

AGENDA
CRAVEN COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
MONDAY, FEBRUARY 5, 2007
7:00 P.M.

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVE MINUTES OF JANUARY 16, 2007 REGULAR SESSION

1. CONSENT AGENDA
 - A. Selection of Legal Services Firm for FY 06 CDBG-Scattered Site Program
 - B. Subdivisions for Approval
 - C. Budget Amendments
 - D. Tax Releases and Refunds
 - E. Selection of Underwriter for Upcoming Borrowing
2. PUBLIC HEARINGS
 - A. Conditional Use Permits
 - B. Road Closing
3. PETITIONS OF CITIZENS
 - A. James Finch
 - B. Terrence Hicks
4. PUBLIC INFORMATION MEETING ON CAMA LAND USE PLAN: Dale Holland, Holland Consulting Planners
5. TAX DEPARTMENT MATTERS: Ronnie Antry, Tax Administrator
 - A. Report on Unpaid Taxes
 - B. Tax Foreclosure Attorney Agreement
6. RESCUE SQUADS' REQUEST FOR GRANT MATCH: Stanley Kite, Emergency Services Director
7. APPOINTMENTS
 - A. Nursing Home Advisory Committee
 - B. Adult Care Home Advisory Committee
 - C. Economic Development Commission
 - D. Twp. 6 Fire Tax Commissioner
 - E. Craven Aging Planning Board

- F. Electric Services Board
 - 8. COUNTY ATTORNEY'S REPORT: Jim Sugg
 - 9. COUNTY MANAGER'S REPORT: Harold Blizzard
 - 10. COMMISSIONERS' REPORTS
 - 11. CLOSED SESSION
- RECESS TO RECONVENE AT A DATE AND TIME CERTAIN

Agenda Date: February 5, 2007

AGENDA
WATER AND SEWER BOARD OF DIRECTORS
REGULAR SESSION
MONDAY, FEBRUARY 5, 2007

ROLL CALL

APPROVE MINUTES OF DECEMBER 18, 2006

RECESS TO RECONVENE AT A DATE AND TIME CERTAIN

CONSENT AGENDA

A. SELECTION OF LEGAL SERVICES FIRM FOR FY 06 CDBG-SCATTERED SITE PROGRAM

A Request for Proposals for Legal Services related to the 2006 CDBG Program was mailed on December 22, 2006 to the following firms:

Stubbs and Purdue, P.A.
Chesnutt, Clemmons and Peacock, P.A.
Sumrell, Sugg, Carmichael, Hicks and Hart, P.A. (SSCH&H)
Ward and Smith, P.A.

The Planning Department received two proposals by the January 11, 2007 deadline from SSCH&H and Stubbs and Purdue.

Upon analyzing the two proposals in accordance with the criteria detailed in the Request for Proposals (hourly rates for title opinions and general legal advice; experience in Craven County area; experience in the area of community development; and average response time for preliminary title opinions), we feel that SSCH&H is the most qualified for this project. Attachment #1.A. is a summary of the rating process.

The Planning Department thus recommends award of the FY06 CDBG Legal Services Contract to Sumrell, Sugg, Carmichael, Hicks and Hart, P.A.

B. SUBDIVISIONS FOR APPROVAL

Craven County Planning Department submitted the following subdivisions for the Board's approval.

Satterfield – Final

- Property owned by Carolina East Investments and surveyed by Brad Suitt & Assoc.
- Property located within Twp. 7 off of SR 1113 (Old Cherry Point Road)
- Subdivision contains 30 lots on 7.50 acres and is proposed to be served by community water and sewer

--Planning Board reviewed and recommended the subdivision for final approval

Westgate Estates - Reapproval for Final

--Property owned by Kenneth H. Hartley and surveyed by Terry Wheeler
--Property located within Twp 2 off of SR 1435 (Cool Springs Road)
--Subdivision contains 9 lots on 10.40 acres and is proposed to be served by community water and individual sewer systems
--Planning Board reviewed and recommended the subdivision for final approval

Carol R. Harper Division – Final

--Property owned by Carol R. Harper and surveyed by Kendall Gaskins
--Property located within Twp. 1 off of SR 1448 (Bear Hole Road)
--Subdivision contains 2 lots on 1.92 acres and is proposed to be served by community water and individual septic systems
--Planning Board reviewed and recommended subdivision for final approval

C. BUDGET AMENDMENTS

Craven County Finance Officer, Rick Hemphill, submitted the following budget amendments for the Board's approval.

Amendments:

Tax – Budget \$ 55,000 from fund balance to cover the cost of tax refunds (\$30,000) and collection costs (\$25,000). Moen Corp refund was in excess of \$ 15,000. Zacchaeus Legal is processing the more labor intensive collections which requires more time (money).

Health – Adult Services – Budget Bate Foundation Grant (already received) in the amount of \$ 4,000. to cover swimming lessons at the YMCA.

Social Services - Day Care – Budget additional State funds in the amount of \$ 5,275 to be used to cover Day Care Costs.

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D. TAX RELEASES AND REFUNDS

Craven County Tax Administrator, Ronnie Antry, submitted the routine tax releases and refunds contained in Attachment #1.D. for the Board's approval.

E. SELECTION OF UNDERWRITER FOR UPCOMING BORROWING

The upcoming borrowing which will be used to payoff the interim financing of \$18,900,000 as well as fund the law enforcement center and several other items. The financing will be done through Certificates of Participation (COP's) which is basically like an installment financing but it is sold publicly. We will have to engage the services of an underwriter to assist us with this transaction. The underwriter will assist the County in making presentations to the LGC and rating agencies as well as actually market the bonds. The underwriter is paid a fee to perform these services. The fee is an amount per bond and the proposals ranged from \$2.95 per bond to \$4.25.

Because of the anticipated size we will also have to select a co-underwriter whose function is to strictly be involved in the sale of the bonds. The co-underwriter is compensated at the same per bond fee as the lead underwriter.

Mr. Hemphill requested proposals from four underwriters: Allison Peeler with Ferris, Baker, Watts, Inc; Ryan Maher with A.G. Edwards Capital Markets; Mark Burns with Wachovia Securities; and David Adams with BB&T Capital Markets.

All four of these firms are capable of handling our borrowing. After reviewing the responses, discussions with bond counsel, and talking to references, it is my recommendation to select Ferris, Baker, Watts as the lead underwriter and A.G. Edwards as the co-underwriter.

PUBLIC HEARINGS

A. CONDITIONAL USE PERMITS

Public Hearing for Conditional Use Permit (Brinn Glass and Mirror)

A public hearing is set for February 5, 2007 at 7:00 p.m. to hear comments regarding a request for a conditional use permit for parcel 7-108-10000. The property is owned by Fentress and Mary Brinn and is located at 200 Kale Rd. The land is currently vacant and its zoning designation is "Airport Development – Mixed Use Zone." The proposed use is for a commercial warehouse. The plans have been submitted, reviewed and approved by the Craven Regional Airport Director and staff. The Planning Board recommended approval of the project at their regular meeting on January 25, 2007. Following the hearing, action would need to be taken to approve this conditional use permit request. (See Attachment #1.A.)

Public Hearing for Conditional Use Permit (Bubba and the Chef)

A public hearing is set for February 5, 2007 at 7:00 p.m. to hear comments regarding a request for a conditional use permit for parcel 7-108-7-019. The property is owned by Regina Lescosta and Karen Brause and is located at 100 Justin Dr. The land is currently vacant and its zoning designation is "Airport Development – Mixed Use Zone." The proposed use is for Bubba and the Chef Catering (commercial establishment). The plans have been submitted, reviewed and approved by the Craven Regional Airport Director and staff. The Planning Board recommended approval of the project at their regular meeting on January 25, 2007. Following the hearing, action would need to be taken to approve this conditional use permit request.

B. ROAD CLOSING

The Board will need to go into public hearing, as advertised, to receive public comment on the Resolution of Intent to Close the Right-of-Way on a portion of River Avenue in the Leesville section of Twp. 7.

PETITIONS OF CITIZENS

A. JAMES FINCH

James Finch wishes to address the Board concerning closing a right-of-way at Swiss Road.

B. TERRENCE HICKS

Terrence Hicks will appear before the Board to discuss a flooding problem on Perrytown Road.

PUBLIC INFORMATION MEETING ON CAMA LAND USE PLAN

Dale Holland with Holland Consulting Planners will be present to hold a Public Information meeting regarding the update of Craven County's CAMA Land Use Plan. The purpose of the Public Information Meeting is to explain the CAMA planning process, what will be occurring and why. This is not a public hearing, but an opportunity to inform the public of the County's intention to update their CAMA Land Use Plan and adopt a Citizen Participation Plan to ensure adequate citizen participation in the planning process. This will be a two-year process: Phase I - January 1, 2007 to December 31, 2007; Phase II - January 1, 2008 to December 31, 2008. (Phase I Budget: Grant amount: \$24,668, Cash amount: \$6,642, In-kind amount: \$6,642- this amount has already been budgeted in the FY07 budget and the remaining amount for Phase II will be budgeted in the FY08 budget). Attachment #4 contains information on this meeting.

Following the presentation by Mr. Holland, Board action will need to be taken to adopt the Citizen Participation Plan.

TAX DEPARTMENT MATTERS

A. REPORT ON UNPAID TAXES

Craven County Tax Administrator, Ronnie Antry, will present to the Board the amount of 2006 taxes that remain unpaid which are a lien upon real estate. NCGS 105-369(a) requires this report

This statute also requires the Board to order the Tax Collector to advertise in a newspaper of general circulation in the county the tax liens for 2006. The Board is requested to authorize that the liens be advertised in *The Sun Journal* on April 2, 2007.

B. COLLECTION CONTRACT

Mr. Antry will present a new proposed contract with Attorney Mark Bardhill for the delinquent real property tax foreclosure program that was implemented several years ago. Attachment #5.B. provides details of the proposed contract as well as a copy of the document.

Agenda Date: February 5, 2007
Presenter: Stanley Kite
Agenda Item No. 6

RESCUE SQUADS' REQUEST FOR GRANT MATCH

Attachment #6 contains a request which will be presented by Emergency Services Director, Stanley Kite, on behalf of Vanceboro, Ft. Barnwell and New Bern-Craven Rescue Squads. The request is for authorization to release grant match funds that were provided for in the current year's budget.

APPOINTMENTS

A. NURSING HOME ADVISORY COMMITTEE

At its last meeting, the Board made several appointments to the Nursing Home Advisory Committee; however, one vacancy remains.

B. ADULT CARE HOME ADVISORY COMMITTEE

One vacancy remains on the Adult Care Home Advisory Committee after the appointments made at the Board's last meeting.

C. ECONOMIC DEVELOPMENT COMMISSION

The terms of Alex Badger, Bill Hartman, Dell Ipock and Joe Thomas are expiring in February. Mr. Badger, Mr. Hartman and Mr. Thomas are eligible for reappointment. Mr. Ipock has served for more than ten (10) years.

D. TWP. 6 FIRE TAX COMMISSIONER

Attachment #7.D. is a letter from Twp. 6 Fire Department requesting appointment of a Fire Tax Commissioner to replace Charles Miller, recently deceased.

E. CRAVEN AGING PLANNING BOARD

Attachment #7.E. is a request from the Craven Aging Planning Board for the reappointment of Ann Johnson and Lois Pugh. Both are eligible for reappointment.

F. ELECTRIC SERVICES BOARD

Attachment #7.F. is a letter from the City of New Bern requesting the appointment of a member to the Electric Services Board.

Agenda Date: February 5, 2007
Presenter: Jim Sugg
Agenda Item No. 8

COUNTY ATTORNEY'S REPORT

County Attorney, Jim Sugg, will request that the Board go into closed session to discuss potential litigation, pursuant to NCGS 143-318.11 (a)(3).

COUNTY MANAGER'S REPORT

A. ST. LUKE'S BUILDING

At its November 20, 2006 meeting, the Board of Commissioners was advised that Neuse Mental Health had vacated the old St. Luke's building located on Broad Street in New Bern. The building is owned by the County and was under a long term lease to Neuse Mental Health, which could be terminated at any time. Staff advised the Board that the County had no need for the building and suggested the property be sold. Staff was asked to find out if any of the historic preservation groups in New Bern might have any objection to the building being sold. The County Manager spoke with Mike Avery, the New Bern Planning Director, about the question raised by the Board. Mr. Avery explained that neither the New Bern Preservation Foundation, the New Bern Historical Society, nor the New Bern Historical Preservation Committee has any authority in the sale of the building. However, it would be different should the County or any new owner contemplate exterior alterations to the building. Since that time there have been several inquiries made concerning the building by both private individuals and other groups. In short, staff still believes the property should be sold and recommends that the Board instruct the County Attorney to prepare a resolution for consideration at the Board's February 19 meeting, which will activate the building's disposal by means of sealed bids.

B. WORKSHOP STUDY MEETINGS

The Board will be asked to schedule a workshop study meeting to review the updated Capital Improvements Plan (CIP) and discuss funding for upcoming projects. The Board will also be asked to meet as the Water Board in a workshop setting to be briefed on water projects, Capacity Use Rules, water conservation plans and other water related issues. Initial plans were to schedule the meetings on February 7, however not all Commissioners will be available that day or the next. You are asked to consider scheduling the meetings February 9 through 16.

C. MEETING WITH LEGISLATIVE DELEGATION

Tentative plans have been made for Senator Preston, Representative Wainwright and Representative Underhill to meet with the Board of Commissioners following its regular meeting on February 19 to discuss any legislative issues of interest. If

the Board is indeed interested in having the meeting, staff needs to confirm the date with the legislators and provide them a list of subjects to be discussed. You are asked to bring your ideas about the meeting and subjects to be discussed.

Agenda Date: February 5, 2007

Presenter: _____

Agenda Item No. 10

COMMISSIONERS' REPORTS

Agenda Date: February 5, 2007

Presenter: _____

Agenda Item No. 11

CLOSED SESSION

Agenda Date: February 5, 2007

RECESS TO RECONVENE AT A DATE AND TIME CERTAIN