

**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, MAY 4, 2009. THE MEETING CONVENED AT 7:00 P.M.**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

- Harold Blizzard, County Manager
- Ray H. Moser, Assistant County Manager
- Richard F. Hemphill, County Finance Officer
- Gwendolyn M. Bryan, Clerk to the Board
- Jim Hicks, County Attorney

Following an invocation by Commissioner Allen and the Pledge of Allegiance, Commissioner Morris moved to approve the minutes of April 20, 2009 regular session, seconded by Commissioner Sampson and unanimously carried.

**CONSENT AGENDA**

*Tax Releases*

Craven County Tax Administrator, Ronnie Antry, submitted the following tax releases 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
BROWN, ESTHER SOLD SWMH IN 2006	2008-0006780	\$43.38
BROWN, ESTHER SOLD SWMH IN 2006	2007-0006645	\$47.41
GARRIS, EDNA L PROPERTY SOLD PRIOR TO 1/1/08	2008-0020684	\$85.50
GREEN KAREN D MH LISTED AS REAL ACCT# 13079	2009-0090020	\$1,531.77
KRAMER, LINDA NOT LOCATED IN COUNTY 2008	2008-0032451	\$160.68
WEBBER, PAUL V & CHARLENE M LISTED ON ACCT #480795 (DOUBLED)	2008-0091950	\$106.31
	6 – CREDIT MEMO (S)	\$1,975.05

*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.

***DSS – 7291 Mandated***

<b>REVENUES</b>	<b>AMOUNT</b>	<b>EXPENDITURES</b>	<b>AMOUNT</b>
101-7291-349-42-00 Share the Warmth	\$10.00	101-7291-450-23-42 Share the Warmth Utilities	\$10.00
<b>TOTAL</b>	<b>\$10.00</b>	<b>TOTAL</b>	<b>\$10.00</b>

**Justification:** Additional funding received. Funds are 100%, no County match.

***Health/Family Planning***

101-6400-349-12-00 State Revenue	\$2,800.00	101-6400-440-32-05 Prescription Drugs	\$2,800.00
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**Justification:** CCHD has just been awarded new family planning bonus funds that must be spent by May 31, 2009. These funds may be used for any Title X approved expenditure; however, it is requested by the state that we used some of this money to provide sterilizations. Therefore, \$2,800 requested to go into prescription drugs for purchase of Depo-Provera and other methods of birth control.

*Road Addition Request*

Craven County Planning Director, Don Baumgardner, received a request to add Croatan Woods Drive, Sweet Gum Way, Pond Pine Trail and Birch Court in the Croatan Woods Subdivision located within Twp. 6 to the state maintenance system and to adopt a standard SR-2 Road Addition Resolution. Commissioner Sisk moved to add the requested roads to the state maintenance system and to adopt a standard SR-2 Road Addition Resolution, seconded by Commissioner McCabe and unanimously carried in a roll call vote.

*Request to Set Public Hearing on Naming and Addressing Ordinance*

The Planning Board requested that a public hearing be set for Monday, June 1, 2009 at 7:00 p.m. to hear comments on changes, additions and corrections to the Craven County Road Naming and Addressing Ordinance. Commissioner Sisk moved to set a public hearing for Monday, June 1, 2009 at 7:00 p.m., as requested, seconded by Commissioner McCabe and unanimously carried in a roll call vote.

*Craven Community Concert Resolution*

Commissioner Allen requested that the Board adopt a resolution recognizing Gunnery Sergeant Mitchell Martin for his leadership of the Craven Community Concert Band. Commissioner Sisk moved to adopt the following resolution, as requested, seconded by Commissioner McCabe and unanimously carried in a roll call vote.

**RESOLUTION  
RECOGNIZING GUNNERY SERGEANT MITCHELL MARTIN  
FOR HIS LEADERSHIP OF  
CRAVEN COMMUNITY CONCERT BAND**

**WHEREAS,** GySgt Mitchell Martin, a native of Bethesda Maryland, serves as the Enlisted Conductor of the 2<sup>nd</sup> Marine Aircraft Wing Band at Cherry Point; and

**WHEREAS**, GySgt Martin joined the Craven Community Concert Band as the new Band Director for the current concert season; and

**WHEREAS**, he has brought to Craven County a wealth of training and experience, which includes more than 20 years in the United States Marine Corps Music Program and a faculty position at the Armed Forces School of Music; and

**WHEREAS**, the Craven Community Concert Band, which numbers approximately 75 adult and student members, has flourished under his leadership; and

**WHEREAS**, the band is open to talented woodwind, brass and percussion musicians who give their time, and have found an outlet under the direction of GySgt Martin, to serve the community by providing entertainment on numerous occasions.

**NOW, THEREFORE, BE IT RESOLVED** that the Craven County Board of Commissioners salutes GySgt Mitchell Martin for his dedicated leadership, and recognizes his selfless service to the Craven County community as Director of Craven Community Concert Band.

Adopted this 4<sup>th</sup> day of May, 2009.

*ECBH March 31, 2009 Monitoring Report*

East Carolina Behavioral Health submitted the quarterly fiscal monitoring report, as required by NCGS 122C-1173(c). The report, which was completed on a cash basis, reflects totals, as follows, for the period ending March 31, 2009:

Total Local Revenue	\$ 6,158,682
Total County Funds	\$ 1,158,168
Total State and Federal Funds	\$20,672,239
Total Revenue	\$27,989,089
Total Expenditures	\$29,205,555
Current Cash in Bank	\$15,890,489

Commissioner Sisk moved to accept the report, seconded by Commissioner McCabe and unanimously carried in a roll call vote.

**PUBLIC HEARINGS**

At the beginning of the public hearings, the Chairman announced that four minutes would be allotted to each speaker.

*CARTS – American Recovery and Reinvestment Act (ARRA) Application*

The Chairman called upon CARTS Director, Phyllis Toler, to provide preface remarks prior to the call to open a public hearing to receive public comment on an American Recovery and Re-Investment Act (ARRA) application for capital funding.

At 7:09 p.m. Commissioner Sampson moved to go into public hearing, as advertised, seconded by Commissioner Morris. There were no speakers from the public, and at 7:10 p.m. Commissioner Sampson moved to close the public hearing, seconded by Commissioner Tyson and unanimously carried.

Following the public hearing Commissioner Sisk moved to authorize application for the ARRA funding, seconded by Commissioner Sampson and unanimously carried.

*Edward Byrne Memorial Justice Assistance Grant*

At 7:14 p.m. Commissioner Sampson moved to go into public hearing to receive comment on the Edward Byrne Memorial Justice Assistance Grant, which was summarized by Capt. Jesse Pittman.

He explained that Craven County Sheriff's Department wishes to apply for \$81,595 in federal assistance monies for the procurement of a transport vehicle for inmates. The vehicle will be used to transport inmates from the new Judicial Center located at 1100 Clarks Road to the Craven County Courthouse located at 309 Broad Street. The \$81,595 Federal Grant will be used towards the purchase price of \$87,977 for the transport vehicle. The following citizen spoke:

1. *Charlie Simmons of 2218 Tuscarora Road*, stated that he has 400 names on a petition to object to the siting of the new Judicial Center.

During discussion, it was noted that the \$8,392 of additional funding will come out of next year's project budget. Commissioner Jones commented that he has always voted against the location of the new Judicial Center, but the reality is that the jail is there and he will vote for the grant.

At 7:17 p.m. Commissioner Morris moved to close the public hearing, seconded by Commissioner McCabe and unanimously carried. Commissioner Sisk moved to authorize the grant application, as requested, seconded by Commissioner Tyson and unanimously carried.

*Local Bill to Prohibit Hunting Along Joyner Drive*

At 7:22 p.m. Commissioner Tyson moved to go into public hearing, seconded by Commissioner McCabe to receive public comment on a bill to prohibit roadside hunting on Joyner Drive in District 5. When the petition was originally presented, there was concern expressed that hunters would also be prevented from collecting their hunting dogs along the covered area if this bill were to be enacted. Staff from the bill drafting department at the NC General Assembly suggested that the concern may be addressed by adding another section to the bill that states the prohibition does not apply to the retrieval of hunting dogs. *Mr. Larry Paul* spoke for all residents present, who favored the following wording:

A BILL TO BE ENTITLED  
AN ACT TO PROHIBIT DISCHARGING FIREARMS FROM OR ACROSS THE  
RIGHT-OF-WAY OF A PORTION OF STATE ROAD 1862, KNOWN AS  
JOYNER DRIVE, IN CRAVEN COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Unless a person owns or possesses a leasehold interest in the real property immediately adjacent to the portion of the road on which the person is located, it is unlawful for that person to discharge firearms from, on, or across the right-of-way of State Secondary Road 1862, known as Joyner Drive, from Adams Creek Road to the end of the State-maintained portion of the road.

**SECTION 2.** Violation of this act is a Class 3 misdemeanor.

**SECTION 3.** This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with general subject matter jurisdiction.

**SECTION 4.** This act applies only to Craven County.

**SECTION 5.** This act becomes effective October 1, 2009.

At 7:24 p.m., there being no other members from the public who wished to speak, Commissioner Allen moved to close the public hearing and to forward the foregoing bill to Representative Wainwright, seconded by Commissioner McCabe and unanimously carried.

### PETITIONS OF CITIZENS

*Mr. George Wetherington* addressed the Board concerning the Planning and Inspections permitting process relative to a structure that has been constructed near the property line of the Pate Cemetery off Highway 55. The Chairman asked Planning Director, Don Baumgardner, to speak on this issue. Mr. Baumgardner stated that the building was presented as a farm building. He explained that there is nothing in the statutes giving review and permitting authority to county planning departments for such a building; however, conversion to a commercial use or installation of electricity would necessitate involvement of the Planning Department. As a farm building, this structure is exempt from setback rules. Mr. Wetherington argued that the building is being used for commercial purposes, and that electricity is being installed. Although the Planning Department has not yet been asked to inspect electric installation at the site, the Board asked Mr. Baumgardner to take another look.

*Mr. Charles Simmons* addressed the Board concerning inmates from different parts of North Carolina likely being transferred to the new Craven County Jail.

*Mr. O'neal Simmons, Ms. Estella Bryant and Dardi Mitchell* all requested to appear before the Board, but were not present.

*Rev. Ray Griffin*

Rev. Griffin spoke about a variety of issues and concerns, including International Monetary Fund, overseas abortions and Planned Parenthood.

### UPDATE ON H1N1 VIRUS

Health Director, Scott Harrelson, was asked to provide an update on the H1N1 Virus in Craven County. He stated that there are currently 5 probable cases being closely monitored. Commissioner Allen asked Diane Miller, PIO, City of Havelock, to present questions from Havelock Commissioners. She requested guidance from the County on protocol procedure, since monitoring is currently centered in the vicinity of Havelock and MCAS Cherry Point. Mr. Harrelson advised Ms. Miller and the Board that he would be the point of contact at the Health Department for accessing supplies. He also announced a link on the Health Department's home page for obtaining updated information.

### BOARD OF EDUCATION REQUEST

Superintendent of Schools, Larry Moser, presented the proposed Board of Education budget for FY 2009-2010, totaling \$23,361,551, with a request from the County in the amount of \$17,526,290. He stated that the "current expense" in the proposed budget is the same as the actual FY 2008-2009 budget, with the only change being a \$100 increase in teacher supplements. Cost saving measures being implemented throughout the system were highlighted.

Mr. Moser also announced that space has been set aside at New Bern High School for a brick laying class, pending identification of a certified instructor.

### CRAVEN COMMUNITY COLLEGE BUDGET REQUEST

Craven Community College President, Dr. Catherine Chew, presented the proposed FY 2009-2010 budget and funding request. She stated that the college would not be seeking an increase in funding, and that the budget request may actually reflect a slight decrease. A 5% salary reduction implemented by the State will be applied across the board, including County funded positions.

## APPOINTMENTS

### *Havelock Board of Adjustment*

The Board was advised of an appointment to replace Cathy Ziegler as an extraterritorial alternate on the Havelock Board of Adjustment. This appointment was deferred.

### *Regional Aging Advisory Committee*

The Board was previously advised that the terms of Ethel Staten and Myrtle West are due to expire on the Regional Aging Advisory Committee. One appointment was made at the Board's last meeting; however, the remaining position was deferred again.

### *Craven Regional Medical Authority*

The Board was advised that the terms of Milt Gold and Barbara Lee on the Craven Regional Medical Authority are due to expire May 31. Commissioner Sampson nominated both for reappointment. There being no other nominees, Mr. Gold and Ms. Lee were reappointed by acclamation.

During discussion Commissioner Sisk announced that she had received a question from the New Bern Library Board regarding replacement of a member before the end of her term. She inquired how this can be avoided in the future. Chairman Jones responded that he had contacted the librarian concerning the conditions of replacement and advised her that the member was not removed for cause.

## PRESCRIPTION DRUG PROGRAM

Commissioner Allen made a presentation on the NACo Prescription Drug Program to the Board. He stated that 67 counties in North Carolina are currently participating in the program and that the County simply needs to allow the County seal to be used on the drug card. Commissioner Allen moved that the County participate in the NACo Drug Program, seconded by Commissioner Sampson. During discussion Commissioner Tyson inquired if there are HIPPA concerns. Commissioner Allen stated that he specifically called HIPPA and ascertained that there is no relationship. Commissioner Morris reminded the Board that Nancy Alexander of Merci Clinic had stated that Merci Clinic has a drug prescription card program available that would benefit the clinic. He stated that he would like to defer participation in the NACo program until the Board can hear from her again. Commissioner Morris moved to defer participation, seconded by Commissioner Tyson. The motion failed with five (5) "Nays", there being two (2) "Ayes" from Commissioners Morris and Tyson. The original motion to participate in the NACo Prescription Drug Program carried with six (6) "Ayes", there being one (1) "Nay" from Commissioner Morris. Assistant County Manager, Ray Moser, advised the Board that there is a contract associated with participation, and asked if the contract review should be included in the motion. Commissioner Allen agreed to have this included in the motion.

At 9:12 p.m. the Board moved to recess to convene the Water Board.

At 9:55 p.m. the Board reconvened in regular session.

## COMMISSIONERS' REPORTS

*Commissioner Sisk* announced that she had attended the West Craven Park opening.

*Commissioner Morris* cautioned that hunting regulations can take pressure off of wildlife, allowing species to expand out of control. He announced that he attended the Jarman Opry with Commissioner Tyson.

*Commissioner Sampson* reported on the NC Black Officials Summit, which he attended with Commissioner McCabe, and announced that DUFFEST was well-attended and well-

covered. He stated that he had attended the 113th birthday party of Mrs. Melinda Harris at the Good Shepherd Home and announced that the City of New Bern public swimming pool will open this summer.

*Commissioner Allen* reported that the NACo Organization & Structure Task Force completed recommended changes for consideration at the Annual Conference. He announced that the Craven Community Concert Band will be performing at Tryon Palace on May 17 at 6:30 p.m.

*Commissioner Jones* announced that he gave the welcome at the 5<sup>th</sup> Annual State of the Child Conference.

At 10:05 p.m. Commissioner Allen moved to go into closed session pursuant to NCGS 143-318.11(a)(5) concerning property acquisition relative to sites for new schools. Commissioner McCabe seconded the motion, which carried unanimously.

At 10:43 p.m. the Board returned in regular session. The Chairman reported that there had been no action in closed session, but only consultation.

At 10:44 p.m. Commissioner Sisk moved to adjourn, seconded by Commissioner Morris and unanimously carried.

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Chairman Jason R. Jones  
Craven County Board of Commissioners

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Gwendolyn M. Bryan  
Clerk to the Board