

AGENDA
CRAVEN COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
MONDAY, APRIL 2, 2012
7:00 P.M.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVE MINUTES OF MARCH 19, 2012 REGULAR SESSION

CHAIRMAN'S PRIVILEGE

1. PETITIONS OF CITIZENS
 - A. Alura McIlwean
 - B. Tony Michalek
 - C. Jerry Schill
 - D. Ray Griffin
2. TAX RELEASES AND REFUNDS: Ronnie Antry, Tax Administrator
3. REQUEST FOR RESOLUTION FOR CREATION OF CRAVEN COUNTY TARTAN
4. PLANNING DEPARTMENT REQUEST TO SET A CLOSEOUT PUBLIC HEARING FOR THE FY 08 CDBG – JAMES CITY “ADD-ON”:
Chad Strawn, Assistant Planning Director
5. APPOINTMENTS
 - A. Deferred Appointments
 - B. Current Appointments
 - C. Upcoming Appointments
6. COUNTY ATTORNEY’S REPORT: Jim Hicks
7. COUNTY MANAGER’S REPORT: Jack Veit
8. COMMISSIONERS’ REPORTS

CHAIRMAN'S PRIVILEGE

Agenda Date: April 2, 2012
Presenters: Mcllwean, Michalek, Schill, Griffin
Agenda Item No. 1
Board Action Required: No

PETITIONS OF CITIZENS

A. ALURA MCIWEAN

Ms. Mcllwean wishes to address the Board concerning a leash law.

B. TONY MICHALEK

Mr. Michalek will discuss Hurricane Irene.

C. JERRY SCHILL

Mr. Schill will present the resolution in Attachment #1.C. for the Board's consideration.

D. RAY GRIFFIN

Board Action: Receive information and consider requests

Agenda Date: April 2, 2012
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 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: April 2, 2012
Presenter: _____
Agenda Item No. 3
Board Action Required: Yes

REQUEST FOR RESOLUTION FOR CREATION OF CRAVEN COUNTY TARTAN

Members of the District 2 Community Sub-committee for the Craven 300th Anniversary Celebration have been working with Mr. Brian Dobbs on creating a Craven County tartan. He created 4 possible designs for the 300th Birthday, and District 2 gathered a committee to help select the tartan, with input from the staff. Ms. Ila Grey White will be purchasing the material to make a 3x5 banner to either be placed in the County Courthouse or the County Administration Building. This is all being done as a gift to the County by these interested citizens; however, a resolution of support for their endeavor is needed in order to proceed through the registration for an official tartan. This is being done to recognize the Scottish contribution in the settlement of our area. Each registered tartan design is distinctly different from all other designs. Attachment # 3 contains an image of the chosen design, and the requested resolution, which explains the colors that were chosen.

Board Action: Consider resolution for adoption

Agenda Date: April 2, 2012
Presenter: Chad Strawn
Agenda Item No. 4
Board Action Required: Yes

**PLANNING DEPARTMENT REQUEST TO SET A CLOSEOUT PUBLIC HEARING
FOR THE FY 08 CDBG-JAMES CITY "ADD-ON"**

The Planning Department is requesting that the Craven County Board of Commissioners set a required Closeout Public Hearing for April 16, 2012 at 8:30 am. The purpose of the public hearing is to review the budget and activities that have been accomplished through the County's FY08 CDBG-James City "Add-on" Program. The program activities are nearing completion and the County is in the process of closing out the program.

Board Action: Set a public hearing for the April 16th 8:30 a.m. Commissioners' meeting.

Agenda Date: April 2, 2012
Presenter: _____
Agenda Item No. 5
Board Action Required: Yes

APPOINTMENTS

- A. Deferred Appointments
- B. Current Appointments
- C. Upcoming Appointments

A. DEFERRED APPOINTMENT(S):

Craven County Clean Sweep Committee

AUTHORIZATION: Bylaws

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

NUMBER OF MEMBERS:
15

TYPE:
Civic, neighborhood, municipal, industrial business, schools

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

LENGTH OF TERMS: 3 Years

TERM(S) EXPIRING:

(There are six vacancies remaining.)

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

COMPENSATION: No Yes Specify: _____

Attachments:

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)

(One of these seats has already been filled, leaving one vacancy)

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

COMPENSATION: No : Yes Specify: _____

ATTACHMENT(S):

Board of Equalization and Review

AUTHORIZATION: NCGS 105-322

MISSION/FUNCTION: To examine and review the tax lists of the county for the current year; to hear any taxpayer, on request, with respect to the listing and/or appraisal of his property.

NUMBER OF MEMBERS:

7

TYPE:

Citizens

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

LENGTH OF TERMS: Unlimited

MEETING SCHEDULE: 1st Monday in May; 2nd Monday in June

COMPENSATION: No Yes Specify: \$100/day (chairman); \$85/day (members)

Current Board of Equalization and Review:

James Findley (2003)

Lyle Lewis (2012)

George Norris (2012)

Ronald Saggio (2012)

Jimmy Smith (2009)

Jerry Stapleford (1999)

Drew Willis(1996)

B. CURRENT APPOINTMENT(S) - APRIL

Agricultural Advisory Committee

AUTHORIZATION: Local Ordinance

MISSION/FUNCTION: Administer provision of the Craven County Voluntary Agricultural District Ordinance and perform other agricultural related tasks or duties assigned by the Craven Count Board of Commissioners.

NUMBER OF MEMBERS:

9

TYPE:

(See qualifications)

QUALIFICATIONS (Special Skills, Professional Classifications, Affiliations, Limitations, etc.):
1) resident of area Township representing; 2) agricultural landowner; 3) actively and directly involved in agricultural production on at least 10 acres of farmland 4) special interest, experience, or education in agriculture and/or rural land preservation

LENGTH OF TERMS: 3 Years

MEETING SCHEDULE: At the call of the Chairperson

COMPENSATION: No Yes Specify: _____

TERM(S) ENDING:: Jackie Amerson, Dale Dawson (Initial appointments 2009)

Zoning Board of Adjustment

AUTHORIZATION: General Statute 153-345

MISSION/FUNCTION: To hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the applicable ordinance; may permit special exceptions to zoning regulations if provided for in the ordinance.

NUMBER OF MEMBERS:
7

TYPE:
Representatives of each airport zoned area

LENGTH OF TERMS: 3 Years

MEETING SCHEDULE: Not Specified

TERM(S) ENDING: John Brazelton (Alternate), Gerald Teel, Alvin West (Alternate) (Initial appointments 2009)

Remarks from Planning Director:

Three appointments on the Zoning Board of Adjustment are due to expire in April. The general statute requires a representative of each airport zoning area to live within the zoned area and serve on the board (attached is a map that shows representatives from each area). Due to this board being established in 2009 and the considerable training that these board members have received, we are recommending reappointment of all three members. The Zoning Board of Adjustment hears appeals, variances and sets in an official capacity, the only appeal of their decision would come through the courts.

Attachment 5.B. – Zoning Area Maps Showing Appointees Location.

Recommendation: Reappointment of three Board of Adjustment Members (Gerald Teel, Alvin West – Alternate, John Brazelton – Alternate).

C. UPCOMING APPOINTMENTS:

May

Eastern Carolina Workforce Development Board: Kimsey Welch – Vocational Education (initial appointment 2002)

June

ABC Board: John “Curly” Brazelton (initial appointment 2000)

Eastern Carolina Council of Governments: James Walker (initial appointment 2011)

Economic Development Commission: Mike Epperson (initial appointment 2009)

North Carolina Eastern Region: Mark Griffin (initial appointment 2010)

Planning Board: Jessie White (initial appointment 1996)

Recreation Advisory Committee: Jeff Cannon (2002), Mike Marks (2001),
Dennis Smith (2009), Brad White (2006)

Coastal Carolina Airport Authority: Curtis Bare (1991), Royce Jordan (1997), Kenny Morris (2011)

Tourism Development Authority: Barbara Dotterer (hospitality; initial appointment 2007)

Agenda Date: April 2, 2012
Presenter: Jim Hicks
Agenda Item No. 6
Board Action Required: Yes

COUNTY ATTORNEY'S REPORT

On March 9, 2012, the property located at 1125 Church Street, New Bern, was acquired jointly with the City of New Bern through a foreclosure for taxes and abatement liens. Based upon the percentage of liens and taxes owed, the City owns a 42.714% interest, and the County owns a 57.286% interest. Total taxes and abatement liens owed at the time of foreclosure were \$6,019.08, although only \$1,984.54 of this amount was taxes due to Craven County. The lot is approximately 0.04 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 \$8,350.00. The City has inquired as to whether the County desires to pay its prorated cost for demolition (approximately \$4,780), or in the alternative whether the County would prefer to donate its interest to the City.

Attachment #6 is the City's request and other documentation. It is my opinion that should the County pay its portion of the demolition and subsequently sell the property, the County would not recover its demolition costs. Hence, I recommend that the County donate its interests in the property to the City of New Bern.

Agenda Date: April 2, 2012
Presenter: Jack Veit
Agenda Item No. 7

COUNTY MANAGER'S REPORT

Agenda Date: April 2, 2012
Presenter: _____
Agenda Item No. 8

COMMISSIONERS' REPORTS

**RESOLUTION IN SUPPORT OF THE
NC MARRIAGE PROTECTION AMENDMENT**

Respectfully submitted by Jerry Schill, on behalf of the
Craven-Pamlico Christian Coalition
to the Craven County Board of Commissioners

WHEREAS, marriage as the union of one man and one woman has served as the foundation of our society since before North Carolina was a state; and

WHEREAS, marriage, is not merely a private contract, but a social institution of great public value and concern, benefitting the married couple, their children, our economy, and the State as a whole; and

WHEREAS, attempts by politicians and a lawsuit to redefine marriage are currently underway in NC which might result in the re-definition of marriage to make it genderless; and

WHEREAS, the NC Marriage Protection Amendment simply allows voters to protect our state's current definition of marriage as the union of one man and one woman by putting it into the Constitution; and

WHEREAS, North Carolina is the only state in the South that has not protected marriage in its constitution, even though every state that has allowed the people to vote, 30 in all, has protected marriage in their state constitutions as the union of one man and one woman; and

WHEREAS, The Marriage Protection Amendment reads, *"Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State. This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts"*; and

WHEREAS, the Craven County BOARD OF COMMISSIONERS encourages the people of Craven County and North Carolina to voice their opinion by exercising their right to vote to protect marriage on May 8th, 2012.

NOW THEREFORE, BE IT RESOLVED that the Craven County BOARD OF COMMISSIONERS endorses the Marriage Protection Amendment to the North Carolina Constitution which states that the only domestic legal union that is valid or recognized in North Carolina is marriage between one man and one woman.

BE IT FURTHER RESOLVED that the Craven County BOARD OF COMMISSIONERS encourages voter participation on this important issue to be voted upon on May 8, 2012.

Dated this 2nd day of April, 2012.

Chairman Lee Kyle Allen
Craven County Board of Commissioners

Gwendolyn M. Bryan
Clerk to the Board

CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 04/02/2012

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
DIESEL DRAUGHT HAUS INC NOT IN BUSINESS 1/1/2011	0083141 2011-0090474	1,555.31
LAWRENCE, JOHN W APPRAISAL ERROR CORRECTION	0071022 2012-0090029	124.29
ROUSE, DOUGLAS CORRECTING INCORRECT VALUE	0072361 2007-0047531	11.28
ROUSE, DOUGLAS CORRECTING INCORRECT VALUE	0072361 2008-0091765	10.67
ROUSE, DOUGLAS CORRECTING INCORRECT VALUE	0072361 2009-0048738	10.19
ROUSE, DOUGLAS CORRECTING INCORRECT VALUE	0072361 2010-0044562	7.44
ROUSE, DOUGLAS CORRECTING INCORRECT VALUE	0072361 2011-0049604	7.06
SENNHOLZ, ROBERT MILITARY EXEMPTION	0084032 2012-0090038	109.61
TURLEY, JAMES MILITARY EXEMPTION	0087084 2011-0058146	39.01
WEBB, THOMAS APPRAISAL ERROR CORRECTION	0090473 2011-0091863	1,787.04
	10 -CREDIT MEMO(S)	3,661.90

REFUNDS SUBJECT TO BOARD APPROVAL ON 04/02/2012

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
BRYANT, JOAN S DWELLING UNOCCUPIED -STORAGE ONLY	0978553 2009-0091204	36.00
BRYANT, JOAN S DWELLING UNOCCUPIED - STORAGE ONLY	0978553 2010-0006887	36.00
BRYANT, JOAN S DWELLING UNOCCUPIED - STORAGE ONLY	0978553 2011-0007621	36.00
GASKINS, SARAH TOLER APPRAISAL ERROR CORRECTION	2687850 2011-0021318	164.52
	4 -REFUND(S)	272.52

RESOLUTION
BY THE CRAVEN COUNTY BOARD OF COMMISSIONERS:
CRAVEN COUNTY TARTAN

WHEREAS, District Two Committee of the Craven County 300 Year Celebration, at a meeting on March 20, 2012 unanimously proposed the adoption of an official Craven County Scottish Tartan to be registered with the Scottish Register of Tartans; and

WHEREAS, the District Two Committee of the Craven County 300 Celebration chose the following colors: 1. Blue as the primary color from the Craven County Coat of Arms, the military, a popular Craven County school color, the water and sky. 2. Green for the forest industry, agricultural heritage; planting of trees, tobacco, corn, soybeans, indigo, turf and other crops and the environment. 3. Brown for tobacco, soil, and trees. 4. Red from Craven County Coat of Arms. 5. Purple for history of royalty, the Lord Proprietors, Colonial Governors, and others. 6. Yellow from the Craven County Coat of Arms and from the sunlight; and

WHEREAS, the Craven County Tartan has six different colors with differing numbers of threads woven together in a unique plaid to create a tartan. The blue, green, and brown threads are chosen as primary colors to represent Craven County heritage of farming and forestry under a Carolina blue sky; and

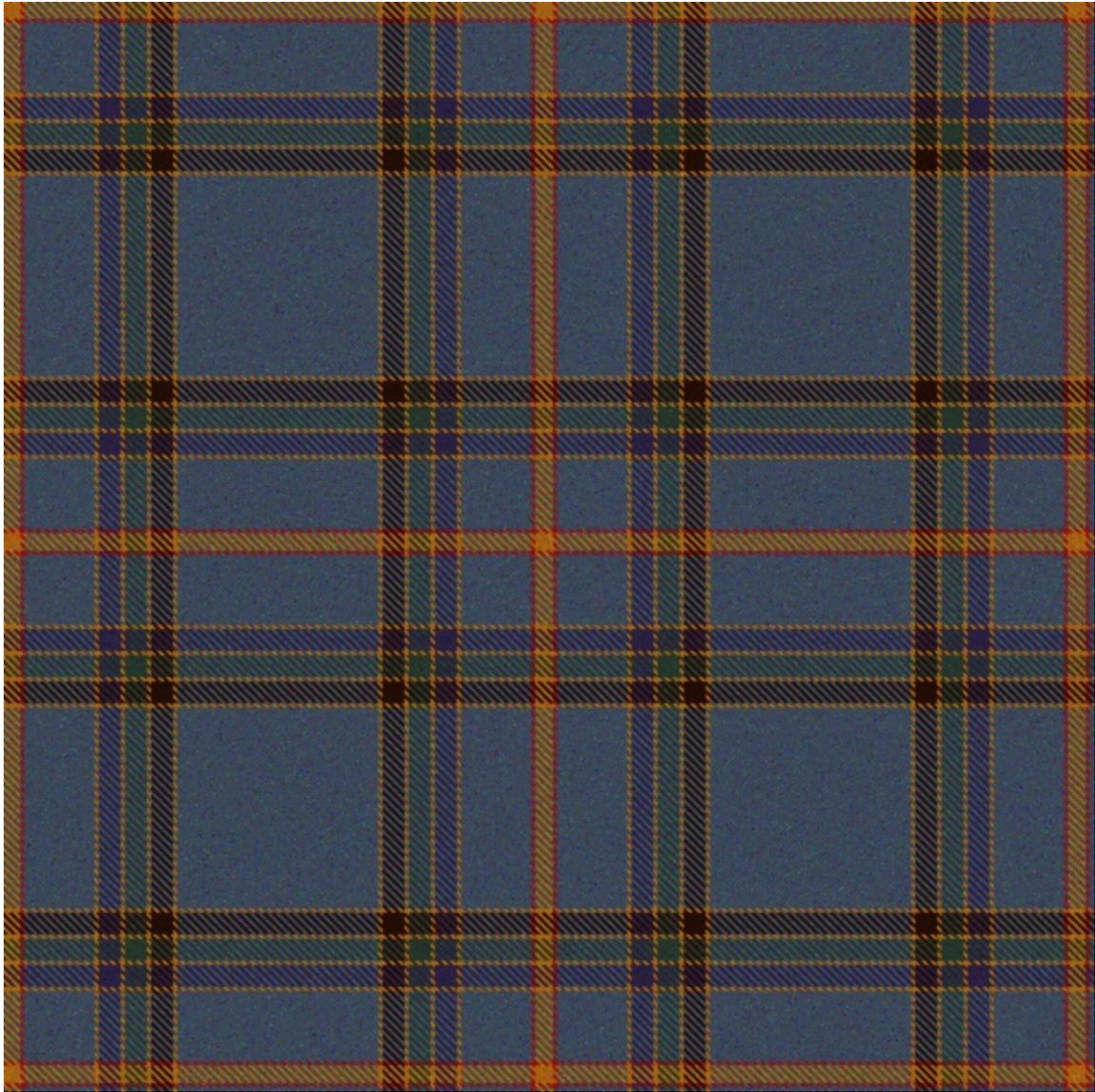
WHEREAS, the creation and registry of the Craven County Tartan are donations by interested citizens as their gift to the County in honor of its 300th Anniversary.

NOW, THEREFORE, the Craven County Board of Commissioners endorses the proposal from District Two Committee of the Craven County 300 Celebration for the official Craven County Scottish Tartan to be registered with the Scottish Register of Tartans.

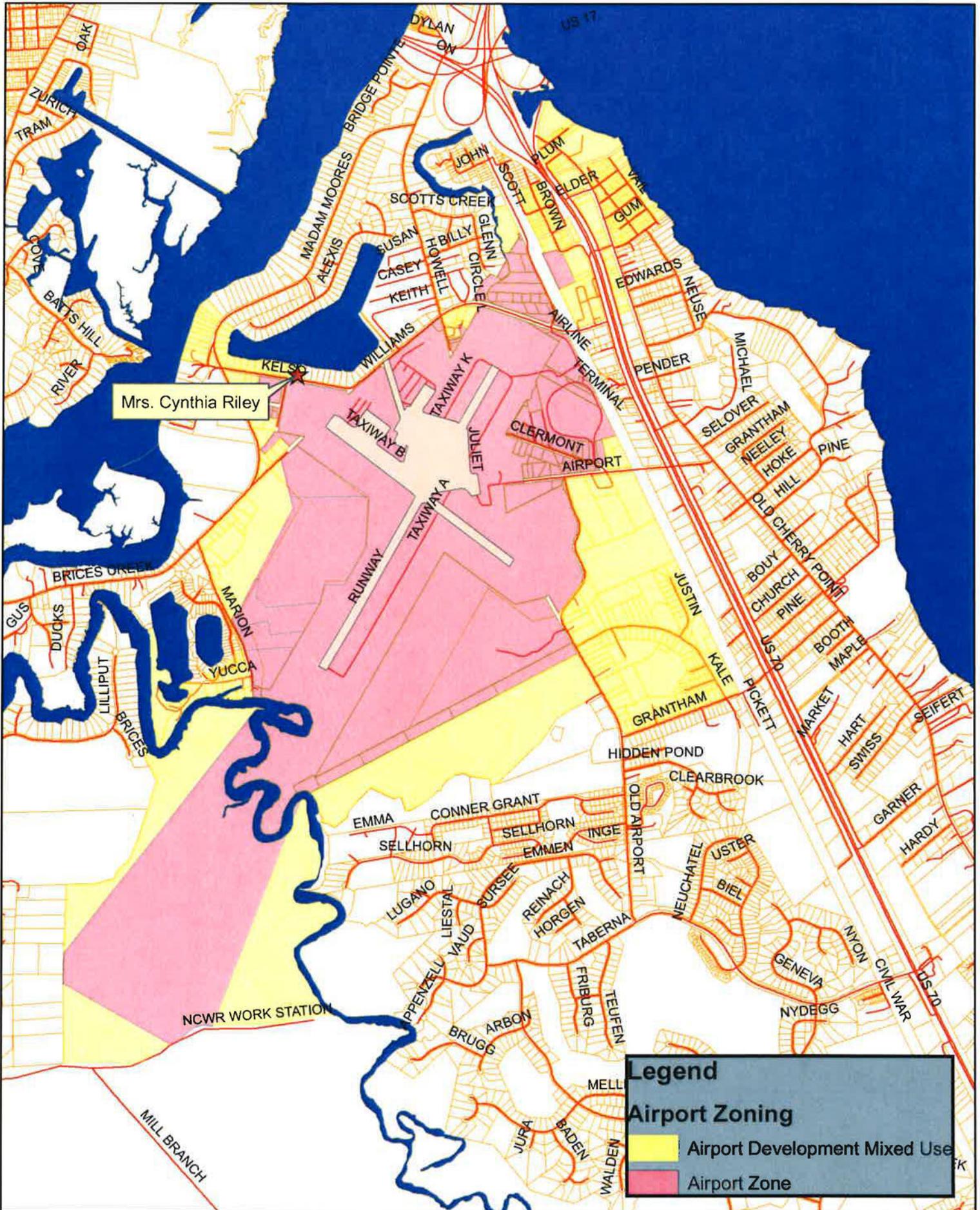
Adopted this the 2nd day of April, 2012.

Lee Kyle Allen, Chairman
Craven County Board of Commissioners

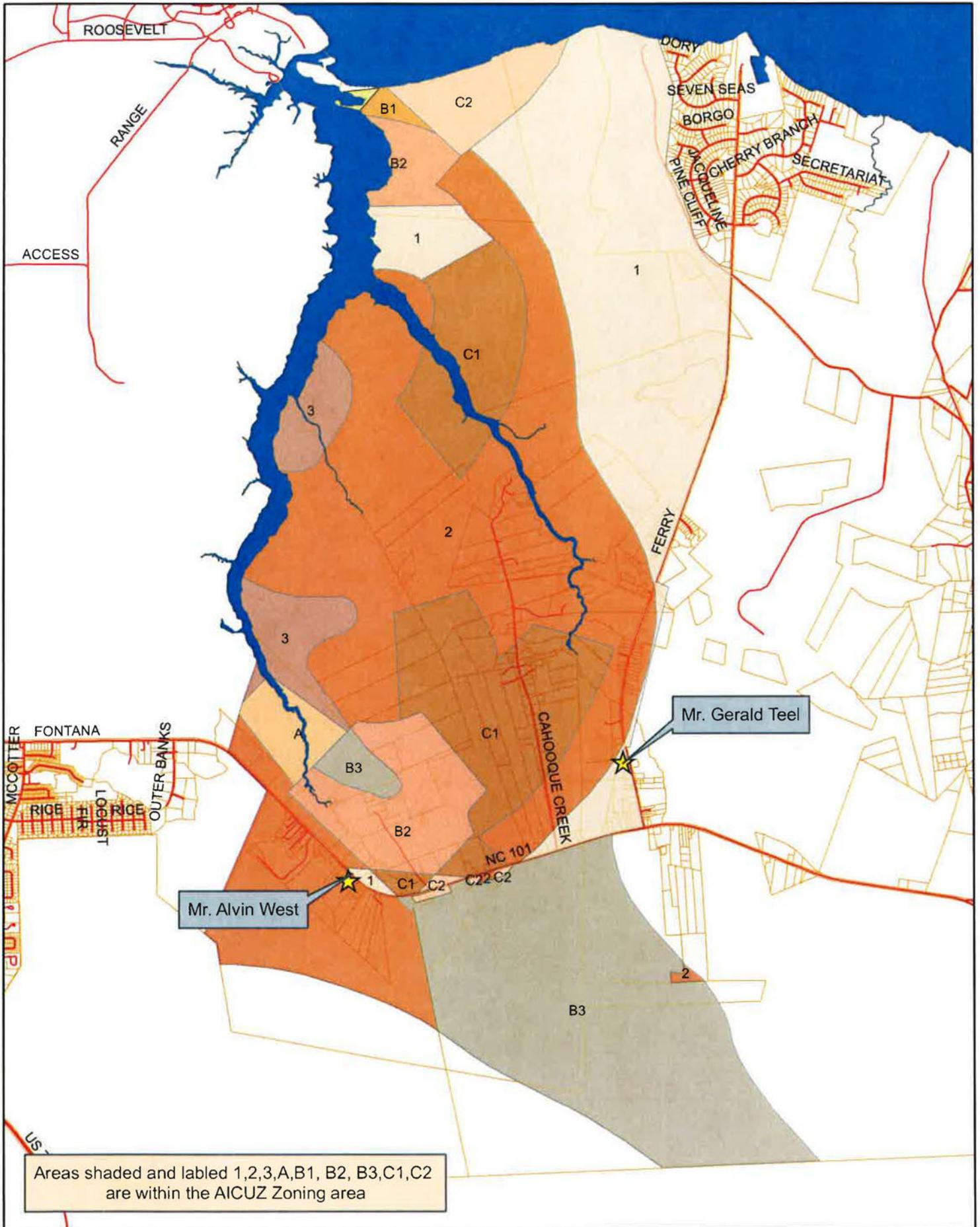
Gwendolyn M. Bryan, Clerk to the Board



Coastal Carolina Regional Airport Zoning Control Area



Marine Corps. Air Station Zoning Area



Areas shaded and labeled 1,2,3,A,B1, B2, B3,C1,C2 are within the AICUZ Zoning area

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 252-514-2828
FAX 252-514-9878

March 13, 2012

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

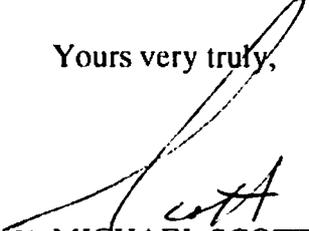
RE: City/County Owned Property at 1125 Church Street

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 57.286% undivided interest and the City owns a 42.714% undivided interest in this property. The liens due the City in the amount of \$1,257.05 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 approximately \$4,500.00 plus \$150.00 for the cost of asbestos testing and the cost of any asbestos abatement that may be required. Please let me know at your earliest convenience if the County wants to pay its pro-rata share of these costs 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 and asbestos abatement.

Kindest regards.

Yours very truly,



MICHAEL SCOTT DAVIS

MSD:pdg
Enclosure


 Image ID: 00002087940 Type: CRP
 Recorded: 03/09/2012 at 01:22:57 PM
 Fee Amt: \$39.00 Page 1 of 2
 Revenue Tax: \$13.00
 Workflow# 0000085199-0001
 Craven, NC
 Sherri B. Richard Register of Deeds
 BK 3071 pg 178

✓ Prepared by: Zacchaeus Legal Services

Revenue Stamps \$13.00

STATE OF NORTH CAROLINA

COMMISSIONER'S DEED

COUNTY OF CRAVEN

ID# 8 011 270

This deed, made this 9th day of March, 2012, 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 Craven County versus Jannell S. Gatlin and spouse, if any and The City of New Bern, et al, File No. 06-CVD-1149; 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 10th day of February, 2012, 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 \$6,019.08; 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, for and in consideration of the premises and the sum of \$6,019.08, 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:

All that certain lot or parcel of land in Number Eight (8) Township, Craven County, North Carolina, being more particularly described as follows: All of that certain lot or parcel of land lying and being situate on the Southern side of Church Street (formerly known as Crooked Street) in the City of New Bern, and BEGINNING at a point in the southern line of Church Street 107 feet 3 inches eastwardly from the southeastern intersection of Church Street and Bryan Street, and running thence westwardly along the southern side of Church Street 21.25 feet; thence southwardly and parallel with the eastern line of Bryan

MCS

Street 90 feet; thence eastwardly and parallel with Church Street 21.25 feet; thence northwardly and parallel with Bryan Street 90 feet to the point of beginning on Church Street.

The above described lot is conveyed subject to and with that joint driveway agreement as set forth in deed from Hugh B. Mills and wife, to Percy L. Jenkins and wife, recorded in Book 392, Page 31, Craven County Registry.

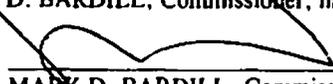
Subject to restrictive covenants and easements of record.

Parcel Number: 8 011 270

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 \$1,984.54 and the City of New Bern having disbursed \$796.17 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 \$1,485.88, 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 \$534.44, 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 \$1,257.05. 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

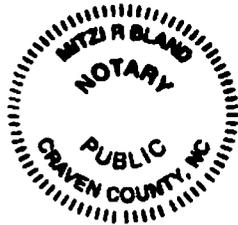
NORTH CAROLINA
CRAVEN COUNTY

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 9 day of March, 2012.

Mitzi R Bland
Notary Public

My commission expires: 02/12/2017



BK 3071 PG 179

Lori Felts

From: Jimmie Hicks
Sent: Wednesday, March 28, 2012 8:51 AM
To: Lori Felts
Subject: FW: 1125 Church Street

From: Peggy Garvick [mailto:pdg@dhwlegal.com]
Sent: Friday, March 16, 2012 11:49 AM
To: Jimmie Hicks
Cc: Scott Davis
Subject: 1125 Church Street

Hi Jimmie. We sent you a letter earlier this week regarding this property jointly owned by the City and County, and the City's desire to demolish the dilapidated dwelling on the property, which would cost approximately \$4500 plus the cost of asbestos testing (\$150) and asbestos abatement. I just got a call from the inspections office indicating that the cost of the asbestos abatement will be \$3700, for a total of \$8350. Just let me know if you want us to send a follow-up letter stating this.

Have a great weekend.

Peggy Garvick
Paralegal to Michael Scott Davis
DAVIS HARTMAN WRIGHT PLLC
209 Pollock Street
New Bern, NC 28560
Ph: 252-514-2828, Ext. 5
Fax: 252-514-9878
Web: www.dhwlegal.com

New Bern Charlotte Wilmington