

**AGENDA  
CRAVEN COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
MONDAY, SEPTEMBER 17, 2012  
8:30 A.M.**

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVE MINUTES OF SEPTEMBER 4, 2012 REGULAR SESSION

1. TAX RELEASES AND REFUNDS: Ronnie Antry, Tax Administrator
2. INTRODUCTION OF HOUSING AUTHORITY DIRECTOR: E.T. Mitchell, Chair, New Bern Housing Authority
3. RESOLUTION OF RECOGNITION
4. BUDGET AMENDMENTS: Rick Hemphill, Assistant County Manager of Finance/Administration
5. PLANNING DEPARTMENT MATTERS
  - A. Public Hearing for Conditional Use Permit: Jason Frederick, Planning Staff
  - B. Craven County Application for Funding under the Housing and Community Development Act of 1974, As Amended: Reed Whitesell, Holland Consulting Planners
    1. Introduction and Overview
    2. Public Hearing
    3. Agreement to Proceed and Setting Public Hearing
6. VANCEBORO RESCUE SQUAD REQUEST: Keith Morris, Captain
7. APPOINTMENTS
  - A. Pending Appointments
  - B. Current Appointments
  - C. Upcoming Appointments
8. PROPOSED NEW CONTRACT FOR Craven Pamlico Carteret Regional LIBRARY: Jack Veit, County Manager

9. 2013 HOLIDAY SCHEDULE: Jack Veit, County Manager
10. COUNTY ATTORNEY'S REPORT: Jim Hicks
11. COUNTY MANAGER'S REPORT: Jack Veit
12. COMMISSIONERS' REPORTS

Agenda Date: September 17, 2012

Presenter: Ronnie Antry

Agenda Item No. 1

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 #1 for the Board's approval.

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

Agenda Date: September 17, 2012

Presenter: E.T. Mitchell, Chair

Agenda Item No. 2

Board Action Required: No

### **INTRODUCTION OF HOUSING AUTHORITY DIRECTOR**

Chairman of the New Bern Housing Authority Board of Commissioners, Ms. E.T. Mitchell, will formally introduce the new Executive Director of the Housing Authority, Mr. Julian Marsh.

**Board Action: Receive information**

Agenda Date: September 17, 2012

Presenter: \_\_\_\_\_

Agenda Item No. 3

Board Action Required: Yes

### **RESOLUTION OF RECOGNITION**

Tryon Palace Director, Kay Williams, has announced her retirement. The County has been requested to participate in a tribute recognizing her service, to be held on October 4. A proposed resolution appears as Attachment #3.

**Board Action: Consider adoption of the resolution.**

Agenda Date: September 17, 2012

Presenter: Rick Hemphill

Agenda Item No. 4

Board Action Required: Yes

## **BUDGET AMENDMENTS**

Assistant County Manager of Finance/Administration, Rick Hemphill, will present the following budget amendments for the Board's approval.

**Amendments:** Schools – Percentage of salary increase given by the state was unknown when the budget was approved. Need to budget additional \$122,582 for school's current expenditures to accommodate the 1.2% increase.

Health/Diabetes – Program had unspent Public Health Foundation funds in the amount of \$ 681 at the end of FY '12. Need to budget this carryover balance and \$ 1,525 in State allocation to cover FY '13 expenses.

Environmental Health/Healthy Homes – Program had unspent funds in the amount of \$ 19,239 at the end of FY '12. Need to budget this carryover balance in FY '13 for contract employees to conduct inspections and instruct EPA lead safety classes as well as for advertising, supplies and other related expenses.

**Board Action: A roll call vote is needed to approve budget amendments.**

Agenda Date: September 17, 2012

Presenters: Jason Frederick, Reed Whitesell

Agenda Item No. 5

Board Action Required: Yes

## PLANNING DEPARTMENT MATTERS

### A. PUBLIC HEARING FOR CONDITIONAL USE PERMIT

A public hearing will be held on Monday, September 17<sup>th</sup>, 2012 at 8:30 am. The purpose of this public hearing is to obtain citizen comments regarding the establishment of a gun shop at 1711 Old Airport Rd. within the Airport Zone. A public hearing is required per our ordinance. (See Attachment #5.A.)

#### **Quick Facts about quasi-judicial hearings:**

- 1- Anyone who wishes to speak at these quasi-judicial hearings must be sworn in by the Clerk to the Board; this includes staff, the applicant, any citizen etc. If you are not sworn in at the beginning of the meeting then you cannot speak or give testimony.
- 2- The Governing Board may only hear facts that relate to the case at hand; opinions, hearsay or non-factual evidence may not be heard nor have any bearing on the decision. The Board must make findings of fact and reach conclusions of law.
- 3- All evidence presented must be substantial material and competent, expert opinion testimony sometimes is required.
- 4- A Quorum must be present to hold these hearings and they must be opened and closed for each case being presented.
- 5- Applicants may represent themselves or have someone represent them, anyone serving as a witness must have been sworn. A party has the right to cross-examine a witness.
- 6- The decision by the Board must be fair and must follow these guidelines:
  - a. No ex-parte contact
  - b. No conflict of interest
  - c. No board member bias (fixed prior opinion)
  - d. Must allow adequate time to inspect documents
  - e. Must allow cross-examination of witnesses
  - f. Cannot rehear the "same" caseIf a member of the Board has an issue with any of the above guidelines for being impartial then the member must recuse themselves.
- 7- Deliberation and voting must be conducted in public and may be separate from hearing.

- 8- Cases are approved by a 4/5ths vote of the board membership; the voting board consists of the entire voting board present or not, only those who have recused themselves from the meeting may not be included in the 4/5ths equation.
- 9- The Board may decide the case with one motion and vote OR the Board may take up separate motions and vote on each conclusion of law or the "4 Findings of Fact" which are outlined on the permit itself. All four elements must be approved; in the event that one is not approved then the conditional use permit is denied.
- 10- Applicant or his/her representative must be in attendance to present their case. If no representative is present at the meeting then the conditional use permit shall be tabled.

**Board Action: Receive comments from sworn speakers and act separately on all four elements. The Board shall then approve or deny the conditional use permit.**

**B. CRAVEN COUNTY APPLICATION FOR FUNDING UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED**

1. Reed Whitesell of Holland Consulting Planners will provide an overview, as detailed in Attachment # 7.B.
2. A public hearing will be held on Monday, September 17<sup>th</sup>, 2012 at 9:00 am. The purpose of this public hearing is to obtain the views and proposals of the citizens of Craven County with regard to the determination of priorities for the community development and housing needs of the county.

**Board Action: Receive comments from the public, no formal action to be taken.**

3. Request for agreement to proceed and setting second public hearings: FY2012 CDBG Small Business Entrepreneur Assistance and FY2012 Scattered Site Housing.

The Planning Department requests to set two public hearings on October 1<sup>st</sup>, 2012 at 7:00 pm to hear public comments regarding the county's ability to apply for FY2012 CDBG funding (Small Business Entrepreneur Assistance and Scattered Site Housing). The public hearings will be held in the auditorium of Vanceboro Farm Life Elementary School, located at 2000 Farm Life Avenue, Vanceboro NC 28586. This will be the second and final hearing required in order to apply for this grant funding. The specific CDBG program activities will be provided in your agenda package prior to the October 1<sup>st</sup> Board of Commissioners meeting. The application for the FY2012 CDBG Funding cycle is due by October 17<sup>th</sup>.

**Board Action: Set the two public hearings for CDBG funding applications.**

Agenda Date: September 17, 2012

Presenter: Keith Morris

Agenda Item No. 6

### **VANCEBORO RESCUE SQUAD REQUEST**

Keith Morris, Captain of the Vanceboro Rescue Squad, will come before the Board to present the request which is detailed in Attachment #6.

**Board Action: Receive information and consider request.**

Agenda Date: September 17, 2012

Presenter: \_\_\_\_\_

Agenda Item No. 7

Board Action Required: Yes

## **APPOINTMENTS**

- A. PENDING APPOINTMENTS
- B. CURRENT APPOINTMENTS
- C. UPCOMING APPOINTMENTS

**A. PENDING APPOINTMENT(S):**

**Industrial Facilities Pollution Control Financing Authority**

(There is one term remaining; no applications on file)

**Agricultural Advisory Committee**

(Two terms expiring; no applications on file)

**Regional Aging Advisory Committee**

(One vacancy created by the resignation of Robert Dorsey; no applications on file)

**Fire Tax Commissioner (Twp.7)**

(One term expiring: William Laughinghouse; no applications on file)

**Recreation and Parks Advisory Board**

(One vacancy to replace Mike Marks, representing Twp. 9; no applications on file)

**Adult Care Home Advisory Committee**

(Six vacancies remaining)

**Clean Sweep Committee**

Affirm appointments of Len Long and Robert Blair made on September 4.

**PENDING APPOINTMENT(S), Cont'd.**

**RIVER BEND PLANNING BOARD (Extraterritorial Jurisdiction)**

AUTHORIZATION: NCGS 160A-362

MISSION/FUNCTION: \_\_\_\_\_

\_\_\_\_\_

NUMBER OF MEMBERS: \_\_\_\_\_

1 \_\_\_\_\_

TYPE:

Resident of River Bend's ETJ Area

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

LENGTH OF TERMS: 2 Years

MEETING SCHEDULE: \_\_\_\_\_

COMPENSATION: No  Yes  Specify: \_\_\_\_\_

**Application on File: Kelly Forrest (Attachment # 7.A.)**

**FIREMEN'S RELIEF FUND BOARD OF TRUSTEES**

AUTHORIZATION: NCGS 58-84-30

MISSION/FUNCTION: To safeguard firefighters in active service and dependent members of their families from financial loss resulting from sickness, injury or loss of life suffered while in performance of his or her duties as a firefighter.

NUMBER OF MEMBERS:  
5 per department

TYPE:  
2 appointed by Board of Commissioners; 2 appointed by the department; 1 appointed by Commissioner of Insurance

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

LENGTH OF TERMS: 2 Years

MEETING SCHEDULE: As necessary

COMPENSATION: No  Yes  Specify: \_\_\_\_\_

**Term(s) Ending: Dred Mitchell, Cove City (initial appointment 2008)**  
**Application on file: Dred Mitchell (Attachment #7.A.1.)**

**PROMISE PLACE (Sexual Assault Resource Center)**

AUTHORIZATION: Bylaws

MISSION/FUNCTION: To assist victims of family violence and their families by providing direct services for victims of physical abuse, rape, sexual assault, child abuse, child sexual abuse and abuse survivors.

NUMBER OF MEMBERS:

15-25

\_\_\_\_\_

TYPE:

Men and women who reside in Craven County, and who support the purposes of the organization

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

LENGTH OF TERMS: 2 Years

MEETING SCHEDULE: \_\_\_\_\_

COMPENSATION: No  Yes  Specify: \_\_\_\_\_

**Term(s) ending:** Jean Kenefick

**Applications on file:** Raynor James (Attachment #7.A.2.)

**The attachment also includes a note from Executive Director, Jan Hood, a copy of the current roster, and a page from the Promise Place bylaws which is included in the appointment notebook, and which outlines their nomination process.**

**B. CURRENT APPOINTMENTS: SEPTEMBER**

NEW BERN BOARD OF ADJUSTMENT (Extraterritorial Member)

AUTHORIZATION: City Ordinance

MISSION/FUNCTION: To hear and decide appeals from and review of orders, requirements, decisions or determinations made administratively relative to zoning.

NUMBER OF MEMBERS:	TYPE:
<u>5</u>	_____
_____	_____
_____	_____
_____	_____

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

LENGTH OF TERMS: 3 Years

MEETING SCHEDULE: The last Monday of each month at 6:30 p.m.

COMPENSATION: No  ; Yes  Specify: \$15 per meeting

**Term Ending: Starlin Beatty (moved out of area)**

**No applications on File (See Attachment # 7.B. for City's request and Map)**

**C. UPCOMING APPOINTMENTS**

**October**

Firemen's Relief Fund Board of Trustees: Felix Croom (Ft. Barnwell); Robert Stroud (Dover); initial appointments 2008

Fire Tax Commissioners: George Ewell (Twp. #1); initial appointment 2006

**November**

Fire Tax Commissioners: Linwood Brown (West New Bern); initial appointment 1998; Rodney Russell (Twp.3); initial appointment 2006

**December**

Health: Verdelle Newby, initial appointment 2007

New Bern Library: Kenneth Brinson, initial appointment 2006

Commissioners' Appointments

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

Agenda Date: September 17, 2012

Presenter: Jack Veit

Agenda Item No. 8

Board Action Required: Yes

### **PROPOSED NEW CONTRACT FOR CPC LIBRARY**

County Manager, Jack Veit, will present the proposed contract for the Craven-Pamlico-Carteret Regional Library, which is included as Attachment #8.

**Board Action: Review and consider proposed contract**

Agenda Date: September 17, 2012

Presenter: Jack Veit

Agenda Item No. 9

Board Action Required: Yes

### **2013 HOLIDAY SCHEDULE**

Attached, for your consideration, is a copy of the proposed 2013 Holiday Schedule for Craven County employees (See Attachment #9.). For the year 2013, if approved, fourteen (14) holidays will be given, which include two (2) floating holidays.

This schedule is the same as the State of North Carolina's Holiday Schedule for 2013 with the exception of the two (2) floating holidays. We ask that you consider approval of the schedule as presented.

**Board Action: Consider approval of 2013 Holiday Schedule for Craven County employees.**

Agenda Date: September 17, 2012

Presenter: Jim Hicks

Agenda Item No. 10

## **COUNTY ATTORNEY'S REPORT**

Agenda Date: September 17, 2012

Presenter: Jack Veit

Agenda Item No. 11

## **COUNTY MANAGER'S REPORT**

Agenda Date: September 17, 2012

Presenter: \_\_\_\_\_

Agenda Item No. 12

## **COMMISSIONERS' REPORTS**