

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, JULY 18, 2011. THE MEETING CONVENED AT 8:30 A.M.

MEMBERS PRESENT:

- Chairman Steve Tyson
- Vice Chairman Lee Kyle Allen
- Commissioner Scott C. Dacey
- Commissioner Thomas F. Mark
- Commissioner Jefferey S. Taylor

MEMBERS ABSENT:

- Commissioner Theron L. McCabe
- Commissioner Johnnie Sampson, Jr.

STAFF PRESENT:

- Harold Blizzard, County Manager
- Jack B. Veit, III., Assistant County Manager
- Gwendolyn M. Bryan, Clerk to the Board
- Jim Hicks, County Attorney

STAFF ABSENT:

- Richard F. Hemphill, County Finance Director

Following an invocation by Commissioner Allen and the Pledge of Allegiance, Commissioner Mark moved to approve the minutes of July 5, 2011 regular session, seconded by Commissioner Taylor and unanimously carried.

TAX RELEASES AND REFUNDS

Craven County Tax Administrator, Ronnie Antry, presented the following routine requests for tax releases and refunds. Commissioner Taylor moved for their approval, seconded by Commissioner Mark and unanimously carried in a roll call vote.

Credits

TAXPAYER NAME	TICKET#	AMOUNT
ANDERSON, TIMOTHY E MIL-HIS NAME LES 11 ECC-MAJ CT	2010-0001234	\$891.76
COWARD, MINNIE R DWELLING UNOCCUPIED SINCE 2005	2010-0011366	\$36.00
JONES, AUDREY LOUIS RELEASED TO BEAUFORT COUNTY	2010-0027556	\$134.85
JONES, JULIUS DID NOT OWN BOAT 1/1/2010	2010-0027821	\$2,746.02
KINGSLEY, WILLIAM G DID NOT OWN BOAT 1/1/2008	2008-0031846	\$19.89
KINGSLEY, WILLIAM G DID NOT OWN BOAT 1/1/2009	2009-0031909	\$18.04
KINGSLEY, WILLIAM G DID NOT OWN BOAT 1/1/2010	2010-0029060	\$8.51
SMITH, RAY III DID NOT OWN 1/1/2010	2010-0047752	\$26.44

RG07182011	APPROVED	
SOUTHERN BREEZES CARRIAGES LLC2010-0048128 NOT IN BUSINESS 1/1/2010		\$66.48
TEUBERT, NANCY JEAN TRUSTEE 2010-0098097 ORDERED BY BOARD OF E&R 7-12-2011		\$12.68
TEUBERT, NANCY JEAN TRUSTEE 2010-0098096 ORDERED BY BOARD OF E&R 7-12-2011		\$390.45
11 – CREDIT MEMO (S)		\$4,351.12

Refunds

BROWN, JENNIFER & TOLER, H CAR 2010-0098022 ORDERED BY BOARD OF E&R 7-12-2011		\$105.46
REBELLO, MARIO JR & SANDRA 2010-0098080 ORDERED BY BOARD OF E&R 7-12-2011		\$22.62
SIEMENS HEALTHCARE DIAGNOSTICS2010-0046675 BUS. LOCATED ON BOARD CHERRY POINT		\$1,161.84
SIEMENS HEALTHCARE DIAGNOSTICS2009-0051045 BUS. LOCATED ON BOARD CHERRY POINT		\$1,822.56
SIEMENS HEALTHCARE DIAGNOSTICS2008-0050388 BUS. LOCATED ON BOARD CHERRY POINT		\$1,996.38
SKINNER, STEPHEN C & GLENDA W 2010-0047171 ORDERED BY BOARD OF E&R 7-12-2011		\$105.46
SKINNER, STEPHEN C & GLENDA W 2010-0047172 ORDERED BY BOARD OF E&R 7-12-2011		\$105.46
WALTER, MICHAEL WAYNE & SANDY 2010-0053710 ORDERED BY BOARD OF E&R 7-12-2011		\$105.46
WRIGHT, CALEB 2010-0057688 BOAT LOCATED ON BOARD CHERRY POINT		\$130.84
9 – REFUND (S)		\$5,556.08

RESOLUTION OPPOSING RE-DISTRICTING PLAN

Commissioner Dacey made a motion that the Board adopt the following resolution opposing the re-districting plan known as the Lewis-Dollar-Dockham Plan. Commissioner Allen seconded the motion, which carried unanimously. Commissioner Dacey asked that the resolution be delivered to a meeting in Wilmington later in the day by River Bend Mayor, Chuck Tyson.

**RESOLUTION
OPPOSING REDISTRICTING MAPS
PROPOSED BY THE LEWIS-DOLLAR-DOCKHAM PLAN**

Whereas, government of, by, and for the people has long been a cherished American value, and We The People’s fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the US Constitution and the Declaration of Independence; and

Whereas, free and fair elections are essential to democracy and effective self-governance; and

Whereas, persons are rightfully recognized as living within distinct communities of interest; and

Whereas, every ten years the members of the North Carolina General Assembly are called upon to reapportion the people of North Carolina so that they might freely and fairly elect their representatives to the General Assembly; and

Whereas, on July 12, 2011, Senator Bob Rucho and Representative David Lewis released their proposed state legislative redistricting plans, with each State House district being comprised of roughly 79,600 citizens; and

Whereas, the County of Craven consists of residents which exceed 103,000 in number and has traditionally shared House districts with no more than two other counties, as has been the case since the last reapportionment when the County of Craven was split into two House districts, each representing only one smaller county (Pamlico and Lenoir), one of which reflected the substantial population of minority voters; and

Whereas, the House districts as proposed, commonly referred to as the “Lewis-Dollar-Dockham 1” plan, would force the citizens residing in the County of Craven to share representation with nine counties (Dare, Hyde, Pamlico, Beaufort, Washington, Greene, Lenoir, and Wayne) being represented by four legislative districts, severely diluting the level of influence the citizens of Craven County will have with any single representative; and

Whereas, such a dilution in the representation of the citizens of the County of Craven will restrict the ability of our community to receive representation that is based upon a full understanding of our interests as a distinct community and grossly undermines the Whole County provisions of the North Carolina State Constitution; and

Therefore be it resolved that the Board of Commissioners for the County of Craven hereby calls on our legislators to redraft the House district(s) which are intended to allow for the representation of the people of the County of Craven so that no more than two House districts are created to represent our citizens.

Adopted this 18th day of July, 2011.

CARTS ASSETWORKS MEMORANDUM OF UNDERSTANDING

CARTS Director, Phyllis Toler, presented a memorandum from Miriam Perry, NCDOT/PTD Director, with information on the American Reinvestment and Recovery Act (ARRA) Maintenance Software Project and a North Carolina Map, showing the installation plan. The ARRA grant received by Craven County requires that CARTS follow requirements as set for by NCDOT/PTD such as: vehicle insurance, drug & alcohol programs, ADA laws, minimum safety training and vehicle maintenance.

Ms. Toler advised the Board that the use of the AssetWorks programs is being required of all systems that receive federal grant funding. The cost for the first two years of program implementation will be covered by grant funds. The additional cost thereafter of implementing the AssetWorks Project is projected to add three cents to the rider fees; however, Ms. Toler stated that she is hoping that advertising revenue will help offset the costs after the first two years, avoiding the necessity of adding three cents to the fares.

She requested that the Memorandum of Understanding for the AssetWorks Vehicle Maintenance Software Project be signed by the Chairman of the Craven County Board of Commissioners. Commissioner Dacey moved to authorize the Chairman to sign the Memorandum of Understanding for the project, seconded by Commissioner Mark and unanimously carried.

ANNUAL REPORT OF NURSING HOME ADVISORY COMMITTEE AND ADULT CARE HOME ADVISORY COMMITTEE

Mr. Alvia Hearren, Chairman of the Nursing Home Advisory Committee, presented the Committee’s Annual Report. He stated that the committee has lost two members who need to be replaced. The committee also requested appointment of up to five additional members, as well as a Commissioner as an ex officio member. Commissioner Dacey volunteered to serve in an ex officio capacity and stated that he will also seek recommendations from the Craven Aging Planning Board.

Regional Ombudsman, Sheila Lewis, presented the Annual Report of the Adult Care Home Advisory Committee. She reported that all members resigned and all need to be replaced, as well as additional members appointed.

EMERGENCY SERVICE MATTERS

Request for Approval of Dover Rural Fire Insurance District Map

Emergency Services Director, Stanley Kite, requested approval of a Dover Rural Fire Insurance District for the purpose of insurance ratings. This was done at the Commissioners' meeting June 20, 2011; however, due to a technical error on Griffin Road, the action to approve a corrected map became necessary. Commissioner Taylor moved for approval of a Dover Rural Fire Insurance District, with the corrected map, seconded by Commissioner Mark and unanimously carried.

Tri-Community Fire Department Intent to Purchase Truck

Mr. Kite informed the Commissioners on behalf of Tri-Community Fire Department of their plans for purchasing a new fire truck at a purchase price of \$177,870. He explained that the borrowing for the purchase would take the place of current debt that is ending. There was no objection from the Board.

AIRPORT MATTERS

Airport Director, Tom Braaten, requested that the Board vote to accept a grant in the amount of \$180,489 from the Federal Aviation Administration (FAA) in conjunction with a main runway extension project. Commissioner Allen moved to accept the grant in the amount of \$180,489 and authorize the Chairman to execute the documents, seconded by Commissioner Dacey and unanimously carried.

SHERIFF'S REPORT

Sheriff Jerry Monette presented a departmental update at the request of the Board of Commissioners.

Magistrate's Office: He stated that the effect of the magistrate's office hours at the jail is minimal. The schedule has sped up processing in, but not processing out. He recommended that there needs to be one magistrate working a modified day shift at the jail, for example 8:00-5:00 or 10:00-6:00. He requested that there be some negotiation with the Chief District Court Judge to seek expanded hours.

Electronic Offender Monitoring Program (EOMP): He reported that for the month of June, average daily participation was 18, maximum participation 23, and the minimum number of participants was 15. In July, the average daily participation was 19, maximum participation 21, and minimum participation 17. As of July 15, 2011 the jail population was decreased to 200.

There was discussion concerning the number of bracelet monitors available and what percentage of participation in the program is represented by the Sheriff's figures. Commissioner Dacey stated that he would like to have the Sheriff's Department calculate the number of days a month that all 20 EOMP units are used, in order to have a more accurate indication of percentage of use.

Vehicle Use Policy: The Sheriff stated that he has put a five mile buffer around the county line for recruitment, hiring and vehicle usage allowances. Two deputies are currently residing outside the buffer zone. One will be moving. The other is leaving his vehicle parked with another deputy inside the county line. The Havelock Chief of Police has given permission for parking Sheriff's vehicles at his facility, when necessary. There are currently 75-76 vehicles going home with personnel. The transport of non-staff passengers has been restricted. The Sheriff was requested to provide a copy of the vehicle use policy.

Part-time Outside Employment: Deputies are used for security at the airport, fairgrounds, community college, and West Craven High School. At the airport, one-third are active duty and two-thirds are retired. The hours, which cannot be processed through county payroll, are under contract with the Transportation Safety Board. A stationary vehicle is parked as a deterrent. Hours at the community college have been decreased primarily due to budgetary restrictions. Contracted hours are for augmentation of security. Deputies are working the fairgrounds and West Craven High School only for seasonal events.

Training of Deputies: Sheriff Monette stated that training dollars and hours have been decreased over the last several years due to budget constraints. Commissioner Dacey expressed concern that the safety of the public may have been compromised by inadequate training, but was reassured by the Sheriff that is not the case. Training may be enhanced by bringing in specialized training for local agencies to avoid travel expense. Most general training is being done in-house and at Craven Community College.

The Sheriff indicated that he will be returning to the Board in the next few weeks to provide an update on these and other matters.

PLANNING DEPARTMENT MATTERS

CDBG Contingency Infrastructure Grant Agreement

Planning Director, Don Baumgardner, advised the Board that the Planning Department has received notification from the North Carolina Division of Community Investment and Assistance that the County will receive \$155,000 from the FY 2011 CDBG-Contingency Infrastructure Program. These funds, along with NCDOT funds, will be used to make the following improvements.

Blount Brimage Road

1. Improvement of 950 LF (0.18 mile) of unpaved roadway and addition to the NCDOT secondary road system
2. Relocation of 920 LF of existing county waterline

Pine Cliff Road

1. Improvement of 1,320 (0.25) LF of unpaved roadway and addition to the NCDOT secondary road system
2. Relocation of 1,310 LF of existing county waterline
3. Electric utility relocation

Willis Landing Road

1. Improvement of 3,640 LF (0.69 mile) of unpaved roadway and addition to the NCDOT secondary road system
2. Construction of 3,640 LF of new 4" and 2" county waterline to address moderate and severe water needs of ten households (existing failing private water wells)
3. Electric utility relocation

It was stated that no County funds will be required. Mr. Baumgardner requested that the Chairman be authorized to execute the agreement. Commissioner Mark moved to authorize the Chairman to execute the agreement so that the County may receive the funds, seconded by Commissioner Dacey and unanimously carried.

James City CDBG Acquisition

Mr. Baumgardner presented a request that the Board authorize the purchase of property to be disposed of, in accordance with state statutes, NCGS 153A-378, to a non-profit company to be redeveloped for a Low-Moderate-Income family dwelling. The acquisition involves a parcel located at 306 John Street, New Bern. Commissioner Allen moved to defer consideration of this request, seconded by Commissioner Taylor and unanimously carried.

In the interim, the Chairman asked staff to research answers to the following inquiries:

1. The tax value on the parcel, comparing the current value to its developed values;
2. The legality and feasibility of attempting to recoup the County's portion of the grant match from the sale of the parcel by the non-profit company; and
3. The long term effect of not moving forward with this project on future grants.

AMENDMENTS TO PERSONNEL RESOLUTION

Human Resources Director, Joan Harrell, presented the following amendments to the Craven County Personnel Resolution relative to its application to Social Services and Health Department employees:

ARTICLE II. EMPLOYEE DEFINITIONS:

Amended to add the following:

- (i) **Career Status Employee:** All employees appointed to regular county positions in one of the Human Service Agencies (Health Department or Department of Social Services) that are subject to the State Personnel Act must serve a 24 consecutive month service period known as “career status”. During this 24 month period, employees will not be entitled to the protections of the disciplinary action policy as outlined in the State Personnel Act. Employees must serve 24 consecutive months in a position that is subject to the State Personnel Act within County Government. Employees that transfer, whether it is lateral, a promotion or demotion, between departments subject to the State Personnel Act within County Government will not have to serve another 24 month period before gaining career status. Employees that transfer from a position that is not subject to the State Personnel Act to a position that is covered under the State Personnel Act must complete 24 consecutive months before obtaining career status.

Employees in this group will be covered by the disciplinary action and appeals policy in 25 NCAC 11.2300 only after they have served 24 consecutive months in a position in Craven County that is subject to the State Personnel Act.

**THE PERSONNEL RESOLUTION
EMPLOYEES SUBJECT TO THE RESOLUTION**

Item C is amended as follows:

This Policy will cover the following:

- a) All employees in the service of the County.
- b) Employees of the North Carolina Cooperative Extension Service whose salaries are supplemented wholly or in part by State or Federal funds shall be subject to the Resolution except where it may be in conflict with the Memorandum of Understanding.
- c) Employees subject to the jurisdiction of the North Carolina State Personnel Commission and the North Carolina Administrative Code, (Department of Social Services and Health Department) shall be subject to all articles of this Resolution except Article IX. Grievance Procedure; and where this Resolution may be in conflict with the ~~North Carolina General Statutes which are applicable to said employees~~ North Carolina State Personnel Commission and the North Carolina Administrative Code relative to such employees, the State Personnel Act and the N.C. Administrative Code will control.
- d) County Attorneys and members of advisory and special boards or commissions shall not be subject except as specifically designated.

Commissioner Allen moved to approve the proposed amendments, seconded by Commissioner Dacey and unanimously carried.

APPROVED
BUDGET AMENDMENTS

Craven County Finance Director, Rick Hemphill, submitted the following budget amendments for the Board’s approval. Commissioner Allen moved for their approval, seconded by Commissioner Mark and unanimously carried in a roll call vote.

DSS 7291 Mandated

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-7291-349-32-00 Energy CIP, CP&L	\$48,868.00	101-7291-450-23-04 CIP	\$48,868.00
TOTAL	\$48,868.00	TOTAL	\$48,868.00

Justification: Funding received for Crisis Intervention Program (CIP). There is no County match, funds are 100% Federal.

DSS 7295 Senior Program

101-7295-399-01-00 Fund Balance	\$9,367.00	101-7295-450-32-29 Donations-Meals	\$6,605.00
		101-7295-450-32-31 Donations-Senior	\$2,762.00
TOTAL	\$9,367.00	TOTAL	\$9,367.00

Justification: Roll forward unspent funds donated to the Senior Program and Meals Program for Fiscal Year 2010-2011.

APPOINTMENTS

Agricultural Advisory Board

The Board received a letter from the Agricultural Advisory Board requesting an appointment to replace Patrick Pritchard. The appointment was deferred.

NCACC Voting Delegate

The Board was requested to designate its voting delegate to the Annual Conference of the North Carolina Association of County Commissioners August 18-21. Commissioner Taylor nominated Commissioner Allen. There being no additional nominees, Commissioner Allen was appointed by acclamation.

Upcoming Appointments

The Board was advised of upcoming appointments for September: the Criminal Justice Advisory Board and the Regional Aging Advisory Committee. Commissioner Taylor announced that recent legislation was passed which removes the requirement for the Criminal Justice Advisory Board. A criminal Justice Advisory Board representative will come before the Board within the next 90 days, to report and make a recommendation as to its future. Commissioner Taylor moved to adopt the current slate of members until such time, seconded by Commissioner Mark. Commissioner Dacey wished to know if any current members have already served ten years, and he offered an amendment to defer consideration of appointments, seconded by Commissioner Allen and unanimously carried. It was noted that the amended motion had the same effect as the original motion. The current members will continue to serve, at present, until a determination can be made concerning the future of this Board.

There was no action taken on the upcoming appointment to the Regional Aging Advisory Committee.

COMMISSIONERS’ REPORTS

Commissioner Dacey announced that he will be holding a Town Hall meeting from 4:00 p.m.- 5:00 p.m. at River Bend Town Hall on July 29.

CLOSED SESSION

At 10:40 a.m. the Board went into closed session pursuant to NCGS 143-318.11(a)(3) to consult with the County Attorney after a motion by Commissioner Allen and a second by Commissioner Mark.

At 11:10 a.m. Commissioner Taylor declared the Board back in regular session, seconded by Commissioner Mark. Staff recommended awarding a new contract for Home Delivered Meals to the contractor who was originally the second low bidder, J&S Catering, at \$4.49 per meal (with tax) for two years. Commissioner Taylor moved to award the contract to J&S Catering, as recommended, seconded by Commissioner Dacey and unanimously carried in a roll call vote.

County Manager, Harold Blizzard, announced his plans to retire on September 30. He thanked the Board for the privilege of having served Craven County. The Commissioners made comments praising Mr. Blizzard's work over his 18 year tenure, especially his assistance during the transition period of new Commissioners and with a very challenging budget.

At 11:19 a.m. Commissioner Allen moved to adjourn, seconded by Commissioner Dacey and unanimously carried.

Chairman Steve Tyson
Craven County Board of Commissioners

Gwendolyn M. Bryan
Clerk to the Board