

**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, APRIL 4, 2011. THE MEETING CONVENED AT 7:00 P.M.**

**MEMBERS PRESENT:**

Chairman Steve Tyson  
Vice Chairman Lee Kyle Allen  
Commissioner Scott C. Dacey  
Commissioner Thomas F. Mark  
Commissioner Theron L. McCabe  
Commissioner Johnnie Sampson, Jr.  
Commissioner Jefferey S. Taylor

**STAFF PRESENT:**

Harold Blizzard, County Manager  
Jack B. Veit, III., Assistant County Manager  
Richard F. Hemphill, County Finance Director  
Gwendolyn M. Bryan, Clerk to the Board  
Jim Hicks, County Attorney  
Aaron Arnett, County Attorney Associate

Following an invocation by Commissioner Sampson and the Pledge of Allegiance, Commissioner Sampson moved to approve minutes of the March 21, 2011 regular session and December 22, 2010 reconvened session, seconded by Commissioner McCabe and unanimously carried.

**PUBLIC HEARING ON AMENDMENTS TO THE JUNK MOTOR VEHICLE ORDINANCE (Ch. 38, Article III)**

The Board went into public hearing, as advertised, to receive public comment on recommended amendments to the Junk Motor Vehicle Ordinance.

The ordinance as currently written required the entire Board of Commissioners to personally view an alleged junk motor vehicle, to provide all required notices, and to conduct the hearing to determine if a motor vehicle is in fact a junked motor vehicle. The amendments include transferring these responsibilities to the Solid Waste Director. At 7:03 p.m. Commissioner Sampson moved to go into public hearing, seconded by Commissioner McCabe and unanimously carried. The following members of the public spoke:

1. *Raynor James, 305 Calico Drive*, expressed concerns about a County employee with regulatory power, who could get on a "power trip". She suggested that the authority remain with the Board and that each Commissioner only investigate in his district.
2. *Ken Tyminski, 117 Spinaker Drive*, stated that he is in favor of making the process easier to be more aggressively enforced. He suggested it would be sufficient if the Board can get reporting from the employee on a regular basis.

At 7:07 p.m. commissioner Sampson moved to close the public hearing, there being no additional speakers, seconded by Commissioner McCabe and unanimously carried.

During discussion Commissioner Mark stated that Commissioners are already aware of and involved with these issues in their districts. Commissioner Allen stated that Commissioners can delegate their authority, but not responsibility. Commissioner Dacey moved to adopt the amendments, as presented, seconded by Commissioner Mark and unanimously carried.

AN ORDINANCE TO AMEND  
CHAPTER 38 (“TRAFFIC AND VEHICLES”)  
OF THE  
CRAVEN COUNTY  
CODE OF ORDINANCES

BE IT ORDAINED by the Craven County Board of Commissioners that Article III (“Junked Motor Vehicles”) of Chapter 38 (“Traffic and Vehicles”) is hereby repealed and replaced in its entirety as follows:

ARTICLE III – JUNKED MOTOR VEHICLES

Sec. 38-48. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Junked motor vehicle.*

(1) The term "junked motor vehicle" means a vehicle that:

- A. Does not display a current license plate; and
- B. Is either:
  - 1. Partially dismantled or wrecked;
  - 2. Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
  - 3. Is more than five years old and appears to be worth less than \$100.00.

(2) The following shall not constitute a “junked motor vehicle” regulated by this Article:

- A. A vehicle which is kept or stored at a bona fide "automobile graveyard" or "junkyard," as defined in G.S. 136-143;
- B. A vehicle which is located such that it is not visible from a public street or highway, or from a private subdivision street or road; or
- C. A vehicle which is used on a regular basis for business or personal use.

*Solid Waste Director.*

*The term “Solid Waste Director” means the Craven County Solid Waste Director, or his designee.*

Sec. 38-49. Junked motor vehicles prohibited.

It shall be unlawful to maintain a junked motor vehicle anywhere within the ordinance-making jurisdiction of the County.

Sec. 38-50. Procedure for determining whether a vehicle is a junked motor vehicle subject to towing.

The County shall determine whether a vehicle is a junked motor vehicle, and is subject to towing, only as follows:

(1) *Step 1--Determination whether vehicle is a junked motor vehicle.* The Solid Waste Director shall personally view the alleged junked motor vehicle. If the Solid Waste Director determines that the vehicle is not a junked motor vehicle, then no further action shall be taken. If the Solid Waste Director determines that the vehicle is a junked motor vehicle as defined above, then he shall proceed to step 2. In viewing any alleged junked motor vehicle, the Solid Waste Director shall first obtain the landowner’s consent to enter the property, or otherwise obtain an Administrative Warrant in accordance with the provisions of G.S. Ch. 15, Art. 4A (G.S. 15-27.2).

(2) *Step 2--Balancing of aesthetic benefits vs. private hardship.*

A. After viewing the junked motor vehicle and the surrounding area, the Solid Waste Director shall determine whether the aesthetic benefits of removing the junked motor vehicle outweigh the burdens imposed on the owner of the junked motor vehicle.

In making this determination, the Solid Waste Director may consider the following, factors:

1. Protection of property values;
2. Promotion of tourism and other economic development opportunities;
3. Indirect protection of public health and safety;
4. Preservation of a character and integrity of the community;
5. Promotion of the comfort, happiness, and emotional stability of area residents; and
6. Any other factors reasonably related to the balancing of aesthetic benefits against burdens imposed upon the owner of the junked motor vehicle.

B. The Solid Waste Director must make written findings showing his consideration of the relevant factors, and must make a written finding as to whether the aesthetic benefits of removing the junked motor vehicle outweigh the burdens imposed on the owner of the junked motor vehicle. If the Solid Waste Director finds that the aesthetic benefits of removing the junked motor vehicle do not outweigh the burdens imposed upon the owner of the junked motor vehicle, then no further action shall be taken. If the Solid Waste Director finds that the aesthetic benefits of removing the junked motor vehicle outweigh the burdens imposed upon the owner of the junked motor vehicle, then he shall proceed to the next step.

(3) *Step 3--Notice to owner.* If the Solid Waste Director has determined that the aesthetic benefits of removing the junked motor vehicle outweigh the burdens imposed upon the owner of the junked motor vehicle, then he shall give notice, or make a diligent attempt to give notice, to the owner of the junked motor vehicle, as follows:

A. If the junked motor vehicle has a North Carolina registration plate or registration, written notice shall be given to the registered owner by certified mail by placing said notice in the mail within 24 hours after the determination is made, and notification by telephonic communication shall be made if the owner's telephone number can be ascertained;

B. If the junked motor vehicle is registered in some other state, written notice shall be given to the registered owner by certified mail by placing said notice in the mail within 72 hours after the determination is made, and notification shall be made by telephonic communication to the owner as soon as the owner's identity can be ascertained; or

C. If the junked motor vehicle is not registered in any state, or its state registration cannot be determined, the Solid Waste Director shall make diligent efforts to obtain the name, address and telephone number of the owner, mail written notice, and give notice by telephonic communication to the owner as soon as the owner's identity can be obtained.

D. If after reasonable diligence the owner cannot be identified, or if the owner otherwise has not been given notice, written notice shall be posted on the windshield, or some other conspicuous place at least seven (7) days prior to towing, after having obtained the landowner's consent or an Administrative Warrant.

E. No pre-towing notice need be given if the junked motor vehicle impedes the flow of traffic or otherwise jeopardizes the public welfare to the extent that immediate towing is necessary.

(4) *Step 4--Contents of written notice.* The written notice required by this section shall include the following information:

A. A description of the vehicle and vehicle identification number, if available;

B. A statement that the County has determined that the vehicle is a junked motor vehicle in violation of this article, and the date on which this determination was made;

C. A statement that the County intends to cause the vehicle to be towed to an automobile graveyard or junkyard no sooner than 30 days after the date of determination;

D. The name and address of the automobile graveyard or junkyard to which the vehicle will be towed; and

E. A description of a procedure which the owner must follow to appeal to a Craven County Magistrate to contest the proposed towing.

(5) *Step 5--Towing.* If the owner of the junked motor vehicle has not filed a written request for a hearing before a Craven County Magistrate within 30 days after the determination that the aesthetic benefits of towing a junked motor vehicle outweigh the

burdens on the junked vehicle's owner, as provided in this section, the Solid Waste Director may cause the vehicle to be towed immediately upon the expiration of the 30-day period. If the owner makes a timely written request for a hearing before a Magistrate, then the Solid Waste Director shall not cause the vehicle to be towed until and unless the magistrate determines that there is probable cause to believe that the vehicle is a junked motor vehicle subject to towing pursuant to the terms of this article. If the Magistrate determines that there is probable cause to believe that the vehicle is a junked motor vehicle subject to towing pursuant to the terms of this article and the owner appeals to the district court as provided in this section, the Solid Waste Director may nonetheless cause a vehicle to be towed pending the decision of the district court, but no tower's lien imposed pursuant to section 38-51 shall be enforced until such time as the district court rules on such appeal.

(6) *Step 6--Owner's right to hearing before magistrate.* Within 30 days after the date of the determination that the aesthetic benefits of towing a junked motor vehicle outweigh the burdens on the junked vehicle's owner, the owner of a vehicle which the Solid Waste Director has determined to be a junked motor vehicle may make a written request to a Craven County Magistrate to determine whether there is probable cause to believe that the vehicle is a junked motor vehicle subject to towing pursuant to the terms of this article. Such hearing, if properly requested by the owner, shall be conducted pursuant to G.S. 20-219.11.

(7) *Step 7--Appeal to district court.* Any party aggrieved by the magistrate's decision may appeal from the Magistrate's decision to Craven County District Court.

Sec. 38-51. Tower's lien.

Upon towing a junked motor vehicle at the Solid Waste Director's request pursuant to this article, the tower shall have a lien upon the vehicle for towing and storage fees as by law provided. Such lien may be enforced only in accordance with applicable provisions of G.S. Ch. 44A.

Sec. 38-52. Option to pay or post bond.

At any time after the junked motor vehicle has been towed, the owner may obtain possession of the vehicle by:

- (1) Paying the towing fee; or
- (2) Posting a bond for double the amount of the towing fee.

Sec. 38-53. County authorized to enter into contracts.

For the purpose of facilitating the enforcement of this article, the County may enter into contracts with one or more towers, automobile graveyards and/or junkyards for the removal and disposition of junked motor vehicles.

Sec. 38-54. Procedure for junked motor vehicles which constitute health or safety hazards.

In the event that a junked motor vehicle has also been declared by the County Health Director, or his designee, to be a health or safety hazard, then pursuant to the provisions of G.S. 153A-132(c), the County may cause such vehicle to be towed from either public or private property immediately upon the determination that it is a health or safety hazard. In the event that a vehicle is towed immediately pursuant to this provision, the County shall give notice to the owner of the vehicle as required by G.S. 20-219.11(a) and (b).

Sec. 38-55. Liability of person disposing of junked motor vehicles under this article.

No person who removes a junked motor vehicle pursuant to this Article shall be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or

intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.

Sec 38-56. Penalty

Violation of this Article shall be assessed in accordance with Section 1-11 of the Craven County Code of Ordinances.

This Ordinance Amendment is adopted and effective this 4th day of April, 2011.

**AMENDMENT TO PARKING ON COUNTY PROPERTY ORDINANCE  
(Ch. 38, Article II)**

The Board was required to take a second vote on an Amendment to Parking on County Property Ordinance which was favorably voted upon at the last meeting. Commissioner Sampson moved to adopt the following amendments to Chapter 38 of the Craven County Code to more fully regulate parking or placement of motor vehicles, boats, RV’s, etc. on County property, seconded by Commissioner Mark and unanimously carried.

AN ORDINANCE TO AMEND  
CHAPTER 38 (“TRAFFIC AND VEHICLES”)  
OF THE  
CRAVEN COUNTY  
CODE OF ORDINANCES

BE IT ORDAINED by the Craven County Board of Commissioners that Article II (“Parking Lots”) of Chapter 38 (“Traffic and Vehicles”) of the Craven County Code of Ordinances be replaced in its entirety as follows:

“Article II. Parking Lots

Sec. 38-19. Definitions:

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*County Property* means any real property owned by the County, and any real property under the exclusive control and possession of the County, including but not limited to property leased to the County. Without limitation, it shall include those properties identified in Sec. 38-20.

*Manager* means the Craven County Manager, or his designee.

*Vehicle* means every device in, upon, or by which any person and/or personal property is, or may be, transported or drawn upon a highway. A *vehicle* includes, but is not limited to, motor vehicles, trailers, RVs, and boats.

Sec. 38-20. County Property to Which Article Applicable

The provisions of this Article shall apply to all County Property held and maintained for governmental and related purposes to provide services to its citizens and those properly utilizing the facilities thereon, including, but not limited to, the following:

1. County Administration Building, 302 Craven St. New Bern, NC
2. Sudan Temple Parking Lot, 302 Craven St. New Bern, NC
3. Planning/CARTS Building, 2828 Neuse Blvd. New Bern, NC
4. Human Services Complex, 2818 Neuse Blvd. New Bern, NC
5. St. Luke’s Building, 403 George St. New Bern, NC
6. Judicial Center, 1100 Clarks Rd. New Bern, NC
7. Convention Center, 203 South Front St. New Bern, NC
8. Tax/Register of Deed’s Office, 226 Pollock St. New Bern, NC
9. District Attorney/Judges Parking Lot, 310 Broad St. New Bern, NC
10. Old Jail Parking Lot, 411 Craven St. New Bern, NC

11. 509 Broad Street Building, 509 Broad St. New Bern, NC
12. Economic Development Office, 100 Industrial Dr. New Bern, NC
13. Agricultural Services Building, 300 Industrial Dr. New Bern, NC
14. Animal Shelter Building, 1639 Old Airport Rd. New Bern, NC
15. Water Department/County Garage Building, 300 Howell Rd. New Bern, NC
16. Vanceboro Work Release Building, 545 Alligator Rd. Vanceboro, NC
17. All County Solid Waste Convenience Sites
18. George Street Senior Services Building, 811 George St. New Bern, NC
19. Havelock Magistrate’s Office, 300 Miller Blvd. Havelock, NC
20. Maintenance Building, 308 New St. New Bern, NC

**Sec. 38-21. Designation of enforcement officials.**

The Manager may designate such officials or employees as deemed advisable to administer and enforce the rules and regulations contained in this Article.

**Sec. 38-22. Authorization for parking by county officers, employees, etc.**

The Manager may authorize county officials, agents, employees or other officials to park vehicles on County Property referred to in Section 38-20, and may provide the method and manner for assigning specific parking spaces in his discretion.

**Sec. 38-23. Designation of public parking areas.**

The Manager may authorize and prescribe public parking areas for those persons properly utilizing facilities located upon County Property, with such conditions as he may proscribe

**Sec. 38-24. Unauthorized parking prohibited.**

It shall be unlawful for any person to park a vehicle upon any County Property, including but not limited to those properties referred to in Section 38-20, unless such person has been authorized to park as provided in this Article, and then only in accordance with any conditions imposed for the same.

**Sec. 38-25. Removal of illegally parked vehicles.**

A. Any vehicle found parked in violation of this Article may be removed or towed away from the County Property to a storage area or garage. The owner of such vehicle shall be deemed to have appointed the Manager as his agent for the purpose of arranging for the transportation and safe storage of such vehicle and accepting appropriate documentation from the person or firm providing such transportation and storage. The owner of such vehicle, before obtaining possession thereof, shall pay to the County all reasonable costs incidental to the removal and storage of the vehicle, and any storage and towing fees of third-parties.

B. Upon removal of a vehicle pursuant to this Section, the County shall make reasonable efforts to ascertain the identity of the owner of the vehicle. Upon determining the identity of the owner, notice of removal and storage of the vehicle shall be sent to the owner in writing or by telephone within ten (10) days, which notice shall provide the date on which the vehicle was removed, and the location to which it was removed.

Sec 38-26 – 38-47. Reserved.”

This Ordinance Amendment is adopted and effective this 4th day of April, 2011.

**AMENDMENT TO PARKS AND RECREATION ORDINANCE  
(Chapter 28, Article I)**

The Board was required to take a second vote on an Amendment to a Parks and Recreation Ordinance which was favorably voted upon at the last meeting. Commissioner Sampson moved to adopt the following amendments to Chapter 28 of the Craven County Code of Ordinances to allow enforcement at parks and boat landings to be conducted in the same manner as set forth in the amended Chapter 38, seconded by

Commissioner McCabe and unanimously carried. During discussion Commissioner Dacey inquired to what location the vehicles will be towed. County Attorney, Jim Hicks, responded that vehicles will be towed to a towing company lot until claimed. Commissioner Dacey suggested placing signage or a notice on the County website as to who to contact if a vehicle is towed. It was agreed that a posting on the website would be the most feasible means of communicating this information.

AN ORDINANCE TO AMEND  
CHAPTER 28 (“PARKS AND RECREATION”)  
OF THE  
CRAVEN COUNTY  
CODE OF ORDINANCES

BE IT ORDAINED by the Craven County Board of Commissioners that Articles I and II of Chapter 28 (“Parks and Recreation”) of the Craven County Code of Ordinances are amended as follows:

Section 1. A new Section 28-1(5)(f) is added to read as follows:

“(f) A motor vehicle parked in violation of this Sec. 28-1(5) may also be towed or removed in accordance with the provisions of Sec. 38-25 of the Code of Ordinances.”

Section 2. A new Section 28-21(a1) is added to read as follows:

“(a1) A motor vehicle, trailer, boat or similar item parked in violation of Sec. 28-21(a) may also be towed or removed in accordance with the provisions of Sec. 38-25 of the Code of Ordinances.”

This Ordinance Amendment is adopted and effective this 4th day of April, 2011.

**PETITIONS OF CITIZEN: TOM GLASGOW**

*Tom Glasgow, 105 Lookout Lane*, addressed the Board concerning details of the County’s Noise Ordinance. He requested consideration of revisions to Noise Ordinance Article II – to drop the reference in (1)(A)-“between 11:00 p.m. – 7:00 a.m.” to substitute “enforceable at any time”. He stated that the Sheriff’s Department does not respond to complaints outside the hours of 11:00 p.m. to 7:00 a.m. and (4) Animals and Birds – including exclusively dogs and hunting dogs, enforceable at any time. He stated that other neighbors are also complaining.

Chairman Tyson asked County Attorney, Jim Hicks, to comment on timeframes in the ordinance. Mr. Hicks re-emphasized that the ordinance is enforceable at any time relative to unreasonable noise notwithstanding that certain acts are expressly prohibited during the stated hours.

Captain Jesse Pittman of the Sheriff’s Department stated that the Sheriff is willing to sit down with Mr. Glasgow and the Chairman to clarify interpretation of the ordinance, as has been attempted on past occasions. He stated that there is no General Statute on disturbing the peace as of yet. County Manager, Harold Blizzard, was directed to get the New Bern Police involved also.

**CRIMINAL JUSTICE PARTNERSHIP PROGRAM (CJPP) REQUEST FOR APPLICATION APPROVAL**

Charlie Harrison, President of the Criminal Justice Advisory Board, presented Craven County’s “Application for Continuation of Implementation Funding” for the Criminal Justice Partnership Program (CJPP). The Board was requested to formally approve the County’s continuation in the program. He distributed statewide statistics on the average cost of incarceration (\$74.34 per offender per day) and treatment (\$15.27 per offender per day). He reported that in the last year, the program successfully served 28 offenders at a

cost of \$71,428.50 as opposed to \$660,100 that would have been the cost of incarceration. There were questions from the Board concerning clarification of some of the statistics, particularly the success rate. Mr. Harris explained the methods that are used to measure success. The agency’s goal for the next year was also questioned as it appears to be less than the standard that was actually achieved in the prior year. Commissioner Sampson moved to approve continuation, seconded by Commissioner McCabe and carried with five (5) “Ayes” from Commissioners Allen, McCabe, Sampson and Tyson. Commissioner Taylor did not voice a vote, which counts as a “yes” vote. Commissioners Dacey and Mark opposed.

**S.T.E.P. PUMP SYSTEM INSTALLATION CONTRACT AWARD**

Results of a bid opening for the installation of nine (9) Low Pressure S.T.E.P. Pump Sewer Systems in the ongoing James City CDBG-CR Program were presented. Bids were received from four (4) contractors; Everette George, D&D Septic Tank Service Inc., WJ Foreman & Sons and Ralph Provost, as follows:

<b>OCCUPANT</b>	<b>ADDRESS</b>	<b>BID</b>	<b>CONTRACTOR</b>
Maria Williams	310 John St., New Bern, NC	\$2,680	Ralph Provost
		\$2,445	D&D Septic
		\$3,335	WJ Foreman
		\$2,700	Everette George
Miles Lee	309 Kennedy Dr., New Bern, NC	\$2,680	Ralph Provost
		\$2,445	D&D Septic
		\$3,335	WJ Foreman
		\$2,700	Everette George
Georgia Foye	307 Kennedy Dr., New Bern, NC	\$2,680	Ralph Provost
		\$2,445	D&D Septic
		\$3,335	WJ Foreman
		\$2,700	Everette George
Emily Howard	305 Kennedy Dr., New Bern, NC	\$2,680	Ralph Provost
		\$2,445	D&D Septic
		\$3,335	WJ Foreman
		\$2,700	Everette George
Hattie Mansfield	303 Kennedy Dr., New Bern, NC	\$2,680	Ralph Provost
		\$2,445	D&D Septic
		\$3,335	WJ Foreman
		\$2,700	Everette George
Elvin Heidelbergt	304 Kennedy Dr., New Bern, NC	\$2,680	Ralph Provost
		\$2,445	D&D Septic
		\$3,335	WJ Foreman
		\$2,700	Everette George
Roderick Brown (tenant)	308 Kennedy Dr., New Bern, NC	\$2,680	Ralph Provost
		\$2,445	D&D Septic
		\$3,335	WJ Foreman
		\$2,700	Everette George
Shamiera Phillips (tenant)	312 Kennedy Dr., New Bern, NC	\$2,680	Ralph Provost
		\$2,445	D&D Septic
		\$3,335	WJ Foreman
		\$2,700	Everette George
Quayana Simmons (tenant)		\$2,680	Ralph Provost
		\$2,445	D&D Septic
		\$3,335	WJ Foreman
		\$2,700	Everette George

D&D Septic Tank Service for \$22,005, which was the low lump sum bid, was recommended for the award. Commissioner Sampson moved to award the contract to D&D Septic Tank Service for \$22,005, as recommended, seconded by Commissioner McCabe and unanimously carried.

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**TAX MATTERS**
*Tax Releases and Refunds*

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

*Credits*

<b>TAXPAYER NAME</b>	<b>TICKET#</b>	<b>AMOUNT</b>
CAROLINA CUSTOM TOWERS LLC NOT IN BUSINESS 1/1/2010	2010-0008379	\$180.14
CLARKE, JAMES CASWELL II DID NOT OWN 1/1/2010	2010-0009970	\$152.61
DAUGHERTY, DEWEY B DOUBLE BILLED – SEE ACCT 61819	2010-0012698	\$107.70
GARRISON, CHRISTOPHER STEPHEN BOAT LOCATED ON BOARD CHERRY POINT	2010-0018988	\$293.62
GREEN, WILLIAM BOAT LOCATED ON BOARD CHERRY POINT	2010-0020862	\$298.93
GUADARRAMA, JAIME DID NOT OWN 1/1/2010	2010-0021298	\$50.48
HARTMAN, JAMES H VALUE CORRECTION – CLERICAL ERROR	2011-0090021	\$198.92
JENKINS, JEFF DOUBLE BILLED – SEE ACCT 17715	2010-0026904	\$42.06
LEWIS, BRENDA L DID NOT OWN 1/1/2010	2010-0030842	\$119.26
LEWIS, BRENDA L DID NOT OWN 1/1/2009	2009-0033869	\$51.44
LILLY, GENE BOAT LEFT CRAVEN COUNTY 6/10/10	2010-0031178	\$29.64
MCGOVERN, EDMUND H DID NOT OWN 1-1-2010	2010-0097886	\$21.34
OPPHILE, DAVID K & VALERIE R ORDERED BY BOARD OF E&R 3-22-2011	2010-0091884	\$108.30
PERRY ENTERPRISES INC OUT OF BUSINESS 1/1/2010	2010-0040529	\$16.55
ROUNDTREE, ERNEST & JANICE MOBILE HOME UNOCCUPIED SINCE 2005	2010-0044531	\$37.26
SANDERS, GREGORY ALLEN DID NOT OWN 1/1/2010	2010-0045261	\$43.58

SMITH, JAMES BOAT LOCATED ON BOARD CHERRY POINT	2010-0047521	\$4.19
VARGAS, JUAN ANGULO DID NOT OWN 1/1/2010	2010-0052971	\$42.96
WETHERINGTON, KIRBY L CLERICAL ERROR – WAS NOT LATE LISTED	2011-0090120	\$79.11
WILBANKS, GAYLON BOAT MOVED FROM CRAVEN 2009	2010-0056162	\$108.81
WOOTEN, SHIRLEY H DWELLING UNOCCUPIED SINCE 2007	2010-0057629	\$37.26
	21 – CREDIT MEMO (S)	\$2,024.16

***Refunds***

BARNTHOUSE, MICHAEL E BOAT LOCATED ON BOARD CHERRY POINT	2006-0002757	\$125.81
BARNTHOUSE, MICHAEL E BOAT LOCATED ON BOARD CHERRY POINT	2007-0002880	\$120.42
BARNTHOUSE, MICHAEL E BOAT LOCATED ON BOARD CHERRY POINT	2008-0002960	\$194.06
BARNTHOUSE, MICHAEL E BOAT LOCATED ON BOARD CHERRY POINT	2009-0002969	\$184.36
BARNTHOUSE, MICHAEL E BOAT LOCATED ON BOARD CHERRY POINT	2010-0002810	\$144.08
CONNOR, KENNETH ORDERED BY BOARD OF E&R 3-22-2011	2010-0010744	\$39.75
CROOM, ALLEN R SR & ALICE M ORDERED BY BOARD OF E&R 3-22-2011	2010-0011927	\$36.79
CROOM, ALLEN R SR & ALICE M ORDERED BY BOARD OF E&R 3-22-2011	2010-0011923	\$23.69
CROOM, ALLEN SR & ALICE M ORDERED BY BOARD OF E&R 3-22-2011	2010-0011924	\$36.78
CROOM, ALLEN SR & ALICE M ORDERED BY BOARD OF E&R 3-22-2011	2010-0011928	\$36.41
DELANG, JOHN M & BETTY L BOAT LOCATED ON BOARD CHERRY POINT	2006-0014070	\$457.60
DELANG, JOHN M & BETTY L BOAT LOCATED ON BOARD CHERRY POINT	2007-0014466	\$416.90
DELANG, JOHN M & BETTY L BOAT LOCATED ON BOARD CHERRY POINT	2008-0014852	\$406.98
DELANG, JOHN M & BETTY L BOAT LOCATED ON BOARD CHERRY POINT	2009-0014770	\$385.32

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DELANG, JOHN M & BETTY L BOAT LOCATED ON BOARD CHERRY POINT	2010-0013513	\$242.90
DILLAHUNT, JANIE B DWELLING VACANT SINCE 2000	2009-0015163	\$36.00
DILLAHUNT, JANIE B DWELLING VACANT SINCE 2000	2008-0015236	\$36.00
DILLAHUNT, JANIE B DWELLING VACANT SINCE 2000	2007-0014839	\$36.00
DILLAHUNT, JANIE B DWELLING VACANT SINCE 2000	2006-0014424	\$32.00
FAGAN, BRIAN E & SARAH E BOAT LOCATED ON BOARD CHERRY POINT	2010-0016464	\$225.40
GAREY, ALAN BOAT LOCATED ON BOARD CHERRY POINT	2010-0018830	\$200.12
GONZALES, ELMER A & TAMMY M ORDERED BY BOARD OF E&R 3-22-2011	2010-0098042	\$123.22
INMA, JAMES A SR BOAT LOCATED ON BOARD CHERRY POINT	2010-0090698	\$103.16
LACEY, HORACE WADE & EULA V BOAT LOCATED ON BOARD CHERRY POINT	2009-0032736	\$269.85
LACY, HORACE WADE & EULA V BOAT LOCATED ON BOARD CHERRY POINT	2008-0032656	\$258.22
LACY, HORACE WADE & EULA V BOAT LOCATED ON BOARD CHERRY POINT	2007-0032097	\$282.16
LILLY, GENE SITUS NOT IN CRAVEN COUNTY 6/10/10	2010-0031178	\$38.07
MAYBEE, DAVID B & TINA K ORDERED BY BOARD OF E&R 3-29-2011	2010-0096285	\$356.98
MCCULLEY, MICHAEL D BOAT LOCATED ON BOARD CHERRY POINT	2006-0035542	\$751.19
MCCULLEY, MICHAEL D BOAT LOCATED ON BOARD CHERRY POINT	2007-0036566	\$712.29
MCCULLEY, MICHAEL D BOAT LOCATED ON BOARD CHERRY POINT	2008-0037243	\$700.22
MCCULLEY, MICHAEL D BOAT LOCATED ON BOARD CHERRY POINT	2009-0037354	\$664.96
MCCULLEY, MICHAEL D BOAT LOCATED ON BOARD CHERRY POINT	2010-0034062	\$521.18
MCKEEL, GEOFFREY JONATHAN BOAT LOCATED ON BOARD CHERRY POINT	2010-0034461	\$66.61
MEADOWS, RICHARD BOAT LOCATED ON BOARD CHERRY POINT	2010-0034811	\$568.65

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NIPPER, SARA L & GREEN, MARCUS ORDERED BY BOARD OF E&R 3-22-2011	2010-0038410	\$183.84
PENNINGTON, GERALD F JR & ROND BOAT LOCATED ON BOARD CHERRY POINT	2010-0040417	\$78.48
PHANG, AARON & PHANG, PAUL ORDERED BY BOARD OF E&R 3-29-2011	2010-0040755	\$505.20
PIERCE, BRUCE L & DIANA J BOAT LOCATED ON BOARD CHERRY POINT	2006-0042399	\$29.12
PIERCE, BRUCE L & DIANA J BOAT LOCATED ON BOARD CHERRY POINT	2007-0043808	\$27.66
PIERCE, BRUCE L & DIANA J BOAT LOCATED ON BOARD CHERRY POINT	2008-0044379	\$27.23
PIERCE, BRUCE L & DIANA J BOAT LOCATED ON BOARD CHERRY POINT	2009-0044796	\$25.88
PIERCE, BRUCE L & DIANA J BOAT LOCATED ON BOARD CHERRY POINT	2010-0040974	\$20.23
QUALKINBUSH, H WAYNE BOAT LOCATED ON BOARD CHERRY POINT	2010-0042286	\$219.74
QUALKINBUSH, H WAYNE BOAT LOCATED ON BOARD CHERRY POINT	2009-0046258	\$304.38
QUALKINBUSH, H WAYNE BOAT LOCATED ON BOARD CHERRY POINT	2008-0045849	\$316.92
QUALKINBUSH, H WAYNE BOAT LOCATED ON BOARD CHERRY POINT	2007-0045127	\$378.40
QUALKINBUSH, H WAYNE BOAT LOCATED ON BOARD CHERRY POINT	2006-0043701	\$399.30
SMITH, JAMES BOAT LOCATED ON BOARD CHERRY POINT	2010-0047521	\$204.24
SMITH, OWEN R & CAROLYN P BOAT LOCATED ON BOARD CHERRY POINT	2006-0049188	\$362.60
SMITH, OWEN R & CAROLYN P BOAT LOCATED ON BOARD CHERRY POINT	2007-0050763	\$344.48
SMITH, OWEN R & CAROLYN P BOAT LOCATED ON BOARD CHERRY POINT	2010-0047733	\$263.47
SMITH, OWEN R & CAROLYN P BOAT LOCATED ON BOARD CHERRY POINT	2009-0052179	\$337.12
SMITH, OWEN R & CAROLYN P BOAT LOCATED ON BOARD CHERRY POINT	2008-0051494	\$15.71
SMITH, OWEN R & CAROLYN P BOAT LOCATED ON BOARD CHERRY POINT	2008-0051493	\$339.16

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SMITH, OWEN R & CAROLYN P BOAT LOCATED ON BOARD CHERRY POINT	2007-0050764	\$15.96
STALLINGS, ROBERT L III ORDERED BY BOARD OF E&R 3-29-2011	2010-0096607	\$1,436.55
STALLINGS, ROBERT L III TRUSTE ORDERED BY BOARD OF E& R 3-29-2011	2010-0048565	\$13.00
STALLINGS, ROBERT L III TRUSTE ORDERED BY BOARD OF E&R 3-29-2011	2010-0048566	\$8.56
STALLINGS, ROBERT L IV ORDERED BY BOARD OF E&R 3-29-2011	2010-0096608	\$1,197.01
TINGLE, EVELYN P & KITE, CHARL ORDERED BY BOARD OF E&R 3-22-2011	2010-0095392	\$89.80
TRUDO, JOHN L & KIM W NOT IN FIRE DISTRICT – CLERICAL ERROR	2011-0090000	\$29.66
WARNER, ROGER MARTIN II BOAT LOCATED ON BOARD CHERRY POINT	2010-0053990	\$391.07
WARNER, ROGER MARTIN II BOAT LOCATED ON BOARD CHERRY POINT	2009-0059070	\$650.38
WARNER, ROGER MARTIN II BOAT LOCATED ON BOARD CHERRY POINT	2008-0058103	\$658.47
WARNER, ROGER MARTIN II BOAT LOCATED ON BOARD CHERRY POINT	2007-057394	\$643.17
WARNER, ROGER MARTIN II BOAT LOCATED ON BOARD CHERRY POINT	2006-0055657	\$671.88
	68 – REFUND (S)	\$19,214.51

*Value Estimate for Personal Property at cherry Point*

Mr. Antry updated the Board on the status of owners eligible for refunds of taxes erroneously levied aboard Cherry Point. Registered motor vehicles, the last category of property for which notification is being sent, will be reflective of recently received maps from Cherry Point showing all of the roads and streets that are located on base.

He explained that the latest information gathered indicates that earlier estimates of the potential releases and refunds were understated. The reason for this is that the new data gathered from the maps provided by base officials reveals that many of the addresses on board the base carry a Havelock zip code – 28532, in addition to the Cherry Point zip code, 28533. The revised estimate of the approximate valuation total for the five years is \$68,000,000 for an average of \$13,600 per year, which will result in a tax release/refund liability of approximately \$400,000 rather than the \$152,500 originally estimated.

Mr. Antry reported that the letters are prepared and ready to be mailed this week. At the suggestion of Commissioner Taylor, he stated that he will enlist the assistance of base officials to get forwarding addresses.

**BUDGET AMENDMENT**

Craven County Finance Director, Rick Hemphill, presented the following budget amendment for the Board’s approval.

*DSS 7291 Mandated*

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-7291-349-32-00 Energy CIP, CP&L	\$25,000.00	101-7291-450-23-04 CIP	\$25,000.00
TOTAL	\$25,000.00	TOTAL	\$25,000.00

**Justification:** Additional funding received for Crisis Intervention Program (CIP). There is no County match, funds are 100% federal.

**APPOINTMENTS**

*Firemen’s Relief Fund Board of Trustees*

At the last meeting, the Board deferred and appointment for a Twp. 6 Firemen’s Relief Fund Trustee to replace James Johnson, who is deceased. Commissioner Allen nominated Pete Bradeson for appointment. There being no additional nominees, Mr. Bradeson was appointed by acclamation.

*Craven Aging Planning Board*

An at-large vacancy remained pending for a senior representative from the Havelock or Harlowe area. Commissioner McCabe nominated Lisa Smith for appointment. There being no additional nominees, Ms. Smith was appointed by acclamation.

*Criminal Justice Advisory Board*

At the last meeting, the Board deferred a request to confirm a list of recommended appointments/reappointments to the Criminal Justice Advisory Board, pending information concerning which agencies or court system components they represent. Commissioner Taylor moved to further defer these appointments, seconded by Commissioner Allen and unanimously carried.

*Upcoming Appointments*

The Board was apprised of the following terms due to expire:

- Firemen’s Relief Fund Board of Trustees (Milton Everette)
- Fire Tax Commission (Leander Carter)
- Voluntary Agricultural District

**COUNTY ATTORNEY’S REPORT**

*Ordinance Violations – Clubfoot Creek Manufactured Home Park*

County Attorney, Jim Hicks, reported that the Clubfoot Creek Manufactured Home Park is in violation of numerous provisions of the Craven County Code of Ordinances, including but not limited to: substandard interior drives, parking and walkways; unauthorized commercial activities; junked cars; and solid waste/refuse violations. The owner has been provided two notices of violation, and notwithstanding his statements that he will come into compliance, he has failed to do so.

A timeline of events prepared by the Planning Department was presented to the Board. Commissioner McCabe moved to authorize enforcement of the County Ordinances, including legal action, if necessary, seconded by Commissioner Mark and unanimously carried.

*Noise Ordinance Complaint – Mining Operations on Two Lakes Trail (off of Broad Creek Road)*

The Board was advised that the County has received a number of complaints regarding the level of noise from a sand pit mining operation. A large commercial pump used to remove water is in operation 24/7. Captain Jesse Pittman of the Sheriff's Department has investigated, with assistance of the County Attorney, and issued a noise violation pursuant to the noise ordinance. The operator of the pump has indicated he will take action to minimize the noise level no later than April 4. During discussion Mr. Hicks stated that in the interim the owner has taken measures to mitigate the problem. However, he suggested several more days to verify compliance. He requested authorization to enforce the ordinance and proceed with legal action if non-compliance continues. Commissioner Mark moved to authorize legal action if compliance is not achieved by April 8 at noon, seconded by Commissioner Dacey and unanimously carried.

### **COUNTY MANAGER'S REPORT**

#### *Property Disposition*

County Manager, Harold Blizzard, presented a list of surplus vehicles, equipment and furniture that were auctioned on govdeals during the month of March, which totaled \$3,299.54.

#### *911 Consolidation*

Mr. Blizzard provided an update on discussions being held with staff at the Cities of Havelock and New Bern about the possibility of consolidating the three 911 communications centers into one. He reported that the managers of Havelock, New Bern and Craven County are in agreement that a preliminary assessment of the current dispatching configuration in Craven County and the feasibility of consolidation should be performed as the next step in this process, including options for consolidation. This would be an executive level report and not a specific consolidation or operational plan. This analysis would make recommendations as to the feasibility of consolidation and would be useful in making grant applications if two or more entities should choose to move forward. A consultant has been identified to perform this work, which will cost \$4,500 or \$1,500 for each entity. It was recommended that the Board appropriate \$1,500 to pay Craven County's share of the study. Mr. Blizzard informed the Board that money is available which remains from the EMS Study and a new appropriation would not be necessary. Commissioner McCabe moved to approve the study, as recommended, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

#### *NCACC District Meetings Questionnaire*

Mr. Blizzard discussed with the Board a questionnaire from the NCACC soliciting feedback from counties as the state prepares its budget. The Board was requested to provide answers and designate one of its members to make a report at the upcoming District Meeting. Consensus was reached that the County's top legislative concern relative to budget is the threat of losing school capital funds (ADM, Lottery and School Construction). There was no agreement on the non-budgetary legislative concern. Voter identification, the potential mandate to house misdemeanants for an extended period, bath salts and spice epidemic and video gambling were the top four.

#### *Dedication of Broad Creek Park*

Mr. Blizzard reminded the Board and public that the Latham-Whitehurst Nature Park on Broad Creek Road will be dedicated on Friday, April 8, 2011 at 11:00 a.m. A preview tour will be held at 10:00 a.m. on Thursday.

#### *Dare County Resolution*

At the Chairman's request, Mr. Blizzard distributed a resolution received from Dare County.

*Property Acquisition*

Mr. Blizzard brought to the Board's attention that property has become available near West Craven Park at the tax value of \$68,670. He indicated that it is property that the County would be interested in acquiring, but he questioned the timing. The Board did not demonstrate any interest in pursuing the offer.

**COMMISSIONERS' REPORTS AND CLOSING COMMENTS**

*Commissioner Mark* announced that on April 14 there will be a meet and greet at Little Swift Creek Firehouse from 6:30-8:00 for Ernul, Cayton and Truitt precincts.

*Commissioner Dacey* announced that on April 14 from 4:30-5:30 he will hold a town meeting at River Bend Town Hall. He reported on the Craven Aging Planning Board's estimated budget for all home delivered meal routes to become hot routes. He suggested that Commissioners reach out to solicit volunteers to deliver hot meals without necessitating the use of paid staff.

*Commissioner McCabe* recognized residents in attendance from his district, who are active clean community participants.

*Commissioner Sampson* asked for a resolution for former Commissioner, Frank Evans, for the next agenda, and moved that a resolution be adopted at the next meeting honoring Mr. Evans, seconded by Commissioner McCabe and unanimously carried. He emphasized that palatable meals for senior citizens are important. He reported on prayer sessions held on Saturday at Union Point Park and at Bern Street. He announced that concerned citizens will meet at 7:00 p.m. on 3<sup>rd</sup> Mondays across from Highways & Hedges. He commented on steadily increasing gas prices and appealed for activism.

*Commissioner Allen* commented that all Havelock meals are delivered frozen. He stated that none of the meals, not even hot ones, are seasoned to desired tastes because of the necessity to meet a variety of health needs.

*Chairman Tyson* shared a letter from Cumberland County Commissioners thanking Craven County for participating in the Veterans Memorial Park. Attendance of a representative of Craven County was requested for the dedication on July 4. He suggested that the Veterans Services Office could help identify a representative if no Commissioner can attend.

Mr. Tyson commented on a letter received from Chief Resident Superior Court Judge, Ben Alford, relative to conditions at the Magistrate's facilities.

At 9:17 p.m. Commissioner Dacey moved to adjourn, seconded by Commissioner Mark and unanimously carried.

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Chairman Steve Tyson  
Craven County Board of Commissioners

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Gwendolyn M. Bryan  
Clerk to the Board