardelli for reappointment. There being no other nominees, the slate was appointed by acclamation.

Voting Delegate to NCACC Legislative Goals Conference

The Board considered appointment of a voting delegate to the NCACC Legislative Goals Conference being held in Raleigh January 15-16. There was consensus that Chairman Jones be designated as voting delegate, and Vice Chairman McCabe as alternate.

COUNTY ATTORNEY'S REPORT

On September 18, 2008, the Board of Commissioners gave final approval to the Marina Townes Subdivision, Section Two B. The owner posted a cash bond (\$190,000) to install required infrastructure.

Subsequent to this approval, the property was foreclosed upon under a deed of trust. After a lengthy process, the property was ultimately conveyed to a different owner.

County Attorney, Jim Hicks, advised the Board that as of the present date, the infrastructure improvements that were a condition for approval of Marina Townes Subdivision have not been completed, although the time for completion has expired. He reported that he has attempted to contact all parties that might have an interest in the property (the previous owner, the current owner, and the lending institution that foreclosed on the property) to ascertain the status of the project; but was unsuccessful in soliciting a response from any party. As a result he recommended that adoption of the

following resolution, which was unanimously adopted following a motion by Commissioner Allen and a second by Commissioner Sampson.

RESOLUTION
CRAVEN COUNTY
REVOCATION OF
MARINA TOWNES SUBDIVISION
SECTION TWO B

WHEREAS, the Craven County Board of Commissioners (“Board of Commissioners”), previously granted final approval of the Marina Townes Subdivision, Section Two B, as the same is shown on that certain map recorded in Plat Cabinet H, Slide 81-E in the Craven County Registry, recorded on December 14, 2006 (“Subdivision”); and,

WHEREAS, final approval was given by the Board of Commissioners on September 18, 2006; and,

WHEREAS, as a condition of final approval, the owner of the Subdivision was required to make certain infrastructure improvements in accordance with the Craven County Subdivision Ordinance (“Ordinance”), to be completed no later than September 18, 2007; and,

WHEREAS, said infrastructure improvements have not been completed as of the date of this resolution; and,

WHEREAS, to secure such infrastructure improvements, the owner of the Subdivision posted a cash bond with Craven County, currently in the amount of \$190,000.00; and,

WHEREAS, the property comprising the Subdivision was subsequently subjected to a foreclosure action under a duly recorded deed of trust, and according to the public records of Craven County is now under the ownership of Northwest Creek Marina, LLC, a Delaware limited liability company (“NCM”); and,

WHEREAS, Craven County staff and the Craven County Attorney have attempted unsuccessfully to ascertain the status and intent of NCM as to the required infrastructure improvements in the Subdivision; and,

WHEREAS, according to the public records of Craven County, no lot nor any portion of the Subdivision has been conveyed to a third party, and all of the property comprising the Subdivision is owned by NCM; and,

WHEREAS, North Carolina law authorizes a county to revoke preliminary and final subdivision approval based upon failure to timely comply with all requirements of a duly adopted subdivision ordinance, including but not limited to failure to timely perform infrastructure improvement requirements.

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

1. Preliminary and final approvals of the Subdivision are hereby **REVOKED** in their entirety; and that the Chairman of the Board of Commissioners, County Manager, Clerk and Attorney are hereby authorized to take all actions and execute all documents necessary to accomplish the same, including but not limited to filing such statements on the public records in the Office of the Craven County Register of Deeds as they deem appropriate. Any such filings shall be properly indexed in the Office of the Register of Deeds of Craven County to provide full notice of such revocation to any prospective purchaser of any lot or property within the Subdivision.

2. County staff shall determine all expenses incurred by the County related to this action, including but not limited to legal fees; shall deduct the same from the cash bond; and remit the balance of the cash bond to the Office of the Clerk of Court of

Craven County, for due and proper distribution to all parties which might have an interest in the same.

3. That a certified copy of this Resolution be filed in the Office of the Register of Deeds of Craven County.

ADOPTED this the 15th day of December, 2008.

COMMISSIONERS REPORTS

Commissioner Morris congratulated West Craven High School football team for a successful season.

Commissioner Sisk also congratulated West Craven High School for advancing to a state championship and wished everyone a Merry Christmas.

Commissioner Sampson expressed his appreciation to volunteers serving throughout Craven County.

Commissioner Allen announced a living Nativity to be held on Thursday, December 18 from 7:00-8:00 at Havelock City Park.

Commissioner McCabe read a report on the activities of the Military Growth Task Force. *Commissioner Jones* notified citizens of temporary positions becoming available through the Census Bureau, and announced that interested parties may make contact at telephone number 1-266-861-2010 or web address www.2010censusjobs.gov. He also reported on a community meeting he held in Jasper last week with Sheriff's representatives regarding security and community watch. He commended Craven County supporters of West Craven High School football team for their steadfastness, and wished Commissioner and Mrs. Sampson a Happy 54th Anniversary. He expressed support for opposition to a mileage tax proposal being floated by the 21st Century Transportation Committee and he wished everyone a Merry Christmas.

CLOSED SESSION

At 9:38 a.m. Commissioner Morris moved to go into closed session for consultation with the County Attorney pursuant to NCGS143318-11(a)(3), seconded by Commissioner McCabe and unanimously carried. At 10:52 a.m. the Board was declared back in regular session. The County Attorney announced that the Board went into closed session to discuss matters under attorney-client privilege; receiving legal advice from the attorney relative to voting districts as a result of an inquiry initiated by the NAACP. He stated that no action had been taken.

At 10:53 a.m. Commissioner Sisk moved to adjourn, seconded by Commissioner Morris and unanimously carried.

Chairman Jason R. Jones
Craven County Board of Commissioners

Gwendolyn M. Bryan, Clerk to the Board