

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, JANUARY 5, 2009. THE MEETING CONVENED AT 7:00 P.M.

MEMBERS PRESENT:

- Chairman Jason R. Jones
- Vice Chairman Theron McCabe
- Commissioner Perry L. Morris
- Commissioner Johnnie Sampson, Jr.
- Commissioner M. Renée Sisk
- Commissioner Steve Tyson

MEMBERS ABSENT:

- Commissioner Lee Kyle Allen

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 Morris moved to approve minutes of December 15, 2008 regular session, 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 Sisk moved for their approval, seconded by Commissioner McCabe and unanimously carried in a roll call vote.

Public Bldgs

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-1201-335-01-00	\$1,444.00	101-1201-400-23-00	\$1,444.00
Sale of Assets		Utilities	
TOTAL	\$1,444.00	TOTAL	\$1,444.00

Justification: Budget sales of scrap metal collected by the Maintenance Dept. Funds were transferred from utilities to cover a portion of the vehicle and are now being returned to utilities.

Coop Ext. – Parents As Teachers

101-4242-348-59-00	\$882.00	101-4242-420-40-50	\$882.00
PATS		Cont Ser – Emp	
TOTAL	\$882.00	TOTAL	\$882.00

Justification: Finalization of fiscal 2008-2009 budget – Smart Start – Parents as Teachers.

Health

101-5600-348-45-00	\$16,333.00	101-5600-440-40-50	\$10,545.00
Lead		Contract Employee	
		101-5600-440-25-0	\$2,000.00
		Travel	
		101-5600-440-32-40	\$3,788.00

Other Supplies

TOTAL	\$16,333.00	TOTAL	\$16,333.00
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Justification: The CDC is allowing the NC Children’s Environmental Health Branch to carry forward funds that were not spent during the 07/08 fiscal year. NC CEHB has allocated \$16,333 to Craven-Jones-Pamlico Lenoir Lead Prevention Partnership.

Health/Minority HIV/STD

101-6708-348-67-00	\$18,500.00	101-6708-440-20-00	\$400.00
State Grant		Postage	
		101-6708-440-24-0	\$6,000.00
		Meeting Exp.	
		101-6708-440-25-0	\$5,400.00
		Travel/Training	
		101-6708-440-32-40	\$1,900.00
		Other Supplies	
		101-6708-440-27-0	\$4,000.00
		Advertising	
		101-6708-440-40-50	\$800.00
		Cont Serv.	

Justification: When the budget was originally submitted, it was unknown the State would award an additional \$18,500. These funds will be used to provide HIV/STD awareness and education to minority populations in Craven, Pamlico and Jones Counties. The budget is 100% grant funded.

Sheriff

114-0000-399-01-00	\$1,109.00	114-2011-410-97-01	\$1,109.00
Fund Balance		To general fd	
101-2005-366-14-00	\$1,109.00	101-2005-410-32-40	\$2,218.00
From Fd 114		Supplies	
101-2005-377-03-0	\$1,109.00		
Bulletproof Vest 08			
Journal Entry			
114-2011-410-97-01	\$1,108.60	114-0000-101-00-00	\$1,108.60
To Fd 101			
101-0000-101-00-00	\$1,108.60	101-2005-366-14-00	\$1,108.60
		Fr Fd 114	

Justification: Bulletproof vest federal grant was under spent in the prior fiscal year. Remainder of grant has been approved to be spent this fiscal year. Grant is 50/50 so local portion will be transferred from the seized asset forfeiture fund 114.

E911

222-0000-357-27-00	\$(4,000.00)	222-2501-410-10-02	\$(42,845.00)
Signs		Salaries	
		222-2501-410-10-03	\$(550.00)
		Merit	
		222-2501-410-10-04	\$(11,101.00)
		Pt Salaries	
		222-2501-410-10-05	\$(250.00)
		Longevity	
		222-2501-410-11-01	\$(4,146.00)
		Fica	
		222-2501-410-11-02	\$(2,112.00)

		Retirement	
		222-2501-410-11-03	\$(1,724.00)
		401K	
		222-2501-410-11-04	\$(184.00)
		W/C	
		222-2501-410-11-06	\$(5,220.00)
		Health	
		222-2501-410-11-07	\$(384.00)
		Dental	
		222-2501-410-11-08	\$(23.00)
		Life	
		222-2501-410-11-09	\$(35.00)
		Disability	
		222-2501-410-32-30	\$(16,500.00)
		Signs	
		222-2501-410-73-50	\$81,074.00
		Reserve	
TOTAL	\$(4,000.00)	TOTAL	\$(4,000.00)

Justification: Salaries, related fringe and sign expense are not eligible under the e911 State rules moving to General Fd.

GIS/GPS

101-4020-357-27-00	\$4,000.00	101-4020-430-10-02	\$42,845.00
Signs		Salaries	
101-00-399-01-0	\$80,524.00	101-4020-430-10-04	\$11,101.00
Fund Balance		Pt Salaries	
		101-4020-430-10-05	\$250.00
		Longevity	
		101-4020-430-11-01	\$4,146.00
		Fica	
		101-4020-430-11-02	\$2,112.00
		Retirement	
		101-4020-430-11-03	\$1,724.00
		401K	
		101-4020-430-11-04	\$184.00
		W/C	
		101-4020-430-11-06	\$5,220.00
		Health	
		101-4020-430-11-07	\$384.00
		Dental	
		101-4020-430-11-08	\$23.00
		Life	
		101-4020-430-11-09	\$35.00
		Disability	
		101-4020-430-32-30	\$16,500.00
		Signs	
TOTAL	\$84,524.00	TOTAL	\$84,524.00

Justification: Salaries, related fringe and sign expense are not eligible under the e911 State rules moving to General Fd.

Health – WIC Client Services – State

101-6010-349-03-00	\$26,744.00	101-6010-440-32-01	\$500.00
(WIC Client Services)		Office Supplies	
		101-6010-440-32-40	\$16,644.00
		Other Supplies	

101-6010-440-73-21 \$9,600.00
Capital Outlay/\$500-\$4,999

TOTAL \$26,744.00 TOTAL \$26,744.00

Justification: Increase in base caseload to Craven County from 3,282 participants to 3,554 participants, resulting in a total increase of \$27,744 in funding to the Craven County WIC Program.

Health – WIC Education – State

101-6020-349-13-00 \$1,000.00 101-6020-440-32-40 \$1,000.00
(WIC Education) (Other Supplies)

TOTAL \$1,000.00 TOTAL \$1,000.00

Justification: Increase in base caseload to Craven County from 3,282 participants to 3,554 participants resulting in a total increase of \$27,744 in funding to the Craven County WIC Program.

Tax Releases and Refunds

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

Credits

TAXPAYER NAME	TICKET #	AMOUNT
ANDREWS, MOLLIE EVA HEIRS FORECLOSURE – LIEN EXTINGUISHED	2008-0001325	\$23.79
AVERY, JERRY E & LESLEY S CORRECTING APPRAISAL ERROR	2008-0092159	\$834.43
AVERY, JERRY E & LESLEY S CORRECTING APPRAISAL ERROR	2008-0092177	\$343.36
BALDREE, MARK WESLEY & DELORES INCORRECT SITUS – SHOULD BE PAMLICO CO	2008-0092161	\$271.30
BALDREE, MARK WESLEY & DEOLORE INCORRECT SITUE – SHOULD BE PAMLICO CO	2008-0092179	\$118.73
BIDDINGER, KRISTY RAE DID NOT OWN 01/01/2008	2008-0092108	\$162.76
CHURCH -WEST STREET CHRIST CHUR EXEMPT PROPERTY – NCGS-105-282.1	2008-0010529	\$152.33
CHURCH -WEST STREET UNITED CHUR EXEMPT PROPERTY – NCGS 105-282.1	2008-0010530	\$11.90
CHURCH-WEST STREET UNITED CHUR EXEMPT PROPERTY-NCGS 105-282.1	2008-0010531	\$14.27
CHURCH-WEST STREET UNITED CHUR EXEMPT PROPERTY-NCGS-105-282.1	2008-0010532	\$17.87
DAVIS, KIMBERLY DID NOT OWN 01/01/2006	2006-0013510	\$196.09

FRANKS, STERLING LEON CORRECTING APPRAISAL ERROR	2008-0019669	\$298.17
GASKINS, KEITH DALTON DID NOT OWN 01/01/2008	2008-0020953	\$74.64
GOODING, EDDIE HRS FORECLOSURE – LIEN EXTINGUISHED	2008-0022264	\$23.79
HEATH FAMILY FARM LLC CORRECTING APPRAISAL ERROR	2008-0025776	\$794.76
HUBBARD, MARY LEE FORECLOSURE – LIEN EXTINGUISHED	2008-0027941	\$21.41
HUBBARD, MARY LEE FORECLOSURE – LIEN EXTINGUISHED	2008-0027942	\$12.87
LEACH, CHINA VACANT PROPERTY	2008-0033397	\$36.00
LEACH, CHINA ANN MCCABE VACANT PROPERTY	2008-0033398	\$36.00
LEWIS, JASON & DEANNA CORRECTING APPRAISAL ERROR	2008-0033900	\$308.44
ODUM, ISIAH PERRY & WEAVER, KA FORECLOSURE-LIEN EXTINGUISHED	2008-0042470	\$23.79
RICKS, JOHN S JR RECYCLE ON SECOND HOME RELEASED	2008-0047078	\$36.00
ROCKY RUN PROPERTIES LLC CORRECTING APPRAISAL ERROR	2008-0092094	\$3,277.53
ROWE, WILLIE DID NOT OWN 01/01/2008	2008-0048398	\$43.99
WHITE, CHARLES & OLLIE A VACANT PROPERTY	2008-0059529	\$36.00
	25 – CREDIT MEMO(S)	\$7,170.22

Refunds

ATLANTIC BEVERAGE INC ORDERED BY BOARD OF E & R 12-9-2008	2008-0001892	\$357.69
HEATH, GEORGE C JR & REBECCA M INCORRECT SITUS – SHOULD BE 2 N	2008-0025839	\$21.60
JENKINS, JOHN CURTIS DOUBLE LISTED ON ACCT #29521	2008-0092122	\$180.54
	3 – REFUND (S)	\$559.83

Road Addition Request

The Planning staff received a request to add the following roads to the state maintenance system; Palisades Way, Lynden Lane, Rainier Court and Kenmore Court in the Lynwood Highland Subdivision located within Twp. 7 and to adopt a standard SR-2 Road Addition Resolution. Commissioner Sisk moved to petition to add the requested roads to the state maintenance system and to adopt the standard SR-2 Road Addition Resolution, seconded by Commissioner McCabe and unanimously carried in roll call vote.

PUBLIC HEARING – 7:00 P.M. – VOLUNTARY AGRICULTURAL DISTRICT

At 7:10 p.m. the Board went into public hearing, as advertised, to receive public comment on a proposed Voluntary Agricultural District (VAD). Mike Carroll of Craven County Cooperative Extension was called upon to provide a summary of the objectives of the proposed VAD. He explained that enrollment in the program is strictly voluntary, and that enrollment will pass along with the enrolled property in the event of sale, gift or bequest of the land, unless a written request for withdrawal is submitted. He explained the powers of the Advisory Board and requested approval to adopt a logo to be used on signage, and will be at no cost to the County. The following citizens spoke in favor of the Voluntary Agricultural District:

1. Wyatt Whitford, Ernul, NC
2. Ted Hanes, 380 Crump Farm Road, NC

There were no speakers in opposition to the Voluntary Agricultural District.

Lucille Potter inquired if there is a change of heart following enrollment in the program, would a reversal be possible. Mr. Carroll responded that it is possible, upon written notice, with a recording fee being the only cost.

At 7:17 p.m., there being no additional citizens who wished to speak, Commissioner Sampson moved to close the public hearing, seconded by Commissioner Morris and unanimously carried. County Attorney, Jim Hicks, recommended to staff that there be a wording change, if adopted, in Article 14 to strike the word “major” preceding “subdivisions” so that the article refers to all subdivisions. Commissioner Tyson inquired how existing lot owners are to be notified of enrolled properties. The County Attorney and staff responded that publicity would be the most effective measure, as mailings would be cost prohibitive. Property deeds would be noted. Mr. Carroll asked that the Steering Committee be allowed to make nominations to the Advisory Committee if the ordinance is adopted. Commissioner Morris moved to adopt the following ordinance, seconded by Commissioner Sisk and unanimously carried.

**CRAVEN COUNTY{PRIVATE }
VOLUNTARY AGRICULTURAL DISTRICT &
ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE**

**ARTICLE I
TITLE**

An ordinance of the Board of County Commissioners of CRAVEN COUNTY, NORTH CAROLINA, entitled, "**VOLUNTARY AGRICULTURAL DISTRICT & ENHANCED VOLUNTARY DISTRICT ORDINANCE.**"

**ARTICLE II
AUTHORITY**

The articles and sections of this Ordinance are adopted pursuant to authority conferred by the North Carolina General Statutes sections 106-735 through 106-744 and Chapter 153A.

**ARTICLE III
PURPOSE**

The purpose of this Ordinance is to promote agricultural values and the general welfare of the county and more specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture, horticulture and forestry; create awareness of agricultural areas within the county; inform non-farming neighbors and potential land purchasers of the presence of agricultural activities; provide the agricultural community an opportunity to provide input to Craven County Commissioners in their decisions that may affect agriculture; and, increase protection from non-farm development and other negative impacts on properly managed farms.

**ARTICLE IV
DEFINITIONS**

The following are defined for purposes of this Ordinance:

Advisory Board: Craven County Agricultural Advisory Board.

Chairperson: Chairperson of the Craven County Agricultural Advisory Board.

District: Voluntary Agricultural District as established by this ordinance.

Enhanced District: Enhanced Voluntary Agricultural District as established by this ordinance.

Board of Commissioners: Craven County Board of Commissioners.

**ARTICLE V
ADVISORY BOARD**

A. Creation

The Board of Commissioners shall establish an Advisory Board to implement the provisions of this program.

B. Membership

The Advisory Board shall consist of no less than seven (7) and no more than nine (9) members appointed by the Board of Commissioners with an effort to have the broadest geographic representation and commodity interest as possible and feasible.

C. Membership Requirements

1. Each Advisory Board member, except those serving in an *ex officio* capacity, shall be a Craven County resident and landowner.
2. At least five (5) of the members shall be actively engaged in farming, horticulture and/or forestry and meet the eligibility criteria for the Craven County Agricultural District program. Of the members actively engaged in farming, horticulture and/or forestry there shall be no more than one such member from each agricultural district or enhanced agricultural district from each Region as outlined in Article VI, Section A of this ordinance. Any additional members appointed by the Craven County Board of Commissioners or Craven County Soil & Water Conservation District shall have special interest, experience, or education in agriculture and/or rural land preservation. This determination shall be made without reference to *ex officio* members.

3. The members actively engaged in farming, horticulture, aquaculture and/or forestry, as well as other members shall be appointed by the Board of Commissioners from the names of individuals submitted to the Advisory Board by Craven County Soil and Water Conservation District, North Carolina Cooperative Extension, USDA Natural Resources Conservation Service, Farm Bureau, and the U.S. Farm Service Agency County Committee. Active agricultural producers, agricultural businesses, forestry, livestock production, horticultural producers, nonprofit agricultural organizations, and conservation or environmental organizations may submit nominations to these offices. The Board of Commissioners are not required to appoint any specific individuals submitted hereunder.
4. Additional members may be appointed to the Advisory Board in an *ex officio* capacity from the Soil and Water Conservation District Board, North Carolina Cooperative Extension, the U.S. Farm Service Agency, or other agencies, as deemed necessary by the Board of Commissioners. Members serving in an *ex officio* capacity shall neither vote nor count toward quorum requirements.
5. At least one (1) of the Advisory Board members actively engaged in farming shall be appointed by the Craven County Soil and Water Conservation District Board of Supervisors.

D. Tenure

The initial Advisory Board is to consist of three (3) appointees for terms of one year; three (3) appointees for terms of two years; and three (3) appointees for terms of three years. Thereafter, all appointments are to be for terms of three years, with reappointment permitted.

E. Vacancies

1. Any vacancy on the Advisory Board is to be filled by the Board of Commissioners, after consultation by the Advisory Board, for the remainder of the unexpired term.
2. Any Advisory Board member may voluntarily resign by submitting a thirty (30) day written notice to the Advisory Board.

F. Removal

1. Any member of the Advisory Board may be removed by the Board of Commissioners upon a two-thirds vote of the Commissioners. No cause for removal shall be required.
2. The Advisory Board may request in writing to the Board of Commissioners removal of an Advisory Board member for inefficiency, neglect of duty, or malfeasance in office. The membership of any Advisory Board member who is absent for three (3) consecutive meetings may be subject to removal, unless such absence is excused by the Advisory Board for good and sufficient cause.

G. Funding

The *per diem* compensation of the members of the Advisory Board may be fixed by the Board of Commissioners and funds may be appropriated to the Advisory Board to perform its duties.

H. Advisory Board Procedure

1. Chairperson

The Advisory Board shall elect a chairperson and vice-chairperson each year at its first meeting of the fiscal year. The chairperson shall preside over all regular or special meetings of the Advisory Board. In the absence or disability of the chairperson, the vice-chairperson shall preside and shall exercise all the powers of the chairperson. Additional officers may be elected as needed.

2. Determination of Procedure

The Advisory Board may not adopt rules of procedure inconsistent with this Ordinance or with other provisions of State law.

3. Advisory Board Year

The Advisory Board shall use the Craven County fiscal year, July 1st – June 30th, as its fiscal year.

4. Meetings

Meetings of the Advisory Board shall be held at the call of the chairperson and at such other times as the Advisory Board may specify in its rules of procedure or upon the request of at least a majority of the Advisory Board Membership. A meeting shall be held at least annually and notice of any meetings to the members shall be in writing, unless otherwise agreed to by all Advisory Board members. Meeting dates and times shall be posted as far in advance as possible on the door of the meeting site and by advertisement in local newspapers or by other means of public dissemination of the meeting dates as may be agreed upon by at least a majority of the Advisory Board Membership. All meetings shall be open to the public.

5. Majority Vote and Quorum Requirements

All issues shall be decided by a majority vote of the members of the Advisory Board present, except as otherwise stated herein. A quorum will consist of one officer and at least one-half of the members. No business may be conducted by the Advisory Board without a quorum present.

6. Records

The Advisory Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Advisory Board, or its designee, and shall be a public record.

7. Administrative

The Advisory Board may contract with the North Carolina Cooperative Extension, Craven County, office to serve the Board for record keeping, correspondence, application procedures under this, and whatever services the Board needs to complete its duties.

I. Duties

The Advisory Board shall:

1. Review and approve or disapprove applications of landowners for enrollment of qualified farmland, horticultural land, or forestland in either voluntary agricultural districts or enhanced voluntary agricultural districts;
2. Make recommendations concerning the establishment and modification of

- agricultural districts;
3. Conduct public hearings pursuant to Article 10 of this ordinance;
 4. Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy and agricultural, horticultural or forestry activities within the county that will affect agricultural districts;
 5. Review and make recommendations concerning proposed amendments to this ordinance.
 6. Develop a draft countywide farmland protection plan as defined in N.C.G.S. §106-744 (e) for presentation to the Board of Commissioners;
 7. Study additional methods of protection for farming, horticulture, forestry, and the attendant land base, and make recommendations to the Board of Commissioners; and
 8. Perform other agricultural, horticultural, and forestry-related tasks or duties assigned by the Board of Commissioners.

**ARTICLE VI
CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS
AND ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS**

A. Regions

Craven County is hereby divided into eight (8) regions as defined below:

1. Township 1, Vanceboro
2. Township 2, Hwy 17 N, Cayton, Fairfield Harbor
3. Township 3, Cove City, Wintergreen Road
4. Township 5, Havelock, Harlowe, Adams Creek
5. Township 6, Hwy 70 E, Riverdale
6. Township 7 James City
7. Township 8, New Bern, Trent Woods
8. Township 9, East of Core Creek, Cove City, Ft. Barnwell, Dover

B. Implementation

In order to implement the purposes stated in Article III, this program provides for the creation of voluntary agricultural districts which meet the following standards:

1. The District or Enhanced District shall contain a minimum of ten (10) contiguous acres of qualified farmland; or
2. The District or Enhanced District shall contain two (2) or more qualified farms within areas designated by the Advisory Board.

All land enrolled in a region, defined in section A, above, shall be part of a single district, whether enrolled in the District or the Enhanced District. If a single farm has acreage in two or more regions, the farm shall participate in the district where the largest acreage is found. All land in a region as defined in section A, above, shall be treated as a single district whether enrolled in the District or the Enhanced District.

C. Education

The county may take such action as it deems appropriate through the Advisory Board or other entities or individuals to encourage the formation of the Districts and Enhanced Districts and to further their purposes and objectives, including the

implementation of a public information program to reasonably inform landowners of the agricultural district program.

D. Addition and Withdrawal

1. Qualifying farmland in a region with an existing district shall be added to the district as herein provided.
2. In the event that one or more participants in the District or Enhanced District withdraw and the acreage in the District or Enhanced District becomes less than the minimum acreage required or results in the remaining land being noncontiguous, a voluntary agricultural district will continue to exist so long as there is one qualifying farm.

**ARTICLE VII
CERTIFICATION AND QUALIFICATION OF FARMLAND**

Requirements

To secure county certification as qualifying farmland in either a Voluntary Agricultural District or Enhanced Voluntary Agricultural District, a farm must:

1. Be participating in the farm present-use-value taxation program established by N.C.G.S. §105-277.2 through §105-277.7, or is otherwise determined by the county to meet all the qualifications of this program set forth in G.S. 105- 277.3
2. Be managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service defined erosion-control practices that are addressed to said highly-erodible land; and;
3. Be the subject of a conservation agreement, as defined in N.C.G.S. §121-35, between the county and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable county zoning and subdivision regulations.
4. Be located in the unincorporated area of Craven County

**ARTICLE VIII
APPLICATION, APPROVAL, AND APPEAL PROCEDURE**

A. Application Procedure

1. A landowner may apply to participate in either the Agricultural District or the Enhanced Agricultural District program by making application to the chairperson of the Advisory Board or a designated staff person, and must designate the application as for either Voluntary Agricultural District status or Enhanced District status. The application shall be on forms provided by the Advisory Board. The application to participate in a district may be filed with the application for certification of qualifying farmland.
2. A conservation agreement (required by N.C.G.S. §106-737 and defined in N.C.G.S. §121-35) suited to district type (Voluntary Agricultural District or Enhanced Voluntary Agricultural District) designated by the landowner to sustain, encourage, and promote agriculture must be executed by the landowner and recorded with the Advisory Board and with the Craven County Register of Deeds. Permitted uses include agriculture, horticulture, forestry, and outdoor recreation. Conservation agreements for the Enhanced Agricultural District program may, at the election of the parties, include provisions requiring that any disputes between the county and the landowner

be resolved through arbitration or mediation, and, in the event of litigation, that the prevailing party be awarded costs, including reasonable attorney fees. The Conservation Agreement for the Enhanced Voluntary Agricultural District shall be binding upon all successors in interest to the landowner, except for successors in interest resulting from the exercise of rights under a security interest or lien that preceded the Conservation Agreement.

3. The Board of Commissioners may establish a fee for such applications, which fee may be amended from time-to-time.

B. Approval Process

Upon submission of the application to the Advisory Board, the Advisory Board shall meet within sixty (60) days to approve or disapprove the application. The chairperson shall notify the applicant by first class mail of approval or disapproval of participation in the district.

C. Appeal

If an application is denied by the Advisory Board, the landowner may, within thirty, (30) days of notification of disapproval of the application, request in writing that the Advisory Board reconsider its decision. The request for reconsideration shall state the reason(s) therefore. Upon either an initial denial, if no request for reconsideration was made, or denial after reconsideration, the landowner shall have thirty (30) days from the date of notification to appeal the decision to the Board of Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final.

**ARTICLE IX
REVOCATION, ENFORCEMENT AND RENEWAL OF CONSERVATION
AGREEMENTS**

A. Revocation and Enforcement

1. District. By providing 30 days advance written notice to the Advisory Board, a landowner of qualifying farmland within a Voluntary Agricultural District may revoke the Conservation Agreement or the Advisory Board may revoke the same Conservation Agreement based on noncompliance by the landowner, subject to the same provisions as contained in Article VIII(C) for appeal of denials. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a district. Absent noncompliance by the landowner, neither the Advisory Board nor the Board of Commissioners shall revoke any Conservation Agreement prior to its expiration. If the Advisory Board shall revoke this Conservation Agreement for cause, the landowner shall have the appeal rights set forth in Article VIII(C). Transfers of land in a Voluntary Agricultural District due to death of the landowner, sale or gift shall not revoke the Conservation Agreement unless the land no longer qualifies for the present-use-value taxation program or, in the event that there are water or sewer assessments held in abeyance, the new owner(s) fails to agree in writing to accept liability for those assessments in the event that the land is withdrawn either voluntarily or involuntarily from the district. Enforcement of the terms of a Conservation Agreement for land enrolled in a Voluntary Agricultural District shall be limited to revocation of the Conservation Agreement and the benefits derived therefrom.
2. Enhanced District. Conservation Agreements for land within Enhanced Districts are irrevocable for a period of 10 years. Enforcement of the terms of the Conservation Agreement may be through an action for injunctive relief and/or damages in any court of competent jurisdiction. The County

may also terminate any benefits to the owner under this program either permanently or during the period of violation, as appropriate. If the Advisory Board shall revoke this Conservation Agreement for cause, the landowner shall have the appeal rights set forth in Article VIII(C). The right to terminate program benefits is in addition to any legal rights that the County may have under either this Ordinance or the terms of the applicable Conservation Agreement. The County may seek costs of the action including reasonable attorney fees if such a provision is incorporated into the Conservation Agreement.

B. Renewal

1. District. A Conservation Agreements for land within a Voluntary Agricultural District shall continue until such time as it is revoked as otherwise allowed herein.
2. Enhanced District. A Conservation Agreement for the Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of 3 years, unless either the Advisory Board or the landowner gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each three (3) year term, the Conservation Agreement shall automatically renew for an additional three (3) year term unless notice of termination is given.

ARTICLE X

WAIVER OF WATER AND SEWER OR ALL UTILITY ASSESSMENTS

A. No Connection Required

1. A landowner belonging to the District shall not be required to connect to Craven County water and/or sewer systems.
2. A landowner belonging to an Enhanced District shall not be required to connect to Craven County utility systems.

B. Abeyance

1. Water and sewer assessments shall be held in abeyance, without interest, for farms in a District, until improvements on such property are connected to the water or sewer system for which the assessment was made.
2. Utility assessments shall be held in abeyance, without interest, for farms in an Enhanced District, until improvements on such property are connected to the utility system for which the assessment was made.

C. Termination of Abeyance

When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.

D. Suspension of Statute of Limitations

Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest. The landowner may be required to sign an acknowledgement (that may be incorporated into the Conservation Agreement) of the abeyance of the statute of limitations upon collecting water and sewer assessments, or other utility assessments.

E. Other Statutory Abeyance Procedures

Nothing in this section is intended to diminish the authority of the County to hold assessments in abeyance under N.C.G.S. §153A-201, or other applicable law.

F. Conflict with Water and/or Sewer System Construction and Improvements Grants

To the extent that this section conflicts with the terms of federal, state, or other grants under which county utility systems are constructed this section shall not apply. This section shall not apply to utilities that are not owned by the County unless the County has entered into an agreement with the entity(ies) owning the utilities and that agreement provides that this Ordinance shall apply.

**ARTICLE XI
ADDITIONAL ENHANCED AGRICULTURAL DISTRICT BENEFITS**

Land enrolled in the Enhanced Voluntary Agricultural District program is entitled to all of the benefits available under the Voluntary Agricultural District program, and to the following additional benefits:

A. Sale of Non-farm Products

Landowners participating in Enhanced Districts may receive up to twenty-five percent of gross sales from the sale of nonfarm products and still qualify as a bona fide farm that is exempt from county zoning regulations under N.C.G.S. §153A-340(b). A farmer seeking to benefit from this subsection shall have the burden of establishing that the property's sale of nonfarm products did not exceed twenty-five percent of its gross sales. A county may adopt an ordinance pursuant to this section that sets forth the standards necessary for proof of compliance.

B. Agricultural Cost Share Program

Landowners participating in Enhanced Districts are eligible under N.C.G.S. §143-215.74(b) to receive the higher percentage of cost-share funds for the benefit of that farmland under the Agriculture Cost Share Program established pursuant to Part 9 of Article 21 of Chapter 143 of the General Statutes for funds to benefit that farmland.

C. Priority Consideration

State departments, institutions, or agencies that award grants to farmers are encouraged to give priority consideration to landowners participating in Enhanced Districts.

D. Utility Assessment Waiver

As provided in Article X above, waiver of all county utility assessments in addition to waiver of water and sewer assessments is available to all participants in Enhanced Districts.

**ARTICLE XII
PUBLIC HEARINGS**

A. Purpose

Pursuant to N.C.G.S. §106-740, which provides that no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a District until such agency or unit has requested the Advisory Board to hold a public hearing on the proposed condemnation.

B. Procedure

1. Upon receiving a request, the Advisory Board shall publish notice describing the proposed action in the appropriate newspapers of Craven County within five (5) business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within no less than fifteen (15) and no more than twenty-five (25) days of receipt of the request. Fees and costs associated with the individual or group requesting the hearing (and appropriate notices).
2. The Advisory Board shall meet to review:
 - a. Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
 - b. Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
3. The Advisory Board shall consult with the County Agricultural Extension Agent, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Advisory Board to be necessary for its review of the proposed action.
4. Within no less than fifteen (15) days and nor more than twenty-five (25) days after the hearing, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public prior to its being conveyed to the decision-making body of the agency proposing the acquisition.
5. There will be a period of ten (10) days allowed for public comment on the report of the Advisory Board.
6. After the ten (10) day period for public comment has expired, the Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision making body of the agency proposing the acquisition.
7. The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision making body of the agency proposing the acquisition, shall not exceed sixty (60) days. If the agency agrees to an extension, the agency and the Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.
8. Pursuant to N.C.G.S. §106-740, the Board of Commissioners shall not permit any formal initiation of condemnation by local agencies while the proposed condemnation is properly before the Advisory Board.

**ARTICLE XIII
NOTIFICATION**

A. Record Notice of Proximity to Voluntary Agricultural District

1. Procedure

Upon certification of qualifying farmland and designation of real property as a District, the Craven County Register of Deeds shall provide some form of notice reasonably calculated to alert a person researching the title of a

particular tract that such tract is located within one-half mile of a voluntary agricultural district.

2. Limit of Liability

In no event shall the County or any of its officers, employees, members of the Advisory Board, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this ordinance.

3. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or Voluntary Agricultural District or Enhanced Voluntary Agricultural District as defined in this Ordinance.

B. Signage

Signs identifying approved agricultural districts may be placed along the rights-of-way of major roads that pass through or next to those districts or as deemed appropriate by the Advisory Board or its administrative agent for the county's agricultural district program. Members of Agricultural Districts may place signs on their individual farms denoting their Agricultural District membership. When applicable, placement of signage shall be coordinated with the North Carolina Department of Transportation.

C. Maps

Maps identifying currently enlisted farms shall be made available at the discretion of the Advisory Board.

**ARTICLE XIV
SUBDIVISION ORDINANCE AND ZONING ORDINANCE REVIEW**

Developers of subdivisions or planned unit developments shall designate on preliminary development plans, the existence of the Districts within one-half (1/2) aerial mile of the proposed development.

**ARTICLE XV
COUNTY LAND-USE PLANNING**

A. Duty of the Advisory Board

It shall be the duty of the Advisory Board to advise the Board of Commissioners or the agency or office to which the Board of Commissioners delegate authority to oversee county land use planning, on the status, progress, and activities of the county's agricultural district program and to also coordinate the formation and maintenance of agricultural districts with the county's land use planning activities and the county's land use plan if one currently exists at the time this ordinance is enacted or when one is formed.

B. Posting of Notice

The following notice, of a size and form suitable for posting, shall be posted in the office of the Register of Deeds, and any other office or agency the Advisory Board deems necessary:

Craven County has established agricultural districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped by the county to inform all

purchasers of real property that certain agricultural and forestry activities, including but not limited to pesticide spraying, manure spreading, machinery and truck operation, livestock operations, sawing, and other common farming activities may occur in these districts any time during the day or night. Maps and information on the location of enlisted farm lands can be found on the Craven County GIS web site located at <http://gismaps.cravencounty.com/maps/>. Information regarding enrollment or establishment of these districts can be obtained from the following Craven County offices: Register of Deeds, County Planning, NC Cooperative Extension, Soil & Water District office, or the USDA Natural Resources Conservation Service.

C. Growth Corridors

At such time as the county might establish designated growth corridors, agricultural districts shall not be permitted in the designated growth corridors, as delineated on the official county planning map without the approval of the Board of Commissioners. Districts located in growth corridors designated after the effective date of this program may remain, but shall not be expanded within the growth corridor area without the approval of the Board of Commissioners.

**ARTICLE XVI
CONSULTATION AUTHORITY**

The Advisory Board may consult with North Carolina Cooperative Extension, the Natural Resources Conservation Service, Craven Soil & Water Conservation District, the North Carolina Department of Agriculture and Consumer Services, and with any other individual, agency, or organization the Advisory Board deems necessary to properly conduct its business.

**ARTICLE XVII
NORTH CAROLINA AGENCY NOTIFICATION**

Annually Report to the North Carolina Department of Agriculture and Consumer Services

A copy of this shall be sent to the Office of the North Carolina Commissioner of Agriculture and Consumer Services, the Board of Commissioners, the County Office of North Carolina Cooperative Extension, and the Soil and Water Conservation District office after adoption. At least annually the county shall submit a written report to the Craven County Board of Commissioners and Commissioner of Agriculture and Consumer Services on the county's agricultural district program, including the following information:

1. Number of landowners enrolled;
2. Number of acres enrolled;
3. Number of acres certified during the reporting period;
4. Number of acres denied during the reporting period;
5. Number of acres for which applications are pending;
6. Copies of any amendments to the this Ordinance; and
7. Any other information the Advisory Board deems useful.

**ARTICLE XVIII
LEGAL PROVISIONS**

A. Severability

If any article, section, subsection, clause, phrase, or portion of this ordinance is for any reason found invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

B. Conflict with other ordinances and statutes

Whenever the provisions of this Ordinance conflict with other ordinances of Craven County, this Ordinance shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this Ordinance, the provisions of such statute shall govern.

C. Amendments

This Ordinance may be amended from time to time by the Board of Commissioners.

**ARTICLE XIX
ENACTMENT**

The Craven County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this Ordinance.

Adopted this the 5th day of January, 2008.

PETITIONS OF CITIZENS

Charlie Simmons requested to be placed on the agenda, but declined to speak.

Ralph Potter apologized to the Board about his last appearance and requested approval of a resolution to be forwarded to the Department of Transportation seeking redesignation of old Hwy. 70 West.

WEST NEW BERN FIRE DEPARTMENT PRESENTATION

Doug Ferguson, President, and Jack Parker, Treasurer, advised the Board of the Department's intent to purchase a used fire truck, a 1998 Fierra Quint with 24,000 miles, for \$225,000. The truck contains a 75' ladder and aerial device. They advised that funds for the purchase can be raised without any effect upon the fire tax rate. There was no objection from the Board.

APPOINTMENTS: NCACC LEGISLATIVE LIAISON

The North Carolina Association of County Commissioners requested that the Board appoint a Legislative Liaison for the 2009-2010 legislative biennium. Commissioner Morris has served in this capacity for the past two years, and Commissioner McCabe nominated him to continue. There being no other nominations, Commissioner Morris was reappointed by acclamation.

COMMISSIONERS REPORTS

Commissioner Tyson announced that he and the County Manager went to Raleigh several weeks ago to meet with DOT engineers concerning the Super 70 configuration. He stated that progress is being made with the design plans.

Commissioner Morris announced that he is celebrating his 29th wedding anniversary.

Commissioner Sampson stated that gas prices are beginning to rise again. He announced that Craven Regional Medical Center is adding 37 new private rooms and a Maternity

Ward in the 5th floor addition. He stated that the hospital is serving more patients as a result of the closing of Haliburton Naval Hospital aboard MCAS, Cherry Point, but without any financial support from the federal government. He indicated that Craven Regional intends to seek federal funding support for this population.

Commissioner Jones commented on receipt of notification about replacement of Maple Cypress bridge in 2013. DOT will be receiving public comment about the plans. He stated that taking the bridge out of service would hurt the western end of the County as well as Commissioner Morris' district. He asked that Commissioner Morris join him in expressing concerns to DOT, and further recommended that DOT be urged to build the replacement bridge parallel to the existing one to avoid having the bridge out of service for the entire construction period. Commissioner Morris raised a question about the County's ownership of land adjacent to the right-of-way of the bridge. Staff is to confirm that the County does not own any of this land. The Chairman reminded the Board of a joint meeting with the Havelock Board of Commissioners on January 8. He stated that the purpose of the meeting is informational only and it was the consensus of the Board that the meeting not exceed two hours.

At 7:55 p.m. Commissioner Morris moved to recess to reconvene on January 8, 2009 at 5:00 p.m. in joint session with the City of Havelock Board of Commissioners, seconded by Commissioner McCabe and unanimously carried.

Chairman Jason R. Jones
Craven County Board of Commissioners

Gwendolyn M. Bryan, Clerk to the Board