

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, AUGUST 3, 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
- Arey Grady, County Attorney's representative
- Aaron Arnette, County Attorney's Associate

Following an invocation by Commissioner Sampson and the Pledge of Allegiance, Commissioner Sisk moved to approve minutes of July 20, 2009 regular session, seconded by Commissioner Sampson 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.

Admin/Health

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-5001-346-06-00 Grant/Public Health Foundation QIT	\$11,793.00	101-5001-440-73-02 C/O Other Improvements	\$11,793.00
TOTAL	\$11,793.00	TOTAL	\$11,793.00

Justification: Craven County Health Department was chosen to be a pilot participant in the NC Center for Public Health Quality Improvement team. The original amount was to be for \$15,000 but the institute deducted all expenses for the five participants from the Health Department leaving \$11,793 to be utilized for patient process flow throughout the clinics. These funds have been approved by the Center to be used in our current plans for renovation of the patient registration stations in the lobby. First release of funds should be released in July with the second release coming in December as outlined in the letter of agreement.

Health – WIC

101-6010-349-03-00 (WIC Client Services)	\$34,191.00	101-6010-440-26-01 (M/R – Bldg & Grnds)	\$500.00
		101-6010-440-32-01 (Office Supplies)	\$1,000.00
		101-6010-440-32-08 (Medical Supplies)	\$172.00

		101-6010-440-32-40	
		101-6010-440-32-40	\$32,519.00
		Other Supplies	
101-6011-349-07-00	\$2,024.00	101-6011-440-15-01	\$1,500.00
(WIC General Admin)		(Audit)	
		101-6011-440-20-0	\$400.00
		(Postage)	
		101-6011-440-22-0	\$124.00
		(Telephone)	
101-6020-349-13-00	\$9,110.00	101-6020-440-27-00	\$7,610.00
(WIC Education)		(Advertising)	
		101-6020-440-32-01	\$500.00
		(Office Supplies)	
		101-6020-440-32-40	\$1,000.00
		(Other Supplies)	
101-6021-349-06-00	\$8,000.00	101-6021-440-25-00	\$2,000.00
(WIC Breastfeeding)		(Travel/Training)	
		101-6021-440-27-0	\$6,000.00
		(Advertising)	
TOTAL	\$53,325.00	TOTAL	\$53,325.00

Justification: Additional funding for FY 09-10 in the amount of \$53,325 to be distributed between WIC budgets 6010, 6011, 6020 and 6021. Result of an increase in base case load from 3,660 participants to 3,717 participants and \$1.00 increase in the “per participant rate” to \$13.75 per participant.

Health/Jail Initiative Program

101-6709-348-67-00	\$3,051.00	101-6709-440-32-01	\$500.00
NC Div Public Health		Office Supplies	
		101-6709-440-32-40	\$2,551.00
		Other Supplies	
TOTAL	\$3,051.00	TOTAL	\$3,051.00

Justification: CCHD has been awarded one-time funds in the amount of \$3,051 for the use of purchasing office equipment and incentives for the HIV Expanded testing efforts for the jail. These one-time funds will be used to continue the progress to expand HIV testing and awareness in Craven County.

Subdivisions for Approval

Craven County Planning Director, Don Baumgardner, submitted the following subdivisions for the Board’s approval. Commissioner Sampson moved for their approval, seconded by Commissioner McCabe and unanimously carried in a roll call vote.

Herman Turnage Heirs – Final: The property, owned by Joseph Eugene Turnage & Samuel Lee Turnage and surveyed by Matthews Land Surveying, is located within Twp. 3 off of Quinn Rd. (SR 1253). The subdivision contains 1 lot on 1.17 acres and is proposed to be served by an individual septic system and County water.

Jerry Sutter – Final: The property, owned by Geneva T. Moore and surveyed by Kendall Gaskins, is located within Twp. 1 off of Wilmar Road (SR 1476). The subdivision contains 1 lot on 0.59 acres and is proposed to be served by an individual septic system and County water.

Ronnie L. Wiggins, and wife Ashley Wiggins: The property, owned by Thomas E. Cowan and surveyed by Kendall Gaskins, is located within Twp. 2 off of Aurora Road (SR 1003). The subdivision contains 1 lot on 0.94 acres and is proposed to be served by an existing individual septic system and First Craven water supply.

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
ARNEY, SIDDIE ANN LISTED AS REAL ON ACCT# 6059500	2007-0001509	\$97.70
ARNEY, SIDDIE ANN LISTED AS REAL ON ACCT #6059500	2008-0001549	\$285.60
ARNEY, SIDDIE ANN LISTED AS REAL ON ACCT #6059500	2007-0090109	\$415.96
BATE LAND & TIMBER LLC BILLED DEFERRED TAXES IN ERROR	2009-0090060	\$36,842.12
GILLEN, NELLIE ADJUSTED RECYCLE FEE FOR SCE	2009-0090070	\$12.00
ROACH, GEORGE WASHINGTON ADJUSTED RECYCLE FEE FOR SCE	2009-0090084	\$24.00
SEIPLE & ASSOCIATES INC – D BUSINESS CLOSED IN 2007	2008-0090854	\$63.42
7 – CREDIT MEMO (S)		\$37,740.80

Refunds

ARNEY, SIDDIE ANN LISTED AS REAL ON ACCT #6059500	2007-0001509	\$200.00
ARNEY, SIDDIE ANN LISTED AS REAL ON ACCT #6059500	2007-0090109	\$300.00
2 – REFUND (S)		\$500.00

Sheriff’s Department Request to Set August 17 Public Hearing

The Sheriff’s Department requested that the Board set a public hearing for 8:30 a.m. on August 17, 2009 concerning application for federal assistance funds in the amount of \$19,830 for the procurement of equipment for this fiscal year. There is no grant match required of the County. Commissioner Sampson moved to set a public hearing for 8:30 a.m. on August 17, 2009, as requested, seconded by Commissioner McCabe and unanimously carried in a roll call vote.

PETITIONS OF CITIZENS

The Chairman announced that the policy for petitions is that the Board will listen to the concerns of citizens and investigate further, where necessary.

Lester Cruse requested to be on the agenda, but was not present. Commissioner Morris presented the complaint on his behalf. A family in his area hosts parties and plays loud music, which can be heard for miles, but is turned down at the hour specified in the ordinance. Although the community has complained that the music creates a disturbance that interferes with the enjoyment of their property during the hours that it is loud, the Sheriff's Department has stated the ordinance does not give them the authority to enforce outside of the specified hours. The Board reached consensus to investigate what, if anything, can be done to strengthen the ordinance.

Rev. Ray Griffin stated that the same sex marriage issue is tied up in Raleigh. Commissioners were asked to contact legislators to ask them to pass this legislation.

Mr. Ralph Potter presented a resolution for a proposed I 440 in eastern NC, which will also be presented to all counties affected by the proposed route. The consensus was that the Board will study the request further, after conferring with staff.

Kelly Muse stated that she has a neighbor who keeps approximately sixty cats, and they are roaming unchecked in the neighborhood, causing property damage. She asked for consideration of a nuisance ordinance for animals running loose in populated neighborhoods. She stated that she has worked as a veterinary medicine technician and there is no ordinance that allows animal control to issue fines for owners. Commissioner Tyson surveyed her neighborhood and asked for feedback from the Board members and the County Attorney. The Board directed the County Manager to have Kathryn Smith come before the Board to discuss enforcement of current ordinances and the potential need for additional provisions.

PUBLIC HEARING – CARTS

CARTS Director, Phyllis Toler, was asked to summarize the FY 2009-2010 ROAP Grant Application. She stated that the grant offers \$264,676 in three funds: Elderly and Disabled, Employment and Rural General Public. At 7:35 p.m. Commissioner Sampson moved to go into public hearing, as advertised, to receive public comment on the grant application, seconded by Commissioner McCabe. There were no speakers from the public, and Commissioner Sampson moved to close the public hearing, seconded by Commissioner McCabe and unanimously carried. At Commissioner Sampson's request, Ms. Toler explained how CARTS works and gave detailed information about accessing service.

Commissioner Allen moved to approve the application, seconded by Commissioner Sampson and unanimously carried.

PUBLIC HEARING – FY 2009 CDBG – CR

Dale Holland of Holland Consulting Planners prefaced the public hearing with his comments. He stated that over the last four years, CDBG funds have steadily declined. He recommended that the County re-apply for James City CR, targeting John and Kennedy Streets, for drainage and road improvements. He recommended that the local fund commitment be reduced from \$90,000 to \$20,000 for this project, if funded, which may be spread over two to three years. He stated that he was not asking for a resolution at this point, but just the Board's endorsement for pursuing the application, which these two streets as the focus.

At 7:50 p.m., Commissioner Sampson moved to go into public hearing, seconded by Commissioner McCabe.

The following citizens spoke:

1. *Lawrence Lewis, 302 John Street*, asked if the grant is approved, will John Street and Kennedy Street get the money. He was advised that if the grant is written for those two streets, it can only be used for those streets.

2. *Linda Daugherty, 416 Brown Drive*, asked if something can be done to help Brown Drive. She stated that people's vehicles are being wrecked because of the condition of the street.
3. *Myrtle Downing, 402 Brooks Drive*, said she is supporting citizens of John Street, Kennedy Street and Brown Drive
4. *Melvin Cooper, 313 Scott Street*, stated that he is in support of the application
5. *David Lee, 305 John Street*, wanted to know at what point the funds are obligated.
6. *Valerie Brown, 306 Kennedy Drive*, made a forceful appeal for help for the streets, as well as for housing needs in the area.
7. *Daisy English, 273 Scott Street*, spoke in support of the grant.
8. *Shirley Foy, 302 John Street*, stated that she is concerned about housing.
9. *Charlie Simmons, 2218 Tuscarora Rhems Road*, inquired if the funds are the same as stimulus funds previously discussed. Mr. Holland stated that the application for the stimulus grant was not funded. This application is for a different source.
10. *Bricks Foye* expressed frustration about development of infrastructure in the James City community.

At 8:10 p.m. Commissioner Sisk moved to close the public hearing, seconded by Commissioner Morris and unanimously carried. The Chairman asked Mr. Baumgardner to explain the process relative to roads and housing improvements to clarify some misconceptions. The Chairman encouraged citizens to contact their legislative delegation to seek support for community improvement grant applications. Commissioner Tyson moved to go forward with the application and to endorse pursuing James City, seconded by Commissioner Morris and unanimously carried.

At 8:20 the Board went into recess.

At 8:35 p.m. the Board reconvened in regular session.

The Chairman asked that a request from Twp. 6 Fire Department be recognized. He stated that the department had ordered a truck without endorsement by the Board of Commissioners. Representing the Department, Ralph Roeland asked for the Board's endorsement, stating that no fire tax increase will be necessary to fund the purchase, and that the Twp. 6 Fire Tax Commissioners are in agreement. Commissioner Allen moved to endorse the purchase and the borrowing from First Citizens Bank in the amount of \$39,468. Commissioner McCabe seconded the motion, which carried unanimously.

CAMA LAND USE PLAN FOLLOW-UP

Mr. Holland made himself available for further questions on the CAMA Land Use Plan which was presented on July 20, stating that the County is under no deadline for acting. The current plan is in effect until the new one is adopted. During discussion, Commissioner Sisk asked if the plan is etched in stone. Mr. Holland stated that it is amendable, but must be certified by CAMA. He stated that amendments can be purely administrative or in policy, in which case they must go to Coastal Resources Commission. It is a plan, not an ordinance. Commissioner Allen moved to approve the plan, seconded by Commissioner Sisk. The motion carried with five (5) "Ayes", there being two (2) "Nays" from Commissioners Tyson and Morris.

ZONING PUBLIC INFORMATION MEETING FOLLOW-UP

On July 30, 2009 at 7:00 p.m. the Planning Department hosted a public informational meeting regarding the proposed US 70 Corridor Zoning Ordinance in the cafeteria of Brinson Memorial Elementary School. Mr. Baumgardner reported that comments received from the public were representative, and he proposed to utilize comments from the public to refine the ordinance. Afterwards, he will present the edited ordinance to the Board.

CRAVEN COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN GRANT

The Planning Department was informed that Craven County was awarded a grant to update the Craven County Hazard Mitigation Plan. The total grant is for \$37,350 and the total cost for updating the plan is \$49,800. The County's match requirement was budgeted into the current fiscal year. All municipalities in the County will be responsible for their prorated shares of the match requirement. All participating municipalities were notified of the match requirement at the last quarterly Mitigation Advisory Committee meeting. Commissioner Sisk moved to authorize the Chairman to enter into a contract to update the Craven County Hazard Mitigation Plan, seconded by Commissioner McCabe and unanimously carried.

APPOINTMENT – NEW BERN BOARD OF ADJUSTMENT

On July 20 the Board was advised that the term of Doris Foy on the New Bern Board of Adjustment is due to expire. Although she has served only six years, the New Bern Board of Adjustment has advised that their policy establishes a two-term limit. Each term is three years and Ms. Foy has served two terms. It was the consensus of the Board to defer this appointment.

COUNTY MANAGER'S REPORT

Assistant County Manager, Ray Moser, presented a request from the City of New Bern Electrical Department to locate a switching box on County property for buried electrical lines, and an easement along side of the County Administration Building. He recommends, if the Board desires to grant the request that the County Attorney review the documents, adding any necessary language, and he asked that the Board authorize the Chairman's signature. Commissioner Sampson moved to grant the request, seconded by Commissioner McCabe and unanimously carried.

COMMISSIONERS' REPORTS

Commissioner Allen stated that three Commissioners attended the NACo Conference in Nashville. Workshops were informative and a spirited debate was held on proposed changes to the NACo By-Laws.

Commissioner Sampson also attended the NACo Conference and moderated a session on internet privacy policies, which was well attended. He stated that he heard that HUD is getting funding to do housing purchases and upgrades, and he has requested Congressman Butterfield to send a HUD representative here to talk to citizens and make them aware of what is available. He urged citizens to write their representatives concerning the rising gas prices.

Commissioner McCabe commented on his attendance at the NACo Conference as the County's voting delegate.

Commissioner Sisk thanked DOT for working on the intersection at River Bend entrance.

Commissioner Morris responded to an article printed in the *Sun Journal* regarding the OLF by Senator Hagan. She has assured citizens that she will not support placement of the OLF in any community that is not supportive of it.

Commissioner Tyson thanked James City citizens for coming out to voice their opinions and assured them that County staff will try very hard to get the grant application put together so that it is competitive.

Commissioner Jones clarified for James City residents and the public that the County is not in the roads business, but can only appeal to the state for projects in the County, or seek grants for assistance, such as the current application.

CLOSED SESSION

The Board was requested to go into closed session to consult with counsel on a matter of pending litigation involving the convention center, as authorized by NCGS 143-318.11(a)(3). At 9:15 p.m. Commissioner Morris moved to go into closed session, seconded by Commissioner McCabe. At 9:58 p.m. the Board returned to regular session. County Manager, Harold Blizzard reported that no action had been taken except the approval of previous closed session minutes, as follows:

Approved and Released:

12/09/09
12/18/06
02/05/07
05/05/07
07/12/07
07/23/07 (partial)
08/06/07
02/04/08
04/07/08
04/21/08

Approved and Held:

09/17/07
11/05/07
02/18/08

Approved and Permanently Sealed:

11/06/06
07/23/07 (partial)
09/17/07
12/03/07

At 9:59 p.m. Commissioner Sisk moved to adjourn, seconded by Commissioner McCabe and unanimously carried.

Chairman Jason R. Jones
Craven County Board of Commissioners

Gwendolyn M. Bryan, Clerk to the Board