

AGENDA
Craven County Board of Commissioners
Regular Session
Monday, April 7, 2008
7:00 P.M.

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVE MINUTES OF MARCH 17, 2008 REGULAR SESSION

1. CONSENT AGENDA
 - A. Subdivision for Approval
 - B. Budget Amendments
 - C. Tax Releases and Refunds
 - D. Request for Release of Late Listing Penalty
 - E. Health – Child Health Fee Adjustment
 - F. Falls Lake Resolution
 - G. Correction to 2-18-08 Minutes
2. PUBLIC HEARING – FOX TRAPPING
3. PUBLIC HEARING – AMENDMENT TO ANIMAL CONTROL ORDINANCE
4. PETITIONS OF CITIZENS
 - A. Stephen Nuckolls
 - B. Charlie Simmons
 - C. Sandra Simmons
5. APPOINTMENTS – Craven Regional Medical Authority
6. COUNTY ATTORNEY'S REPORT: Jim Hicks
7. COUNTY MANAGER'S REPORT: Harold Blizzard
8. COMMISSIONERS' REPORTS
9. CLOSED SESSION

CONSENT AGENDA

A. SUBDIVISION FOR APPROVAL

Craven County Planning Director, Don Baumgardner, submitted the following subdivision for the Board's approval.

Shelton P. Toler & Henry Wayne Murphy Division – Final

- Property owned by Lewis and Associates, Inc. and surveyed by Robert Davis
- Property located within Twp 2 off of SR 1435 (Cool Springs Road)
- Subdivision contains 2 lots on 9.6 acres and is proposed to be served by community water and individual septic systems
- Planning Board reviewed and recommended the subdivision for final approval

B. BUDGET AMENDMENTS

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

Amendments:

Health - Environmental Health - Decrease Food/Lodging budget by \$ 1,083. to amount allowed by state.

Convention Center – Budget increased revenues in the amount of \$ 97,800 to cover increased costs.

Schools – Budget fund balance in the amount of \$ 74,875 to cover the state approved increases of 4% versus 2.5% budgeted by Craven County.

E 911 – New regulations by State – Close fund 221 with \$ 30,740 being paid to the City of Havelock and \$ 156,697 being transferred to County reserve.

E 911 – Wireless – Combine General fund Wireless Department # 2511 with new E 911 Fund 222 fund in the amount of \$ 122,769.

E 911 – Close E 911 Fund 221 and Transfer remaining budgets to new Fund E 911 Fund 222. Closing Fund 221 in the amount of \$ 169,871. Opening Fund 222 with \$ 127,371. (Funds will no longer be sent to Havelock nor transferred to the County General Fund)

C. TAX RELEASES AND REFUNDS

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

D. REQUEST FOR RELEASE OF LATE LISTING PENALTY

Attachment #1.D. is a copy of a letter from Mr. Richard W. Yarbrough for Palace Motel in New Bern. Mr. Yarbrough is requesting a release of the penalty in the amount of \$221.55 for late filing and late payment of the hotel and motel room occupancy tax.

The deadline for filing the January return and paying the tax on February's receipts is March 20th. By that date, the County had received neither the return nor the check. The return and check are both dated March 24, 2008.

The ordinance adopted by the Craven County Board of Commissioners provides for a penalty of 10% for late payment and an additional penalty of 5% for late filing. The Board most recently acted on a request of this type when the Hampton Inn, Havelock, asked for release of its 15% penalty amounting to \$1,209.09 at the last meeting. In that case, the Board denied the request. Unless the Board finds some compelling reason to compromise the penalties in this case, the Tax Administrator recommends that they be upheld in fairness to those who are filing and paying on time.

An affirmative vote on this matter would be a vote to accept the Tax Administrator's recommendation.

E. HEALTH – CHILD HEALTH FEE ADJUSTMENT

At its meeting of March 10, 2008, the Board of Health recommended the attached schedule of adjustments to fees in Child Health (See Attachment #1.E.). It is required that charges be equal to or greater than the rates paid by Medicaid

and Medicare in order to receive full reimbursement for services. The attachment shows the current rate for the service, the newly instituted Medicaid rate and the proposed rate to use as the posted charges.

F. FALLS LAKE RESOLUTION

The City of Raleigh has requested that the Army Corp of Engineers create a study to determine if the resources behind Falls Lake Dam can be reallocated. Some of the options proposed could increase the risk of flood to property down stream from the Dam.

In response the City of Kinston passed a resolution expressing concern for any action that would increase the risk of flood.

The Chairman has placed a similar resolution, Attachment #1.F., on the agenda for the Board's consideration, to be sent to the Army Corp of Engineers, state and federal elected delegations. The attachment also includes a press release issued by Neuse Sport Shop in Kinston.

G. CORRECTION TO FEBRUARY 18, 2008 MINUTES

The Board is requested to approve a correction to the regular session minutes of February 18, 2008, as noted on Attachment #1.G. The text being deleted attributes a statement to the County Attorney which is inaccurate.

Agenda Date: April 7, 2008

Presenter: _____

Agenda Item No. 2

PUBLIC HEARING – FOX TRAPPING

The Board will hold a public hearing, as advertised, (Attachment #2) to consider whether or not to submit a request to the County's legislative delegation to support a change in rules to provide for establishment of a fox trapping season in Craven County. A staff member from NC Wildlife Resources will be present to address questions that may arise.

Agenda Date: April 7, 2008

Presenter: _____

Agenda Item No. 3

PUBLIC HEARING – AMENDMENT TO ANIMAL CONTROL ORDINANCE

At its last regular session, the Board received a request from the Health Director for amendment of the Animal Control Ordinance to make the impoundment period of Article III-Sterilization (5 days) consistent with the impoundment period stated in Article IV-Rabies Control (72 hours). A public hearing was advertised for 7:00 p.m. to receive public comment (Attachment #3).

PETITIONS OF CITIZENS

A. STEPHEN NUCKOLLS

Mr. Nuckolls, CEO of Coastal Carolina Health Care (CCHC), will present a request for the County's support of their application for MRI equipment. Attachment #4 contains a sample support letter and a letter that was recently submitted by Jones County to the state by another group for the same equipment. If the Commissioners agree to support the CCHC application, the letter would need to be signed and returned in order to meet an April 15 application deadline.

The following citizens wish to speak concerning the Judicial Center.

- B. CHARLIE SIMMONS
- C. SANDRA SIMMONS

Agenda Date: April 7, 2008

Presenter: _____

Agenda Item No. 5

APPOINTMENTS – CRAVEN REGIONAL MEDICAL AUTHORITY

Attachment #5 is a letter to Commissioner Jones from Lonnie Pridgen, Vice Chairman of the Medical Authority Board, which contains a slate of board members for reappointment or appointment that the Commissioners are asked to consider.

The Board of Commissioners, in accordance with statute, must accept or reject the slate in its entirety. If rejected the Medical Authority Board would be asked to present another slate.

Agenda Date: April 7, 2008
Presenter: Jim Hicks
Agenda Item No. 6

COUNTY ATTORNEY'S REPORT – LOT 79 TOBAGO, FAIRFIELD HARBOUR

The County obtained ownership of this lot through tax foreclosure in 2003. After numerous attempts to sell the property, the County authorized the sale of the property to Errol & Monica James for \$4,000. However, the James' did not go through with the purchase.

On April 2, 2008, I confirmed: (i) Mr. James still has no interest in acquiring the property; and (ii) Fairfield Harbour POA will not consider accepting a deed from the County in exchange for canceling the outstanding POA and amenities dues.

Agenda Date: April 7, 2008
Presenter: Harold Blizzard
Agenda Item No. 7

COUNTY MANAGER'S REPORT

Agenda Date: April 7, 2008

Presenter: _____

Agenda Item No. 8

COMMISSIONERS' REPORTS

Agenda Date: April 7, 2008

Presenter: _____

Agenda Item No. 9

CLOSED SESSION

The County Attorney will request a closed session for consultation subject to attorney-client privilege, pursuant to NCGS 143-318.11(a)(3).