

THE BOARD OF COMMISSIONERS OF THE COUNTY OF CRAVEN MET IN REGULAR SESSION IN THE COMMISSIONERS' ROOM OF THE CRAVEN COUNTY ADMINISTRATION BUILDING, 406 CRAVEN STREET, NEW BERN, NORTH CAROLINA, ON MONDAY, AUGUST 20, 2012. THE MEETING CONVENED AT 8:30 A.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 the Pledge of Allegiance, the Chairman called for any correction to the minutes. There being none, the minutes of August 6, 2012 regular session were accepted, as presented.

TAX RELEASES AND REFUNDS

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

Credits

TAXPAYER NAME	TICKET #	AMOUNT
BROWN, ROSS J & PHYLLIS WILLIA DOUBLE LISTED – SEE ACCT 58895	2009-0007084	\$270.62
GATLIN, EMMA P NOT IN BUSINESS 1/1/2006	2006-0090389	\$107.01
GATLIN, EMMA P NOT IN BUSINESS 1/1/2007	2007-0090491	\$152.75
GATLIN, EMMA P NOT IN BUSINESS 1/1/2008	2008-0090453	\$144.59
GATLIN, EMMA P NOT IN BUSINESS 1/1/2009	2009-0090503	\$134.87
GATLIN, EMMA P NOT IN BUSINESS 1/1/2010	2010-0019377	\$97.00
GATLIN, EMMA P NOT IN BUSINESS 1/1/2011	2011-0090563	\$89.44
OPPENHEIMER, DENNISSE ALVARADO DOUBLE LISTED – SEE ACCT 89210	2011-0043647	\$45.59
	8 – CREDIT MEMO (S)	\$1,041.87

Refunds

ROBERSON, SAMUEL EARL HRS CORRECTION OF APPRAISAL ERROR	2011-0091687	\$229.33
ROBERSON, SAMUEL EARL HRS CORRECTION OF APPRAISAL ERROR	2011-0091613	\$22.49
2 – REFUND (S)		\$251.82

Mr. Antry announced that 2012 tax bills have been generated, forwarded to billing partners and expected to be mailed out by August 24, 2012.

TEN YEAR SOLID WASTE PLAN UPDATE

Bobbi Waters of the Coastal Regional Solid Waste Management Authority presented a ten year solid waste plan and introduced new Executive Director, Bobby Darden. She stated that Craven County had a 31% reduction in solid waste going to the landfill, compared to 21% in Carteret County and 4% in Pamlico County. An additional 10% reduction was recommended. Commissioner Mark commented on the efficiency of the landfill operation. Commissioner Sampson moved to adopt the following resolution, seconded by Commissioner McCabe and unanimously carried.

Approving the 2012 Solid Waste Plan for the Coastal Environmental Partnership

Whereas, N.C. General Statute 130A-309.09A (b) requires each unit of local government, either individually or in cooperation with other unites of local government, to update the Ten Year Comprehensive Solid Waste Management Plan; and

Whereas, the County of Craven is a member county and is located within the designated geographic area of the Coastal Environmental Partnership; and

Whereas, the County of Craven has, by an intercounty agreement, delegated the statutory responsibility for solid waste planning to the Coastal Environmental Partnership; and

Whereas, the Coastal Environmental Partnership has prepared an update to the Ten Year Comprehensive Solid Waste Management Plan for the designated geographic area, including Craven County; and

Whereas, a draft of the proposed Ten Year Comprehensive Solid Waste Management Plan was made available for public inspection in the Office of the Craven County Manager and a public meeting was held to receive public comment; and

Whereas, it is in the best interest of the citizens of the County of Craven to participate in the Comprehensive Solid Waste Management Plan prepared by the Coastal Environmental Partnership.

Now, therefore be it resolved, by the Board of County Commissioners of Craven County:

That the Coastal Environmental Partnership’s 2012 Ten Year Comprehensive Solid Waste Management Plan is hereby approved and accepted.

Adopted this the 20th day of August, 2012.

Commissioner Tyson inquired about what items create the most problems for the landfill. Mr. Darden responded that there is confusion among the public about what can and cannot be recycled and what is banned from the landfill.

There was discussion of the impact of volume reduction on the landfill’s budget revenues and operating costs.

REQUEST TO SET PUBLIC HEARING FOR FY 2012 CDBG FUNDING CYCLE

The Planning Department requested to set a public hearing on September 17 at 8:30 a.m. to hear public comments regarding the County's ability to apply for FY 2012 CDBG funding. Two public hearings will be required for this grant program, one September 17 and another on October 1. The application for the FY 2012 CDBG Funding Cycle is due by October 31. By consensus of the Board, the public hearing was set for 8:30 a.m. on September 17, 2012, as requested.

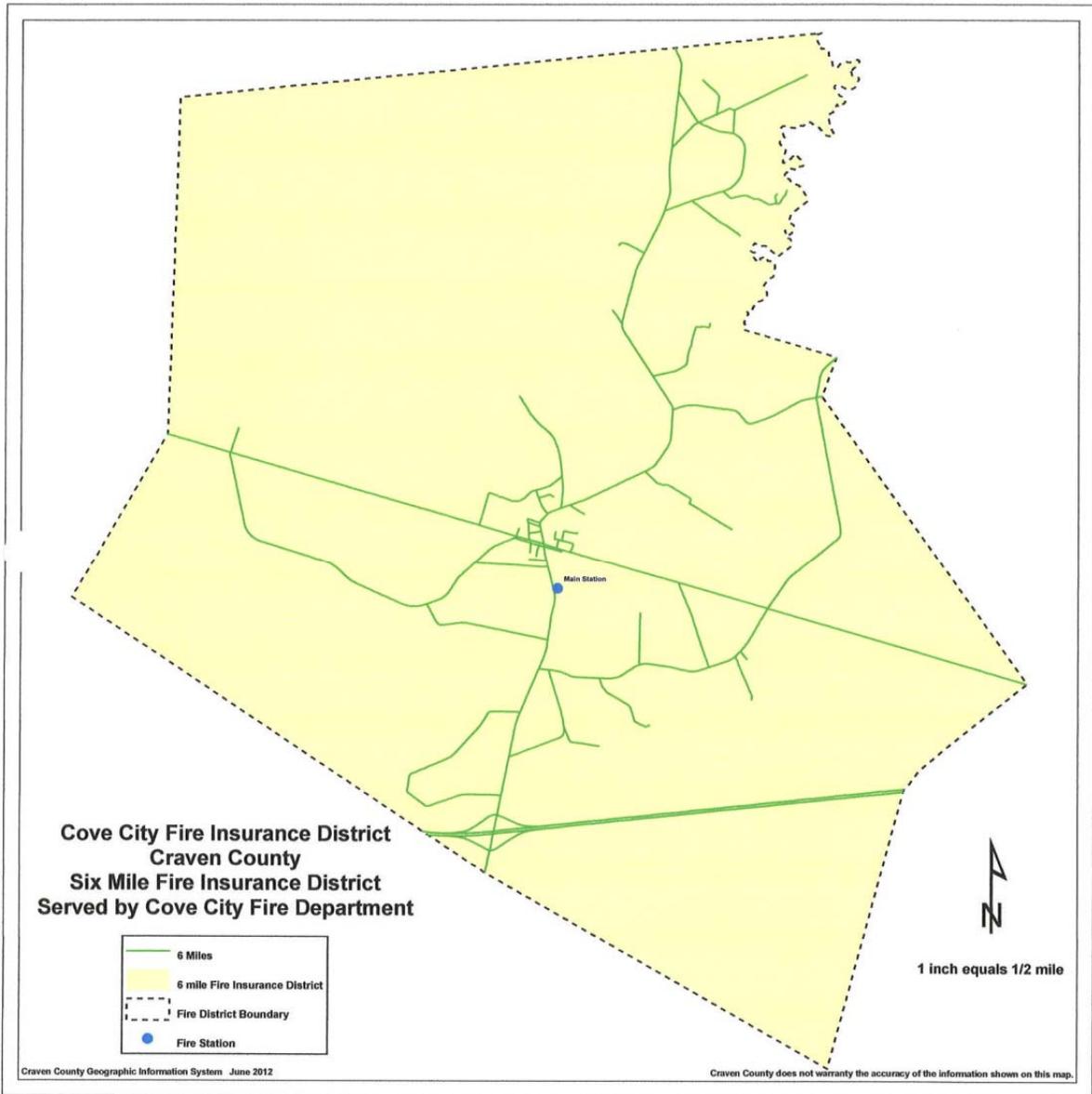
PRESENTATION OF PROPOSED SIX MILE FIRE INSURANCE DISTRICT MAPS

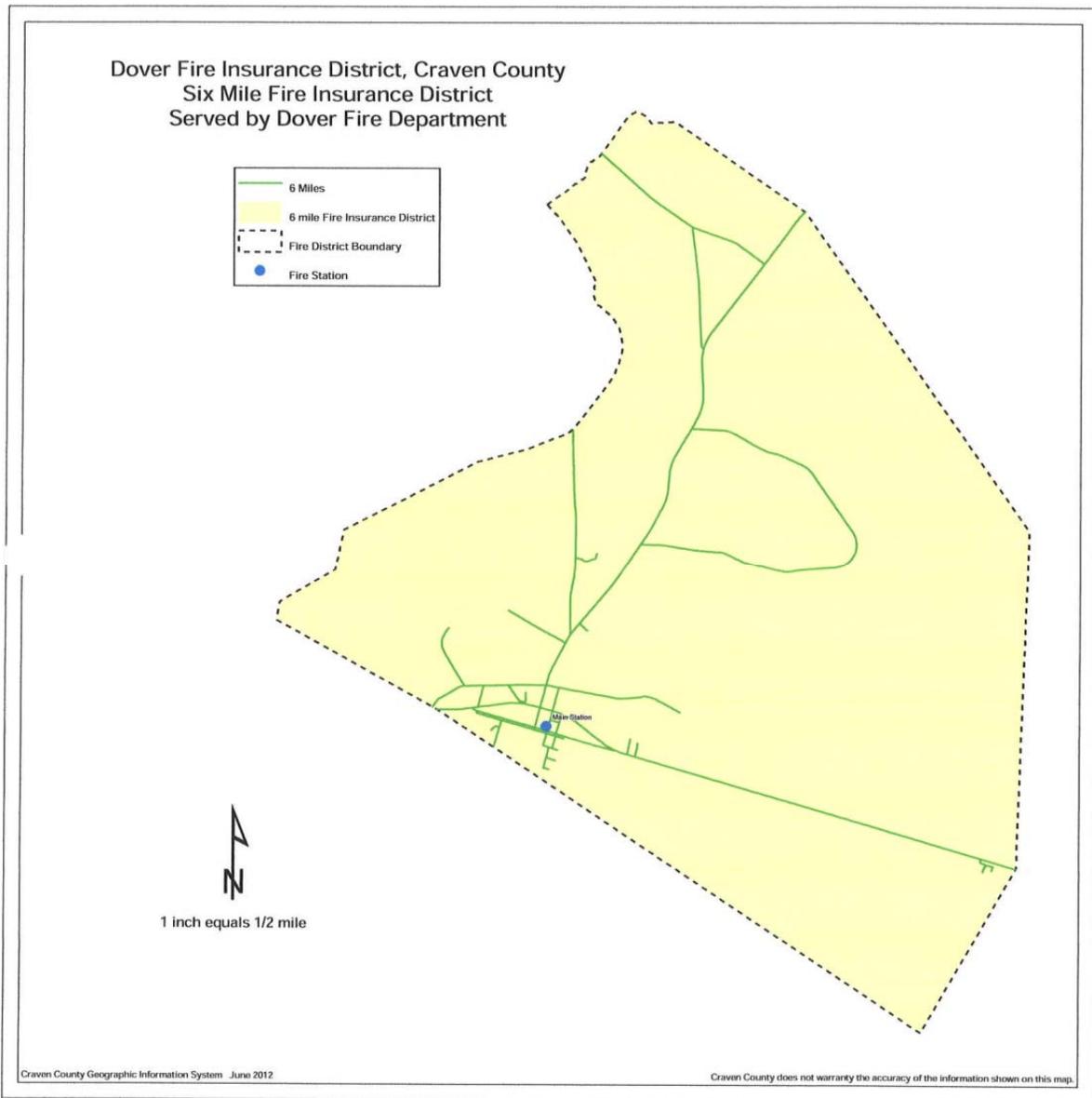
Emergency Services Director, Stanley Kite, requested approval of proposed six mile Fire District maps, for the following districts to help homeowners who live within 6 miles of the fire station but outside the five mile rated insurance district.

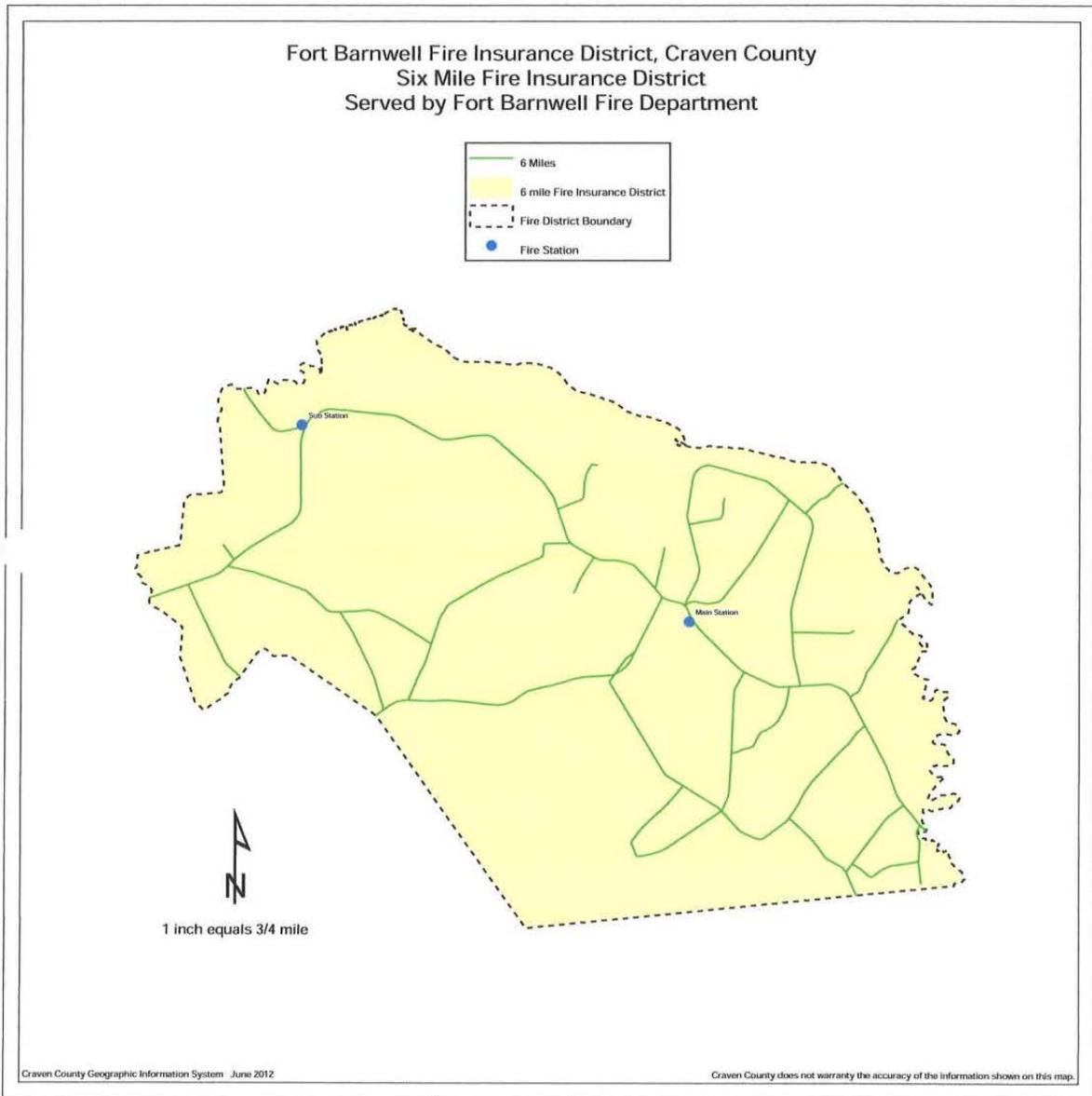
1. Cove City
2. Dover
3. Fort Barnwell
4. Harlowe
5. Little Swift Creek
6. Rhems
7. Township Six
8. Number 7 Township
9. Tri-Community
10. Number Nine Township
11. Township 1
12. West of New Bern

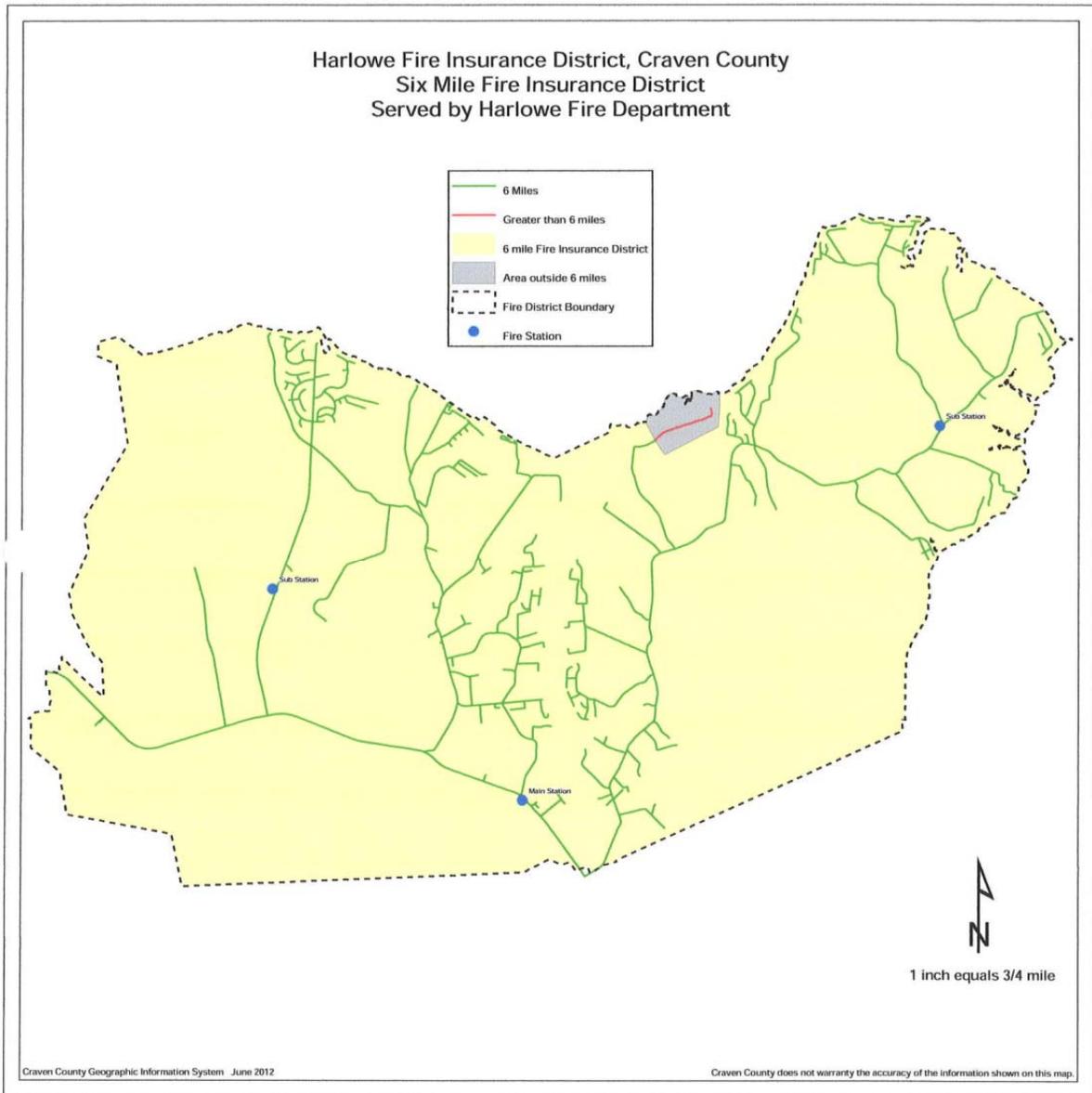
In some instances this will allow for a reduction in their homeowners fire insurance rates as they can be rated as a class 9 instead of a 10 or un-protected. A fire hydrant is still required within 1,000 feet of the structure.

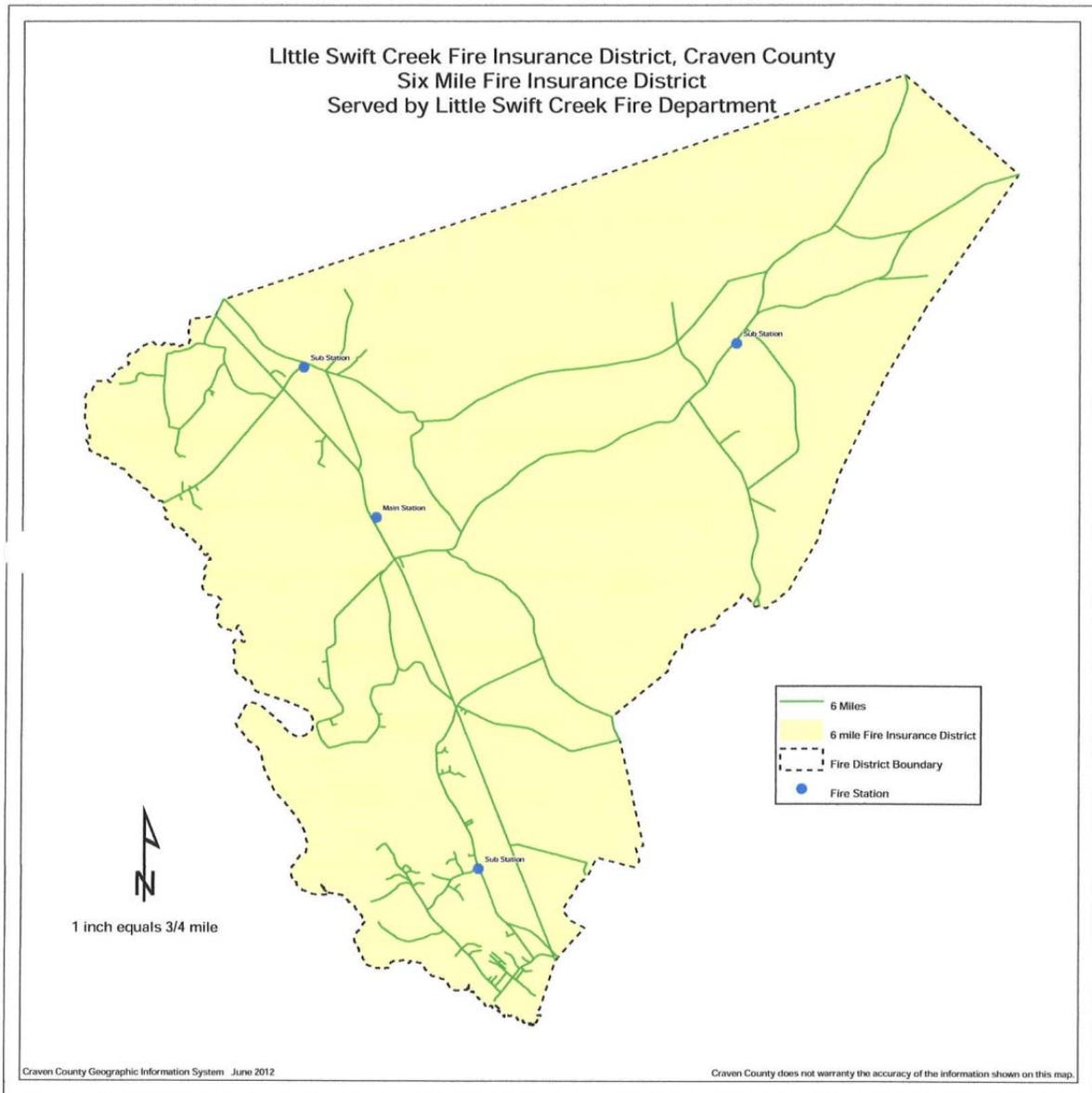
Commissioner Tyson moved to approve the proposed maps, seconded by Commissioner Taylor and unanimously carried. Mr. Kite stated that this action will require 24 hour, all hands on deck mutual aid availability, which is current practice now being put into policy. There will be no demonstrable change in staffing.

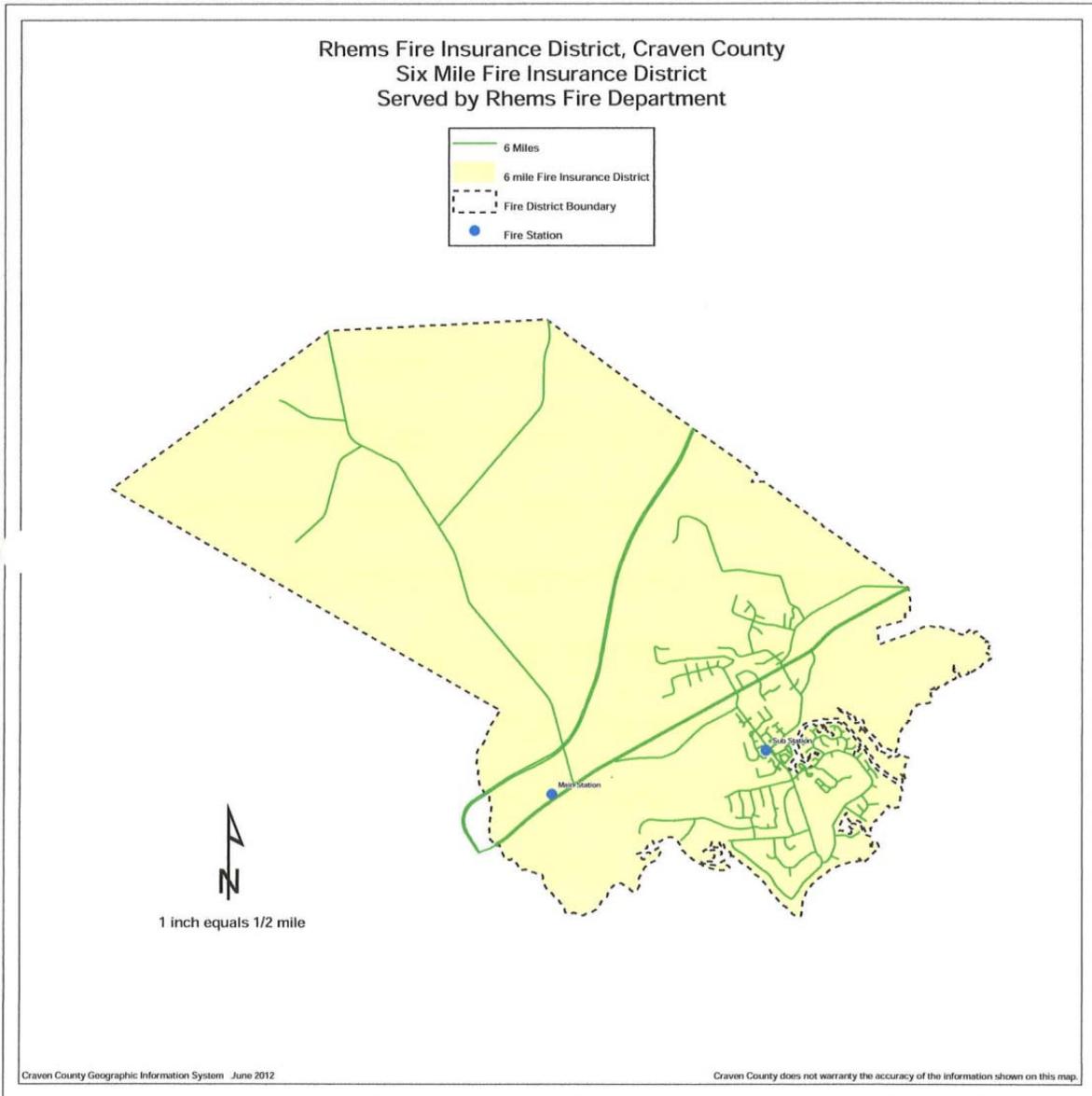


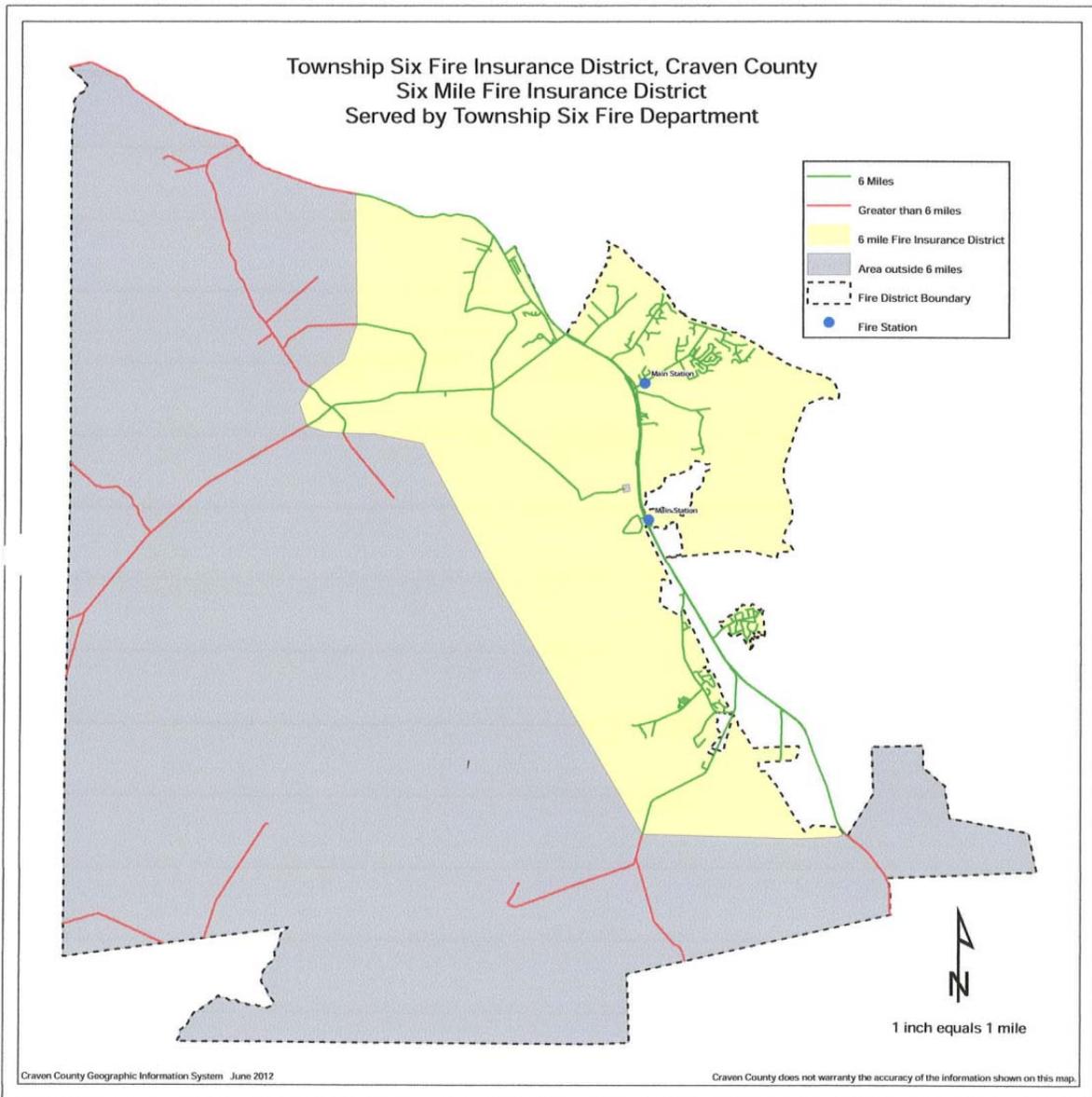


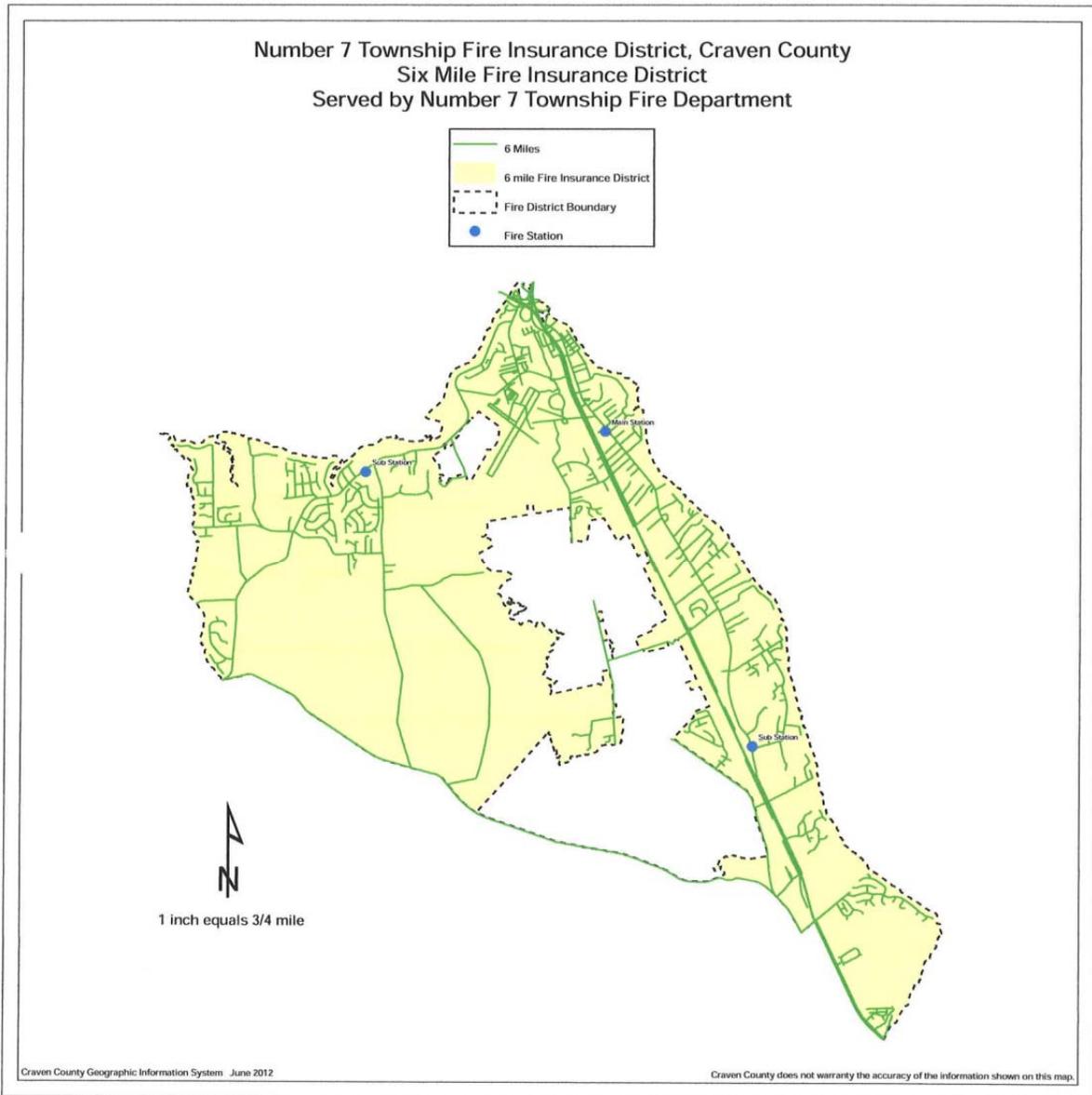


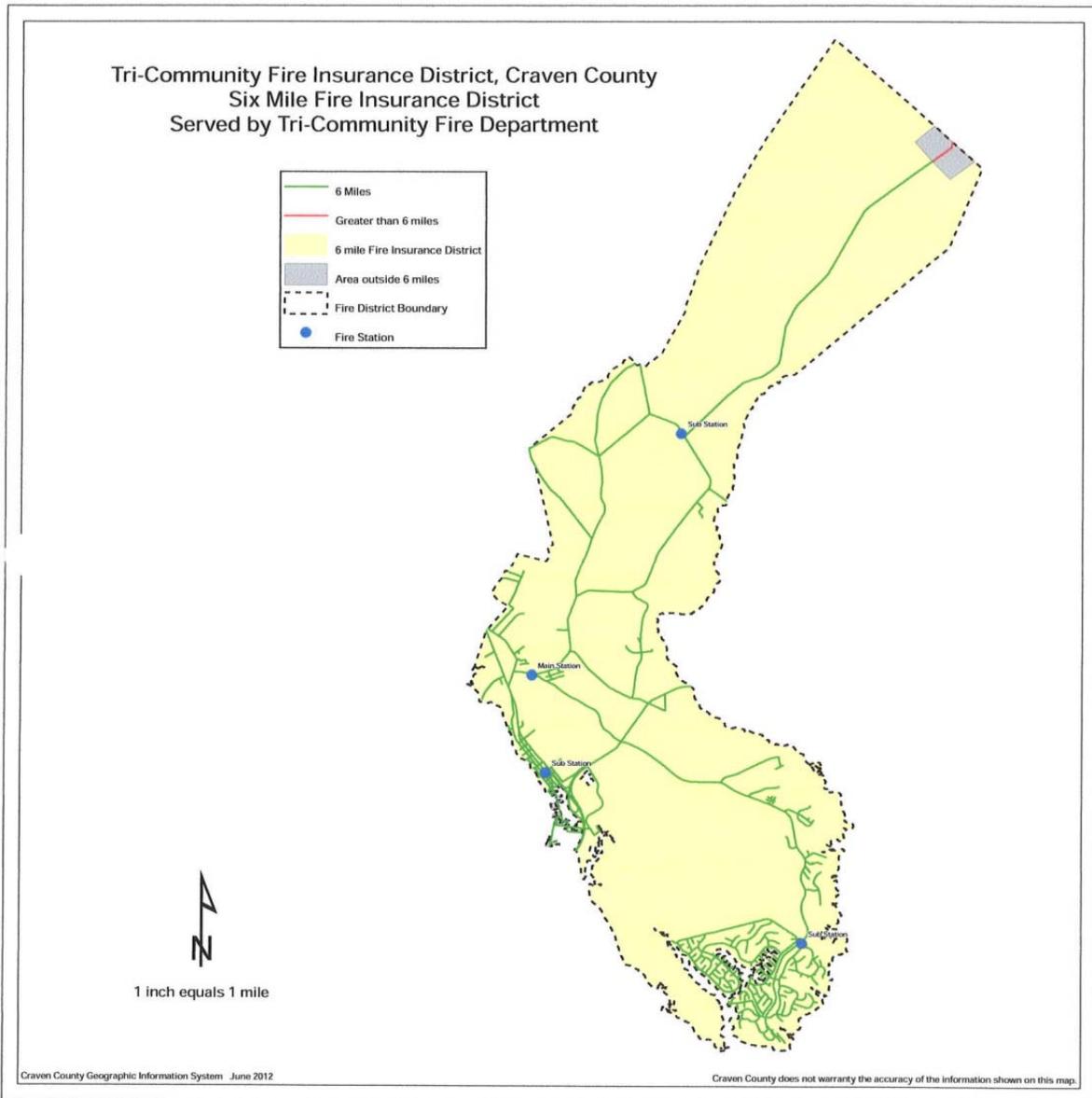


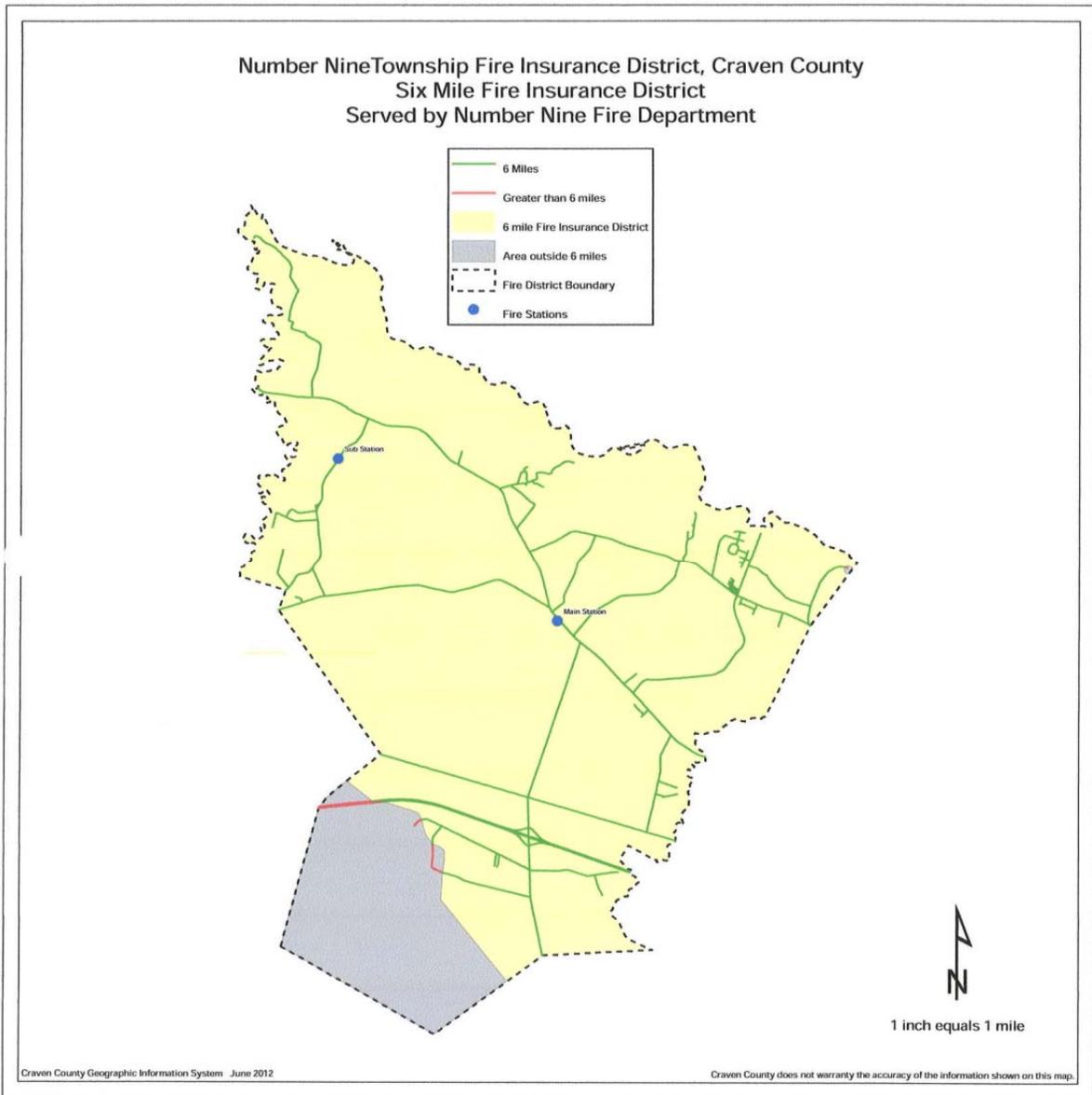


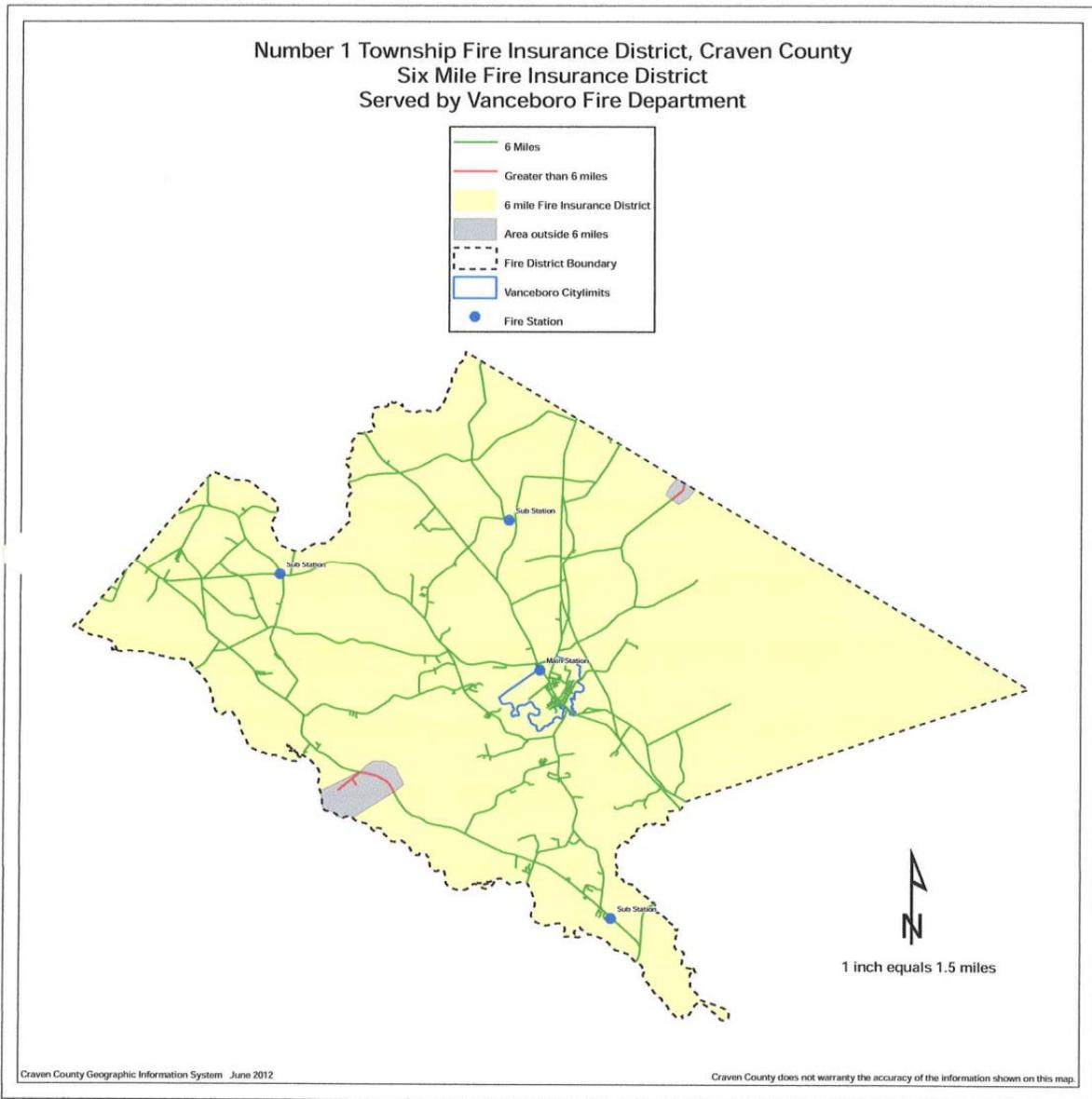


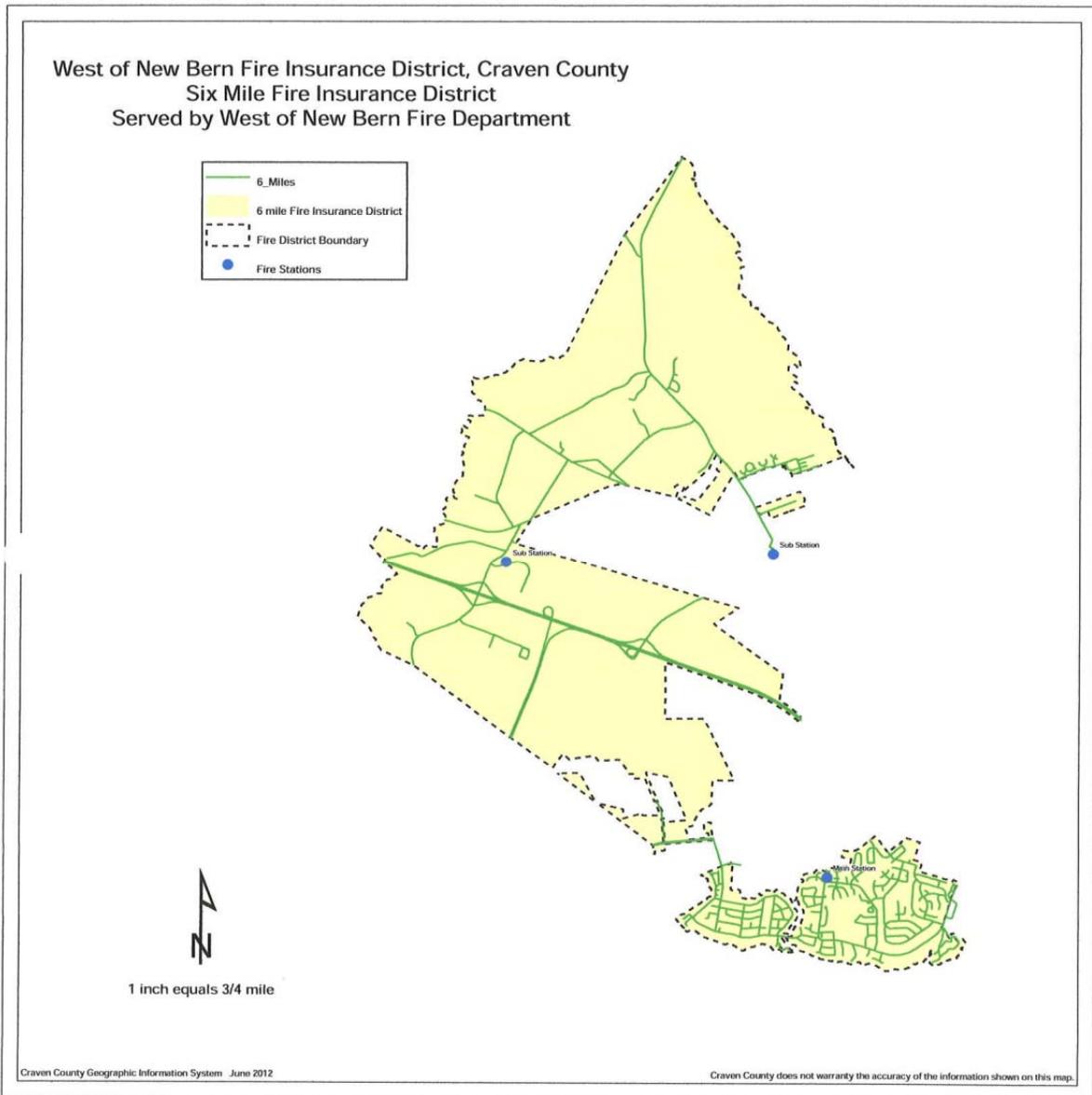












FINANCE MATTERS

Budget Amendments and Ordinance Update

Rick Hemphill, Assistant County Manager for Finance/Administration, presented the following budget amendments and ordinance update for the Board’s approval. Commissioner Tyson moved to divide the questions and vote on each budget amendment separately, seconded by Commissioner Taylor and unanimously carried.

Transportation Grants (CARTS)

101-7024-348-21-00	\$ 18,143.00	101-7024-450-39-25	\$ 18,143.00
EHTAP – State Grant		Co. System Transportation	
101-7026-348-26-00	\$ 46,367.00	101-7026-450-39-25	\$ 46,367.00
Craven Gen Transportation		Co System Transportation	
101-7026-348-34-00	\$ 19,986.00	101-7026-450-39-50	\$ 19,986.00
Jones Co Transportation		Jones Co Transportation	
101-7026-348-43-00	\$ 20,579.00	101-7026-450-39-51	\$ 20,579.00
Pamlico Co Transportation		Pamlico Co Transportation	
101-7028-349-11-00	\$(10,388.00)	101-7028-450-39-25	\$(10,388.00)
DOT Trans-Work First		Co System Transportation	
101-7028-348-34-00	\$(2,197.00)	101-7028-450-39-50	\$(2,197.00)
Jones Co Transportation		Jones Co Transportation	
101-7028-348-43-00	\$(3,951.00)	101-7028-450-39-51	\$(3,951.00)
Pamlico Co Transportation		Pamlico Co Transportation	
TOTAL	\$88,539.00	TOTAL	\$88,539.00

Justification: NCDOT/PTD adjusted FY 2013 ROAP-EDTAP, RGP, and EMPL funds according to NC legislative action.

Transportation/CARTS

101-7002-368-02-00	\$ 18,143.00	101-7001-450-31-01	\$109,841.00
Elderly Handicap		Regular Vehicle Expense	
101-7002-368-13-00	\$ 46,367.00		
General Public - Craven			
101-7002-368-14-00	\$ 19,986.00		
General Public – Jones			
101-7002-368-15-00	\$ 20,579.00		
General Public – Pamlico			
101-7002-368-28-00	\$(10,388.00)		
Craven Employment			
101-7002-369-33-00	\$(2,197.00)		
Jones Employment			
101-7002-369-38-00	\$(3,951.00)		
Pamlico Employment			
101-7002-369-50-00	\$ 10,468.00		
EHTAP – Jones			
101-7002-369-51-00	\$ 10,834.00		
EHTAP – Pamlico			
TOTAL	\$109,841.00	TOTAL	\$109,841.00

Justification: NCDOT/PTD adjusted FY 2013 ROAP-EDTAP, RGP and EMPL funds according to NC legislative action.

Commissioner Taylor moved to approve the budget amendment, seconded by Commissioner Mark and unanimously carried in a roll call vote.

Dental

101-0000-399-01-00	\$ 23,430.00	101-5500-440-97-02	\$ 23,430.00
Fund Balance		Transfer to Reserve	
TOTAL	\$ 23,430.00	TOTAL	\$ 23,430.00

Justification: Fiscal Year 2012 dental profit (\$46,860). Agreed to transfer half (\$23,430) to Capital Reserve for future repair/replacement of dental trailer.

Commissioner Sampson moved to approve the budget amendment, seconded by Commissioner McCabe and unanimously carried in a roll call vote.

Health/Dental

101-5500-366-07-00	\$ 60,608.00	101-5500-440-73-01	\$ 46,861.00
Funds in from Reserve		C/O over \$5,000	
		101-5500-440-73-02	\$ 13,747.00
		C/O Other Improvements	
371-0000-399-01-00	\$ 60,608.00	371-0571-400-97-01	\$ 60,608.00
Approp Fund Balance		Transfer to General Fund	
TOTAL	\$121,216.00	TOTAL	\$121,216.00

Justification: Use of dental funds to purchase a digital panoramic x-ray machine, chair and software (\$46,861.12) and update/remodel the dental trailer (\$13,746.32). The x-ray machine will pay for itself within a year with a Medicaid reimbursement amount of \$65/patient.

Commissioner Sampson moved to approve the budget amendment, seconded by Commissioner McCabe and unanimously carried in a roll call vote.

Soil Conservation

101-4102-399-08-00	\$ 1,281.00	101-4102-420-32-01	\$ 1,281.00
Carryover Balance		Office Supplies	
TOTAL	\$ 1,281.00	TOTAL	\$ 1,281.00

Justification: Need to carryover balance of \$1,281.00 for Voluntary Agriculture District Program (FY 10 - \$250; FY 11 - \$305; FY 12 - \$726).

Commissioner Sampson moved to approve the budget amendment, seconded by Commissioner McCabe and unanimously carried in a roll call vote.

Water Ops/Castle Hayne Aquifer

401-0000-399-01-00	\$3,813,910.00	401-4500-475-98-40	\$3,813,910.00
Fund Balance Approp		Transfer to Fd 422	
422-0000-366-18-00	\$3,813,910.00	422-4523-475-73-05	\$ 260,210.00
From Ops Fd 401		Land	
		422-4526-475-75-18	\$3,453,700.00
		McKim & Creed Eng	
		422-4526-475-76-59	\$ 100,000.00
		Contingency	
TOTAL	\$7,627,820	TOTAL	\$7,627,820.00

Justification: Budget additional water funds for land purchase and Design Phase of Castle Hayne Aquifer Project.

Ordinance:

Castle Hayne Aquifer
Fund 422

This ordinance is hereby amended in the following amounts for expenditures to the Castle Hayne Aquifer Project.

Expenditures:

Test Wells

Chemical/Lab Analysis	\$ 4,800.00
Contractual Services	\$ 31,600.00
Engineering	\$ 34,200.00
Construction	\$101,640.00

Pre-Design/Site

Postage	\$ 1,000.00
Utilities	\$ 10,024.00
Contractual Services	\$288,700.00
Capital Outlay – Equipment	\$ 902.00
Land	\$785,210.00
Engineering	\$ 6,000.00
Engineering – McKim Creed	\$335,520.00
Sitework	\$ 16,374.00
Contingency	\$ 16,480.00

Design Phase

Engineering – McKim Creed	\$3,453,700.00
Contingency	\$ 100,000.00

TOTAL \$5,186,150.00

The following revenues are hereby amended for the Castle Hayne Aquifer Project.

Revenue:

Interest	\$ 330.00
Transfer from Water Reserve	\$5,185,820.00
Total	\$5,186,150.00

This ordinance is hereby amended this 20th day of August, 2012.

Commissioner Mark moved to approve the Water/Castle Hayne Aquifer budget amendment and ordinance update, as presented, seconded Commissioner McCabe and unanimously carried in a roll call vote.

DSS 7211 Income Maintenance

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-7211-349-19-00 IM Staff & Overhead	\$41,500.00	101-7201-450-40-50 Contract Employees	\$83,000.00
101-0000-399-01-00 Fund Balance	\$41,500.00		
TOTAL	\$83,000.00	TOTAL	\$83,000.00

Justification: Funding requested for contractual staff to assist with mandated Food and Nutrition NC Fast conversion. There is a 50% County match, 50% federal participation.

Commissioner Dacey requested that DSS, as much as possible, be able to catalog any savings that may result from this program. Commissioner Tyson moved to approve the budget amendment for this partially unfunded mandate, seconded by Commissioner Dacey and unanimously carried in a roll call vote.

APPLICATION FOR LOAN FOR WATER TREATMENT PLANT PROJECT

Assistant County Manager for Finance/Administration, Rick Hemphill, requested adoption of the following resolution authorizing the County to submit an application for a planning loan to the Drinking Water Revolving Loan Fund through DENR and to name the County Manager as the authorized official of the County. Commissioner Mark moved to approve the resolution, as presented, seconded by Commissioner McCabe and unanimously carried.

WHEREAS, the Federal Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements; and

WHEREAS, the Board of Commissioners of Craven County has need for and intends to construct a drinking water system project described as water treatment plant, wells, and distribution system to replace capacity lost as a result of the Capacity Use rules for the Black Creek Aquifer; and

WHEREAS, the Board of Commissioners of Craven County intends to request state loan assistance for the project.

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

That Craven County, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of Craven County to make scheduled repayment of the loan, to withhold from Craven County any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Jack Veit, Craven County Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.

That the **Authroized Official**, and successors so titled, is hereby authorized an directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 20th day of August, 2012.

Mr. Hemphill stated that these funds, if approved, could be used to reimburse the County for the majority of funds spent to date (except purchase of land) in addition to over half of the

engineering contract with McKim and Creed up to the bidding phase. Obtaining \$2 to \$3 million at the current rate, which has been lowered to 0%, would lower the effective rate on the borrowing for the entire project.

BOARD OF EDUCATION REQUEST

The Chairman asked that the Board depart from the agenda to consider a request by the Board of Education, which plans a land swap with Atta Holding for an area in the bus parking area (.58 acre) at the Merci Clinic end of the Grover C. Fields site for a parcel on the visitor's side of the athletic field. Commissioner Mark moved to relinquish the right of first refusal, as required by statute (115C-518), seconded by Commissioner Sampson and unanimously carried.

CRAVEN 300TH UPDATE

Craven 300th Chair, Gwendolyn Bryan, provided an update concerning the status of the Craven 300th Anniversary observances. Upcoming events were presented, with highlights of the schedule for the September 22 countywide event at the Convention Center.

RESOLUTION FOR CHANGE IN OWNERSHIP OF SUDDENLINK

The Board considered a request by Suddenlink for the County's consent to an impending change in the control of the company by adoption of the following resolution. Commissioner Mark moved for approval of the resolution, as presented, seconded by Commissioner McCabe and unanimously carried.

RESOLUTION OF CRAVEN COUNTY APPROVING THE CHANGE OF CONTROL OF THE CABLE TELEVISION FRANCHISE

WHEREAS, Cebridge Acquisition, LP d/b/a Suddenlink Communications ("Franchisee" or "Suddenlink") owns, operates, and maintains a cable television system serving Craven County pursuant to a franchise agreement or similar authorization (the "Franchise") issued by Craven County (the "Franchise Authority"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Cequel Communications Holdings, LLC ("Cequel"), the parent of the Franchisee, has entered into a Purchase and Sale Agreement (the "Agreement") with Nespresso Acquisition Corporation ("Nespresso"), pursuant to which all of the issued and outstanding equity interests of Cequel will be acquired by Nespresso (the "Transaction"); and

WHEREAS, Franchisee has requested the consent of the Franchise Authority for the change of control of the Franchise in connection with the Transaction in accordance with the requirements of the Franchise and applicable law and has filed with the Franchise Authority an application on FCC Form 394 that includes relevant information concerning the Transaction and Nespresso (collectively, the "Application"); and

WHEREAS, the Franchise Authority has reviewed the Application, examined the legal, financial and technical qualifications of the relevant parties, followed all required procedures to consider and act upon the Application, and considered the comments of all interested parties; and

WHEREAS, the Franchise Authority believes it is in the interest of the community to approve the Application and the change of control of the Franchise in connection with the Transaction, as described in the Application.

NOW THEREFORE BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

SECTION 1. The Franchise Authority hereby approves the Application and consents to the change of control of the Franchise in connection with the Transaction, all in accordance with the terms of the Franchise and applicable law.

SECTION 2. The Franchise Authority's approval of the Application and its consent to the change of control of the Franchise in connection with the Transaction shall be effective immediately, and Suddenlink shall notify the Franchise Authority of the closing of the Transaction promptly after the Closing Date; provided, however, this Resolution shall be null and void if the Transaction is not consummated.

SECTION 3. This Resolution shall have the force of a continuing agreement with Franchisee, and the Franchising Authority shall not revoke, amend or otherwise alter this Resolution without the consent of the Franchisee.

PASSED, ADOPTED AND APPROVED this 20th day of August, 2012.

APPOINTMENTS

Pending Appointments

It was the consensus of the Board to defer appointment to the following Boards and Committees:

- Craven County Clean Sweep Committee
- Industrial Facilities Pollution Control Financing Authority
- Agricultural Advisory Committee
- Regional Aging Advisory Committee
- Fire Tax Commissioner (Twp. 7)
- River Bend Planning Board – Extraterritorial Member
- Recreation and Parks Advisory Board

Fire Tax Commissioner – Rhems

At the August 6 Commissioners' meeting, Ray Hemphill was nominated for reappointment without a waiver of the one meeting waiting period. The Board unanimously ratified Mr. Hemphill's reappointment as a Fire Tax Commissioner for the Rhems District.

EMS Advisory Council

At the August 6 Commissioners' Meeting, the Board was presented with a slate of names for appointment to the EMS Advisory Council with no waiver of the one meeting waiting period. It was the consensus of the Board to unanimously ratify the slate presented at the last meeting.

Craven County Community Child Protection Team

Commissioner Dacey nominated Jennifer Wilson and Debra Kenyear for appointment to the Craven County Community Child Protection Team, and moved to waive the one meeting waiting period. Commissioner Mark seconded the motion, which was unanimously carried.

Adult Care Home Advisory Committee

Commissioner Mark nominated Kathy Nelson for appointment to the Adult Care Home Advisory Committee, and moved to waive the one meeting waiting period. Commissioner Taylor seconded the motion, which was carried unanimously.

Promise Place

It was the consensus of the Board to defer this appointment.

Upcoming Appointments

The Board was advised of the following upcoming appointments on Boards and Committees:

September

Firemen's Relief Fund Board of Trustees

October

Firemen's Relief Fund Board of Trustees
Fire Tax Commissioners

COMMISSIONERS' REPORTS

Commissioner Mark announced that RCS is in desperate need of food. He stated that the Fairfield Harbor community collected more than 1,000 pounds of food and approximately \$1,900 was collected by the fire station and POA. He stated that he favors this kind of support rather than government funding.

Commissioner Taylor noted an increase in people coming in for food and services during his volunteer time at RCS.

Commissioner McCabe reported on his attendance at the NCACC Conference and highlights of workshops on the changing demographics in North Carolina, transportation issues and employment.

Commissioner Sampson commented on the increasing gas prices and how they affect commodities. He stressed the importance of volunteers and helping in the community during these trying times. He announced his attendance at the swearing in of Barbara Lee for the late William Wainwright's seat in the North Carolina General Assembly.

Chairman Allen reported that the NCACC conference breakfast featured the life story of Congressman Robert Smalls, who was a former slave. He commented that high gas prices are due to the rejection by the United States of a pipeline from Canada, and diverting it to China. He addressed civility issues that arose at the last meeting of the Board and stated that several speakers crossed the line. He emphasized that petitioners need to address County business and asked that a spokesperson be selected for all who have the same input. He discouraged personal attacks and stated that the subject matter of the petition must be given when scheduling to be placed on the agenda.

CLOSED SESSION

At 10:40 a.m. Commissioner Taylor moved to go into closed session, seconded by Commissioner Mark, pursuant to N.C.G.S. 143-318.11(a)(4) to discuss matters relative to economic development.

At 11:20 a.m. the Board returned to regular session. County Attorney, Jim Hicks, reported that matters were considered, but no action was taken.

WORK SESSION ON REDISTRICTING

The Board discussed further the second draft of a redistricting plan, and reviewed a third draft presented by John Morgan and Marshall Hurley. The third draft provided for several requested changes, as follows:

Draft 3

- Keith Drive included in district 6
- Keeping all of Carolina Colors in District 7
- Northern boundary of District 3 contracted to conform to New Bern municipal boundary
- Shifting of line between District 1 and District 2

During discussion, additional requests were made, including returning some of the historic to District 3 that were aligned to District 7 in Draft 2.

At 1:25 Commissioner Tyson moved to adjourn, seconded by Commissioner Mark and unanimously carried.

Chairman Lee Kyle Allen
Craven County Board of Commissioners

Gwendolyn M. Bryan
Clerk to the Board