

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, NOVEMBER 21, 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 Theron L. McCabe
- Commissioner Johnnie Sampson, Jr.
- Commissioner Jefferey S. Taylor

STAFF PRESENT:

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

Following an invocation by Commissioner Sampson and the Pledge of Allegiance, Commissioner Mark moved to approve the minutes of November 7, 2011, seconded by Commissioner McCabe and unanimously carried.

TAX RELEASES AND REFUNDS

Craven County Tax Administrator, Ronnie Antry, presented the following 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

TAXPAYER NAME	TICKET#	AMOUNT
ANDERSON, DOUG DID NOT OWN 1/1/2011	2007-0001083	\$115.26
ANDERSON, JOHN & ANDERSON, JAM DID NOT OWN 1/1/2011 –SEE ACCT 90176	2011-0091642	\$203.47
ANDERSON, JOHN & ANDERSON, JAM DID NOT OWN 1/1/2011 – SEE ACCT 90176	2011-0091564	\$38.94
BALLARD, EDDIE ONEAL & ALICE F DID NOT OWN 1/1/2011	2011-0002612	\$46.24
BRAUNINGER, DOUGLAS P & LAURA APPRAISAL ERROR	2011-0006253	\$107.36
COOPER, GRADY BRENT & NANCY DID NOT OWN 1/1/2011	2011-0012052	\$214.87
CRAYTON, W FRANK & DANA R DISCOVERED PROPERTY VALUE CORRECTION	2011-0091508	\$997.35
CRAYTON, W FRANK & DANA R DISCOVERED PROPERTY VALUE CORRECTION	2011-0091510	\$997.35

CRAYTON, W FRANK & DANA R DISCOVERED PROPERTY VALUE CORRECTION	2011-0091509	\$1,105.35
DAVENPORT, BERT DID NOT OWN 1/1/2011	2009-0091128	\$54.65
GASKINS, JAMES R DOUBLE BILLED – SEE ACCT 91581	2011-0091663	\$100.56
HARTMAN, JAMES H REBILLED ON SUPPLEMENT	2011-0090154	\$379.83
MARTIN, OLETHA J DID NOT OWN 1/1/2010	2011-0091676	\$498.30
MAYS, SUSAN HARGETT DWELLING VACAN SINCE 12-2008	2011-0037367	\$36.00
ORDIWAY, LEWIS F DOUBLE BILLED – SEE ACCT 79246	2011-0043668	\$118.13
SNEAD, BENJAMIN TILLMAN LATE LISTING CHARGED IN ERROR	2011-0053300	\$1.01
WETHERINGTON, ELIZABETH ANN MC CORRECTED BOAT VALUE	2011-0060916	\$41.55
WETHERINGTON, ELLEN T CORRECTED BOAT VALUE	2011-0060920	\$67.86
WORLEY, MILDRED P DID NOT OWN 1/1/11 – SEE 8198450	2011-0091639	\$87.85
WORLEY, MILDRED P DID NOT OWN 1/1/11 – SEE 8198450	2011-0091699	\$682.94
	22 – CREDIT MEMO(S)	\$5,894.87
<i>Refunds</i>		
DICKIE, JAMIE KIRK DOUBLE BILLED – SEE ACCT 65549	2011-0015238	\$96.69
KOPECKY, GREGORY C MILITARY EXEMPTION	2011-0032811	\$122.75
MURPHY, KENNETH & CAROLYN DID NOT OWN BOAT 1/1/2011	2011-0041574	\$41.64
ORDIWAY, LEWIS F DOUBLE BILLED – SEE ACCT 79246	2010-0039242	\$122.44
ORDIWAY, LEWIS F DOUBLE BILLED – SEE ACCT 79246	2009-0042958	\$152.76
SINGLETON, NANCY E HRS DWELLING UNOCCUPIED	2011-0052348	\$36.00
	6 – REFUND (S)	\$572.28

**REQUEST TO SET CLOSEOUT PUBLIC HEARING FOR JAMES CITY FY08
COMMUNITY REVITALIZATION PROJECT**

The Planning Department requested that the Board set a closeout public hearing for the James City FY08 CDBG Community Revitalization Project at 7:00 p.m. on December 5, 2011 prior to submitting the closeout documents to the NC Department of Commerce. Commissioner Sampson moved to set a public hearing for December 5, 2011 at 7:00 p.m., as requested, seconded by Commissioner McCabe and unanimously carried.

AIRPORT REQUEST

Coastal Carolina Regional Airport Authority leases land to Express Properties, the entity which constructed the Federal Express distribution center located at the airport. Federal Express requested that the County and the Airport execute a Subordination and Non-Disturbance Agreement to ensure their continued operations at the distribution center in the event of a default by Express Properties, so long as commercial operations continue at the airport. In the event that the County and/or the Airport decide to discontinue commercial airport operations, the lease could be terminated. Airport Director, Tom Braaten, advised the Board that the attorneys for all parties have approved the Agreement that was submitted for approval. Commissioner Allen moved to approve the execution of a Subordination and Non-Disturbance Agreement, seconded by Commissioner Mark and unanimously carried.

**REQUEST FOR RESOLUTION IN SUPPORT OF ROADWAY
IMPROVEMENTS IN THE INDUSTRIAL PARK**

County Manager, Jack Veit, presented the following resolution at the request of the Economic Development Commission, and the North Carolina Department of Transportation. Commissioner McCabe moved to approve the resolution, as presented, seconded by Commissioner Sampson and unanimously carried.

Resolution

**In Support of Roadway Improvements to Industrial Drive and Executive Drive
Within the Craven County Industrial Park**

Whereas, Craven County Industrial Park is currently comprised of 519.5 acres and was formed in 1975 at an initial investment of approximately \$1,500,000; and

Whereas, since the inception of the Craven County Industrial Park fourteen (14) companies acquired sites including the following: Awylard, Blakemore -BSH Home Appliance Logistics Site, Progress Energy, Craven County Wood Energy, Chatsworth, Urethane Innovators, Green Top –Wheatstone, NextMedia Operating Inc., Piedmont Natural Gas, Southern Apex Holdings-PetroLiance, Moen, K&D Properties-Mutual Distributing, Wirthwein, and Timberlands East with an infrastructure investment of \$55,436,110; and

Whereas, ownership of the Industrial Park was transferred to Craven County from the Craven County Committee of 100 on November 4, 1997; and

Whereas, over 1,450 Employees work within the Craven County Industrial Park, equaling a minimum of 3,000 road trips on Industrial Park Roads daily; and,

Whereas, many tractor trailer trucks and other delivery trucks frequently use the roads of the Industrial Park; and

Whereas, the Craven County Commissioners understand that there is the potential for funding to make necessary road improvements to Industrial Drive and Executive Drive within the Craven County Industrial Park.

Now, Therefore, Be It Resolved that the Craven County Board of Commissioners strongly supports the road improvement projects for both Industrial Drive

and Executive Drive which will further enhance the economic development potential of the Craven County Industrial Park.

Adopted this 21st day of November, 2011.

BUDGET AMENDMENTS AND ORDINANCE UPDATE

Craven County Finance Director, Rick Hemphill, presented the following budget amendments and ordinance update for the Board’s approval. Commissioner Sampson moved for their approval, seconded by Commissioner McCabe and unanimously carried in a roll call vote.

Sheriff’s

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
114-0000-399-01-00 Fund Balance Approp	\$10,000.00	114-2001-410-33-00 Public Safety Misc.	\$10,000.00
TOTAL	\$10,000.00	TOTAL	\$10,000.00

Justification: The drug buy money has been expended for the year. The Narcotics Division has worked major joint cases this year with the Feds resulting in forfeitures and several arrests. The Sheriff is requesting to transfer money into this account to be used for the undercover purchase of narcotics.

DSS 7291 Mandated

101-7291-349-32-00 Energy CIP, CP&L	\$119,515.00	101-7291-450-23-04 CIP	\$119,515.00
TOTAL	\$119,515.00	TOTAL	\$119,515.00

Justification: Funding authorization received for Low Income Home Energy Assistance Funds (LIEAP). There is no County match, funds are 100% federal.

Health/Adult Primary Care

101-6612-349-59-00 State Revenue	\$10,000.00	101-6612-440-32-08 Medical Supplies	\$5,000.00
		101-6612-440-40-0 Contract Services	\$5,000.00
TOTAL	\$10,000.00	TOTAL	\$10,000.00

Justification: Several labs are requested in Adult Primary Care and program needs to cover the medical supplies that are needed in order to perform in those labs. In addition, the department expects to consult with a contract vendor regarding this program. An increase in the Aid-to-County revenues will cover these expenses.

Health/Family Planning

101-6400-349-59-00 State Revenue	\$28,952.00	101-6400-440-32-05 Rx Drugs	\$23,952.00
		101-6400-440-32-08 Medical Supplies	\$ 4,000.00
		101-6400-440-32-40 Other Supplies	\$ 1,000.00
TOTAL	\$28,952.00	TOTAL	\$28,952.00

Justification: The department has currently spent over 70% of budget on Rx drugs and will be purchasing more throughout the year as needed for patients who are seeking contraceptive methods. In addition, request more funds in medical and other supplies to cover for remaining of FY. An increase in the Aid-to-County revenues will cover these expenses.

Health/Tuberculosis

101-6300-349-00-00	\$3,850.00	101-6300-440-40-00	\$3,850.00
State Revenue		Contract Services	
TOTAL	\$3,850.00	TOTAL	\$3,850.00

Justification: The contract with ECU for the TB doctor who is paid \$550/month was delayed by the ECU lawyers causing CCHD to pay for 7 months (December 2010-June 2011) of contract services (7 months x \$550 = \$3,850) this FY that was for services from the previous FY. An increase in the Aid-to-County revenues will cover this expense.

Health – CDC Grant

101-5600-348-45-00	\$1,667.00	101-5600-440-20-00	\$ 600.00
(Approved budget is 40k, granted \$41,667.)		Postage	
		101-5600-440-25-00	\$1,067.00
		Travel/Training	
TOTAL	\$1,667.00	TOTAL	\$1,667.00

Justification: The grant awarded by the CDC was more than originally budgeted and has a September 1 – August 31 fiscal year. The department will be getting \$50,000 per year for three years instead of \$40,000.

Planning

278-0000-377-02-00	\$296,648.00	278-4080-430-76-63	\$(13,937.00)
Grant CDBG		Water Improv	
		278-4080-430-76-67	\$268,520.00
		Sewer Improv	
		278-4080-430-76-70	\$ 32,065.00
		Administration	
		278-4080-430-76-71	\$ 10,000.00
		Prelim Planning	
TOTAL	\$296,648.00	TOTAL	\$296,648.00

Justification: Budget amendment needed to accept and expend full amount of grant funds received under CDBG FY 10 Contingency Infrastructure CDBG #10-C-2220.

Ordinance:

**CDBG FY 10 Contingency Infrastructure
Fund 278**

This ordinance is hereby approved in the following amounts for expenditures for the CDBG FY 10 Contingency Infrastructure.

Expenditures:

Street Improvements	\$	71,416.00
Water Improvements	\$	42,712.00
Sewer Improvements	\$	268,520.00
Administration	\$	59,000.00
Planning	\$	10,000.00

TOTAL \$ 451,648.00

The following revenues are hereby estimates for the CDBG FY 10 Contingency Infrastructure.

Revenues:

CDBG Grant \$ 451,648.00

TOTAL \$ 451,648.00

This ordinance is hereby approved this 21st day of November, 2011.

AUDIT REPORT BY MCGLADREY & PULLEN

The annual audit report for fiscal year ended June 30, 2011 was presented by Lou Cannon of McGladrey & Pullen. An unqualified or “clean” opinion was rendered. Chairman Tyson stated that he would like the Board to review the documents and discuss the report at a future work session.

APPOINTMENTS

Commissioner McCabe moved to defer all appointments, seconded by Commissioner Taylor and unanimously carried.

RESOLUTION SUPPORTING LEGISLATION TO REQUIRE VOTER ID

Commissioner Dacey presented the following resolution, preceded by his introductory statement, as follows:

Two weeks ago, I provided this board with a copy of a draft resolution calling upon our delegation to the General Assembly to introduce a local bill that would require voters to show a valid, government issued identity document at the polls. As the basis for this resolution I used a resolution adopted earlier this year by Gaston County, revising it slightly to direct that the bill be drafted to reflect the policy developed by the General Assembly with their work on House Bill 351, also known as the Restore Confidence in Government Voter ID Bill. As you all know, this bill was passed by both the House and Senate, but was vetoed by Governor Beverly Perdue this past July.

While not perfect, the authors of H.B. 351 did work to address every significant objection to the law. It would be my expectation that any local bill introduced on behalf of Craven County would do so as well. In summary, the bill provides a free photo ID for any resident who cannot afford one, exempts from the requirement those who don’t believe in taking photos for religious reasons, and allows the use of provisional ballots for those who forget to bring an ID to the polls. Including these provisions in the bill will put the legislation in line with similar laws in other states that have withstood a challenge at the U.S. Supreme Court.

Since asking residents of Craven County to provide this board with their views concerning the resolution, a number of themes were present in the objections we received. I would like to take a moment to address two of the most commonly stated objections.

First, that this is a solution looking for a problem – In essence, there is no connection between what few problems we may have with respect to our voting process in Craven County and the need for this policy.

There's no way to have a good sense of how rampant voter fraud is when counties aren't properly looking for fraud in the first place. There are many ways fraud can impact voting, and while requiring a photo ID will not solve every potential voter fraud problem, this effort will begin the process of instituting voter integrity reforms that will make all of

us more certain about the outcomes of our elections.

We must remember the process of voting has changed considerably over the last 10 or 15 years. When voting was limited to election day, people would simply go to their neighborhood polling location to cast their ballot. In those days, it was more likely than not that the people working at the polls would know most of the voters by sight and the need to demonstrate one's identity was largely unnecessary. However, with the move to early voting, voters are casting their ballots at polling locations that can often be far removed from their neighborhoods, greatly reducing the likelihood the polling officials will know by sight who a voter might be.

While it may be true that Craven County has not knowingly experienced any instances of voting fraud, taking necessary precautions to reduce the possibility of such an occurrence should not be considered wasteful or unnecessary, but rather simply providing responsible government.

Second, some have objected that requiring a voter to present a photo ID would in some way take away a citizen's right to vote. I would like folks to understand that H.B. 351, and assuredly any bill introduced on behalf of Craven County, would protect everyone's right to vote by allowing those who fail to show up at a polling location with an appropriate ID to vote with a provisional ballot.

With that, I will simply ask that my colleagues allow North Carolina to begin the process of joining the 27 states requiring identification before casting a ballot and approve this resolution.

LEGISLATIVE REQUEST - TO INTRODUCE A LOCAL BILL REQUIRING VOTER IDENTIFICATION PRIOR TO VOTING IN LOCAL ELECTIONS

WHEREAS, the Craven County Board of Commissioners is aware of the Governor Perdue's veto of legislation requiring voter identification to be presented when voting in local election; and,

WHEREAS, throughout our nation's history fair and free elections have been the benchmarks that sets the United States of America apart from nations around the world. Recently, citizens from many of those nations have been witnessed demanding more freedoms and more accountability from their respective governments. Many times elections are arranged to keep dictators in power or to replace one regime with another that is even more brutal; and,

WHEREAS, given the current political climate throughout our nation, many of our communities are anxious to ensure that one of our most basic and fundamental rights will continue to be protected. That right is being further diminished through illegal registrations, votes by convicted felons who have lost their right to vote, multiple votes by the same individual, and those who reside illegally within the United States. Requiring identification from those who are charting our communities' and nation's future is not unreasonable, and giving notice now will provide many months to allow those individuals to secure the required identification; and,

WHEREAS, some have advised this requirement would place an undue hardship on certain individuals in our communities. Currently, individuals cannot open bank accounts, nor can they send or receive money transactions without proper identification. Many pay their monthly bills with money orders purchased through local retail shops (Money Gram, Western Union, etc.). All of these require proper identification by the federal government to prevent illegal activity and retailers going through annual mandatory training to ensure compliance.

WHEREAS, before the introduction of one-stop voting and same day registration, the deadline to register to vote was 25 days prior to election day. This deadline was intended to give the county boards of election time to complete the administrative tasks required to maintain an accurate voter list by mailing out the

legally required verification notices (voter cards) to ensure that registrants' addresses were valid. In turn, county boards are required by law to wait one month for any cards to be returned "undeliverable" if the addresses provided are not valid. The advent of one-stop voting and same day registration has rendered the verification process a nullity, as all elections will have been certified by the time the validation process is completed.

NOW, THEREFORE, BE IT RESOLVED THAT, the Craven County Board of Commissioners respectively requests that those who represent Craven County in the North Carolina General Assembly to introduce a local bill as soon as possible, with said bill being patterned after House Bill 351, "An Act to Restore Confidence in Government by Requiring that Voters Provide Photo Identification Before Voting", a bill which was adopted by both the Senate and House of Representatives and vetoed by the Governor. This bill would require voter identification in order to participate in future Craven County elections.

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to Craven County's legislative delegation to the North Carolina General Assembly, and to the North Carolina Association of County Commissioners.

Adopted this 21st day of November, 2011.

Chairman Tyson canvassed the audience to see how many present were for the resolution and how many were in opposition. Since the matter was controversial, the Chairman asked that the Board entertain public comments. Commissioner Allen asked that the Board allow one proponent and one opponent to speak four minutes each.

Commissioner Sampson read the following opposing statement:

Even though requiring a photo ID may sound like common sense to some, the reality is a substantial number of people do not have one. The only thing photo ID stops is a person voting in another person's name. It doesn't stop voters from voting twice, returning to an old neighborhood to vote, or even creating phony ID's. Preventing voter fraud is a sham argument. According to the N.C. Board of Elections, from 2004 through 2010, **in-person voter fraud across N.C. averaged less than 5 cases per 1 million ballots cast.**

Main-in absentee ballots are not subject to a photo requirement, yet the rate of fraud, while still low, is about 5 times higher than for in-person voting. If you require ID for one form of voting, should you then require it for all? **And how would that affect our soldiers overseas when they mail in their absentee ballots?**

The NC State Board of Elections matched its database of registered voters with the DMV and determined that over 5,000 active registered voters in Craven County do not have a current driver's license or ID card. Just because an eligible voter doesn't drive, can no longer drive, or their name has changed since they got a license (they got married, etc.) it should not disqualify a US citizen from being able to vote. The Board of Elections research discovered that in Craven County alone, 13% (or 1,850) African-American registered voters do not have a current government photo ID nor do 11% (or 1,500) of registered voters over the age of 65.

Unlike cashing a check, voting is a fundamental right protected by the NC Constitution (Article 6). No law should be adopted that imposes a barrier to a constitutional right without showing substantial justification – and in this case there is none. An African-American voter in Craven County is twice likely not to have a photo ID as a white voter. This ID requirement is nothing more than an attempt to exclude certain segments of our population from exercising their right to vote. Serious discriminatory legal issues could open Craven County to a lawsuit if it attempts to implement a photo ID ordinance. **Is the County ready to incur these kinds of costs?**

Federal law also prohibits financial cost from being a barrier to voting. Therefore, Craven County will be obligated to provide free photo ID's as well as the cost of an education program to inform the public of their options. These costs will incur every

single year. **Can the County afford these kinds of costs for a problem that does not exist?**

The following citizens spoke:

Raynor James, 305 Calico Drive, New Bern, spoke in support of the resolution, stating that no one should assume that any group is less capable than another of complying with any requirements associated with voting.

Bob Livingston, 210 Atlantic Road, New Bern, spoke in opposition to the resolution, stating that the Gaston County resolution, which was the model for this one, is in litigation and he asked why Craven County should rush into adopting such a resolution before knowing the outcome of the litigation.

Commissioner Dacey moved to adopt the resolution, seconded by Commissioner Taylor.

The Chairman asked Election's Director, Erin Burrige, to come forward for questions. There was discussion concerning the potential impact of the measure on deployed military, and the financial impact on the County. Commissioner Dacey stated that about \$6,600 in start-up cost is estimated, and about \$8,500 for the first year of operation. The current employee I.D. system utilized by the County has existing equipment which may be used for this purpose to minimize the cost

The Board inquired if the Elections Department had encountered problems relative to identification of voters in prior elections. Ms. Burrige responded that there had not, in her experience here, been any such problems encountered. She stated that she would be unable to comment on the projected impact to her department until it is known how the program would be administered.

Commissioner Allen commented that he has had only 15 negative reactions to the proposed resolution in the preceding days.

Commissioner Taylor stated that there needs to be a competent, pro-active way of determining absence of voter fraud.

Commissioner Mark moved to call the question, seconded by Commissioner Taylor. The motion carried in a roll call vote by five (5) "ayes", with two (2) "nays" from Commissioners McCabe and Sampson.

The original motion to adopt the resolution carried in a roll call vote with five (5) "ayes" from Commissioners Allen, Dacey, Mark, Taylor and Tyson, there being two (2) "nays" from Commissioners McCabe and Samspon.

COUNTY ATTORNEY'S REPORT

Regulation of Solid Waste Disposal at Convenience Centers and Curbside Recyclable Materials

County Attorney, Jim Hicks, presented proposed amendments to Chapter 37, Article II of the Craven County Code of Ordinances. The primary purpose for these amendments is to better clarify the restrictions on scavenging from recycle bins once they are placed curbside. In the County's contract with GDS, ownership of the materials is conveyed to GDS as part of the compensation for recycling collections; however, there has been an increase in incidents involving scavenging at the curbside.

The secondary purpose of the amendments is to bring the Code into compliance with the actual solid waste collection and services currently provided by the County, and to reflect the absence of activities and sites that the County no longer conducts or operates.

Each municipality within the County (except for the Town of Bridgeton) has signed an interlocal agreement with the County, whereby the County's regulations apply within the municipality.

Mr. Hicks advised that although optional, a public hearing is not required to adopt these amendments.

Commissioner Allen moved to adopt the amendments, as presented, seconded by Commissioner Mark and unanimously carried.

Agricultural Advisory Board –VAD Ordinance

Mr. Hicks discussed proposed revisions to the Voluntary Agricultural District Ordinance. Commissioner Taylor moved to hold a public hearing on December 5, 2011 at 7:00 p.m. on the revisions, seconded by Commissioner Mark and unanimously carried.

COMMISSIONERS' REPORTS

Commissioner Sampson commented that gas prices are creeping up again. He stated that in his objection to a requirement for voter I.D., he does not imply that one group is less capable than another, just that there are people who have more privileges than others.

Commissioner Mark wished everyone a Happy Thanksgiving.

Commissioner Taylor thanked those citizens in attendance and expressed condolences to Commissioner McCabe for the loss of his father.

Commissioner Dacey expressed condolences to Commissioner McCabe and announced that he will be holding a Town Hall meeting on November 28 in the Commissioners' Room from 3:00-4:00 p.m.

Commissioner Allen commented that the traffic configuration along U.S. 70 in Havelock is very dangerous and he also expressed his condolences to Commissioner McCabe.

Chairman Tyson announced that on December 1 from 6:00-8:00 p.m. there will be a Wounded Warriors benefit held at New Bern Golf and Country Club.

The Board recessed at 10:00 a.m. to reconvene in work session.

Chairman Steve Tyson
Craven County Board of Commissioners

Gwendolyn M. Bryan
Clerk to the Board