

**AGENDA
CRAVEN COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
TUESDAY, SEPTEMBER 7, 2010
7:00 P.M.**

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVE MINUTES OF AUGUST 16, 2010 REGULAR SESSION

1. CONSENT AGENDA
 - A. Budget Amendments
 - B. Tax Releases and Refund
 - C. Sickle Cell Awareness Month Proclamation
 - D. Military Family of the Quarter Resolution

2. PETITIONS OF CITIZENS
 - A. Hal James
 - B. Charles Patton (on behalf of Brenda Stott)
 - C. Charlie Simmons
 - D. Tyker Gonzales

3. PUBLIC HEARINGS
 - A. Qualified School Bonds: Rick Hemphill, Finance Officer
 - B. Economic Development Performance Grant: Arey Grady,
County Attorney Associate
 - C. Industrial Park Property Sale: Arey Grady

4. SCULPTURE LOCATION REQUEST: Susan Moffatt-Thomas,
Swiss Bear

5. LITTLE SWIFT CREEK FIRE DEPARTMENT REQUEST: Keul Whitford,
Board of Directors

6. PRESENTATION OF EFNEP GRANT PROPOSAL: Tom Glasgow,
Cooperative Extension Director

7. APPOINTMENTS
 - A. Firemen's Relief Fund Board of Trustees
 - B. Promise Place
 - C. Clean Sweep Committee

8. COUNTY ATTORNEYS' REPORT: Aaron Arnette,
County Attorney Associate
 - A. Amendments to Adult Establishment Regulations
 - B. Amendment to General Penalties – Code of Ordinances
 - C. Amendment to 2009 Permit Extension Act – Resolution to Opt
Out

9. COUNTY MANAGER'S REPORT: Harold Blizzard

10. COMMISSIONERS' REPORTS

**AGENDA
CRAVEN COUNTY WATER BOARD OF DIRECTORS
TUESDAY, SEPTEMBER 7, 2010**

ROLL CALL

APPROVE MINUTES OF APRIL 5, 2010 REGULAR SESSION

1. CLOSED SESSION: PROPERTY ACQUISITION

CONSENT AGENDA

A. BUDGET AMENDMENTS

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

Amendments: Tax Collections – Budget \$ 1,000 revenue for Property Tax Prior Years to cover current and anticipated Tax Management Associates, Inc. invoices.

Dental/Capital Reserve – Agreement to transfer 50% FY '10 dental profit to Capital Reserve. Need to budget/transfer this amount (\$ 44,781) for future repair/replacement of dental trailer.

Emergency Services – Budget \$ 9,000 Dept of Crime Control & Public Safety grant to Craven-Pamlico LEPC. Grant is for the LEPC Haz-Mat Tabletop Exercise provided by Envirosafe Consulting on 07/15/10.

Environmental Health/Childhood Lead – Program had unspent funds in the amount of \$ 13,069 at the end of FY '10. Need to budget this carryover balance in FY '11 for contract employee to instruct EPA required lead safety RRP class.

Cooperative Extension/SHIIP – Senior Health Insurance Information Program was budgeted to receive \$ 3,200 in grant funds. Actual amount received from NC Dept of Insurance was \$ 3,722. Need to budget the additional \$ 522 to be spent on other supplies.

Economic Development – Budget \$ 30,000.00 grant awarded by North Carolina's Eastern Region. This Flex-Cap Regional Grant incentive funding for Project High Desert is for consolidation of Cabo and Hatteras Yachts in existing Craven County facility.

Health/Family Planning – State awarded additional funding of \$ 12,377 for Family Planning TANF patients. Funds will be used to purchase birth control/medical supplies and must be spent prior to May 31, 2011.

Convention Center – Budget transfer from TDA Operations to Convention Center in the amount of \$ 1,000. During the 08/11/10 TDA meeting, the Board allocated these funds to purchase VIP gifts for dignitaries attending the Jubilee Weekend.

B. TAX RELEASES AND REFUND

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

C. SICKLE CELL AWARENESS MONTH PROCLAMATION

Eastern North Carolina Chapter of Sickle Cell Disease Association of America has requested that the Board adopt the proclamation contained in Attachment #1.C., recognizing September as Sickle Cell Awareness Month in Craven County.

D. MILITARY FAMILY OF THE QUARTER RESOLUTION

The Board received a request to adopt a resolution, contained in Attachment #1.D. recognizing the family of Justin R. Edwards as Military Family of the Quarter.

Board Action: A roll call vote is needed to approve consent items

PETITIONS OF CITIZENS

A. HAL JAMES

Mr. James has requested to speak about transparency in local government, budget and grant applications.

B. CHARLES PATTON (on behalf of Brenda Stott)

Mr. Patton and Ms. Stott will appear, with Mr. Patton addressing the Board on Ms. Stott's behalf concerning property appraisals.

C. CHARLIE SIMMONS

Mr. Simmons has requested to come before the Board to speak about taxes and prayer.

D. TYKER GONZALES

Ms. Gonzalez would like to present her concerns about the revaluation process and the land use value not including the boarding of horses. She also plans to address this issue at the state level.

Board Action: Receive information

PUBLIC HEARINGS

A. QUALIFIED SCHOOL BONDS

The Board will hold a public hearing at 7 PM on the 7th to hear public comments concerning the proposed borrowing for the following school projects:

A H Banger Elementary	Bathroom Renovations
Vanceboro Farm Life	Bathroom Renovations, Windows and Doors Replacement
Trent Park Elementary	Bathroom Renovations
W J Gurganus Elementary	Complete Roof Replacement
Brinson Memorial Elementary	Partial Roof Replacement
Havelock High	Chiller Replacement
West Craven High	Chiller Replacement
Grover C Fields Middle	Energy Management System Replacement

The proposed method of financing these projects is to sell \$2,163,000 of Qualified School Construction Bonds. These bonds were authorized through the American Recovery and Reinvestment Act. The bonds are intended to be issued at a low or zero interest, thus, making it more affordable for local governments to finance projects. The bonds are taxable, rather than the normal tax exempt bonds issued by the County. The bonds are sold (in this case placed) to a lender at a taxable interest rate. The County will pay the principal and interest to the lender. The County will then file for a reimbursement of the interest amount from the Federal government. Interest rates to determine the amount of reimbursement are established daily.

The Board of Education has agreed for the County to reduce the amount of annually appropriated capital outlay money to them, by \$200,000 per year for the next ten years, to apply to the debt service of these bonds. The amount appropriated this year for capital outlay was reduced by \$200,000 in anticipation of this borrowing. The first payment on the bonds will not be until October 2011 at which time the County will have the \$200,000 on hand to apply to the payment.

Board Action: Hear public comments

After the public hearing, the proposal for QSCB Financing will be presented for the Board's consideration.

Proposal for QSCB Financing

The County has received a proposal from BB&T Governmental Finance to purchase the \$2,163,000 of Qualified School Construction Bonds at a taxable interest rate of 4.72% for ten years. A copy of the proposal is presented as Attachment #3.A. The interest rate for reimbursement from the Federal government as of August 31, 2010 was 4.72%. This results in a net zero rate to the County for the bonds. The proposal from BB&T has been tentatively accepted by the Finance Director to lock in this rate. The acceptance is subject to approval by the Board of Commissioners and the Local Government Commission. All administration costs will be paid from the proceeds of the bonds, including the fee charged by BB&T, bond counsel fee, LGC fee, and the County attorney's fee. The application to the Local Government Commission has been filed.

Board Action: The Board will need to consider accepting the proposal by BB&T to borrow the \$2,163,000 at a taxable rate of 4.72% for ten years. A roll call vote will be needed for approval.

B. ECONOMIC DEVELOPMENT PERFORMANCE GRANT

Attachment #3.B contains the resolution and performance grant agreement necessary to move forward with Craven County Industrial Park/Brunswick Corporation (Hatteras/Cabo) following the public hearing. Brunswick Corporation has approved the form and substance of the agreement, and is in the process of having the agreement executed and delivered.

Board Action: Receive input from the public. Following the public hearing the Board may consider adoption of the resolution and approval of the performance grant agreement.

C. INDUSTRIAL PARK PROPERTY SALE

Attachment #3.C is the resolution and contract necessary to move forward with Craven County Industrial Park/American Towers following the public hearing. Also attached for informational purposes is a preliminary survey.

Several relatively minor items regarding the contract are still under discussion, primarily the location of easements necessary to serve the property at issue as well as the substance of deed restrictions for the property. However, Mr. Grady indicates his belief that the transaction (namely the conveyance itself at the stated purchase price) can be approved on Tuesday, with the execution and delivery of the final contract to come at such future time as any lingering issues are resolved.

Board Action: Following the public hearing, the Board may consider approval of the resolution and the transaction.

Agenda Date: September 7, 2010
Presenter: Susan Moffatt-Thomas
Agenda Item No. 4
Board Action Required: Yes

SCULPTURE LOCATION REQUEST

The purpose of Swiss Bear's presentation to the Craven County Board of Commissioners is to request the County's approval and permission to construct a 29 foot tall sculpture in the back area of the Convention Center on the 30 foot strip of the Riverwalk owned by the City. As a portion of the completed project may encroach on County property, Swiss Bear is asking the Commissioners to approve the location and agree to provide an easement to the City if a portion of the designed space, to include a circular bench and signage recognizing contributors, will encroach on the County property. An aerial view of the proposed site and concept of the sculpture and design for original site at the end of Broad Street is contained in Attachment #4.

Board Action: Consider request for approval

Agenda Date: September 7, 2010
Presenter: Kent Whitford
Agenda Item No. 5
Board Action Required: Yes

LITTLE SWIFT CREEK FIRE DEPARTMENT REQUEST

Little Swift Creek Volunteer Fire Department applied for the North Carolina Department of Insurance matching grant, to fund new communications equipment for future upgrades, as well as turnout gear to replace some that are worn. The amount awarded was \$14,336.00

An application was submitted for a USDA grant for the match; therefore, assistance from the County was not requested. Despite a verbal approval from USDA and after placing orders to meet the deadline of September 30th to have the equipment received, notification was received that the USDA grant had been declined.

The department is seeking the County's help in providing \$14,336.00 to match the above mentioned grant.

Board Action: Consider request for approval. A roll call vote will be necessary

Agenda Date: September 7, 2010
Presenter: Tom Glasgow
Agenda Item No. 6
Board Action Required: Yes

PRESENTATION OF EFNEP GRANT PROPOSAL

According to 2007 data, 30.4% of Craven County adults are considered to be obese. Further, 13.1% of Craven County children between 2 and 4 years of age are considered overweight; 23.2% of children between 5 and 11 are overweight; and 31.3% of children between 12 and 18 are overweight. Health problems and costs associated with poor diet and lack of physical activity are well documented. Nationwide, \$147 billion per year is spent on obesity-related medical costs, representing approximately 10% of all annual medical spending. There is a demonstrated link between lower income households and higher rates of obesity.

The North Carolina Expanded Food and Nutrition Program (NC EFNEP) has an established track record of success in addressing this problem in counties across the state. EFNEP's mission is to improve the health of limited resource youth and families with young children through practical lessons on basic nutrition and healthy lifestyles, resource management and food safety. EFNEP is a federally funded program offered to limited resource youth and families with young children through Cooperative Extension. EFNEP's targeted audience is limited resource families with young children (under the age of 19) living in the household and who are eligible for public assistance. EFNEP serves individuals and families who are expecting a child (pregnant) or who provide non-custodial care for children on a regular basis (grandparent or non-custodial parent) as long as these individuals meet the income guidelines and are responsible for the planning, shopping, and preparing food for the children in their care. EFNEP also serves limited resource, school-age children. EFNEP programs in North Carolina collaborate routinely with county DSS and other partners.

Cooperative Extension in Craven County has the opportunity to participate in a grant project that would provide funding for two EFNEP educators (one for youth and one for adults) for a period of five years. At the end of this five-year period, Craven County would have the option of either discontinuing the program with no obligations, or continuing the program with a 50% cost share of salary and benefits. While this is contingent on the grant actually being awarded, we wish to keep the Board informed of this situation and ask for approval of an EFNEP program in Craven County, housed in the Cooperative Extension office, if funds do become available.

Board Action: Consider approval of EFNEP program operation in Craven County

Agenda Date: September 7, 2010
Presenter: _____
Agenda Item No. 7
Board Action Required: Yes

APPOINTMENTS

A. FIREMEN'S RELIEF FUND BOARD OF TRUSTEES

The term of Dred Mitchell, as a representative of Cove City, is due to expire. He is willing to continue serving.

B. PROMISE PLACE

Attachment #7.B. is a letter from Promise Place requesting the appointment of Jean Kenefick.

C. CLEAN SWEEP COMMITTEE

The Clean Sweep Committee is in the process of updating its roster, and requests the appointment of the three individuals named in Attachment #7.C.

Board Action: The Board will need to consider all necessary appointments

COUNTY ATTORNEY'S REPORT

A. AMENDMENTS TO ADULT ESTABLISHMENT REGULATIONS

Based upon a recent application received for a new adult establishment, it was determined that minor changes should be made to the Adult Establishment Regulations. A memorandum and the proposed changes were previously submitted to the Board of Commissioners for their review, and are included again as Attachment #8.A. Should the Board desire to adopt these amendments, a public hearing would need to be held prior to adoption.

Board Action: Consider proceeding and setting a public hearing date

B. AMENDMENT TO GENERAL PENALTIES – CODE OF ORDINANCES

As currently written, Section 1-11 (“General Penalty”) of the County’s Code of Ordinances allows for the option to seek civil penalties, criminal charges (misdemeanor), or both. However, based upon a recent legal decision, the mere possibility of criminal charges under the Ordinance, even if not pursued, now requires the County to forward all civil penalties to the Board of Education. Civil penalties provide the County with the only means to recover its attorneys fees in the event legal action is taken to enforce compliance with the Ordinances. A memorandum and the proposed changes were previously submitted to the Board of Commissioners for their review, and are contained in Attachment #8.B. A public hearing is NOT required for adoption. However, since a public hearing must be held on the amendments to the Adult Establishment Regulations, a public hearing could be held at the same time for this amendment as well.

Board Action: Consider proceeding and holding a public hearing date

C. AMENDMENT TO 2009 PERMIT EXTENSION ACT – RESOLUTION TO OPT OUT

In 2009, the General Assembly enacted the 2009 Permit Extension Act. In effect, this Act suspended the running of the period for any local development approvals from January 1, 2008 through December 31, 2010. In August 2010, the General Assembly amended the Act to further extend the ending date for suspension from December 31, 2010 to December 31, 2011.

However, the General Assembly authorized local governments the authority to “opt-out” of this extension by resolution of the Board of Commissioners. A proposed resolution is attached for your consideration.

Board Action: If the Board chooses to “opt-out”, adopt the resolution

Agenda Date: September 7, 2010
Presenter: Harold Blizzard
Agenda Item No. 9
Board Action Required: Yes

COUNTY MANAGER'S REPORT

A. HAVELOCK CHAMBER OF COMMERCE REQUEST

In fiscal 2009 the Board of Commissioners appropriated \$4,500 to the Havelock Chamber of Commerce for a Youth Leadership program (similar to Leadership Craven program but for youth). The funds were paid to the Chamber on a monthly basis in the amount of \$375 per month. This program was not implemented by the end of fiscal 2009 and a request was made by the Chamber to carry the money over to fiscal 2010. This request was approved by the Board. On August 25, 2010 a request was received from Stephanie Duncan, with the Havelock Chamber, to re-direct this money to the purchase of laptops for the Early College EAST program in Havelock. Ms. Duncan reported the Youth Leadership program never materialized and the Havelock Chamber of Commerce Board of Directors instructed her to request of the County that these funds be used for the purchase of laptops for the early high school program in Havelock. Until this request was made we were unaware that the Youth Leadership program was never implemented. No request was made at the end of fiscal 2010 to carry the money over to fiscal 2011. The funds were apparently set aside in a separate bank account which has a current balance of \$4,946.51. Ms. Duncan explained that none of the money had been used but some bank fees had been paid out of the account. Apparently there was originally \$5,000 in the account with the other \$500 coming from another source. We informed her (she was not at the Chamber when the money was given) that only \$4,500 came from the County. She is investigating the source of the other funds.

Board Action: Decide whether to allow the Chamber to re-direct the funds to the Early College program for laptops or to return the funds to the County.

B. HOUSE BILL 1717 – MODERINIZATION OF THE STATE ABC SYSTEM

House Bill 1717 makes sweeping changes to the State's ABC laws. Generally, the changes are as follows:

- Increases transparency and accountability for boards, appointing authorities and the state

- Requires accountability of ABC Law Enforcement through monthly reports
- Requires ethics policy and travel policies for all boards
- Prohibits nepotism
- Sets salary maximum for ABC Boards' General Managers
- Establishes compensation maximums for board members
- Requires uniform public budgeting process
- Mandates training
- Establishes performance requirements
- Establishes cause and process for removal of board members and employees

Obviously ABC Boards across the state have a lot of work to do to comply with these new requirements. At this particular time the ABC board's appointing authority (county board of commissioners) must approve ABC board members' compensation if it exceeds \$150 per meeting. The Craven County ABC Board members receive \$190 per meeting and the ABC Board Chairman receives \$286 per meeting. Attachment #9.B. is a table comparing Craven County ABC Board member compensations with counties surrounding Craven and with counties that have comparable retail liquor sales.

Board Action: Authorize ABC Board compensation levels by October 1, 2010

C. PROPOSED UPDATES TO WORLD WAR I MONUMENT AT CRAVEN COUNTY COURTHOUSE

In March Victor Jones, Reference Librarian at the New Bern Craven County Library, appeared before the Board to present names of local World War I casualties that had been omitted from the monument. At that time a committee of three Commissioners (Morris, Sampson and Tyson) and two staff members (Blizzard and Bryan) was formed to review the names and consider their eligibility as well as the feasibility of adding names to the existing monument. Eligibility criteria were applied based on residency and cause of death, which were suggested by the Craven County Veterans Services Officer several years ago when a Gulf Wars Monument was being placed at the Courthouse. The committee is recommending inclusion of nine names, which are included in Attachment #9.C., along with the evaluation sheet that was used, and a cost estimate.

Board Action: Consider approval of committee's recommendation

COMMISSIONERS' REPORTS

Agenda Date: September 7, 2010
Presenter: _____
Agenda Item No. W/S #1
Board Action Required: No

CLOSED SESSION: PROPERTY ACQUISITION

The Board, sitting as the Water Board, will be requested to go into closed session to discuss property acquisition, pursuant to NCGS 143-318.11(a)(5).

Board Action: None