

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, JUNE 4, 2012. THE MEETING CONVENED AT 7:00 P.M.

MEMBERS PRESENT:

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

STAFF PRESENT:

Jack B. Veit III., County Manager
 Gene Hodges, Assistant County Manager – Operations/Facilities
 Richard F. Hemphill, Assistant County Manager – Finance/Administration
 Gwendolyn M. Bryan, Clerk to the Board
 Jim Hicks, County Attorney
 Aaron Arnette, County Attorney Associate

Following an invocation and the Pledge of Allegiance, the Board recessed to reconvene at the Craven County Courthouse due to an exceptionally large crowd in attendance.

At 7:22 p.m. the Board reconvened in Courtroom #4 of the Craven County Courthouse.

The Chairman called for any correction to the minutes. There being none, the minutes of May 21, 2012 regular session and May 23, 2012 reconvened session were accepted, as presented.

PETITIONS OF CITIZENS

Ray Griffin addressed the Board concerning prayer.

Norman Smith addressed the Board concerning the freedom of prayer.

PUBLIC HEARINGS

CARTS – Rural Operating Assistance Program (ROAP) Grant

As part of the process to apply for FY 2013 ROAP Grant funding, a public hearing was scheduled. CARTS Director, Phyllis Toler, provided an overview of ROAP, reporting that 42,408 trips were made in the current year, which is 840 more than the previous year.

At 7:35 p.m. the Chairman declared the public hearing opened. There were no speakers from the public and at 7:36 p.m. Commissioner Dacey moved to close the public hearing, seconded by Commissioner McCabe. Commissioner Sampson moved to approve the ROAP application, seconded by Commissioner McCabe and unanimously carried.

Noise Ordinance Amendments

At the last meeting of the Board, the County Attorney introduced a proposed amendment to the Craven County Noise Ordinance, and the Board set a public hearing, although not required, to receive comments from the public. County Attorney, Jim Hicks, gave an overview of the Noise Ordinance and the proposed amendment to change the penalty from a civil fine to a Class C Misdemeanor. At 7:44 p.m. Commissioner Tyson moved to go into public hearing, seconded by Commissioner Sampson and unanimously carried. The following citizens spoke:

1. *Henri McClees – 45 White Farm Rd., Oriental*, stated that she is in opposition to the amendment and does not believe that an ordinance is the solution to the problem that exists. It goes against liberty and freedom of property rights.
2. *Tom Glasgow, 105 Lookout Lane, New Bern*, stated that he is in favor of the amendment to the noise ordinance. He stated that he is not a newcomer and the problem with neighbors' dogs has not always occurred.
3. *Emily Gilmette, Veterinarian*, opposed the amendment, stating there is no way for an owner to prevent barking.
4. *Mike Hardison*, was opposed the amendment.
5. *Naomi Durkee, 101 Lookout Lane*, is in favor of the amendment, stating that she has lived in the County for eleven years and has never had a problem with the noise until a couple of years ago.
6. *Tommy Banks, Vanceboro*, was opposed to the amendment.
7. *Jesse Smith, 405 Howell Road*, stated his opposition to the amendment.
8. *Michael Kennedy*, stated opposition to the amendment and feels that it will not solve the problem. Only neighbors communicating and cooperating can solve the problem.
9. *Terry Morris*, stated opposition to the amendment.
10. *Ray Hodges, 1898 Maul Swamp Road*, stated opposition to the amendment.
11. *Frank Bradham*, stated that he is opposed to the amendment.
12. *Nancy Masters-Pils, 224 E. Palmer Dr.*, spoke about her dangerous dog appeal outcome.
13. *Sara Miller, 141 N. Bells Ave.*, spoke on the need for a County leash law.

At 8:18 p.m. Commissioner Tyson moved to go out of public hearing, seconded by Commissioner Dacey. Commissioner Sampson moved to disapprove the proposed amendment to the Noise Ordinance, seconded by Commissioner McCabe and unanimously carried.

At 8:30 p.m. the Board recessed.

At 8:35 p.m. the Board reconvened.

FY 2013 Proposed Budget

A public hearing was held, as advertised, to receive public comment on the proposed FY 2012-2013 Craven County budget, which was available for public inspection in the County Commissioners' Office at the Craven County Administration Building, and on the County's website since May 21, 2012.

At 8:35 p.m. Commissioner Tyson moved to go into public hearing, seconded by Commissioner Taylor. The following citizens spoke:

1. *Nancy Murdoch, 309 Deacon Ct., Havelock*, spoke on behalf of the Craven County Taxpayers' Association on the role of government.
2. *Robert Howe, 1244 Pine Valley Dr.*, spoke in support of the request by Religious Community Services stating that it is for general operations.

3. *Kinsey Welch, 3504 Wedgewood Dr.*, is an RCS Casworker and spoke on behalf of the organization.
4. *Joe Albanese, 3709 Wedgewood Dr.*, stated that he supports an additional staff member for the Sheriff's EOMP.
5. *Raynor James, 305 Calico Dr.*, stated that the needy should be taken care of by the private sector.
6. *Hal James, 305 Calico Dr.*, spoke on behalf of the Craven County Taxpayers' Association, regarding special appropriations and objecting specifically to funding of the Economic Development Commission, FQHC, rescue squads and teacher benefits.
7. *Lynn Childs, 4914 Cypress Shores Dr.*, spoke about the role of government not being for charity.
8. *Rick Hopkins, 3827 Canterbury Rd.*, spoke about the benefits of enjoying the fruits of one's own labor and prayer.
9. *Carl Mischka, 5025 Clubhouse Dr.*, spoke about special appropriations and is opposed if the appropriation supports a limited population or group.
10. *Stevie Bennett, 1312 National Ave.*, stated that a total of \$191,000 has been given to RCS by Craven County. She stated that RCS is strictly a religious organization, and should not receive taxpayer money.

Conditional Use Permit

A public hearing was held to obtain citizen comments regarding the establishment of food sales of ice cream at 817 Airport Road, within the Airport Zone. The Chairman announced the purpose of the public hearing, name of the applicant, location for requested permit, procedure for the hearing and determination by the Board.

At 9:20 p.m. the Chairman declared the Board in a Conditional Use Permit hearing, as advertised, and the following persons were sworn in to provide testimony:

Jason Robert Frederick, 311 Church Hill Court, representing the Craven County Planning Department. He gave testimony describing the proposed use for the conditional use permit application for parcel 7-103-103 located at 817 Airport Road. He stated the applicant applied for and received a Conditional Use Permit in 2011 for a commercial retail business called Rainbow of New Bern. The business orders, sells and assembles playsets for children, with five playsets being assembled on site for display. He further stated that County staff has since discovered an ice cream stand located at the site, which requires an additional permit. Mr. Frederick provided a map with the general location where the property is located in Craven County. It is located in Twp. 7 in the James City area adjacent to the Coastal Carolina Regional Airport. The property is located in the "Airport Zone" and is approximately 1,400 feet northeast of approaching runway 32. Properties to the north, south, east and west are also located in the "Airport Zone". The property is located in an area described as Office and Institutional with mixed-use neighboring to the east and the south. A single family house (manufactured home) and a childcare business known as Kids of America are to the north. Parcels to the east and west are owned by Craven County and a parcel to the south is owned by Coastal Carolina Regional Airport. Mr. Frederick advised the Board that notice was given to all adjoining property owners.

Staff had no objections to the request and there being none from the public, the Conditional Use Hearing was closed at 9:28 p.m.. The Board was in agreement with the findings of fact by staff as follows:

Commissioner Tyson moved to approve the following Element #1, seconded by Commissioner Taylor and unanimously carried.

1. The use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved.

Commissioner Mark moved to approve the following Element #2, seconded by Commissioner Tyson and unanimously carried.

2. The use meets all required conditions and specifications of the Ordinance.

Commissioner Taylor moved to approve the following Element #3, seconded by Commissioner Tyson and unanimously carried.

3. The use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity.

Commissioner Dacey moved to approve the following Element #4, seconded by Commissioner Mark and unanimously carried.

4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located, including the County’s Land Use Plan.

Commissioner McCabe moved that the Conditional Use Permit be granted, as requested, to Richard Moore at 817 Airport Road, seconded by Commissioner Mark and unanimously carried.

TAX RELEASES AND REFUNDS

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

Credits

TAXPAYER NAME	TICKET #	AMOUNT
AMERICAN MATTRESS CENTERS INC DISCHARGED IN BANKRUPTCY	2002-0000845	\$69.49
BARROW, RITA DISCHARGED IN BANKRUPTCY	2002-0002777	\$162.02
BRINKLEY, MARTIN GRAY & GAYLE DISCHARGED IN BANKRUPTCY	2004-0005802	\$118.15
BRINKLEY, MARTIN GRAY & GAYLE DISCHARGED IN BANKRUPTCY	2005-0006031	\$115.01
CHANDLER, WAYNE THOMAS DID NOT OWN 1/1/2012	2012-0090045	\$272.45
CRAVEN COUNTY COUNTY PROPERTY – SHOULD BE EXEMPT	2011-0012834	\$43.86
CRYSTAL COAST CAR SERVICE NOT IN BUSINESS 1/1/2011	2011-0090434	\$54.61
FITZGERALD, NORMA F DID NOT OWN 1/1/2009	2009-0018912	\$80.56

GATLIN, DARRYLE DID NOT OWN 1/1/2004	2004-0019205	\$376.15
GATLIN, MARGARET DID NOT OWN 1/1/2003	2003-0018886	\$249.64
GENTRY, JESSIE B DID NOT OWN 1/1/2005	2005-0090161	\$270.79
IT CORPORATION DISCHARGED IN BANKRUPTCY	2002-0025731	\$672.41
JOHNSON, NEIL HERBERT DID NOT OWN 1/1/2011	2011-0030357	\$227.77
KORNEGAY, JANIE L DID NOT OWN 1/1/2011	2011-0032846	\$73.78
LAKE, RACHEL LEE DOUBLE BILLED – SEE ACCT 67555	2011-0091532	\$162.02
LEWIS, JEREMY E DID NOT OWN 1/1/2011	2011-0034399	\$135.92
LEWIS, JEREMY E DID NOT OWN 1/1/2010	2010-0030926	\$152.13
MONTES MOTORS LLC DID NOT OWN 1/1/2011	2011-0090842	\$21.14
NES EQUIPMENT RENTAL LP DISCHARGED IN BANKRUPTCY	2003-0037201	\$176.29
SHOE CORPORATION OF AMERICA DISCHARGED IN BANKRUPTCY	2002-0045042	\$79.20
S3 LTD DISCHARGED IN BANKRUPTCY	2002-00048370	\$147.75
TYNDALL, KEITH LEE DID NOT OWN BOAT 1/1/2011	2011-0058343	\$112.56
US BANK NATIONAL ASSOCIATION DOUBLE BILLED – SEE ACCT 86139	2011-0058693	\$93.22
	23 – CREDIT MEMO (S)	\$3,866.92
<i>Refunds</i>		
LAKE, RACHEL LEE DOUBLE BILLED – SEE ACCT 67555	2011-0091532	\$68.03
WHITE, JAMES EDWARD & ELLEN MA DOUBLE BILLED – SEE ACCT 86691	2011-0061619	\$145.36
WOLFE, MATTHEW C & KRYSTLE N MILITARY EXCLUSION	2011-0063770	\$62.16
	3 – REFUND (S)	\$275.55

SUBDIVISION FOR APPROVAL

Planning Director, Don Baumgardner, presented the following subdivision for the Board’s approval.

Wilbur Boone Division – Final: The property, owned b Wilbur & Judith Boone, and surveyed by James Simmons, PLS, is located within Twp. 5 off of Fisher Town Rd. (SR 1717), Parcel ID 5-012-015. The subdivision contains 1 lot on 1 acre and is proposed to be served by Craven County water and an individual septic system.

Commissioner Sampson moved to approve the subdivision, as presented, seconded by Commissioner Taylor and unanimously carried.

CONVENTION CENTER REPAIRS

Carpet Contract

Assistant County Manager of Operations/Facilites, Gene Hodges, presented a carpet contract for the New Bern Riverfront Convention Center.

He recommended accepting the contract for 3,969.10 Square Yards of Shaw Hospitality Group ECO Evolution 36 carpet with attached padding (1st and 2nd floors replaced; excluding the office area), at a cost of \$121,037.44.

Carpet Installation Contracts

He stated that the installation portion of the project was bid separately, with Crown Carpet and Tile, Inc. out of Charlotte, being the only bidder that responded.

It was recommended that the contract for installation of the carpet on the first and second floors and to provide carpet and installation in the office areas be contracted with Crown Carpet and Tile at a cost of \$50,510.30.

Staff recommended that the Board accept the bids totaling \$171,547.74 and authorize the County Manager to contract with Shaw Hospitality Group and Crown Carpet and Tile so that site verification can be performed and the production schedule of the manufacturer can be met.

Commissioner Mark moved to award the contacts, as recommend, and to authorize the County Manager to execute them, seconded by Commissioner McCabe and unanimously carried.

BUDGET AMENDMENTS

Assistant County Manager of Finance/Administration, Rick Hemphill, presented the following budget amendments for the Board’s approval. Commissioner McCabe moved for their approval, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

Inspections

REVENUE	AMOUNT	EXPENDITURES	AMOUNT
101-2401-355-04-00	\$ 75.00	101-2401-410-35-01	\$ 220.00
CAMA Inspection Fee		Uniforms	
101-2401-355-27-00	\$ 173.00	101-2401-410-22-00	\$ 235.00
Swimming Pool Insp		Telephone	
101-2401-355-29-0	\$ 207.00		
Reinspect Fee			
TOTAL	\$ 455.00	TOTAL	\$ 455.00

Justification: Amount needed in order to cover overages and invoices in the uniform and telephone line items for the remainder of the fiscal year.

Inspections

101-2401-355-01-00	\$1,129.00	101-2401-410-31-01	\$4,064.00
Electrical Inspect Fee		Reg Vehicle Exp	
101-2401-355-31-0	\$1,929.00		
Docks Inspect Fee			
101-2401-355-08-00	\$ 452.00		
Demo Inspect Fee			
101-2401-355-30-00	\$ 554.00		
Mobile Home Inspect			
TOTAL	\$4,064.00	TOTAL	\$4,064.00

Justification: Amount needed in order to purchase gasoline for the inspection vehicles for the remainder of the fiscal year.

DJJDP/JCPC

101-0564-348-15-00	\$5,000.00	101-0564-450-91-05	\$5,000.00
DJJDP – Area Day Reporting		DJJDP- Area Day Reporting	
TOTAL	\$5,000.00	TOTAL	\$5,000.00

Justification: Area Day Reporting Program was approved to receive additional Level II Discretionary funding. Need to budget the extra \$5,000 awarded to this program.

Dental

101-0000-399-01-00	\$39,348.00	101-0567-400-98-16	\$39,348.00
Fund Balance		Transfer to Reserve	
JOURNAL ENTRY			
101-0567-400-98-16	\$39,348.00	101-0000-101-00-00	\$39,348.00
Transfer to Reserve		General Fund Cash	
371-0000-101-00-00	\$39,348.00	371-0000-366-01-00	\$39,348.00
County Reserve Cash		From General Fund	
TOTAL	\$118,044.00	TOTAL	\$118,044.00

Justification: Fiscal Year '11 dental profit (78,697). Agreed to transfer half (\$39,348) to Capital Reserve for future repair/replacement of dental trailer.

WATER WRITE-OFFS

Water Superintendent, Rusty Hayes, presented water write-offs totaling \$6,510.10, stating that his office will continue attempting to collect the outstanding amounts. Many are the result of final billings, where residents have moved out without leaving forwarding addresses. Commissioner McCabe moved to approve the write-offs totaling \$6,510.10, as presented, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

APPOINTMENTS

The following appointments to boards and committees were all deferred until the Board's next meeting on June 13, 2012.

- Craven County Clean Sweep Committee
- Industrial Facilities Pollution Control Financing Authority
- Agricultural Advisory Committee
- Regional Aging Advisory Committee
- Eastern Carolina Workforce Development Board
- Craven Community Child Protection Team
- Craven County ABC Board
- Craven County Planning Board
- North Carolina Eastern Region
- Coastal Carolina Regional Airport Authority
- Tourism Development Authority
- Eastern Carolina Council of Governments
- Recreation Advisory Committee

RESOLUTION RECOGNIZING THE MILITARY FAMILY OF THE QUARTER

The Board received a request to adopt a resolution recognizing Lance Corporal Mark Hooper and his family as Military Family of the Quarter. Commissioner Dacey will attend a luncheon being held in their honor where he will present the family with the resolution. Commissioner Tyson moved to approve the following resolution, seconded by Commissioner McCabe and unanimously carried.

RESOLUTION RECOGNIZING THE FAMILY OF LANCE CORPORAL MARK HOOPER AS MILITARY FAMILY OF THE QUARTER

WHEREAS, Lance Corporal Mark Hooper, a native of St. Louis, Missouri, arrived at Marine Corps Air Station Cherry Point in 2009, reporting to the 2nd Marine Air Wing, Marine Wing Support Squadron 274 as a food service specialist, and

WHEREAS, while on assignment at MCAS Yuma in March 2011, LCpl Hooper received personal recognition for providing advance (3rd/4th echelon) mission critical equipment repairs on their food service burners; and

WHEREAS, LCpl Hooper also serves his community through his many hours of volunteer work at the local New Bern Chapter of the Masonic lodge, most recently coordinating a local fish fry, as well as cooking, serving and cleaning up the event that raised over \$500; and

WHEREAS, he and his wife Billie, along with their two daughters, Anastacia and Arabelle, currently support the New Bern Homeless shelter, delivering boxes of much needed food, clothing and bed linens, along with providing aid to needy neighbors by providing them with eggs and chickens from their farm; and

WHEREAS, LCpl Hooper and his family supported the local battle of the bands fundraiser at Havelock High School, helping to raise \$7,000 that provided financial aid directly to the school band for this year's budget.

NOW, THEREFORE, BE IT RESOLVED THAT THE CRAVEN COUNTY BOARD OF COMMISSIONERS recognizes the family of Lance Corporal Mark Hooper for their deep involvement and continued commitment to their local community.

BE IT FURTHER RESOLVED THAT THE CRAVEN COUNTY BOARD OF COMMISSIONERS congratulates them on being selected Military Family of the Quarter.

Adopted this 4th day of June, 2012.

**RESOLUTION OF DISSOLUTION OF THE ECONOMIC DEVELOPMENT
COMMISSION**

The Board was requested to adopt the following resolution, Dissolving the Craven County Economic Development Commission. Commissioner Taylor moved to adopt the resolution, seconded by Commissioner Mark and unanimously carried.

**CRAVEN COUNTY
RESOLUTION
DISSOLVING THE
CRAVEN COUNTY ECONOMIC DEVELOPMENT COMMISSION**

WHEREAS, Craven County (“County”) has previously established the Craven County Economic Development Commission (“EDC”), by adoption of a resolution, in accordance with G.S. Section 158-8; and,

WHEREAS, the Craven County Board of Commissioners now desires to dissolve said EDC, and,

WHEREAS, an EDC may be terminated, by the adoption of a resolution repealing the original resolution, pursuant to G.S. Section 158-8.

NOW THEREFORE BE IT RESOLVED by the Craven County Board of Commissioners as follows:

1. That the resolution establishing the Craven County Economic Development Commission (“EDC”) is hereby repealed effective June 30, 2012, in accordance with G.S. Section 158-8.

Adopted this 4th day of June, 2012.

COUNTY ATTORNEY’S REPORT

County Attorney Associate, Aaron Arnette, presented a deed and Transfer and Reversion Agreement, transferring property located at 306 John Street to the Neuse River Community Development Corporation to be used for low income housing purposes. The Transfer and Reversion Agreement provides that the property will automatically revert back to the County in the event that the CDC uses it for any purpose other than the provision of low income housing.

He recommended that the Board adopt the following resolution memorializing its approval of the deed and Reversion Agreement. Commissioner Sampson moved to adopt the resolution, as requested, seconded by Commissioner McCabe and unanimously carried.

BE IT RESOLVED BY THE CRAVEN COUNTY BOARD OF COMMISSIONERS:

That the Transfer and Reversion Agreement dated June 4, 2012, and Deed of even date between Craven County and Neuse River Community Development Corporation, Inc. regarding property located at 306 John Street, copies of which are attached hereto and incorporated herein by reference, be and the same are hereby approved, and the Chairman and County Clerk are hereby authorized and directed to execute the same for and on behalf of the County.

COMMISSIONERS’ REPORTS

Commissioner Mark announced that he will hold a Town Hall meeting on June 20 at 6:30 p.m. at Precinct 20. He responded to Hal James’ concerns about the proposed budget with clarifications and corrections of misconceptions.

Commissioner Taylor noted the 17 years of dedicated service by retiring Economic Development Commission Director, Jim Davis. He announced that 8 Days of Hope was an incredible success and thanked all volunteers.

Commissioner Tyson commented on weekend events he attended, several of which were related to the celebration of Craven County's 300th Anniversary.

Commissioner Sampson commented on gas prices and stated that volunteers are appreciated in the County.

Vice Chairman Dacey thanked staff for their diligence in the budget process. He explained the rationale that the Board used in analyzing the proposed budget, indicating that the Board was mindful of agencies performing functions that relieve the County's burden. He challenged churches throughout the community to support RCS and stated that the proposed budget spends \$91,000 less in special appropriations than last year's budget.

CLOSED SESSION

At 10:15 p.m. Commissioner Tyson moved to go into closed session, seconded by Commissioner Mark, pursuant to N.C.G.S. 143-318.11(a)(6), to consider personnel matters.

At 10:45 p.m. Commissioner Sampson moved to return to regular session, seconded by Commissioner McCabe.

At 10:55 p.m. Commissioner Taylor moved that the Board go back into closed session under the above stated authorization, seconded by Commissioner Dacey.

At 11:00 p.m. Commissioner Sampson moved to return to regular session, seconded by Commissioner McCabe and unanimously carried.

It was announced that in closed session the salaries of the Register of Deeds and County Manager were discussed. The Chairman reported an addition to the budget for the Register of Deeds to include a 2.4% salary increase plus 3% COLA and the County Manager's salary set at \$140,000 inclusive of a 3% COLA.

The Board continued in budget work session to discuss the impact of comments made at the public hearing. There were no changes to contemplate requested by any member of the Board.

At 11:05 p.m. the Chairman declared the meeting adjourned.

Chairman Lee Kyle Allen
Craven County Board of Commissioners

Gwendolyn M. Bryan
Clerk to the Board