

**AGENDA
CRAVEN COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
MONDAY, NOVEMBER 7, 2011
7:00 P.M.**

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVE MINUTES OF OCTOBER 17, 2011 REGULAR SESSION, AUGUST 5, 2011 RECONVENED SESSION, SEPTEMBER 2ND AND 13TH SPECIAL SESSIONS AND SEPTEMBER 3, 2011 RECONVENED SPECIAL SESSION

1. PETITIONS OF CITIZENS
 - A. Susan Piller
 - B. Mary Randolph
2. TAX RELEASES AND REFUNDS: Ronnie Antry, Tax Administrator
3. NO. 9 TOWNSHIP FIRE AND RESCUE PRESENTATION: Bobby Willis, Chief
4. BUDGET AMENDMENTS AND ORDINANCE UPDATE: Rick Hemphill, Finance Director
5. APPOINTMENTS
 - A. Pending: Clean Sweep Committee
Industrial Facilities Pollution Control Financing Authority
 - B. New: Airport Authority
 - C. Upcoming: December
6. BOARD RETREAT: Chairman Tyson
7. COUNTY ATTORNEY'S REPORT: Jim Hicks
8. COUNTY MANAGER'S REPORT: Jack Veit
9. COMMISSIONERS' REPORTS
10. CLOSED SESSION

Agenda Date: November 7, 2011
Presenters: Susan Piller & Mary Randolph
Agenda Item No. 1
Board Action Required: No

PETITIONS OF CITIZENS

A. SUSAN PILLER

Ms. Piller wishes to address the Board concerning a Sheriff's Department matter.

B. MARY RANDOLPH

Ms. Randolph will petition the Board concerning a guard rail installed adjacent to her property by the City of New Bern.

Board Action: Receive information

Agenda Date: November 7, 2011
Presenter: Ronnie Antry
Agenda Item No. 2
Board Action Required: Yes

TAX RELEASES AND REFUNDS

Craven County Tax Administrator, Ronnie Antry, will present the routine requests for tax releases and refunds contained in Attachment #2 for the Board's approval.

Board Action: A roll call vote is needed to approve tax releases and refunds

Agenda Date: November 7, 2011
Presenter: Bobby Willis
Agenda Item No. 3
Board Action Required: No

NO. 9 TOWNSHIP FIRE AND RESCUE PRESENTATION

Chief Willis will advise the Board of plans to purchase two pick-up trucks and the resulting loan for \$90,000. The lending arrangements have been made with First Citizens bank for a term of 120 months. Plans are to purchase two Ford F350 4x4 trucks on state contract, and a skid unit for one of them. One truck will be used for a brush truck and the other a traffic truck.

Board Action: Receive information. No action necessary. Presentation is being provided as required by the department's agreement with the County.

Agenda Date: November 7, 2011
Presenter: Rick Hemphill
Agenda Item No. 4
Board Action Required: Yes

BUDGET AMENDMENTS AND ORDINANCE UPDATE

Craven County Finance Director, Rick Hemphill, will present the following budget amendments and ordinance update for the Board's approval.

Amendments: DSS Mandated Public Assistance – Additional funding of \$388,779 allocated to DSS for Crisis Intervention Program. Funding is 100 % Federal requiring no County match.

Public Bldg/Conv Center – Budget \$150,000 from Capital Reserve to purchase carpet and other items for Convention Center Bldg. These funds are a portion of the Convention Center settlement transferred to Capital Reserve in 2010.

Ordinances: Close out St. Luke's Building Project Fund 354.

Board Action: A roll call vote is needed to approve budget amendments and ordinance update.

Agenda Date: November 7, 2011
Presenter: _____
Agenda Item No. 5
Board Action Required: Yes

APPOINTMENTS

A. Deferred Appointments

Clean Sweep Committee
Industrial Facilities Pollution Control Financing Authority

B. New Appointments

Airport Authority

C. Upcoming Appointments

A. DEFERRED APPOINTMENT(S):

NAME OF BOARD/COMMITTEE: Craven County Clean Sweep Committee

AUTHORIZATION: Bylaws

MISSION/FUNCTION: To eliminate littering and promote recycling through education and ordinance enforcement.

NUMBER OF MEMBERS:

25

TYPE:

Civic, neighborhood, municipal, industrial business, schools

QUALIFICATIONS (Special Skills, Professional Classifications, Affiliations, Limitations, etc.):

LENGTH OF TERMS: 3 Years

TERM(S) EXPIRING:

Felix Croom (Appointed 2008; not participating)
Dave Gardner (Appointed 1991; active member)
Janie Johnson (Appointed 2008; moved away)
Ivett Jones (Appointed 2003; not participating)
Jan Parker (Appointed 1997)
Pat Sager (Appointed 2008; active member)
Tim Tabak (Appointed 2008; resigned)
Thomas Wooten (Appointed 2001; not participating)

MEETING SCHEDULE: 3rd Wednesday of the months of March, June, September and December

COMPENSATION: No Yes Specify: _____

Attachments:

NAME OF BOARD/COMMITTEE: **Industrial Facilities Pollution Control Financing Authority**

AUTHORIZATION: Bylaws

MISSION/FUNCTION: _____

NUMBER OF MEMBERS: _____

7

TYPE:

Qualified electors

QUALIFICATIONS (Special Skills, Professional Classifications, Affiliations, Limitations, etc.):

LENGTH OF TERMS: 6 Years

TERM(S) EXPIRING: **Dell Ipock (Appointed 1999)**
Gray Lancaster (Appointed 1999)

MEETING SCHEDULE: Annual Meeting on 2nd Tuesday in October; otherwise, as needed

COMPENSATION: No : Yes Specify: _____

ATTACHMENT(S): Attachment #5.A.

COMMENTS: Attachment #5.A. is a memo regarding the Craven County Industrial and Pollution Control Financing Authority. Also attached is a PowerPoint presentation from late 2007 that explains the details of how Industrial Revenue Bonds generally work.

B. NEW APPOINTMENT(S):

NAME OF BOARD/COMMITTEE: Coastal Carolina Airport Authority
AUTHORIZATION: General Statutes (Chapter 1197 session laws of 1979; Chapter 1046 session laws of 1989

MISSION/FUNCTION: “...to meet monthly, and at such other times, as necessary, to discuss and decide on affairs pertinent to the operation, maintenance and control of the craven County Regional Airport”.

NUMBER OF MEMBERS: 8
4
TYPE: Voting
Non-voting
(Carteret, Jones, Pamlico, MCAS)

QUALIFICATIONS (Special Skills, Professional Classifications, Affiliations, Limitations, etc.):

LENGTH OF TERMS: 3 Years

MEETING SCHEDULE: 3rd Tuesday of each month; 2:00 p.m.

COMPENSATION: No Yes Specify: \$100/month

CHAIR: Royce Jordan **RECORDING SECRETARY** Fletcher Watts

LOCATION OF MINUTES/RECORDS: Airport Director’s Office

BYLAWS ON FILE: No Yes Last updated: July 2010

ATTACHMENT(S): **Attachment #5.B.**

LAST PROFILE UPDATE: April 2011

Remarks: _____

C. Upcoming Appointments November -December

November: None

December: Commissioners' Appointments

*Board of Equalization and Review (James Findley, Grover Lancaster, Al Otto, Bill Pope, Jimmy Smith, Jerry Stapleford, Drew Willis)

**This board does not have terms certain; however, an ending date is required for entry into the appointments database. (please reference County Manager's memo)*

Health Board (Paul Gaskins, James Jackson, Rosanne Leahy, Trey Paul, Reed Underhill)

Havelock Library Board (Jacqueline Attaway)

New Bern Library Board (Molly Ritter)

Vanceboro Library Board (Dorothy Bryant)

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

Agenda Date: November 7, 2011
Presenter: Chairman Tyson
Agenda Item No. 6

BOARD RETREAT

The Chairman will ask the Board to consider dates to continue discussion of retreat agenda items.

Agenda Date: November 7, 2011
Presenter: Jim Hicks
Agenda Item No. 7
Board Action Required: Yes

COUNTY ATTORNEY'S REPORT

A. VOLUNTARY AGRICULTURAL DISTRICT

Based upon recent changes to the enabling legislation by the General Assembly, the Board of Commissioners asked that the County Attorney review this Ordinance. Attachment #7.A is an opinion letter, as well as a strikeline version of recommended amendments.

Should the Board desire to amend the Ordinance, the proposed amendments will first need to be referred to the Craven County Agricultural Advisory Board (which will next meet on November 17, 2011). Upon receiving the Advisory Board's comments and recommendations, the Board of Commissioners must hold a public hearing before adopting any amendments.

Board Action: Receive information

B. PROPERTY DISPOSITION

On July 1, 2010, this property was acquired jointly with the City of New Bern through a tax foreclosure. Based upon the percentage of taxes owed, the City owns a 65.63% interest, and the County owns a 34.37% interest. Total taxes and abatement liens owed at the time of foreclosure was \$6,843.52. The current tax value is \$5,250. The lot is approximately 0.12 acres.

The dwelling on the property is dilapidated, and the City will be demolishing it under its ordinances. The estimated cost of demolition and disposal is \$4,800. The City has inquired as to whether the County desires to pay its prorated cost for demolition (approximately \$1,630), or in the alternative whether the County would prefer to donate its interest to the City. (See Attachment #7.B.)

Board Action: Receive information

C. CLOSED SESSION

The County Attorney will request a closed session at the end of the meeting for a matter under the County-Attorney privilege [G.S. §143-318.11(a)(3)].

Board Action: A motion to go into closed session

Agenda Date: November 7, 2011
Presenter: Jack Veit
Agenda Item No. 8

COUNTY MANAGER'S REPORT

County Manager, Jack Veit, will present the letter of support requested by the City of Havelock which appears as Attachment #8. The attachment also contains a similar letter that was written in 2010.

Agenda Date: November 7, 2011
Presenter: _____
Agenda Item No. 9

COMMISSIONERS' REPORTS

Agenda Date: November 7, 2011
Presenter: _____
Agenda Item No. 10

CLOSED SESSION

Citation: N.C.G.S. 143-318.11(a)(3) and (6)

CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 11/07/2011

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
A PLUS SOFTWARE LLC OUT OF BUSINESS 1/1/2011	0089472 2011-0090198	206.32
ANDERSON, JOHN & ANDERSON, JAM LATE LISTING CHARGED IN ERROR	0077461 2011-0091564	53.09
ANDERSON, SHIRLEY OPAL RITZ & LATE LISTING CHARGED IN ERROR	0147660 2011-0091565	53.09
ARNOLD, EVERETT C & PATRICIA M INCORRECT SITUS-S/B 2 B FIRE/RE-BIL	0046823 2011-0091566	350.72
BARWICK, ERMA MRS DID NOT OWN 1/1/2011	0415150 2011-0091568	170.42
BELL, DERRICK MAURICE LATE LISTING CHARGED IN ERROR	0089586 2011-0091569	53.09
BLOUNT, KEN ROGER LATE LISTING CHARGED IN ERROR	0087189 2011-0091570	49.39
BLUEWATER SUPPLY LLC NOT IN BUSINESS 1/1/2011	0070928 2011-0090294	82.89
BOESE, TIMOTHY & LORI DWELLING REMOVED IN 2010	0065919 2011-0005427	227.60
BOYD, RANDLE L & CAROLYN F APPRAISAL ERROR CORRECTION	0739200 2011-0005935	88.85
BUCK, FRANCIS LEROY JR ET AL APPRAISAL ERROR CORRECTION	0069736 2011-0090325	52.72
C K ENTERTAINMENT LLC APPRAISAL ERROR CORRECTION	0061423 2011-0090333	13.99
CARLSON, FREEDOM J & ERIKA V MILITARY EXEMPTION	0059981 2011-0009024	13.70
CAROLINA EAST TIMBER INC APPRAISER ERROR CORRECTION	0089480 2011-0090350	78.01

CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 11/07/2011

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
CCHC PROPERTIES LLC APPRAISAL ERROR CORRECTION	0053377 2011-0090360	709.20
CHATHAM, JOHN ANTHONY & SAMANT MILITARY EXCLUSION - 1/2 VALUE	0076454 2011-0010318	43.71
CHURCH-CHERRY POINT BAPTIST CH EXEMPT PER GS 105-278.3	9000230 2011-0010567	412.63
COMER, JAMES W & MAUREEN R CORRECTED BOAT VALUATIONS	0033477 2011-0011727	120.50
CONLAN, JOSEPH FRANCIS VALUE CORRECTION-SYSTEM ERROR	1438410 2011-0011781	139.67
CORTELYOU, STEVEN CRAIG BOAT NOT IN CRAVEN COUNTY 1/1/2011	0076447 2011-0012262	1,068.71
COYNE, DANIEL LATE LISTING CHARGED IN ERROR	0089332 2011-0091572	52.68
CROW, CALVIN G & KATHY R LATE LISTING CHARGED IN ERROR	0074852 2011-0091573	46.90
DAIL, DONALD G DID NOT OWN 1/1/2011	0028177 2011-0013684	104.17
DALEY, JEREMY & HUGHES, EMILY LATE LISTING CHARGED IN ERROR	0082495 2011-0091574	49.37
EASTLINE PEST CONTROL INC DOUBLE BILLED-ACCT 85218	0085218 2011-0091575	85.91
EUBANKS, FLOYD R & EDITH L DID NOT OWN 1/1/2011	2196451 2011-0091576	127.00
EXPRESS PLUMBING SUPPLY LLC DOUBLE BILLED-SEE ACCT 89101	0089501 2011-0090513	103.16
FALARDEAU, DAVE D RELEASED TO CARTERET COUNTY	0086878 2011-0091577	204.32

CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 11/07/2011

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
FLING, JAMES FREDERICK & JOI APPRAISAL ERROR CORRECTION	0081384 2011-0019192	320.38
FOSKEY, SAMUEL DOUBLE BILLED-SEE ACCT 2410650	0086746 2011-0091578	96.94
FRANK ENGINEERING PLLC DOUBLE BILLED -SEE ACCT 89248	0089502 2011-0090536	55.06
GASKILL, SHAWN RAY & MELISSA M LATE LISTING CHARGED IN ERROR	0089862 2011-0091579	46.90
GASKINS, HOLLEY LATE LISTING CHARGED IN ERROR	0089251 2011-0091580	49.38
GRAY, SALLIE R LATE LISTING CHARGED IN ERROR	0074420 2011-0091583	49.38
GREENE & WILSON PA DOUBLE BILLED-SEE ACCT 74998	0074998 2011-0091584	424.65
GROHMANN, TRACI LERAY TRUSTEE LATE LISTING CHARGED IN ERROR	0067472 2011-0091585	51.39
GROHMANN, TRACI LERAY TRUSTEE CLERICAL ERROR	0067472 2011-0091523	63.89
HALL, DONALD EDWARD VALUE CORRECTION	0052203 2011-0024084	107.82
HARRIS, DAVID MICHAEL JR & RAC MILITARY EXEMPTION	0083844 2011-0090625	21.09
HARRIS, MICHAEL DAVID DID NOT OWN 1/1/2011	0057219 2011-0025315	86.48
HAWKS, CAMERON LAWRENCE LATE LISTING CHARGED IN ERROR	0083978 2011-0091587	49.37
HENDERSON, RICHARD R LATE LISTING CHARGED IN ERROR	3323725 2011-0091588	51.40

CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 11/07/2011

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
J K CAPITAL INC LATE LISTING CHARGED IN ERROR	0089962 2011-0091590	46.90
KEENER, GORDON LYLE DOUBLE BILLED-SEE ACCT 4082414	4082414 2011-0031614	72.00
KEITH WILLIAMS INSURANCE DOUBLE BILLED-SEE ACCT 77167	0077167 2011-0091592	53.97
KENNEDY, DORA HARDISON APPRAISAL ERROR CORRECTION	4100395 2011-0031798	134.46
KERRICK, VERNON DID NOT OWN 1/1/2011	0079936 2010-0028712	47.38
KERRICK, VERNON DID NOT OWN 1/1/2011	0079936 2011-0031868	43.89
LETTER T INC DOUBLE BILLED - SEE ACCT 68568	0068568 2011-0091594	65.66
LEWIS, WAYNE RELEASED TO PAMLICO COUNTY	0081692 2009-0091270	277.43
LEWIS, WAYNE RELEASED TO PAMLICO COUNTY	0081692 2010-0031039	171.64
LOCKE, STEPHEN H LATE LISTING CHARGED IN ERROR	0089881 2011-0091595	48.66
LONG, BRIAN KEITH LATE LISTING CHARGED IN ERROR	0089328 2011-0091596	49.39
LUCK, JOSHUA LESTER MILITARY EXEMPTION	0083297 2011-0035601	94.70
MANN, THOMAS D JR & TERESA D VALUE CORRECTION PER ABOS	0034760 2011-0036402	96.50
MARTIN, GILLETTE DWELLING VACCANT SINCE 1998	4648255 2011-0036854	36.00

CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 11/07/2011

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
MASON, JOSHUA EDWARD LATE LISTING CHARGED IN ERROR	0089460 2011-0091598	53.09
MILLS BROTHERS LOGGING INC DOUBLE BILLED-SEE ACCT 87080	0089510 2011-0090829	273.79
MOREADITH, REBEKAH APPRAISAL ERROR CORRECTION	0083156 2011-0040794	67.86
NELSON, BENJAMIN HARRISON IV DID NOT OWN BOAT 1/1/2011	0023754 2011-0042045	7.33
NEUSE RIVER ESTATES RECREATION EXEMPT PER GS 105-277.8	0034163 2011-0042277	5.74
NEWKIRK, WILLIE W LATE LISTING CHARGED IN ERROR	5369850 2011-0091602	52.68
NOBLES, ANGELO LATE LISTING CHARGED IN ERROR	0084169 2011-0091603	49.38
NYBERG, TAMMY LATE LISTING CHARGED IN ERROR	0089348 2011-0091604	49.65
OWINGS, PAUL DENNIS DOUBLE BILLED- SEE ACCT 67153	0087200 2011-0043939	29.85
OWINGTON, SHANNON RELEASED TO LENOIR COUNTY	0083937 2011-0043940	100.64
PARKER, JOSEPH LATE LISTING CHARGED IN ERROR	0089355 2011-0091605	49.39
PARKER, RICHARD B JR APPRAISAL ERROR CORRECTION	0083418 2011-0044402	2,794.18
PELHAM, IDA & BROWN, LAURETTA DID NOT OWN 1/1/2011	0075843 2011-0091606	441.09
PRICE, WALTER CLIFTON LATE LISTING CHARGED IN ERROR	5849400 2011-0091610	48.65

CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 11/07/2011

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
PRICE, WALTER CLIFTON LATE LISTING CHARGED IN ERROR	5849400 2011-0091609	46.90
RATLIFF, TINA PETERSON DOUBLE BILLED-SEE ACCT 22939	0089354 2011-0091611	249.22
RICE, PHILLIP W JR & SAMANTHA DOUBLE BILLED-SEE ACCT 86214	0086693 2011-0048136	236.20
RIVERS, TERESA LATE LISTING CHARGED IN ERROR	0089050 2011-0091612	49.38
RIVERSIDE POULTRY LLC MAPPING ERROR-REBILLING COR. OWNER	0086377 2011-0048768	1,298.89
ROBERSON, SAMUEL EARL HRS LATE LISTING CHARGED IN ERROR	0089850 2011-0091613	52.03
ROUNDTREE, ADA DWELLING UNOCCUPIED SINCE 2006	0027258 2011-0049564	36.00
RUGGIERO, JOSEPH E BOAT NOT IN CRAVEN COUNTY 1/1/2011	0054967 2011-0049862	196.21
RUSS, KEIKO LATE LISTING CHARGED IN ERROR	6297785 2011-0091614	46.91
S D THOMAS CONSTRUCTION INC DOUBLE BILLED-SEE ACCT 89131	0089523 2011-0091112	104.02
SANDERSON, TRAVIS W LATE LISTING CHARGED IN ERROR	6351500 2011-0091615	49.38
SATTERFIELD, JIMMY JOE LATE LISTING CHARGED IN ERROR	0089353 2011-0091616	52.67
SAVAGE, JOSEPH S III LATE LISTING CHARGED IN ERROR	0070067 2011-0091617	46.91
SHEFFIELD, TAMMY LATE LISTING CHARGED IN ERROR	0072826 2011-0091618	51.40

CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 11/07/2011

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
SHEK, PEE LATE LISTING CHARGED IN ERROR	0089603 2011-0091619	6.60
SINK, RICHARD LEWIS LATE LISTING CHARGED IN ERROR	0082990 2011-0091620	49.65
SLAUGHTER, ARTHUR CLEVE DID NOT OWN 1/1/2011	6598800 2011-0052480	79.27
SMITH, TARITA LORIANNE LATE LISTING CHARGED IN ERROR	0089352 2011-0091622	53.09
SPENCE, JOHN R & DYAN T LATE LISTING CHARGED IN ERROR	6779700 2011-0091623	46.91
STURGILL, MARK LATE LISTING CHARGED IN ERROR	0077568 2011-0091625	48.66
SU, YO LATE LISTING CHARGED IN ERROR	0089209 2011-0091626	46.91
SYKES, BOBBY L & SHERYL L INCORRECT SITUS-SB 6F - REBILLED	0069825 2011-0055620	201.05
TERPIN HILL ENTERPRISES INC NOT IN BUSINESS 1/1/2011	0013501 2011-0091207	48.35
TILGHMAN, WILLIAM C & VIRGINIA LATE LISTING CHG IN ERROR/REM. RECY	7219556 2011-0091629	89.10
TOLER, HAROLD RAY LATE LISTING CHARGED IN ERROR	0089858 2011-0091630	52.67
TOOTLE, TERENCE C & TARA-DAWN APPRAISAL ERROR CORRECTION	0086086 2011-0057490	75.86
TRIPP, BRANDONT DID NOT OWN 1/1/2011	0057575 2011-0057849	94.41
TUTTLE, MELISSA ANN & NORMAN, LATE LISTING CHARGED IN ERROR	0089320 2011-0091633	48.66

CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 11/07/2011

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
VANGORDER, WILLIAM A DID NOT OWN 1/1/2011	0032271 2011-0058898	47.14
VM&J LLC APPRAISAL ERROR CORRECTION	0084750 2011-0059198	2,160.00
WAINRIGHT, MICHELLE LYNN LATE LISTING CHARGED IN ERROR	0089428 2011-0091634	49.38
WEBSTER, EDWARD T III DID NOT OWN 1/1/2011	0080948 2011-0060484	47.76
WELLS, JOHN CHRISTOPHER & DIAN APPRAISAL ERROR CORRECTION	0086760 2011-0091297	318.44
WHITE, JAMES EDWARD LATE LISTING CHARGED IN ERROR	0086691 2011-0091635	52.68
WIGGINS, LILLA DWELLING VACANT SINCE 2009	0025026 2011-0062391	36.00
WIGGINS, RONNIE L SR LATE LISTING CHARGED IN ERROR	0079402 2011-0091636	49.38
WILEY, WILLIAM RAY RELEASED TO LENOIR COUNTY	7947495 2011-0062509	41.99
WILLIAMSON, JAMES W III & CRYSTAL LATE LISTING CHARGED IN ERROR	0081492 2011-0091637	49.65
WORLEY, MILDRED PEARL LATE LISTING CHARGED IN ERROR	0089077 2011-0091640	52.35
	109 -CREDIT MEMO(S)	17,859.92

REFUNDS SUBJECT TO BOARD APPROVAL ON 11/07/2011

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
JONES, MELANIE ROGERS DID NOT OWN 1/1/2011	0028601 2011-0030952	343.64
MARTIN, OLETHA J LATE LISTING CHARGED IN ERROR	0089781 2011-0091597	46.90
ROBERTS, CHARLES HENRY SR & DO APPRAISAL ERROR CORRECTION	6164503 2011-0048966	13.05
ROUNDTREE, ADA DWELLING VACANT SINCE 2006	0027258 2010-0091974	36.00
ROUNDTREE, ADA DWELLING VACANT SINCE 2006	0027258 2009-0048700	36.00
ROUNDTREE, ADA DWELLING VACANT SINCE 2006	0027258 2008-0048224	36.00
SHEK, PEE LATE LISTING CHARGED IN ERROR	0089603 2011-0091619	40.30
STILLEY, ALLISON GRAY LATE LISTING CHARGED IN ERROR	0089323 2011-0091624	49.38
SUTTON, CREED MICHAEL LATE LISTING CHARGED IN ERROR	0089322 2011-0091628	53.09
9	-REFUND(S)	654.36



MEMORANDUM

**To: Craven County Board of Commissioners
c/o Jack Veit**
From: Jim Hicks
**Re: Craven County Industrial Facilities and Pollution Control Financing
Authority ("Authority")**
Date: 11/3/2011

To assist you in understanding this Authority, and your appointments thereto, please accept this memorandum as a description of the Authority's structure and purpose.

Chapter 159C of the North Carolina General Statutes (the "Act") establishes a comprehensive program to encourage industrial activities related to economic development. With this is an acknowledgement that sometimes there are environmental issues associated with industrial activities, so the Act also addresses pollution and other environmental control issues.

Pursuant to the Act, Craven County established such an Authority in the late 1970s, which has been in existence ever since. The Authority is actually a body politic and corporate, and therefore is a local governmental entity. The Board of Commissioners appoints the members of the Authority Board, and no elected County official may be appointed to this Board.

In addition to its economic enhancement objectives, such Authorities normally function as a conduit for financing through the issuance of Industrial Revenue Bonds (IRBs). IRBs may only be issued after following a specific statutory process, and have a number of limitations. However, an issuance of IRBs does not require a vote of the people as is required by general obligation bonds. The reason for this is that, as structured, IRBs are normally secured by a lending institution through a letter of credit or other type of collateral. Consequently, when the Authority issues IRBs, it is not a pledge of faith or credit, nor is the Authority or the County liable upon default.

The primary benefit of such a financing relates to preferable tax treatment for those entities that purchase IRBs, combined with lower interest rates than traditional financings. Historically, when interest rates are greater than they have been in the last ten years, IRBs are a good option to finance industrial projects. However, based upon the lower interest rate environment of traditional financings, and the cost associated with issuing IRBs, very few IRBs have been issued anywhere in the State in the recent past. I am not certain, but I believe the last IRB issued in Craven County was undertaken in 1997 for Wheatstone Corporation in the Craven County Industrial Park.

Although it may be many years from now, I do anticipate that IRBs will again become a viable option for industrial financing once interest rates move back to their historical range. Since there is a detailed statutory process to establish such an Authority, and likewise a detailed process to dissolve one, it is my recommendation that the Authority be

maintained and not be dissolved. Consequently, the Board of Commissioners needs to continue to make appointments to this Authority as the various terms of office expire. Please be advised that upon expiration of a term of office, should the Board of Commissioners not take any action of appointment, then the Authority board member continues to serve until replaced. Unlike most boards, the Board of Commissioners may remove a member of the Authority Board at any time with or without cause.

I have also attached a PowerPoint presentation from late 2007 which discusses various economic financing options available to local governments, including IRBs. Again, you will note that there are a number of limitations placed upon such a financing, and this too sometimes leads to a project seeking other means of financing.

Should you have any additional questions, please do not hesitate to call me.

OVERVIEW

TAX EXEMPT REVENUE BOND FINANCING

September 26, 2007

John T. Earwood, Esq. 919-899-3137

**HUNTON &
WILLIAMS**

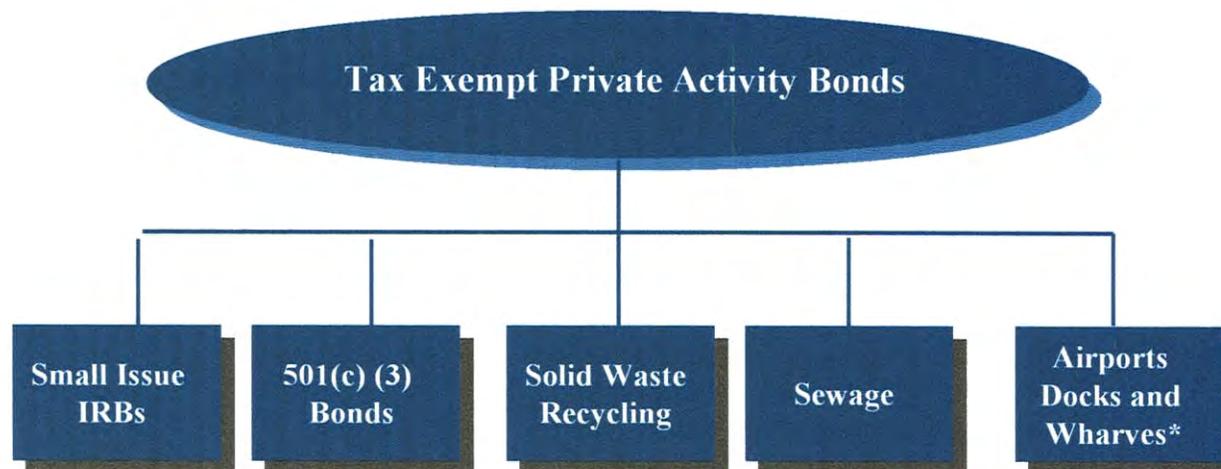
Gina C. Cocklereece, SVP 336-733-2725

BB&T Capital Markets

a division of **Scott & Stringfellow, Inc.**

CATEGORIES OF TAX-EXEMPT DEBT

Under the Internal Revenue Code of 1986



*The facility must be "governmentally owned" (but may be subject to a long-term lease to the Company and ownership reversion provisions).

CONDUIT ISSUERS OF TAX EXEMPT DEBT

- **County's Industrial Facilities and Pollution Control Financing Authority**
 - **Manufacturing Facilities (NAICS categories 31-33)**
 - **Special Purpose Projects**

- **North Carolina Agricultural Finance Authority**
 - **Facilities for commercial processing of farm products (NAICS categories 11 and 21)**

- **North Carolina Capital Facilities Finance Agency**
 - **Manufacturing or special purpose projects in multiple jurisdictions**
 - **Composite bond program**

RULES OF MANUFACTURING IDBs

- **95% must be spent for capitalizable costs of project**
- **75% must be spent on “core” manufacturing**
- **No used equipment; used buildings permitted if 15% of purchase price spent on rehabilitation of building**
- **Average bond maturity limited to 120% of the average economic life of assets financed**
- **Maximum amount of bonds is \$10,000,000**
- **\$20,000,000 test (sum of bonds plus any prior bonds plus capital expenditures of the Borrower in this jurisdiction for a six year period, 3 years prior to and 3 years after issue date, cannot exceed \$20,000,000)**

RULES OF MANUFACTURING IDBs (cont.)

- **Volume cap available for manufacturing deals in North Carolina**
- **Straight line depreciation – Borrower who uses IDB’s must use straight line depreciation**
- **Cost of land – cannot be more than 25% of bond proceeds**
- **Issuance expenses – cannot be more than 2% of bond proceeds**
- **Companies have up to 3 years to spend the bond proceeds, which provides an opportunity for future capital expenditures to be included in the initial financing**
- **If acquiring an existing facility, at least 15% of proceeds must be utilized for rehabilitation**
- **NC rule: must create/save number of jobs “commensurate” with financing (1/\$250,000 in bonds); no wage test**

EXAMPLES OF QUALIFYING IDB PROJECTS

▪ **Manufacturing and processing (value added to inputs)**

- Acquire a building and/or equipment for a manufacturing facility
- Transform paper rolls into paper bags or boxes
- Acquire equipment for food production kitchen
- Construct and equip a metal processing facility
- Construct and equip an asphalt production facility
- Acquire equipment to process scrap metal
- Equipment and/or building for a commercial printing facility
- Construct and equip a rendering and blending plant
- Acquire kiln and equipment for a brick maker or cement facility
- Build engines and car bodies for NASCAR

▪ **Agriculture**

- Expand a wood processing facility
- Construct and equip a chicken feed processing facility
- Acquire lumber processing equipment (Mill)
- Acquire, rehabilitate and equip a vegetable processing facility (must cook or freeze; washing is not enough)
- Construct and equip a cotton gin
- Build agricultural irrigation systems

SOLID WASTE DISPOSAL BONDS

- **Only form of “pollution control” bonds still available**
- **Includes facilities for collection, storage, treatment, processing or final disposal of solid waste**
- **“Waste” – must have no value other than cost of transportation**
- **Recycling facilities permitted so long as 65% of input is “waste”; can finance up to point where valuable product (including electricity) created**
- **No air pollution facilities (except as part of manufacturing process)**
- **No industrial wastewater facilities (except as part of manufacturing process)**

EXAMPLES OF QUALIFYING SOLID WASTE PROJECTS

▪Solid Waste

- Private landfills, including rolling stock and other related facilities
- Dust collection systems
- Animal waste and by-product collection

▪Recycling

- Cement kilns
- Waste fiber recycling facilities
- Waste-to-Energy systems, including wood waste boilers and related disposal and handling equipment

▪Large manufacturing facilities where solid waste disposal or recycling occurs.

- Paper manufacturers
- Photo film
- Steel mini-mill
- Power Companies

TYPICAL STRUCTURE OF BONDS

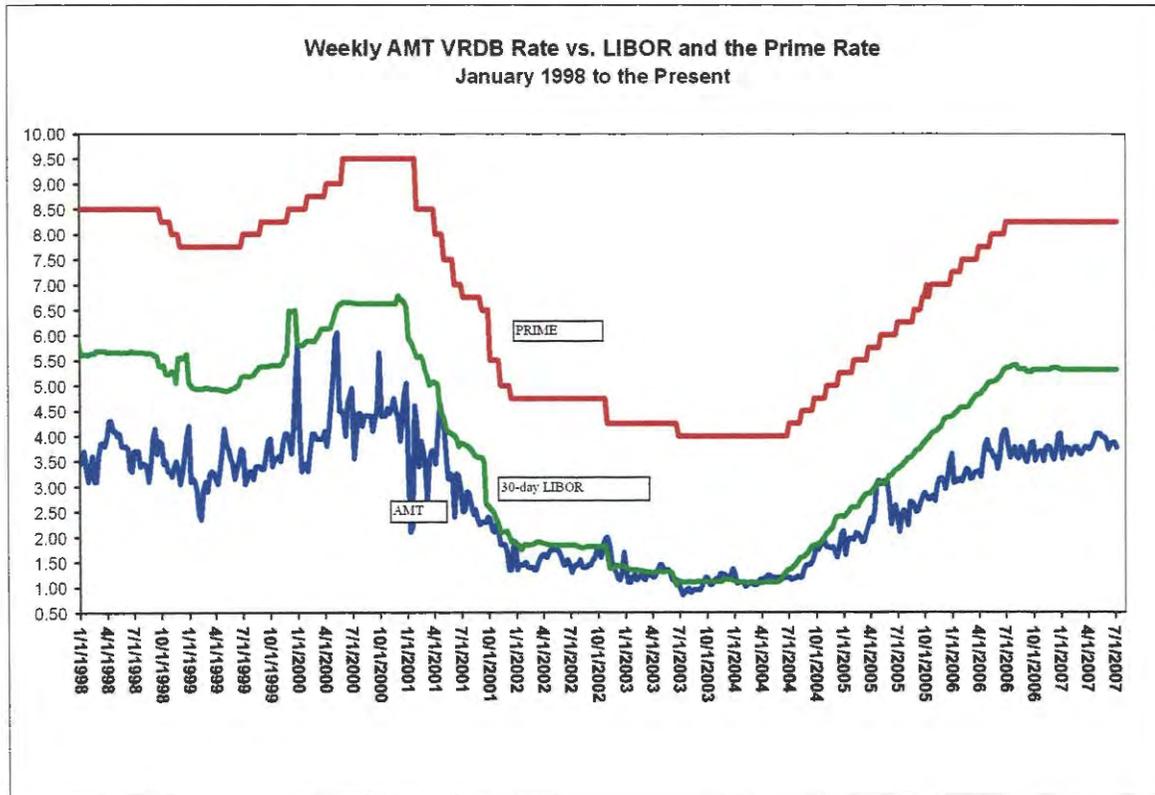
- **Long-term bond priced at attractive short-term rates**
 - Maturity typically 10 – 20+ years
 - Access to low, short-term rates, reset weekly

- **Bonds backed by a Bank Letter of Credit (AA- / Aa2)**
 - Investor views as low risk due to credit strength and liquidity
 - Ensures investor acceptance at low coupon
 - Bank assumes 100% of credit exposure
 - Letter of Credit facilitates payments to bondholders
 - Credit Agreement between bank and borrower is much like a conventional loan

- **Underwriter and Remarketing Agent places bonds with investors**
 - Investors may exercise 7-day put option for liquidity
 - Remarketing Agent then remarkets (sells) the bonds to other investors

- **Bonds may be prepaid without penalty**

HISTORICALLY, VRDB RATES ARE SIGNIFICANTLY LOWER THAN ALTERNATIVE FINANCING RATES



10-Year Period Averages	
VRDB	2.81%
Prime	6.83%
VRDB as % of Prime	41.12%
LIBOR	3.96%
VRDB as % of LIBOR	70.94%

Annual Averages			
	VRDB	LIBOR	PRIME
1998	3.61	5.56	8.37
1999	3.47	5.25	7.99
2000	4.30	6.42	9.22
2001	2.79	3.86	7.03
2002	1.56	1.77	4.66
2003	1.16	1.21	4.12
2004	1.37	1.51	4.35
2005	2.59	3.40	6.20
2006	3.58	5.09	7.98
2007 YTD	3.81	5.32	8.25

STEPS IN THE PROCESS IN NORTH CAROLINA

- **Determine project qualification**
 - Underwriter and Bond Counsel can help with the qualification process

- **Obtain “Inducement” from local County Authority**
 - Inducement must occur within 60 days of spending to recapture funds from bond proceeds
 - Bond Counsel will facilitate the Inducement process

- **Submit bond financing application to Department of Commerce**
 - Bond Counsel and Underwriter will assist in the application process
 - Application includes evidence of Public Hearing before County Commissioners

- **Obtain volume cap allocation and any necessary project permits from state**

- **Begin documentation process to issue bonds**

- **Entire process takes 60-90 days**

BENEFITS OF BOND FINANCING TO CREDIT QUALIFIED BORROWERS

- **Borrower must get its credit request approved by a commercial bank.**
- **Borrower enjoys significant financial benefit. Tax-exempt bonds provide the lowest cost of capital available to most borrowers, with all-in-costs up to 2-3% lower than traditional financing options.**
- **Qualified projects include expenditures for land, building, machinery and/or equipment for manufacturers and non-profit corporations.**
- **Bonds are typically structured with longer terms.**
- **Though up-front costs are significant, savings to the Borrower are typically strong enough to cover the up-front issuance costs in the first 1-1 ½ years. Also, issuance costs of up to 2% of the par amount of bond issue can be financed with credit bank approval.**

ALL-IN-COST ANALYSIS

ABC Company
TAX EXEMPT VARIABLE RATE DEMAND BOND
 ESTIMATED ALL-IN COST ANALYSIS

PAR AMOUNT: \$4,000,000
STRUCTURE: Amortizing

TERM: 20.0
AVG. LIFE: 13.4

ANNUAL INTEREST AND FEES:

		\$ Amount	%
Rate	(a)	\$154,000	3.850%
Letter of Credit Fee	(b)	\$61,712	1.500%
Remarketing Fee	(c)	\$5,083	0.125%
Trustee Fee	(d)	\$2,500	0.063%
Est. Short-term Rating Agency Fee	(e)	\$0	0.000%
Annual Issuer Fee	(f)	\$0	0.000%

INITIAL FEES AND EXPENSES:

		\$ Amount
Underwriting Fee	(g)	\$40,000
Est. Legal Fees	(h)	\$55,000
Est. Rating Agency Fees	(i)	\$11,100
Est. Trustee Acceptance Fee	(j)	\$2,000
Issuer Fee	(k)	\$1,000
Est. Miscellaneous Fees	(l)	\$2,000

EFFECTIVE ANNUAL COST:

\$223,295 **5.538%**

TOTAL UPFRONT COST

(m) **\$111,100**

Assumptions	% or \$	Timing of Payment
(a) BB&T's current VRDB interest rate, subject to the Alternative Minimum Tax (AMT);	3.850%	Monthly In Advance
(b) Letter of Credit Fee (to be negotiated by BB&T) L/C fee is based on principal and 35 days accrued interest at 12.00% per annum.	1.500%	Annually In Advance
(c) Remarketing Fee (0.125% of bond outstandings or \$3,000 minimum)	0.125%	Quarterly In Arrears
(d) Trustee Fee	\$2,500	Annually in Advance
(e) Est. Short-term Ratings Fee	\$0	Annually in Advance
(f) Annual Isser Fee	\$0	Annually in Advance

Assumptions	% or \$	Timing of Payment
(g) Underwriting Fee	\$40,000	At Closing
(h) ESTIMATE Legal Fees: Bond Counsel \$30,000 Underwriter's Counsel \$10,000 Bank Counsel \$15,000 Company Counsel TBD Trustee Counsel \$0 Issuer's Counsel \$0 Placement Counsel \$0 Total \$55,000	\$55,000	At Closing
(i) Estimated Rating Agency Fee paid directly to Moody's for the Aa3 long-term and P 1 short-term ratings	\$11,100	At Closing
(j) Estimated Trustee Acceptance Fee	\$2,000	At Closing
(k) Estimated Issuer Fee	\$0	At Closing
(l) Issuing Authority, Authority's Counsel, if any, and minimal State Treasurers fee		
(l) Estimated miscellaneous expenses include: printing, bond registration fees, LOC acceptance fee, conference call expenses, mail, etc.	\$2,000	At Closing
(m) Cost of issuance of up to 2% of the par amount of the bonds can be included in the financing		

Legal fees may be higher or lower depending on the complexity of the transaction.

DISCOUNTED CASH FLOW ANALYSIS

ABC Company Discounted Cash Flow Analysis Conventional Loan Financing vs. BB&T VRDN

Conventional Loan Financing					BB&T VRDN				Savings
Year	Principal	Amortization	Interest (1) 8.000%	Total Cash Flows	Principal	Amortization	Annual Payments (2) 5.538%	Total Cash Flows	
1	\$4,000,000	\$0	\$320,000	\$320,000	\$4,000,000	\$0	\$221,017	\$221,017	\$98,983
2	\$3,912,591	\$87,409	\$320,000	\$407,409	\$3,900,000	\$100,000	\$219,464	\$319,464	\$87,944
3	\$3,818,189	\$94,402	\$313,007	\$407,409	\$3,800,000	\$100,000	\$214,002	\$314,002	\$93,407
4	\$3,716,235	\$101,954	\$305,455	\$407,409	\$3,700,000	\$100,000	\$208,695	\$308,695	\$98,714
5	\$3,606,125	\$110,110	\$297,299	\$407,409	\$3,600,000	\$100,000	\$203,089	\$303,089	\$104,319
6	\$3,487,206	\$118,919	\$288,490	\$407,409	\$3,500,000	\$100,000	\$197,614	\$297,614	\$109,795
7	\$3,358,774	\$128,432	\$278,977	\$407,409	\$3,300,000	\$200,000	\$190,613	\$390,613	\$16,796
8	\$3,220,067	\$138,707	\$268,702	\$407,409	\$3,100,000	\$200,000	\$179,818	\$379,818	\$27,590
9	\$3,070,264	\$149,803	\$257,605	\$407,409	\$2,900,000	\$200,000	\$168,773	\$368,773	\$38,635
10	\$2,908,476	\$161,788	\$245,621	\$407,409	\$2,700,000	\$200,000	\$157,837	\$357,837	\$49,571
11	\$2,733,745	\$174,731	\$232,678	\$407,409	\$2,500,000	\$200,000	\$146,912	\$346,912	\$60,496
12	\$2,545,036	\$188,709	\$218,700	\$407,409	\$2,300,000	\$200,000	\$136,084	\$336,084	\$71,325
13	\$2,341,230	\$203,806	\$203,603	\$407,409	\$2,100,000	\$200,000	\$125,147	\$325,147	\$82,262
14	\$2,121,120	\$220,110	\$187,298	\$407,409	\$1,900,000	\$200,000	\$114,475	\$314,475	\$92,933
15	\$1,883,401	\$237,719	\$169,690	\$407,409	\$1,700,000	\$200,000	\$103,804	\$303,804	\$103,605
16	\$1,626,664	\$256,737	\$150,672	\$407,409	\$1,500,000	\$200,000	\$93,195	\$293,195	\$114,213
17	\$1,349,388	\$277,276	\$130,133	\$407,409	\$1,200,000	\$300,000	\$80,922	\$380,922	\$26,487
18	\$1,049,930	\$299,458	\$107,951	\$407,409	\$900,000	\$300,000	\$64,914	\$364,914	\$42,494
19	\$726,516	\$323,414	\$83,994	\$407,409	\$600,000	\$300,000	\$48,907	\$348,907	\$58,502
20	\$377,229	\$349,287	\$58,121	\$407,409	\$300,000	\$300,000	\$32,912	\$332,912	\$7,497
21	(\$1)	\$377,230	\$30,178	\$407,409	\$0	\$300,000	\$14,392	\$314,392	\$93,017
TOTAL		\$4,000,000	\$4,468,174	\$8,468,174		\$4,000,000	\$2,922,588	\$6,922,588	\$1,545,586

(1) Conventional Loan Financing @ 8%. (LIBOR + 2.50%)

(2) BB&T's interest rate plus annual fees is estimated to be 5.538%.

(3) Discount rate is assumed to be the Company's cost of debt, 8%.

(4) Please refer to all-in cost analysis for breakdown of upfront fees.

Present Value at 8% (3)	\$768,904
less Net Upfront Fees (4)	(\$111,100)
NET PRESENT VALUE OF SAVINGS	\$657,804

Assuming Fees are not financed.

INTEREST RATE DERIVATIVES / RISK MANAGEMENT

- **Interest rate derivatives are financial tools, used by borrowers to manage interest rate risk. Borrowers can convert floating rate debt to fixed.**

- **Derivative products most often utilized:**

Swap

Allows a borrower to synthetically convert it's variable rate debt to fixed

Cap

Allows borrower to float below a predetermined level. Client pays one time fee upfront.

Collar

Borrower floats between a cap and floor. Cost of the cap is often offset by the floor sold by the borrower to BB&T

Any of these instruments may be structured utilizing a forward start which allows Borrower to lock a rate today to take effect at a desired date in the future.

CONCLUSION

- **Prospects are manufacturers / processors who spend about \$2,000,000 to \$10,000,000 in capital expenditures over a 2-3 year period.**

- **Lowest cost of capital available, if the client qualifies (potential savings of 2-3%)**

- **Client must have a commercial bank, willing to provide the credit enhancement (letter-of-credit) for the full amount of the financing.**

- **North Carolina may offer advantages over other neighboring states.**
 - **North Carolina gives preference for Industrial Development purposes in the volume cap allocation process, unlike many other states.**

 - **The low cost debt and the constant availability of volume cap in North Carolina could be the differentiating factor for a client to choose North Carolina as the location for its project.**

RECEIVED OCT 24 2011

Airport Authority

Lee Ashburn
Curtis Bare
Harold Blot
Scott Dacey
Chip Hughes
Royce Jordan
William Naumann
Fletcher Watts

**COASTAL
CAROLINA**

Regional Airport

200 Terminal Drive
P.O. Box 3258
New Bern, NC 28564

E-mail:
admin@newbernairport.com
Web:
www.NewBernAirport.com

(252) 638-8591
Fax (252) 638-5930

Airport Director

Tom Braaten

18 October 2011

Chairman Steve Tyson
Craven County
406 Craven St
New Bern, North Carolina 28562

Dear Chairman Tyson,

I have the pleasure of working for a fine Airport Authority. Combined they bring a wealth of experience, business sense, and enthusiasm to your airport. They continuously work on ways in which the airport can better serve the community.

At our Board meeting this week, I presented Mr. Fletcher Watts' resignation letter. He has served the County for eight years as an Airport Authority member. I am enclosing an original of the letter which he addressed to you for the Commissioners. His experience and leadership will be missed. He has less than one year remaining on his term, and it is important that his seat on the Board be filled with a quality individual who will help maintain the momentum which Mr. Watts and the other Board members have created.

Such an individual has expressed interest in completing Mr. Watts' term. Mr. Charles Meekins is a financial advisor with Wells Fargo. He has years of experience in business and finance. He is also an active general aviation pilot. He has desired to be on the Board for a long time. His business background would be useful, as would his personal knowledge and experience operating out of the general aviation side of your airport.

As an employee of the Authority, I appreciate what the Board members have done and plan to do. They are always available to serve on committees, and they understand the important role your airport plays in Craven County's future. I recommend that the County Commissioners give favorable consideration to appointing Mr. Charles Meekins to complete Mr. Watts' term.

Sincerely,



Tom Braaten
Airport Director

Serving Eastern North Carolina for over 75 years
Gateway to NC's Crystal Coast

Airport Authority

Lee Ashburn
Curtis Bare
Harold Blot
Scott Dacey
Chip Hughes
Royce Jordan
William Naumann
Fletcher Watts

Airport Director

Tom Braaten

**COASTAL
CAROLINA**

Regional Airport

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September 6, 2011

Mr. Steve Tyson
Chairman, Craven County Commissioners
Mr. Curtis Bare
Chairman, Coastal Carolina Regional Airport Authority

Gentlemen:

With this letter, I regretfully submit my resignation from the Coastal Carolina Regional Airport Authority effective September 20, 2011. It's with great honor and pride that I have served the Coastal Carolina Regional Airport and Craven County for the last eight (8) years. However, personal issues have arisen which preclude my continued, active participation on the Authority.

Sincerely,


Fletcher Watts

**Serving Eastern North Carolina for over 75 years
Gateway to NC's Crystal Coast**

November 2, 2011

Craven County Board of Commissioners
C/o Jack Veit
Craven County Manager
406 Craven Street
New Bern, NC 28560

Re: Voluntary Agricultural Districts and House Bill 406 (S.L. 2011-219)
Our File Number: 11300.01 (GL # 2008-47)

Dear Commissioners:

You have requested that I review the implications of House Bill 406, and its effect on Craven County's Voluntary Agricultural District Ordinance ("Ordinance").

Specifically, House Bill 406 amended the definition as to what types of activities qualify as "agriculture" for purposes of the Ordinance. It further provided that Conservation Agreements entered into for the purpose of enrolling real property in a Voluntary Agriculture District are not required to be recorded to be effective, unless such Conservation Agreement is irrevocable. In addition to the impact of these changes, there appears to be differences of opinion as to whether the County may "ignore" these statutory changes, and continue to limit application of the Ordinance to only those farms in present use value and/or the County's authority to require all Conservation Agreements be recorded.

First, as to the modification in G.S. § 106-737 as to qualifying farmland, the statute was amended such that real property (which previously could only be included if it was participating in farm present use value taxation) now includes any real property engaged in "agriculture" as this word is defined in G.S. § 106-581.1 (a copy which is enclosed for your review). The effect of this amendment would allow additional types of farming activities to enroll in the program under the Ordinance. Also, it indirectly allows the inclusion of real property in the program under the Ordinance of a much smaller acreage. This is due to the fact that property that constitutes agricultural activity can be on property of any size, whereas the requirement that such property previously be enrolled in farm land present use value required a minimum acreage of 10 acres or more, depending on the specific activity.

It is my opinion that Craven County may not deviate from House Bill 406, and must allow inclusion of any farmland engaged in "agriculture" as defined in G.S. § 106-581.1. There are differences of opinion as to whether the County may require a minimum size for any property enrolled in the Program. While the statute is unclear, and is subject to different interpretations, I believe the County may impose a minimum size requirement.

Second, House Bill 406 amended G.S. § 121-41(c) to provide that:

Craven County Board of Commissioners
C/o Jack Veit
Craven County Manager
November 2, 2011
Page 2

“A conservation agreement entered into for the purpose of enrolling real property in a voluntary agriculture district pursuant to G.S. 106-737(4) is not required to be recorded unless such conservation agreement is irrevocable as provided pursuant to G.S. 106-743.2.”

Although there appears to be some opinions that the County may still require such a Conservation Agreement to be recorded in the Register of Deeds, it is my opinion that the County may not so require. The express language of this amendment makes clear that the General Assembly’s intent is that a Conservation Agreement cannot be required to be recorded to be effective. As the controlling statute is clear and express, the County is preempted from changing such a requirement.

Even so, there are certain steps the County could take that would remove any concern as to recordation. Specifically, since the Conservation Agreement is executed in favor of the County, the County is a party thereto. There is no prohibition that the County could not unilaterally record these Conservation Agreements on its own. Hence, although the Ordinance cannot require the Conservation Agreement to be recorded to be effective, the County as a matter of practice may simply record it anyway. Since all Conservation Easements have to be delivered to the County to be effective, the County would be able to ensure that all such Conservation Easements are in fact recorded. The cost for such recordings could be recovered through the application fee.

The statutory changes require that our Ordinance be amended regardless. Therefore, enclosed herewith is a stikeline version of the Ordinance to incorporate the statutory changes as well as some additional recommendations. It is my recommendation that these issues, and the proposed amendments, be forwarded to the Agricultural Advisory Board for its review and comment. The Agricultural Advisory Board should specifically consider whether it recommends a minimum acreage requirement as part of the Ordinance.

As always I remain,

Yours very truly,



Jimmie B. Hicks, Jr.

JBH/lmf
Enclosures

cc: Mike Carrol

**CRAVEN COUNTY
VOLUNTARY AGRICULTURAL DISTRICT &
ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE**

**ARTICLE I
TITLE**

An ordinance of the Board of County Commissioners of CRAVEN COUNTY, NORTH CAROLINA, entitled, "VOLUNTARY AGRICULTURAL DISTRICT & ENHANCED VOLUNTARY DISTRICT ORDINANCE."

**ARTICLE II
AUTHORITY**

The articles and sections of this Ordinance are adopted pursuant to authority conferred by the North Carolina General Statutes sections 106-735 through 106-744 and Chapter 153A.

**ARTICLE III
PURPOSE**

The purpose of this Ordinance is to promote agricultural values and the general welfare of the county and more specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture, horticulture and forestry; create awareness of agricultural areas within the county; inform non-farming neighbors and potential land purchasers of the presence of agricultural activities; provide the agricultural community an opportunity to provide input to Craven County Commissioners in their decisions that may affect agriculture; and, increase protection from non-farm development and other negative impacts on properly managed farms.

**ARTICLE IV
DEFINITIONS**

The following are defined for purposes of this Ordinance:

<u>Advisory Board:</u>	Craven County Agricultural Advisory Board.
<u>Chairperson:</u>	Chairperson of the Craven County Agricultural Advisory Board.
<u>District:</u>	Voluntary Agricultural District as established by this ordinance.
<u>Enhanced District</u>	Enhanced Voluntary Agricultural District as established by this ordinance.
<u>Board of Commissioners:</u>	Craven County Board of Commissioners.

**ARTICLE V
ADVISORY BOARD**

A. Creation

The Board of Commissioners shall establish an Advisory Board to implement the provisions of this program.

B. Membership

The Advisory Board shall consist of no less than eight (8) and no more than nine (9) members appointed by the Board of Commissioners with an effort to have the broadest geographic representation and commodity interest as possible and feasible.

Deleted: seven (7)

C. Membership Requirements

1. Each Advisory Board member, except those serving in an *ex officio* capacity, shall be a Craven County resident and landowner.
2. At least five (5) of the members shall be actively engaged in farming, horticulture and/or forestry and meet the eligibility criteria for the Craven County Agricultural District program. Of the members actively engaged in farming, horticulture and/or forestry there shall be no more than one such member from each agricultural district or enhanced agricultural district from each Region as outlined in Article VI, Section A of this ordinance. Any additional members appointed by the Craven County Board of Commissioners or Craven County Soil & Water Conservation District shall have special interest, experience, or education in agriculture and/or rural land preservation. This determination shall be made without reference to *ex officio* members.
3. The members actively engaged in farming, horticulture, aquaculture and/or forestry, as well as other members shall be appointed by the Board of Commissioners from the names of individuals submitted to the Advisory Board by Craven County Soil and Water Conservation District, North Carolina Cooperative Extension, USDA Natural Resources Conservation Service, Farm Bureau, and the U.S. Farm Service Agency County Committee. Active agricultural producers, agricultural businesses, forestry, livestock production, horticultural producers, nonprofit agricultural organizations, and conservation or environmental organizations may submit nominations to these offices. The Board of Commissioners are not required to appoint any specific individuals submitted hereunder.
4. Additional members may be appointed to the Advisory Board in an *ex officio* capacity from the Soil and Water Conservation District Board, North

Carolina Cooperative Extension, the U.S. Farm Service Agency, or other agencies, as deemed necessary by the Board of Commissioners. Members serving in an *ex officio* capacity shall neither vote nor count toward quorum requirements.

5. At least one (1) of the Advisory Board members actively engaged in farming shall be appointed by the Craven County Soil and Water Conservation District Board of Supervisors.

D. Tenure

The initial Advisory Board is to consist of three (3) appointees for terms of one year; three (3) appointees for terms of two years; and three (3) appointees for terms of three years. Thereafter, all appointments are to be for terms of three years, with reappointment permitted.

E. Vacancies

1. Any vacancy on the Advisory Board is to be filled by the Board of Commissioners, after consultation by the Advisory Board, for the remainder of the unexpired term.
2. Any Advisory Board member may voluntarily resign by submitting a thirty (30) day written notice to the Advisory Board.

F. Removal

1. Any member of the Advisory Board may be removed by the Board of Commissioners upon a two-thirds vote of the Commissioners. No cause for removal shall be required.
2. The Advisory Board may request in writing to the Board of Commissioners removal of an Advisory Board member for inefficiency, neglect of duty, or malfeasance in office. The membership of any Advisory Board member who is absent for three (3) consecutive meetings may be subject to removal, unless such absence is excused by the Advisory Board for good and sufficient cause.

G. Funding

The *per diem* compensation of the members of the Advisory Board may be fixed by the Board of Commissioners and funds may be appropriated to the Advisory Board to perform its duties.

H. Advisory Board Procedure

1. Chairperson

The Advisory Board shall elect a chairperson and vice-chairperson each year at its first meeting of the fiscal year. The chairperson shall preside over all regular or special meetings of the Advisory Board. In the absence or disability of the chairperson, the vice-chairperson shall preside and shall exercise all the powers of the chairperson. Additional officers may be elected as needed.

2. Determination of Procedure

The Advisory Board may not adopt rules of procedure inconsistent with this Ordinance or with other provisions of State law.

3. Advisory Board Year

The Advisory Board shall use the Craven County fiscal year, July 1st – June 30th, as its fiscal year.

4. Meetings

Meetings of the Advisory Board shall be held at the call of the chairperson and at such other times as the Advisory Board may specify in its rules of procedure or upon the request of at least a majority of the Advisory Board Membership. A meeting shall be held at least annually and notice of any meetings to the members shall be in writing, unless otherwise agreed to by all Advisory Board members. Meeting dates and times shall be posted as far in advance as possible on the door of the meeting site and by advertisement in local newspapers or by other means of public dissemination of the meeting dates as may be agreed upon by at least a majority of the Advisory Board Membership. All meetings shall be open to the public.

5. Majority Vote and Quorum Requirements

All issues shall be decided by a majority vote of the members of the Advisory Board present, except as otherwise stated herein. A quorum will consist of one officer and at least one-half of the members. No business may be conducted by the Advisory Board without a quorum present.

6. Records

The Advisory Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be

filed in the office of the Advisory Board, or its designee, and shall be a public record.

7. Administrative

The Advisory Board may contract with the North Carolina Cooperative Extension, Craven County, office to serve the Board for record keeping, correspondence, application procedures under this, and whatever services the Board needs to complete its duties.

I. Duties

The Advisory Board shall:

1. Review and approve or disapprove applications of landowners for enrollment of qualified farmland, horticultural land, or forestland in either voluntary agricultural districts or enhanced voluntary agricultural districts;
2. Make recommendations concerning the establishment and modification of agricultural districts;
4. Conduct public hearings pursuant to Article 10 of this ordinance;
5. Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy and agricultural, horticultural or forestry activities within the county that will affect agricultural districts;
6. Review and make recommendations concerning proposed amendments to this ordinance.
7. Develop a draft countywide farmland protection plan as defined in N.C.G.S. §106-744 (e) for presentation to the Board of Commissioners;
8. Study additional methods of protection for farming, horticulture, forestry, and the attendant land base, and make recommendations to the Board of Commissioners; and
9. Perform other agricultural, horticultural, and forestry-related tasks or duties assigned by the Board of Commissioners.

**ARTICLE VI
CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS
AND ENHANCED VOLUNTARY AGRICULTURAL DISTRICTS**

A. Regions

Craven County is hereby divided into eight (8) regions as defined below:

1. Township 1, Vanceboro
2. Township 2, Hwy 17 N, Cayton, Fairfield Harbor
3. Township 3, Cove City, Wintergreen Road
4. Township 5, Havelock, Harlowe, Adams Creek
5. Township 6, Hwy 70 E, Riverdale
6. Township 7 James City
7. Township 8, New Bern, Trent Woods
8. Township 9, East of Core Creek, Cove City, Ft. Barnwell, Dover

B. Implementation

In order to implement the purposes stated in Article III, this program provides for the creation of voluntary agricultural districts which meet the following standards:

1. The District or Enhanced District shall contain two (2) or more qualified farms within areas designated by the Advisory Board.
2. The real property must comply with the standards contained in G.S. 106-737.

Deleted: The District or Enhanced District shall contain a minimum of ten (10) contiguous acres of qualified farmland; or,
1.
2.

All land enrolled in a region, defined in section A, above, shall be part of a single district, whether enrolled in the District or the Enhanced District. If a single farm has acreage in two or more regions, the farm shall participate in the district where the largest acreage is found. All land in a region as defined in section A, above, shall be treated as a single district whether enrolled in the District or the Enhanced District.

C. Education

The county may take such action as it deems appropriate through the Advisory Board or other entities or individuals to encourage the formation of the Districts and Enhanced Districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the agricultural district program.

D. Addition and Withdrawal

1. Qualifying farmland in a region with an existing district shall be added to the district as herein provided.
2. In the event that one or more participants in the District or Enhanced District withdraw and the acreage in the District or Enhanced District results in the remaining land being noncontiguous, a voluntary agricultural district will continue to exist so long as there is one qualifying farm.

Deleted: becomes less than the minimum acreage required or

ARTICLE VII CERTIFICATION AND QUALIFICATION OF FARMLAND

Requirements

To secure county certification as qualifying farmland in either a Voluntary Agricultural District or Enhanced Voluntary Agricultural District, a farm must meet the requirements of G.S. 106-737,

ARTICLE VIII APPLICATION, APPROVAL, AND APPEAL PROCEDURE

A. Application Procedure

1. A landowner may apply to participate in either the Agricultural District or the Enhanced Agricultural District program by making application to the chairperson of the Advisory Board or a designated staff person, and must designate the application as for either Voluntary Agricultural District status or Enhanced District status. The application shall be on forms provided by the Advisory Board. The application to participate in a district may be filed with the application for certification of qualifying farmland.
2. A conservation agreement (required by N.C.G.S. §106-737 and defined in N.C.G.S. §121-35) suited to district type (Voluntary Agricultural District or Enhanced Voluntary Agricultural District) designated by the landowner to sustain, encourage, and promote agriculture must be executed by the landowner and filed with the Advisory Board, and if an irrevocable conservation easement recorded with the Craven County Register of Deeds. Permitted uses include agriculture, horticulture, forestry, and outdoor recreation. Conservation agreements for the Enhanced Agricultural District program may, at the election of the parties, include provisions requiring that any disputes between the county and the landowner be resolved through arbitration or mediation, and, in the event of litigation, that the prevailing party be awarded costs, including reasonable attorney fees. The Conservation

Deleted: ¶

¶ 1. Be participating in the farm present-use-value taxation program established by N.C.G.S. §105-277.2 through §105-277.7, or is otherwise determined by the county to meet all the qualifications of this program set forth in G.S. 105- 277.3¶

¶ 2. Be managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service defined erosion-control practices that are addressed to said highly-erodible land; and; ¶

¶ 3. Be the subject of a conservation agreement, as defined in N.C.G.S. §121-35, between the county and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable county zoning and subdivision regulations.¶

¶ 4. Be located in the unincorporated area of Craven County

Deleted: with the Advisory Board and

Agreement for the Enhanced Voluntary Agricultural District shall be binding upon all successors in interest to the landowner, except for successors in interest resulting from the exercise of rights under a security interest or lien that preceded the Conservation Agreement.

3. The Board of Commissioners may establish a fee for such applications, which fee may be amended from time-to-time.

B. Approval Process

Upon submission of the application to the Advisory Board, the Advisory Board shall meet within sixty (60) days to approve or disapprove the application. The chairperson shall notify the applicant by first class mail of approval or disapproval of participation in the district. If approved, the Advisory Board shall record the executed conservation easement with the Craven County Register of Deeds, whether or not it is irrevocable.

C. Appeal

If an application is denied by the Advisory Board, the landowner may, within thirty, (30) days of notification of disapproval of the application, request in writing that the Advisory Board reconsider its decision. The request for reconsideration shall state the reason(s) therefore. Upon either an initial denial, if no request for reconsideration was made, or denial after reconsideration, the landowner shall have thirty (30) days from the date of notification to appeal the decision to the Board of Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final.

**ARTICLE IX
REVOCATION, ENFORCEMENT AND RENEWAL OF CONSERVATION
AGREEMENTS**

A. Revocation and Enforcement

1. District. By providing 30 days advance written notice to the Advisory Board, a landowner of qualifying farmland within a Voluntary Agricultural District may revoke the Conservation Agreement or the Advisory Board may revoke the same Conservation Agreement based on noncompliance by the landowner, subject to the same provisions as contained in Article VIII(C) for appeal of denials. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a district. Absent noncompliance by the landowner, neither the Advisory Board nor the Board of Commissioners shall revoke any Conservation Agreement prior to its expiration. If the Advisory Board shall revoke this

Conservation Agreement for cause, the landowner shall have the appeal rights set forth in Article VIII(C). Transfers of land in a Voluntary Agricultural District due to death of the landowner, sale or gift shall not revoke the Conservation Agreement unless the land no longer qualifies for the present-use-value taxation program or, in the event that there are water or sewer assessments held in abeyance, the new owner(s) fails to agree in writing to accept liability for those assessments in the event that the land is withdrawn either voluntarily or involuntarily from the district. Enforcement of the terms of a Conservation Agreement for land enrolled in a Voluntary Agricultural District shall be limited to revocation of the Conservation Agreement and the benefits derived therefrom.

2. Enhanced District. Conservation Agreements for land within Enhanced Districts are irrevocable for a period of 10 years. Enforcement of the terms of the Conservation Agreement may be through an action for injunctive relief and/or damages in any court of competent jurisdiction. The County may also terminate any benefits to the owner under this program either permanently or during the period of violation, as appropriate. If the Advisory Board shall revoke this Conservation Agreement for cause, the landowner shall have the appeal rights set forth in Article VIII(C). The right to terminate program benefits is in addition to any legal rights that the County may have under either this Ordinance or the terms of the applicable Conservation Agreement. The County may seek costs of the action including reasonable attorney fees if such a provision is incorporated into the Conservation Agreement.

B. Renewal

1. District. A Conservation Agreements for land within a Voluntary Agricultural District shall continue until such time as it is revoked as otherwise allowed herein.
2. Enhanced District. A Conservation Agreement for the Enhanced Voluntary Agricultural District shall be deemed automatically renewed for an additional term of 3 years, unless either the Advisory Board or the landowner gives written notice to the contrary prior to the termination date of the Conservation Agreement. At the end of each three (3) year term, the Conservation Agreement shall automatically renew for an additional three (3) year term unless notice of termination is given.

**ARTICLE X
WAIVER OF WATER AND SEWER OR ALL UTILITY ASSESSMENTS**

A. No Connection Required

1. A landowner belonging to the District shall not be required to connect to Craven County water and/or sewer systems.
2. A landowner belonging to an Enhanced District shall not be required to connect to Craven County utility systems.

B. Abeyance

1. Water and sewer assessments shall be held in abeyance, without interest, for farms in a District, until improvements on such property are connected to the water or sewer system for which the assessment was made.
2. Utility assessments shall be held in abeyance, without interest, for farms in an Enhanced District, until improvements on such property are connected to the utility system for which the assessment was made.

C. Termination of Abeyance

When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.

D. Suspension of Statute of Limitations

Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest. The landowner may be required to sign an acknowledgement (that may be incorporated into the Conservation Agreement) of the abeyance of the statute of limitations upon collecting water and sewer assessments, or other utility assessments.

E. Other Statutory Abeyance Procedures

Nothing in this section is intended to diminish the authority of the County to hold assessments in abeyance under N.C.G.S. §153A-201, or other applicable law.

F. Conflict with Water and/or Sewer System Construction and Improvements Grants

To the extent that this section conflicts with the terms of federal, state, or other grants under which county utility systems are constructed this section shall not apply. This section shall not apply to utilities that are not owned by the County unless the County has entered into an agreement with the entity(ies) owning the utilities and that agreement provides that this Ordinance shall apply.

ARTICLE XI

ADDITIONAL ENHANCED AGRICULTURAL DISTRICT BENEFITS

Land enrolled in the Enhanced Voluntary Agricultural District program is entitled to all of the benefits available under the Voluntary Agricultural District program, and to the following additional benefits:

A. Sale of Non-farm Products

Landowners participating in Enhanced Districts may receive up to twenty-five percent of gross sales from the sale of nonfarm products and still qualify as a bona fide farm that is exempt from county zoning regulations under N.C.G.S. §153A-340(b). A farmer seeking to benefit from this subsection shall have the burden of establishing that the property's sale of nonfarm products did not exceed twenty-five percent of its gross sales. A county may adopt an ordinance pursuant to this section that sets forth the standards necessary for proof of compliance.

B. Agricultural Cost Share Program

Landowners participating in Enhanced Districts are eligible under N.C.G.S. §143-215.74(b) to receive the higher percentage of cost-share funds for the benefit of that farmland under the Agriculture Cost Share Program established pursuant to Part 9 of Article 21 of Chapter 143 of the General Statutes for funds to benefit that farmland.

C. Priority Consideration

State departments, institutions, or agencies that award grants to farmers are encouraged to give priority consideration to landowners participating in Enhanced Districts.

D. Utility Assessment Waiver

As provided in Article X above, waiver of all county utility assessments in addition to waiver of water and sewer assessments is available to all participants in Enhanced Districts.

ARTICLE XII PUBLIC HEARINGS

A. Purpose

Pursuant to N.C.G.S. §106-740, which provides that no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying

farmland within a District until such agency or unit has requested the Advisory Board to hold a public hearing on the proposed condemnation.

B. Procedure

1. Upon receiving a request, the Advisory Board shall publish notice describing the proposed action in the appropriate newspapers of Craven County within five (5) business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within no less than fifteen (15) and no more than twenty-five (25) days of receipt of the request. Fees and costs associated with the individual or group requesting the hearing (and appropriate notices).
2. The Advisory Board shall meet to review:
 - a. Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
 - b. Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
3. The Advisory Board shall consult with the County Agricultural Extension Agent, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Advisory Board to be necessary for its review of the proposed action.
4. Within no less than fifteen (15) days and nor more than twenty-five (25) days after the hearing, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public prior to its being conveyed to the decision-making body of the agency proposing the acquisition.
5. There will be a period of ten (10) days allowed for public comment on the report of the Advisory Board.
6. After the ten (10) day period for public comment has expired, the Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision making body of the agency proposing the acquisition.

7. The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision making body of the agency proposing the acquisition, shall not exceed sixty (60) days. If the agency agrees to an extension, the agency and the Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.
8. Pursuant to N.C.G.S. §106-740, the Board of Commissioners shall not permit any formal initiation of condemnation by local agencies while the proposed condemnation is properly before the Advisory Board.

ARTICLE XIII NOTIFICATION

A. Record Notice of Proximity to Voluntary Agricultural District

1. Procedure

Upon certification of qualifying farmland and designation of real property as a District, the Craven County Register of Deeds shall provide some form of notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one-half mile of a voluntary agricultural district.

2. Limit of Liability

In no event shall the County or any of its officers, employees, members of the Advisory Board, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this ordinance.

3. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or Voluntary Agricultural District or Enhanced Voluntary Agricultural District as defined in this Ordinance.

B. Signage

Signs identifying approved agricultural districts may be placed along the rights-of-way of major roads that pass through or next to those districts or as deemed appropriate by the Advisory Board or its administrative agent for the county's agricultural district program. Members of Agricultural Districts may place signs on their individual farms denoting their

Agricultural District membership. When applicable, placement of signage shall be coordinated with the North Carolina Department of Transportation.

C. Maps

Maps identifying currently enlisted farms shall be made available at the discretion of the Advisory Board.

**ARTICLE XIV
SUBDIVISION ORDINANCE AND ZONING ORDINANCE REVIEW**

Developers of subdivisions or planned unit developments shall designate on preliminary development plans, the existence of the Districts within one-half (1/2) aerial mile of the proposed development.

**ARTICLE XV
COUNTY LAND-USE PLANNING**

A. Duty of the Advisory Board

It shall be the duty of the Advisory Board to advise the Board of Commissioners or the agency or office to which the Board of Commissioners delegate authority to oversee county land use planning, on the status, progress, and activities of the county's agricultural district program and to also coordinate the formation and maintenance of agricultural districts with the county's land use planning activities and the county's land use plan if one currently exists at the time this ordinance is enacted or when one is formed.

B. Posting of Notice

The following notice, of a size and form suitable for posting, shall be posted in the office of the Register of Deeds, and any other office or agency the Advisory Board deems necessary:

Craven County has established agricultural districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped by the county to inform all purchasers of real property that certain agricultural and forestry activities, including but not limited to pesticide spraying, manure spreading, machinery and truck operation, livestock operations, sawing, and

other common farming activities may occur in these districts any time during the day or night. Maps and information on the location of enlisted farm lands can be found on the Craven County GIS web site located at <http://gismaps.cravencounty.com/maps/>. Information regarding enrollment or establishment of these districts can be obtained from the following Craven County offices: Register of Deeds, County Planning, NC Cooperative Extension, Soil & Water District office, or the USDA Natural Resources Conservation Service.

C. Growth Corridors

At such time as the county might establish designated growth corridors, agricultural districts shall not be permitted in the designated growth corridors, as delineated on the official county planning map without the approval of the Board of Commissioners. Districts located in growth corridors designated after the effective date of this program may remain, but shall not be expanded within the growth corridor area without the approval of the Board of Commissioners.

**ARTICLE XVI
CONSULTATION AUTHORITY**

The Advisory Board may consult with North Carolina Cooperative Extension, the Natural Resources Conservation Service, Craven Soil & Water Conservation District, the North Carolina Department of Agriculture and Consumer Services, and with any other individual, agency, or organization the Advisory Board deems necessary to properly conduct its business.

**ARTICLE XVII
NORTH CAROLINA AGENCY NOTIFICATION**

Annually Report to the North Carolina Department of Agriculture and Consumer Services

A copy of this shall be sent to the Office of the North Carolina Commissioner of Agriculture and Consumer Services, the Board of Commissioners, the County Office of North Carolina Cooperative Extension, and the Soil and Water Conservation District office after adoption. At least annually the county shall submit a written report to the Craven County Board of Commissioners and Commissioner of Agriculture and Consumer Services on the county's agricultural district program, including the following information:

1. Number of landowners enrolled;

2. Number of acres enrolled;
3. Number of acres certified during the reporting period;
4. Number of acres denied during the reporting period;
5. Number of acres for which applications are pending;
6. Copies of any amendments to the this Ordinance; and
7. Any other information the Advisory Board deems useful.

**ARTICLE XVIII
LEGAL PROVISIONS**

A. Severability

If any article, section, subsection, clause, phrase, or portion of this ordinance is for any reason found invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

B. Conflict with other ordinances and statutes

Whenever the provisions of this Ordinance conflict with other ordinances of Craven County, this Ordinance shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this Ordinance, the provisions of such statute shall govern.

C. Amendments

After notification and in consultation with the Agricultural District Advisory Board, this Ordinance may be amended from time to time by the Board of Commissioners, subject to a public hearing, notice given at least ten (10) days in advance.

Deleted: This Ordinance may be amended from time to time by the Board of Commissioners.†

**ARTICLE XIX
ENACTMENT**

The Craven County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this Ordinance.

Adopted this the ____ day of _____, 20__.

Motion for adoption by _____ and seconded by _____.

CRAVEN COUNTY BOARD OF COMMISSIONERS

Chairperson

ATTEST:

Clerk to Board of Commissioners

Approved as to form:

County Attorney

9\SERVER02\LS\SSDOCS\00028278.000.DOC

§ 106-581.1. Agriculture defined.

For purposes of this Article, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

- (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
- (2) The planting and production of trees and timber.
- (3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
- (4) Aquaculture as defined in G.S. 106-758.
- (5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
- (6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm. (1991, c. 81, s. 1; 2005-390, s. 18; 2006-255, s. 6.)

DAVIS HARTMAN WRIGHT PLLC
ATTORNEYS AT LAW

CHARLOTTE NEW BERN WILMINGTON

MICHAEL SCOTT DAVIS
MARK SPENCE HARTMAN
SHANNON ("MISSY") S. SPAINHOUR
I. CLARK WRIGHT, JR.

209 POLLOCK STREET
NEW BERN, NC 28560
PHONE 252-514-3828
FAX 252-514-9878

October 21, 2011

Jimmie B. Hicks, Jr.
Sumrell, Sugg, Carmichael, Hicks & Hart, P.A.
Attorneys at Law
Post Office Drawer 889
New Bern, NC 28563-0889

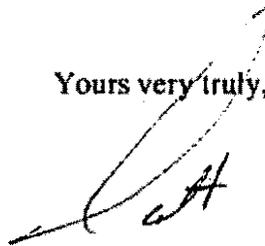
RE: City/County Owned Property at 1215 Myrtle Avenue

Dear Jimmie:

The City and County own the above referenced property as a result of the County's foreclosure for unpaid taxes. Based on the numbers set out in the commissioner's deed prepared by Mark Bardill, a copy of which is enclosed, the County owns a 34.37% undivided interest and the City owns a 65.63% undivided interest in this property. The liens due the City in the amount of \$3,104.41 were not for demolition as indicated in the commissioner's deed, but for numerous nuisance abatements. The dwelling on the property is dilapidated, and the City would like to demolish it, which will cost \$4,800.00. Please let me know at your earliest convenience if the County wants to pay its pro-rata share of the demolition cost or if it would prefer to donate its interest in the property to the City, in which event the City will pay for the demolition.

Kindest regards.

Yours very truly,



MICHAEL SCOTT DAVIS

MSD:pdg

Image ID: 00001837264 Type: CRP
Recorded: 07/08/2010 at 11:50:38 AM
Fee Amt: \$38.00 Page 1 of 2
Revenue Tax: \$14.00
Yorktown 000028868-0001
Craven, NC
Sherril B. Richard Register of Deeds
BK 2924 PD 592

Prepared by: Zachaeus Legal Service ✓

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

COMMISSIONER'S DEED

ID# 8 014 2

Revenue Stamps \$14.00

This deed, made this 1st day of July, 2010, by MARK D. BARDILL, Commissioner, to the County of Craven and the City of New Bern, North Carolina, P.O. Box 1128, New Bern, NC 28563.

WITNESSETH:

That whereas the said MARK D. BARDILL was appointed Commissioner under an order of the District Court, in the tax foreclosure proceeding entitled County Versus The Heirs, Assigns and devisees of Herbert Lucas, which may include, Samuel Lucas and spouse, if any, Dallas Cobb and spouse, if any, or any other person or entity claiming thereunder, Dallas Cobb, Executor of the Estate of Emma Murray and The City of New Bern, et al, File No. 04-CVD-1723; and said MARK D. BARDILL was directed by said Order as Commissioner to sell the land hereinafter described at public sale after due advertisement according to law; and

Whereas, the said MARK D. BARDILL, Commissioner, did on the 21st day of May, 2010, offer the land hereinafter described at a public sale at the Craven County Courthouse door, in New Bern, North Carolina, and then and there the said County of Craven and the City of New Bern became the last and highest bidder for said land for the sum of \$6,843.52; and no upset or increased bid having been made within the time allowed by law, and said sale having been confirmed by said Court, and said MARK D. BARDILL, Commissioner, having been ordered to execute a deed to said purchaser upon payment of the purchase money;

Now, therefore, and in consideration of the premises and the sum of \$6,843.52, receipt of which is hereby acknowledged, the said MARK D. BARDILL, Commissioner, does by these presents, hereby bargain, sell, grant, and convey to the said County of Craven and the City of New Bern, and their successors, heirs and assigns that certain parcel or tract of land, situated in Number Eight Township, Craven County, North Carolina, and described as follows:

Beginning at the southwestern corner of Grace Street and Myrtle Avenue, now H Avenue; running thence along the western line of the said Myrtle Avenue South 30 degrees 40 minutes East 50 feet to a corner of the lot heretofore sold to Lucinda and Lucius Massey; thence south 59 degrees 10 minutes West and parallel with Grace Street along the line of the Massey lot 100 feet; thence North 30 degrees 40 minutes West and parallel with said Myrtle Avenue 50 feet to the southern line of Grace Street; thence North 59

Handwritten initials

degrees 10 minutes East with said southern line of Grace Street 100 feet to the point of beginning. Being the northern one-half of lots 87 and 90 according to the plan of the City of New Bern and being a portion of the same tract or parcel of land conveyed to Ida Basin Nixon by John T. Cherry and his wife, Annie V. Cherry by deed dated March 19, 1946, of record in Book 397, Page 110, office of the Register of Deeds of Craven County.

Subject to restrictive covenants and easements of record.

Parcel Number: 8 014 254

To have and to hold the aforesaid tract of land, to the said County of Craven and the City of New Bern, and their successors, heirs and assigns forever, in as full and ample manner as said MARK D. BARDILL, Commissioner as aforesaid, is authorized and empowered to convey the same.

The title conveyed by this Commissioner's Deed is held pursuant to 105-376 with the County of Craven having disbursed \$1,807.55 and the City of New Bern having disbursed \$72.67 in reimbursable costs, that taxes, interest and penalties due the County of Craven which constitute a 1st and prior lien as of the date of sale total \$556.98, that taxes, interest and penalties due the City of New Bern which constitute a 1st and prior lien as of the date of sale total \$627.91, and that taxes, interest and penalties due the City of New Bern for demolition assessments which constitute an inferior lien as of the date of sale total \$3,104.41. Upon subsequent sale of the property, the proceeds will be distributed between the County of Craven and the City of New Bern pursuant to Section 105-376.

In witness whereof, the said MARK D. BARDILL, Commissioner, hath hereunto set his hand and seal.

(SEAL)
MARK D. BARDILL, Commissioner

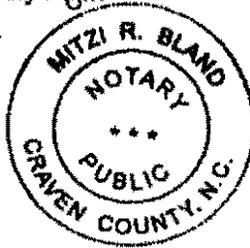
NORTH CAROLINA
CRAVEN COUNTY

I, MITZI R. BLAND of said County, do hereby certify that MARK D. BARDILL, Commissioner, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing deed.

Witness my hand and official seal this the 1 day of July, 2010.

Mitzi R. Bland
Notary Public

My commission expires: 02/12/2012



EX 2924 PD 593

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

Administrative Staff
Jack B. Veit, III, County Manager

Gwendolyn M. Bryan, Clerk to the Board
Rick Hemphill, Finance Officer
Joan Harrell, Human Resources Director

Craven County



Administration Building
406 Craven Street
New Bern, NC 28560
Fax 252-637-0526
manager@cravencounty.com

Commissioners 252-636-6601
Manager 252-636-6600
Finance 252-636-6603
Human Resources 252-636-6602

November 7, 2011

Ms. Diane Miller
1 Governmental Ave
Havelock, NC 28532

Dear Ms. Miller:

I am writing to express the support of Craven County for the Brownfields Community-Wide Assessment Grant Application being submitted by the City of Havelock to the U.S. Environmental Protection Agency.

The former Phoenix Recycling Facility at the west end of Havelock is an inert debris landfill which has been idle for over 10 years, and needs to be assessed for environmental cleanup and redevelopment potential. Due to the proximity of the Phoenix Facility to the City of Havelock, and Havelock's interest in seeing the site assessed, the City of Havelock has taken the lead in seeking the Brownfields Assessment Grants.

While Craven County believes that it has no liability for cleanup of the site, the County Board of Commissioners understands that community support and involvement are an important aspect of the application process, and strongly endorses the City's applications.

Sincerely,

Jack B. Veit, III.
Craven County Manager

JBV/ajj

Board of Commissioners
Perry L. Morris, Chairman
Johnnie Sampson, Jr., Vice Chairman
Lee Kyle Allen
Jason R. Jones
Theron McCabe
M. Renee Sisk
Steve Tyson

Craven County



Administration Building
406 Craven Street
New Bern, NC 28560
Fax 252-637-0526
manager@cravencounty.com

Administrative Staff
Harold Blizzard, County Manager
Jack Veit, Assistant Manager
Gwendolyn M. Bryan, Clerk to the Board
Rick Hemphill, Finance Officer
Joan Harrell, Human Resources Director

Commissioners 252-636-6601
Manager 252-636-6600
Finance 252-636-6603
Human Resources 252-636-6602

September 24, 2010

Nov 7th, 2011

Mr. Jim Freeman
1 Governmental Ave
Havelock, NC 28532

- change to Diane Miller

Dear Mr. Freeman,

Dear Mrs. Miller

I am writing to express the support of Craven County for the Brownfields Community-Wide Assessment Grant Application being submitted by the City of Havelock to the U.S. Environmental Protection Agency.

The former Phoenix Recycling Facility at the west end of Havelock is an inert debris landfill which has been idle for over 10 years, and needs to be assessed for environmental cleanup and redevelopment potential. Due to the proximity of the Phoenix Facility to the City of Havelock, and Havelock's interest in seeing the site assessed, the City of Havelock has taken the lead in seeking the Brownfields Assessment Grants.

While Craven County believes that it has no liability for cleanup of the site, the County Board of Commissioners understands that community support and involvement are an important aspect of the application process, and strongly endorses the City's applications.

Sincerely,

Harold Blizzard
Craven County Manager

Change to

Jack B. Veit III