

**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 # 5.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**

## CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 09/17/2012

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
BENTON, JESSE VANN & LISA WARD NOT IN CRAVEN COUNTY 2012	0027127 2012-0004442	102.39
BISSELL RENTAL LLC #566 APPRAISAL ERROR CORRECTION	0087252 2012-0004853	1.50
BONNICI, ANTHONY M BOAT VALUE CORRECTION	0064050 2012-0005553	4.32
BRUNNER, DANIEL C DID NOT OWN 1/1/2012	0064058 2012-0007332	39.48
BUTZ, ANTHONY ROBERT DID NOT OWN 1/1/2012	0083228 2012-0008368	8.27
CARTER, SHARON A APPRAISAL ERROR CORRECTION	0054673 2012-0009608	671.11
CHURCH-PINEY GROVE AME ZION BY EXEMPT PER GS 105-278.2	1317652 2012-0010542	19.84
COOKE, DANIEL L INCORRECT SITUS - REBILL	0049340 2012-0011847	10.06
COOKE, DANIEL L INCORRECT SITUS - REBILL	0060428 2012-0011848	21.96
CUNDIFF, DARON DID NOT OWN 1/1/2012	0084615 2012-0013313	642.96
DANGELO, ANDREW INCORRECT SITUS - REBILL	0079228 2012-0013677	104.66
DAVIS, JASON STEWART INCORRECT SITUS - REBILL	0074245 2012-0014171	269.76
FIEDLER, KATHRYN MARIE MH DOUBLE BILLED - SEE 52293	0069841 2012-0018483	44.55
FIEDLER, PHYLLIS DOUBLE BILLED - SEE ACCT 69841	0052293 2011-0090523	48.69

## CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 09/17/2012

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
FONVILLE, NORVIS GORE APPRAISAL ERROR CORRECTION	2375320 2012-0019234	189.97
GENEVA CAPITAL LLC APPRAISAL ERROR CORRECTION	0083180 2012-0021404	22.73
GENEVA CAPITAL LLC APPRAISAL ERROR CORRECTION	0083180 2012-0021405	6.57
GOLDMAN & CO INC - RAYMOND APPRAISAL ERROR CORRECTION	2829175 2012-0022298	247.22
GREEN, ANTHONY RAYMOND DID NOT OWN 1/1/2005	0059527 2005-0021438	17.63
GREEN, ANTHONY RAYMOND DID NOT OWN 1/1/2005	0059527 2005-0090004	43.02
GREEN, ANTHONY RAYMOND DID NOT OWN 1/1/2006	0059527 2006-0021659	16.12
GREEN, ANTHONY RAYMOND DID NOT OWN 1/1/2007	0059527 2007-0022246	14.62
GREEN, ANTHONY RAYMOND DID NOT OWN 1/1/2008	0059527 2008-0022727	13.16
GREEN, ANTHONY RAYMOND DID NOT OWN 1/1/2009	0059527 2009-0022788	11.06
GREEN, ANTHONY RAYMOND DID NOT OWN 1/1/2010	0059527 2010-0020761	8.42
GREEN, ANTHONY RAYMOND DID NOT OWN 1/1/2011	0059527 2011-0023041	7.59
GREEN, ANTHONY RAYMOND DID NOT OWN 1/1/2012	0059527 2012-0022868	6.69
HANSON, ROBERT MICHAEL DID NOT OWN 1/1/2009	0066475 2009-0024141	29.62

## CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 09/17/2012

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
HANSON, ROBERT MICHAEL DID NOT OWN 1/1/2010	0066475 2010-0022034	24.24
HANSON, ROBERT MICHAEL DID NOT OWN 1/1/2011	0066475 2011-0024415	36.72
HANSON, ROBERT MICHAEL DID NOT OWN 1/1/2012	0066475 2012-0024245	27.40
HARRELL, MATTHEW JOSEPH BOAT NOT IN CRAVEN COUNTY 1/1/2012	0093131 2012-0024946	119.51
HARTLEY, DAVID HOWARD SR & LIS APPRAISAL ERROR CORRECTION	0056204 2012-0025373	595.39
HARTMAN, MARK S & ERIN M INCORRECT SITUS - REBILL	0068102 2012-0025415	25.62
HOUSE, MARVIN S MILITARY EXEMPTION	0067465 2012-0027904	59.40
LAWHORNE, HAYWOOD & IDA DWELLING UNOCUPIED SINCE 2010	0009666 2012-0033629	36.00
LAWRENCE, DENNIS GUY & ELIZABE BOAT NOT IN CRAVEN COUNTY	0072300 2012-0033646	880.10
LEAHY, ROBERT F LIVING TRUST DWELLING UNOCUPIED SINCE 2008	0066372 2012-0033776	36.00
LEGGER, MARTIN BOAT VALUE CORRECTION PER BOS	0090596 2012-0034025	169.36
LEONARD, MICHELLE DENISE RELEASED TO JONES COUNTY	0085938 2012-0034099	183.30
LITTLETON, BEN G FORECLOSURE - LIEN EXTINGUISHED	0023344 2012-0034865	52.23
MACKENZIE, JUDY LYNN & RODERIC DWELLING VACANT SINCE MAY 2011	0073678 2012-0035920	36.00

## CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 09/17/2012

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
MARR, DONALD W & ANNE E INCORRECT SITUS - REBILL	0076377 2012-0036546	687.61
MCLAWHORN, DANIEL EARL APPRAISAL ERROR CORRECTION	0039706 2012-0038362	32.98
NELSON, DAVID ALLEN BOAT VALUE CORRECTION	5329500 2012-0041965	62.23
NEUSE RIVER COMMUNITY DEVELOPM EXEMPT PER GS 105-278.6(A)(8)	0015084 2012-0042173	95.17
NEUSE RIVER COMMUNITY DEVELOPM EXEMPT PER GS 105-278.6(A)(8)	0015084 2012-0042176	24.11
NEUSE RIVER COMMUNITY DEVELOPM EXEMPT PER GS 105-278.6(A)(8)	0015084 2012-0042175	12.03
NEUSE RIVER COMMUNITY DEVELOPM EXEMPT PER GS 105-278.6(A)(8)	0015084 2012-0042174	23.22
NEW BERN PRESERVATION FOUNDATI EXEMPT PER GS 105-278.7(C)(2)	5361490 2012-0042259	158.39
OLSEN, TINA DID NOT OWN 1/1/2012	0089261 2012-0043496	49.78
OLSEN, TINA DID NOT OWN 1/1/2011	0089261 2011-0090985	55.20
PARKER, DOROTHY BLOUNT DWELLING VACANT SINCE 2007	0055023 2012-0044222	36.00
PRECIOSE, STACY L VEHICLE NOT IN CRAVEN COUNTY	0087599 2012-0046309	55.46
RIGGS, AMY SCARLETT APPRAISAL ERROR CORRECTION	0034941 2012-0048332	743.02
RIVERA SALAZAR, REYNA MAGALY RELEASED TO BEAUFORT COUNTY	0085832 2010-0093857	50.95

## CREDIT MEMOS SUBJECT TO BOARD APPROVAL ON 09/17/2012

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
ROETTGER, DARRELL SCOTT BOAT VALUE CORRECTION	0093204 2012-0049189	108.05
SEVINGY, DIANE INCORRECT SITUS - REBILL	0081533 2012-0051465	313.91
SMITH, PHILLIP L III & PEGGY S DWELLING VACANT SINCE 2009	6710155 2012-0053045	36.00
STALLINGS, DAVID M BOAT NOT IN CRAVEN COUNTY	0076182 2012-0053906	28.06
STALLINGS, ROY P III VALUE CORRECTION	0092289 2012-0053955	29.10
THOMPSON, BENNY INCORRECT SITUS - REBILL	0081572 2012-0056839	172.16
TURNAGE, PAMELA GAIL & CHARLES MH RELEASED TO PITT COUNTY FOR 2012	0090092 2012-0058142	49.58
WALLACE, JERRY M & DIANE R INCORRECT SITUS - REBILL	0033560 2012-0059550	146.33
WAYNE, TONY RAY & SANDY DWELLING UNOCCUPIED	0018697 2012-0060307	36.00
WHEATLEY, CAROL L NOT IN BUSINESS 1/1/2011	0090813 2011-0092108	9.30
ZIMMERMAN, DALE REUBEN DID NOT OWN 1/1/12	0070072 2012-0064715	87.82
	67 -CREDIT MEMO(S)	8,007.70

## REFUNDS SUBJECT TO BOARD APPROVAL ON 09/17/2012

TAXPAYER NAME	ACCT#/TICKET#	AMOUNT
CARTER, SHARON A APPRAISAL ERROR CORRECTION	0054673 2011-0009672	675.11
CHURCH-PINEY GROVE AME ZION BY EXEMPT PER GS 105-278.2	1317652 2011-0010628	19.94
CHURCH-PINEY GROVE AME ZION BY EXEMPT PER GS 105-278.2	1317652 2010-0009666	19.94
CHURCH-PINEY GROVE AME ZION BY EXEMPT PER GS 105-278.2	1317652 2009-0010452	10.34
CHURCH-PINEY GROVE AME ZION BY EXEMPT PER GS 105-278.2	1317652 2008-0010477	10.34
	5 -REFUND(S)	735.67

**RESOLUTION  
RECOGNIZING THE SERVICE OF  
KAY PHILLIPS WILLIAMS**

**WHEREAS**, Kay Williams has guided the direction of Craven County's gem, Tryon Palace Historic Sites and Gardens, for more than thirty years; and

**WHEREAS**, under her leadership the original vision for this effort has been expanded to include acquisition of several adjacent and related sites, and broadening of interpretive activities; and

**WHEREAS**, Ms. Williams has led the charge to ensure that our community's whole, diverse history is reflected in the operations of Tryon Palace; and

**WHEREAS**, this visionary saw and vigorously pursued the opportunity to create for our community, the North Carolina History Center, a facility of statewide and national significance to the education of citizens and visitors on the history of eastern North Carolina.

**NOW, THEREFORE, BE IT RESOLVED** that the Craven County Board of Commissioners acknowledges the dedicated service of Kay Phillips Williams.

**BE IT FURTHER RESOLVED** that the Craven County Board of Commissioners, on behalf of the citizens of Craven County, expresses appreciation for Ms. Williams' contributions to this community and wishes her well on her impending retirement.

Adopted this 17<sup>th</sup> day of September, 2012.

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Chairman Lee Kyle Allen  
Craven County Board of Commissioners

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Gwendolyn M. Bryan  
Clerk to the Board

CRAVEN COUNTY BOARD OF COMMISSIONERS

ISSUANCE OF A CONDITIONAL USE PERMIT

The Chairman shall make the following statement:

"The purpose for this hearing is to consider a request for a conditional use permit filed by the petitioner DANA HALL (name) for the property located at 1711 OLD AIRPORT Rd.. Included with this request are:

(Read request for a conditional use permit as filed by petitioner.)

The process for this hearing will be as follows:

All persons wishing to address this Board on the matter before it must be sworn in by the Clerk prior to any testimony being given. This includes County officials and the petitioner. No testimony or comments will be accepted from any individual who has not been sworn and all such comments will be ruled out of order and stricken from the record. No one will be allowed to be sworn in after testimony begins.

The Board will hear the statements of the Zoning Administrator on this Request. Following that, the Board will hear the statements of the petitioner. No interruptions from the audience will be permitted during the taking of this testimony.

After both the Zoning Administrator and the petitioner have presented their information, the Board will receive comments from others wishing to give testimony. Each speaker must have been previously sworn in and will state their name for the record. We request that comments be kept brief and be limited to the issue before us.

After hearing all parties, the Board of Commissioners will render its opinion. A majority vote shall be required for the Board of Commissioners to issue a conditional use permit. Vacant positions on the board and members who are disqualified from voting shall not be considered "members of the board" for calculation of the requisite majority. A majority of the voting members must agree that the owner has satisfied each of the elements necessary to grant a conditional use permit. If the petitioner fails to satisfactorily prove any of the necessary elements by a majority vote, then a conditional use permit cannot be granted.

I now ask that all persons who wish to address this Board this evening line up at the Clerk's table so that they can be sworn in. After being sworn in, you will be asked to sign the sign up sheet."

[end of Chair's comments]

Following are the necessary elements for a conditional use permit that must be taken under consideration by the Board of Commissioners. The attached document may be used as an aide in formulating relevant motions.

It is important that the record sufficiently reveal the basis for the Board of Commissioners' decision in this matter. To that end, the following procedures should be observed when voting on motions.

After a motion and second have been made, the Chairman will entertain a discussion on the motion. While under discussion, the member who made the motion must articulate his or her reasoning in support of the motion. Then, while still under discussion, the remaining board members may also provide reasoning in support of or opposition to the particular motion under consideration. When discussing reasons in support of or opposed to a particular motion, members should clearly articulate any considerations relevant to the motion that the member found to be persuasive. The lines provided under the suggested motions may be used to document each commissioner's reasoning for or against, as the case may be, the particular motion under consideration. At the end of discussion, the Chairman shall call for a vote on the motion. This procedure should be observed for each of the elements necessary for granting a conditional use permit, as well as the final vote regarding whether or not the conditional use permit should be granted.

**Element 1**

**Section 6.17(b)(1) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved.**

**Yes – In Favor of the Request**

**I move that the proposed use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted.**

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**No-Opposed to the Request**

**I move that the proposed use will materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted.**

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**Element 2**

**Section 6.17(b)(2) That the use meets all required conditions and specifications of the Ordinance.**

**Yes – In Favor of the Request**

**I move that the proposed use meets all required conditions and specifications of the Ordinance.**

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**No – Opposed to the Request**

**I move that the proposed use does not meet all required conditions and specifications of the Ordinance.**

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**Element 3**

**Section 6.17 (b)(3) That the use will: (i) not adversely affect the use or any physical attribute of adjoining or abutting property; or (ii) that the use is a public necessity.**

**Yes – In Favor of the Request**

**I move that: (i) the proposed use will not adversely affect the use or any physical attribute of adjoining or abutting property; or (ii) that the use is a public necessity.**

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**No – Opposed to the Request**

**I move that: (i) the proposed use will adversely affect the use or any physical attribute of adjoining or abutting property; or (ii) that the use is a public necessity.**

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**Element 4**

**Section 6.17(b)(4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located, including the County's Land Use Plan.**

**Yes – In Favor of the Request**

**I move that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.**

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**No – Opposed to the Request**

**I move that the location and character of the use, if developed according to the plan as submitted and approved, will NOT be in harmony with the area in which it is to be located, including the County's Land Use Plan.**

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*Memorandum*

To: Craven County Board of Commissioners

From: J. Reed Whitesell, AICP *jrwh/ema*  
Holland Consulting Planners, Inc.

Re: FY12 CDBG Funding Cycle – First Public Hearing

Date: September 12, 2012

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- This is a general FY12 Community Development Block Grant (CDBG) public hearing to request public input on the community and economic development needs of Craven County. A second public hearing outlining the budget and specific activities will be required prior to the submission of any actual completed CDBG application.
- The Community Development Block Grant (CDBG) program is funded by the US Department of Housing and Urban Development through the NC Department of Commerce. Several categories of funding are available with FY12 CDBG funds, including Infrastructure, Housing and Public Facilities, Economic Development, Small Business and Entrepreneurial Assistance (SBEA), and Scattered Site Housing. Up to \$1.25 million is available for a single jurisdiction among all grant categories for FY12.
- The county staff has discussed applying for FY12 CDBG funding under three categories:
  1. The county has submitted a preliminary Letter of Interest for a \$750,000 project in the Infrastructure category to benefit low and moderate income households. The project consists of installation of a new waterline on Henderson Godette Road, relocation of water and sewer lines on Dudley Street to allow improvement by the NCDOT, and installation of new STEP pumps for LMI households in the James City community. If the pre-application is accepted, the county will be invited to submit a full application and will be required to hold a second public hearing specific to the project prior to submittal of the full application.

2. The county staff and attorney have discussed submittal of a \$250,000 CDBG-SBEA application to help a small business relocate to the county industrial park and create 10 jobs. We request that the board schedule a second public hearing for this project on 10/1/12. Specific project details, including performance measures required for the small business and surety required for non-performance, will be presented at that public hearing. The application is due 10/17/12.
  
3. The county has received \$400,000 in CDBG Scattered Site Assistance for the past three (3-year) funding cycles. This year, the legislature reduced the CDBG-SS allocation to \$225,000 and placed the surplus in the Infrastructure category. We request that the board schedule a second public hearing for this project on 10/1/12. Specific project details will be presented at that public hearing. The application is due 10/17/2012. However, as general background, county staff has developed an alternative program design to that used in the past. The new program design will require the three households who receive new construction or rehab assistance to be working households with dependent children, and those households must pay back a portion of their assistance to the county as a 0% amortized loan. The county may use this program income for any CDBG-eligible activity.

JRW:cma

***Vanceboro Rescue Squad***  
***Post Office Box 439***  
***Vanceboro, North Carolina 28586***

September 11, 2012

Mr. Stanley Kite, Director  
Craven County Emergency Services  
406 Craven Street  
New Bern, NC 28560

Via Email: [skite@cravencountync.gov](mailto:skite@cravencountync.gov)

Reference: 2012 Department of Insurance Rescue/EMS Grant

Dear Mr. Kite:

The Vanceboro Rescue Squad is preparing an application for a 2012 DOI Rescue/EMS Fund Grant. As you may recall these are 50/50 matching grants up to a total purchase of \$50,000.00. The squad has several equipment needs that we hope to fund with this grant.

We need to gradually replace our LifePak™ 12 Monitor/Defibrillators before Physio-Control discontinues the service contracts that maintain these units. We currently operate four LifePak™ 12 units that range in age from eleven to five years. These are multi-function devices that serve as a defibrillator, cardiac monitor, 12-lead EKG, blood pressure monitor, pulse Oximeter, and end-tidal Carbon Dioxide monitor.

Physio-Control predicts the average life span of this type product to be eight years. Our plan is to replace these at the rate of one per year, hopefully using grant money when available. The estimated replacement cost is \$35,000.00.

We also need to purchase some personal protective gear for our members including weather resistant jackets meeting the US DOT's high visibility standard and protective boots. The estimated cost of this equipment is \$6,250.00. The last equipment item to be included on the grant is two EZ Glide Evacuation Chairs (stair-chairs). These are folding wheeled chairs used to move patient down stairs and through narrow spaces such as hallways. As you are aware the size of the patients is going up and this equipment will assist our EMTs in safely moving heavy patients. Two of these devices will be approximately \$5,600.00.

The total grant request is \$46,850.00. We are requesting the county consider providing \$23,425.00 for the local matching funds. Please let me know if you require any additional information.

Best regards,

**Keith A. Morris**  
Captain

# Volunteer Board Information and Interest Sheet Craven County, North Carolina

Names of board, committee, authority, etc., in which you are interested. Please list in order of priority:

River Bend Planning Board

Name: Kelly Forrest Home Phone: (252) 633-6073

Home Address: 5218 Hwy 17 South

City: New Bern NC 28562 Zip Code: 28562

Township: \_\_\_\_\_ City Limits:  Yes  No

Occupation: Registered Nurse Business Phone: (252) 633-8609

Place of Employment: Carolina East Health Systems Fax Number: (252) 633-8954

E-Mail Address: KForrest@suddenlink.net

(Please indicate your preferred contact number.) —————> \* Cell phone (252) 670-6175

### Education

ADN

### Business and Civic Experience

20 years Nursing experience (15 yrs Nursing Management)

4 years Safe Kids Craven County

10 plus years on River Bend Board of Adjustments

10 yrs Tryon Treasures Areas of Expertise, Interest, Skills

Decorative Painters  
Management, Organization, Planning, Networking

### Why do you want to serve?

Appointed

(A resume may be attached to this form, but will not be accepted in lieu of the form.)

Date: 9/7/12

Kelly Forrest  
Signature

The Craven County Board of Commissioners sincerely appreciates the interest of all citizens in serving their county. For more information on the responsibilities of various boards, you may view the on-line board descriptions or contact the County Clerk's Office at (252) 636-6601. RETURN FORM TO: CRAVEN COUNTY CLERK, 406 CRAVEN STREET, NEW BERN, NC 28560. The form may also be sent via e-mail ([gbryan@cravencountync.gov](mailto:gbryan@cravencountync.gov)) or fax: (252) 637-0526.

*This form will remain active until two years after date received.*

REC'D SEP 10 2012

# Volunteer Board Information and Interest Sheet Craven County, North Carolina

Names of board, committee, authority, etc., in which you are interested. Please list in order of priority:

CCVFD Firemen Relief Fund

Name: Dred C. Mitchell, Jr Home Phone: 252-638-3070  
Home Address: PO Box 12  
109 N MAIN ST  
City: Cove City NC Zip Code: 28523  
Township: 3 City Limits:  Yes  No  
Occupation: tabacco farmer Business Phone: 252-342-4590  
Place of Employment: Cove City NC Fax Number: \_\_\_\_\_  
E-Mail Address: dcmitchejr@gmail.com

(Please indicate your preferred contact number.)

### Education

high school + community college

### Business and Civic Experience

Mayor Town of Cove City NC

### Areas of Expertise, Interest, Skills

agriculture, business, public relation, local govt.

### Why do you want to serve?

to help Cove City VFD

(A resume may be attached to this form, but will not be accepted in lieu of the form.)

Date: 9-5-12 Dred C Mitchell Jr  
Signature

The Craven County Board of Commissioners sincerely appreciates the interest of all citizens in serving their county. For more information on the responsibilities of various boards, you may view the on-line board descriptions or contact the County Clerk's Office at (252) 636-6601. RETURN FORM TO: CRAVEN COUNTY CLERK, 406 CRAVEN STREET, NEW BERN, NC 28560. The form may also be sent via e-mail ([gbryan@cravencountync.gov](mailto:gbryan@cravencountync.gov)) or fax: (252) 637-0526.

This form will remain active until two years after date received.

# Volunteer Board Information and Interest Sheet Craven County, North Carolina

Names of board, committee, authority, etc., in which you are interested. Please list in order of priority:

PROMISE PLACE

Name: RAYNOR JAMES  
Home Address: 305 CALICO DRIVE  
City: NEW BERN  
Township: 7  
Occupation: RETIRED / WEBSITE CO-OWNER  
Place of Employment: home / fsboamerica.org  
E-Mail Address: raynor@fsboamerica.org

Home Phone: (252) 288-6228  
ans. mach. msg. svcs,  
"fsbo AMERICA"  
Zip Code: \_\_\_\_\_  
City Limits:  Yes  No  
Business Phone: same  
Fax Number: same (call 1st)  
cell: 252 626-2804

(Please indicate your preferred contact number.)

Education

CFP...

Business and Civic Experience

REAL ESTATE ...

Areas of Expertise, Interest, Skills

GOOD LISTENER ...

Why do you want to serve?

SCOTT DACEY ...

PLEASE SEE ATTACHED  
TWO TYPED PAGES  
(Set up in same format)

FOR FULL ANSWERS TO  
THESE CATEGORIES.

(A resume may be attached to this form, but will not be accepted in lieu of the form.)

Date: September 6, 2012

Raynor V. James  
Signature

The Craven County Board of Commissioners sincerely appreciates the interest of all citizens in serving their county. For more information on the responsibilities of various boards, you may view the on-line board descriptions or contact the County Clerk's Office at (252) 636-6601. RETURN FORM TO: CRAVEN COUNTY CLERK, 406 CRAVEN STREET, NEW BERN, NC 28560. The form may also be sent via e-mail ([gbryan@cravencountync.gov](mailto:gbryan@cravencountync.gov)) or fax: (252) 637-0526.

This form will remain active until two years after date received.

## **Volunteer Board Information and Interest Sheet, page 2 Raynor James, September 2012**

### Education

CFP (Certified Financial Planner), American College of Financial Planning

Attended Madison College. Took classes in areas of interest at Mary Washington College, Northern Virginia Community College, Germana Community College (business, contract law, finance, writing composition, design)

### Business and Civic Experience

Real Estate Agent / Broker in Virginia, approximately 25 years.

Colonial Transit Bus Company, co-owner of controlling interest in stock / member of Board of Directors / part of management team, approximately 5 years.

Financial Planner, approximately 14 years.

2011 Chairman, Coastal Carolina Taxpayers Association (CCTA)

1976-1977 President, Washington, D.C., Chapter  
International Association for Financial Planning

Fredericksburg Community Fund volunteer

Fredericksburg Business and Professional Women's Club

### Areas of Expertise, Interest, Skills

Good listener.

Can read and understand most contracts.

Get along well with people.

Helped rear two fine sons.

Write well.

Can picture things / am very visual.

## **Volunteer Board Information and Interest Sheet, page 3 Raynor James, September 2012**

If I understand a thing, I can usually explain it to others so that they understand it, too.

I'm best in support roles, but, when it's needed, I can exert leadership.

I have an "eye" for combining paint colors, furniture, and various household objects in such a way that they look attractive and the rooms they're used in function well.

Enjoy gardening.

### Why do you want to serve?

Scott Dacey indicated he wanted someone from the Coastal Carolina Taxpayers Association (CCTA) to volunteer for this Board. If we want him to pay attention to our concerns, we need to be willing to pay attention to his.

I can't imagine anything worse than being a child or young woman with very little power or self-confidence who is abused by someone who should be counted on for nurture and support.

For Internal Use Only

Date Received: 9-7-12

Form is active until: 9-7-14 (two years after date received)

Received by: GMB (initials)

Reviewed by the following Commissioners. Please initial and add "PA" if you are personally acquainted with the individual.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**September 5**

**Gwen,**

**I am so glad to have had the opportunity to speak with you today. It's been a very busy year for us so please accept my apologies for not getting this updated roster to you before now. That said, other than the change in Executive Board, we have had no new members since I sent the last new members for appointment back in the winter. Hopefully that will change soon as we have several people who have visited at least two of the required three meetings before the full Board recommends them for membership.**

**I will be sure to ask Jean Kenefick, our Board President, to complete the Commissioner's application as soon as she feels able to do, which may be as much as 6-8 weeks from now. In the meantime, Andrea Wheatley is Interim Board President. Our Board meetings are usually the 2nd Tuesday of each month at 7:00 at Ward & Smith, though occasionally this time/date is shifted to accommodate issues such as Jean's absence. Anyone wishing to attend is welcome to call our offices to make sure that meetings are going on as planned.**

**Please also note that Peggy Graves' term expired in April and she was asked to return for another 2 year term.**

**Once again, thank you for getting in touch with us!**

## ARTICLE V: BOARD OF DIRECTORS

Section 1. The Board of Directors shall consist of no more than twenty-five (25) board members, to include the Executive Board (as defined in Article XI, Section 1).

Section 2. Application for appointment to the Board of Directors may be made after attending three (3) consecutive board meetings.

Section 3. Board members shall serve at the pleasure of the Craven County Board of Commissioners for two-year terms, and shall be eligible for reappointment upon recommendation by the Executive Board.

Section 4. Should a Board member need to vacate his or her position, he or she is required to return all materials provided by Promise Place for use as a board member including, but not limited to, the Board Manual.

## ARTICLE VI: OFFICERS

Section 1. Officers shall consist of four (4) members to include a President, Vice President, Secretary and Treasurer.

Section 2. Officers shall serve for a one (1) year term or until their successors are duly elected, whichever occurs first.

Section 3. Officers shall be board members in good standing and shall have served in such capacity for at least one (1) year before taking office.

Section 4. Installation of officers shall occur in June and officers shall assume their duties on July 1st of each fiscal year.

Section 5. No board member shall hold the same office for more than four (4) consecutive terms.

## ARTICLE VII: NOMINATIONS AND ELECTIONS

Section 1. Prior to the May meeting of the Board, a nominating committee consisting of at least three (3) board members shall be appointed by the Board of Directors. The Executive Board may not serve on the nominating committee.

Section 2. The nominating committee shall prepare a list of nominees of at least one person for each office to be filled, who have consented to serve if elected. The slate shall be submitted at the May meeting of the Board of Directors. Nominations may also be made from the floor.

# City of New Bern



## Development Services Department

248 Craven Street, P.O. Box 1129

New Bern, NC 28563

Ph: 252.639.7281 / Fax: 252.636.2146

## MEMORANDUM

**TO:** Craven County Board of Commissioners

**FROM:** Jeffery Ruggieri, Director  
Department of Development Services 

**DATE:** September 10, 2012

**SUBJECT:** Board of Adjustment Appointment

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Mr. Starlin Beatty, Craven County representative on the City of New Bern Board of Adjustment, recently has resigned due to relocating from the area. He has served as a member of the Board of Adjustment with distinction and dedication for six years. We hereby request that you fill Mr. Beatty's seat on the New Bern Board of Adjustment with the representative of your choice from the City's extraterritorial planning area (ETJ).

Because the Board of Adjustment is a "quasi judicial" administrative body that operates between the enforcement officers and the courts, members must have the ability to read and understand complex land ownership and development issues. Members should have backgrounds related to land ownership and development issues (i.e., law, real estate, banking, building, environmental groups, governmental agencies, community organizations, etc.). For further reference, I am enclosing a copy of the City Ordinance which covers the service of this important board. The Board of Adjustment meets at 6:30 pm on the last Monday night of each month.

Should you or your appointee have questions, please don't hesitate to call Bernard George, Planning Division Manager, at 252-639-7584. Thank you for your prompt attention to this matter.

ATTACHMENTS

JR/bg

## **CITY OF NEW BERN - Appendix A Land Use Ordinance, Part III**

### **Section 15-31. Appointment and terms of board of adjustment.**

1. (a) There shall be a board of adjustment consisting of ten regular members and three alternate members. No more than nine regular members, appointed by the board of aldermen, shall reside within the city. At least one regular member, appointed by the Craven County board of commissioners, shall reside within the city's extraterritorial planning area. If the Craven County board of commissioners fails to make an appointment within 90 days after receiving a notification from the city requesting that an appointment be made, the board of aldermen may make the appointment. Upon expansion or reduction of the city's extraterritorial planning area, the board of aldermen shall review the impact of such change on the extraterritorial membership of the board of adjustment and, if necessary, make appropriate adjustments in the number of extraterritorial members. Members may be removed by the appointing authority at any time for failure to attend three consecutive meetings without excuse or for missing more than 30 percent of the meetings within any 12-month period or for other good cause related to performance of duties. Because the board of adjustment is a "quasi judicial" administrative body that operates between the enforcement officers and the courts, members shall have the ability to read and understand complex land ownership and development issues. Members should have backgrounds related to land ownership and development issues (i.e., law, real estate, banking, building, environmental groups, governmental agencies, community organizations, etc.).

(b) Board of adjustment members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. Initially, three regular members and one alternate member shall be appointed for one-year terms. Three regular members and one alternative member shall be appointed for two-year terms, and four regular members and one alternate member shall be appointed for three-year terms. Vacancies may be filled for the unexpired terms only.

(c) Membership appointments shall be limited to two successive terms for regular members and two successive terms for alternate members.

(d) All regular members may participate in and vote on all issues before the board. Alternate members shall only serve in the absence of regular members.

### **Section 15-32. Meetings of the board of adjustment.**

(a) The board of adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with section 15-65 (Applications to be processed expeditiously).

(b) The board shall conduct its meetings in accordance with the quasi judicial procedures set forth in articles IV, V, and VI.

(c) All meetings of the board of adjustment shall be open to the public and the agenda for each board meeting shall be made available in advance of the meeting.

### **Section 15-33. Quorum.**

A quorum for the board of adjustment shall consist of eight members. A quorum is necessary for the board to take official action.

### **Section 15-34. Voting.**

(a) The concurring vote of three-fifths of the members of the board of adjustment shall be necessary to issue a special use permit in accordance with section 15-54. The concurring vote of four-fifths of the members shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator or the city building inspector, or to grant a variance from the provisions of this ordinance. All other actions of the board of adjustment shall be taken by majority vote, a quorum being present.

(b) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) or has been allowed to withdraw from the meeting in accordance with subsection (d).

(c) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

(1) If the member has a direct financial interest in the outcome of the matter at issue; or

(2) If the matter at issue involves the member's own official conduct; or

(3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or

(4) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

(d) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting.

(e) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

(f) A roll call vote shall be taken upon the request of any member.

### **Section 15-35. Board of adjustment officers.**

(a) The board of adjustment shall elect one of its members to serve as chairman who shall preside over the board's meetings and one member to serve as vice-chairman. The persons so elected shall serve a term of one year or until their terms expire, whichever comes first. The chairman may succeed himself or herself.

(b) The chairman or any member temporarily acting as chairman may administer oaths to witnesses coming before the board of adjustment.

(c) The chairman and vice-chairman may take part in all deliberations and vote on all issues.

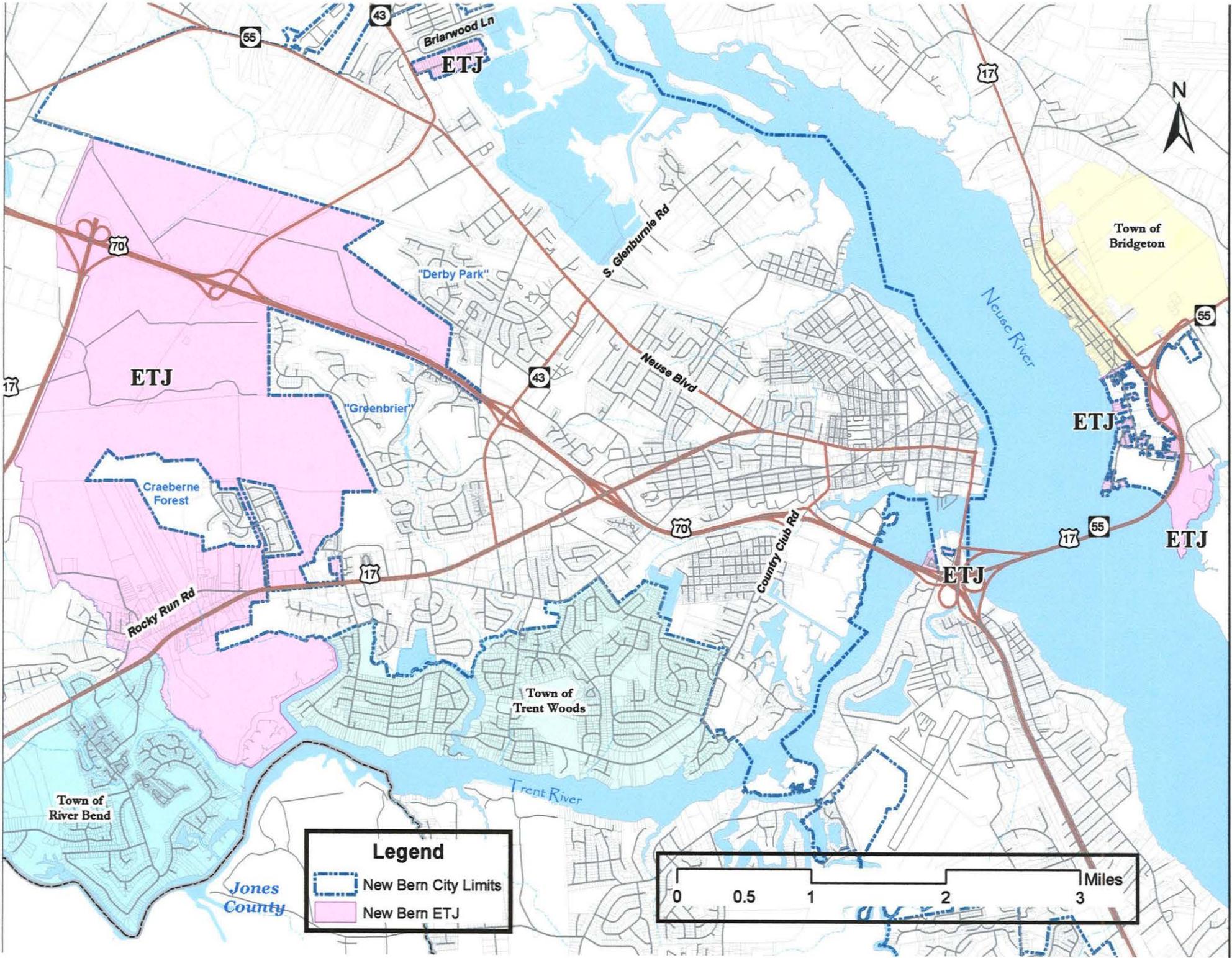
(d) The zoning administrator, or his designee, shall serve as the secretary of the board of adjustment. The secretary shall not have voting privileges.

**Section 15-36. Powers and duties of board of adjustment.**

(a) The board of adjustment shall hear and decide:

- (1) Appeals from any order, decision, requirement, or interpretation made by the zoning administrator, as provided in section 15-91;
- (2) Applications for special use permits, as provided in section 15-46;
- (3) Applications for variances, as provided in section 15-92;
- (4) Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines, as provided in section 15-93;
- (5) Any other matter the board is required to act upon by any other city ordinance.

(b) The board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.



**Legend**

-  New Bern City Limits
-  New Bern ETJ



Jackie B. Beach • Director

September 5, 2012

400 Johnson Street  
New Bern, NC 28560-4098252-638-7800 • Phone  
252-638-7817 • FaxJack B. Veit, III, Manager  
Craven County  
206 Craven Street  
New Bern, NC 28560

Dear Jack:

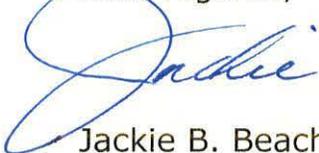
Enclosed is the new contract for the CPC Regional Library which was approved, with amendments, by the CPC Regional Library Board on May 15, 2012. It had been put on hold while the decision was being made as to whether CPC would remain a regional system. Now that the system will continue to stay together, the Regional Board has asked me to forward this to you, as well as to the other two managers, for you to present to the Craven County BOC at the earliest possible time. This directive came at their called meeting held this morning. If the Commissioners approve the Contract in its current form or if there are changes they would like to have considered, please let Mr. Dacey or Mr. Mark know and they will relay that to the Regional Board.

One of the major changes in the Contract is in **Article III(b)(i) Board of Trustees: Membership**. It is being proposed that the number of members from each county be increased from 3 members to 4 members. This would allow one county commissioner from each county to serve in addition to 3 members from local library boards. It would also increase the likelihood of a quorum at meetings since at least one member from each county must be present for a legal quorum. The question of length of term was also raised and that can be decided by the Regional Board (up to six years) before the executed Contract is submitted to the State.

The Regional Board has requested that the contract be presented to the Craven BOC and returned to them no later than **Tuesday, October 2, 2012**.

If you have any questions, please let me know. I will be here through September 28.

Best regards,

  
Jackie B. Beach

THE GREAT STATE OF NORTH CAROLINA  
Counties of Craven, Pamlico, Carteret

Contract for the CPC Regional Library

WHEREAS, the mission of the Craven-Pamlico-Carteret (CPC) Regional Library is to be an integral part of the lives of the people in the three counties by providing them with excellent educational, recreational, informational and cultural services and;

WHEREAS, recognizing the diverse communities served and the specific individual needs of their residents, three governments and their ten libraries collaboratively are committed to the education, economic development and quality-of-life contributions that libraries uniquely are able to provide and;

WHEREAS, this collaboration provides for the most effective and efficient use of local resources for the benefit of their residents and;

WHEREAS, this collaboration provides opportunities for service and resource allocations otherwise beyond the financial and service capacities of the individual governments and libraries;

NOW, THEREFORE, pursuant to resolutions duly adopted by their governing boards, the parties, on this Forty-eighth anniversary of the original agreement, hereto renew their commitment for the organization of the Craven-Pamlico-Carteret Regional Library upon the terms set forth below therein for a term extending from 1 October 2012 through 1 October 2022.

I. Governments Involved

- a. Craven County
- b. Pamlico County
- c. Carteret County

II. Purpose statement

This agreement is to perpetuate excellent library and information services to the residents of the areas included within the jurisdictions of the aforementioned governing bodies through their collaborative and collective efforts under the legal authority of N.C.G.S. 153A-270 and N.C.G.S. 160A, Article 20, Part 1.

III. Board of Trustees

- a. The Board of Trustees shall be the governing body of the Regional Library.
- b. Membership
  - i. There shall be 12 members of the Board of Trustees providing equitable representation of each participating governmental unit.
    1. Craven County: 4 members appointed by the Craven County Board of Commissioners to include at least one county commissioner.
    2. Pamlico County: 4 members appointed by the Pamlico County Board of Commissioners to include at least one county commissioner.
    3. Carteret County: 4 members appointed by the Carteret County Board of Commissioner to include at least one county commissioner.
  - ii. Members, with the exception of the county commissioner, shall be appointed from the membership of the local library boards according to bylaws and policies approved by each governing body for that library.
  - iii. Members shall be appointed in staggered terms to promote consistency as well as to accommodate change. Regional Bylaws shall clearly define the term limits and how staggered terms shall be accomplished among the

counties... Members shall serve no more than two consecutive terms with no single term longer than four years.

- iv. Vacancies on the Board shall be filled with appointments by the appropriate governing body for the length of the term of the member creating the vacancy.
- b. Powers and Duties delegated to the Regional Library Board of Trustees by the Counties of Craven, Pamlico and Carteret.
  - i. The Board of Trustees shall be delegated the power to adopt bylaws and rules for its own governance.
  - ii. The Board of Trustees shall be delegated the power to adopt policies for the regional library system's administration and operation.
  - iii. The Board of Trustees shall be delegated the power to select, appoint, remove, determine salary and other terms of employment of a regional library director.
    1. These actions shall require a majority vote of the Board at which a quorum is present.
    2. The CPC Regional Library Director shall:
      - a. Have a valid North Carolina Public Librarian Certificate;
      - b. Be the chief executive and administrative officer of the CPC Regional Library and function in accordance with the approved policies of the CPC Regional Library Board.
    3. Office space for the regional administration shall be provided within one of the existing libraries.
  - iv. The Board of Trustees shall develop and approve an annual budget which shall:
    1. Be administered under the same provisions as units of local government (G.S. 159), with all state funds administered by the regional library and expended throughout the region as described in 07 NCAC 021.0202.
    2. Be a composite of the separate budgets of each county library, as recommended by the local library board of trustees, with an agreed upon amount paid by each county for the materials, salaries, and operating expenses of each library within that county, and sent to the Finance Officer in monthly or quarterly payments as negotiated by the Finance Officer and the local county.
    3. Include a specified amount of funding for each library's operating costs with gifts, special memorials, endowment and trust income, and appropriations for capital outlay earmarked for the designated purpose and library.
  - v. The Board of Trustees shall be delegated the power to appoint a regional finance officer who shall:
    1. Ensure expenditure of funds consistent with the budget adopted by the Board;
    2. Report directly to the Regional Library Director and at all meetings of the Board.
  - vi. The Board of Trustees shall be delegated the power to assure compliance with all applicable State and Federal law and eligibility for the receipt of State and Federal Funds.
  - vii. The Board of Trustees shall be delegated the power to make recommendations to the governing units concerning the construction and improvement of the physical facilities of the libraries within the region; however, construction and facility maintenance shall be responsibility of the

local governing unit unless the Regional Board negotiates and approves a collaborative effort.

viii. The Board of Trustees shall make regular reports related to services and operations to each governing body as conveyed by approved reports of the Regional Library Director.

ix. The Board of Trustees shall obtain an annual independent audit of regional library accounts consistent with generally accepted accounting principles, and submit a copy of this audit to the State Library of North Carolina as well as to each county finance office.

#### IV. Terms of Property Ownership

a. A major benefit of regional cooperation is that scarce resources may be shared among the various county residents without wasteful duplication; however, certain ownership restrictions shall apply:

i. All buildings, grounds, and other facilities of each library shall remain the property of their respective county or town.

ii. All books, technology, or other resources paid for with local funds shall remain the property of the respective county or town.

iii. All books, technology, or other resources paid for with Regional or State funds shall remain the property of the Regional Library System.

#### V. Insurance Coverage and Indemnification

##### a. Insurance Coverage

i. The local government units shall maintain insurance coverage for the building and grounds and other facilities for each of their individual libraries including general liability insurance.

ii. The Regional Library shall maintain insurance coverage for Worker's Compensation and for the vehicles used to provide service.

##### b. Indemnification

i. The Regional Library shall, to the extent legally permissible, indemnify each person who may serve or who has served at any time as an officer, director, board member, or employee against all expenses and liabilities, including, without limitation, counsel fees, judgments, fines, excise taxes, penalties and settlement payments, reasonably incurred by or imposed upon such person in connection with any threatened, pending or completed action, suit or proceeding in which he or she may become involved by reason of his or her service in such capacity; provided that no indemnification shall be provided for any such person with respect to any matter as to which he or she shall have been finally adjudicated in any proceeding not to have acted in good faith in the reasonable belief that such action was in the best interests of the corporation; and further provided that any compromise or settlement payment shall be approved by a majority vote of a quorum of directors who are not at that time parties to the proceeding.

#### VI. Provisions for Amendment

a. This agreement can be amended providing that all parties accept those amendments in a regular meeting of those parties.

b. Recommendations for amendments shall be forwarded to each of the county governments in writing with a thirty-day period for consideration given. At the next regular meeting of the county boards after this thirty-day period, the amendments shall be voted on by those bodies

c. Disagreements related to this agreement shall be resolved first by a committee of representatives from each governmental unit and then by their legal councils if necessary.

#### VII. Provisions for Withdrawal

a. A member proposing to withdraw from the CPC Regional Library System shall, after notifying and receiving the approval of the local library board affected, give written notice on or before July 1 to the

Regional Library Board, the other participating governmental units and the State Library of North Carolina. The withdrawal shall be effective the following June 30.

- b. Should that member decide within this time period to rescind the proposal, that member shall remain a part of the Regional Library System under the same conditions and requirements as the agreement under which they became a member.
- c. Should that member fully withdraw, the Terms of Property Ownership as stated in Section IV shall apply.
- d. The CPC Regional Library System may be dissolved if one of the three parties withdraws in accordance with the procedures stated above.
- e. As included under NCGS 160A, Article 20, Part 1, Joint Exercise of Power, property purchased by the region is owned jointly as tenants in common by the participating counties; therefore, if the CPC Regional System is dissolved, the counties of Craven, Pamlico, and Carteret shall divide the joint assets equally among themselves.
- f. The distribution of properties and resources jointly owned shall be accomplished by a committee composed of representatives from each governmental unit, the current Regional Library Director, and a representative from the State Library of North Carolina.
- g. After all outstanding debts are resolved, any remaining State or Federal Funds previously distributed to the Regional Library shall be returned to the State Library and remaining funds from local governmental units shall be returned to them. Any land and building property owned by the Regional Library shall be sold and the proceeds distributed to the local governmental units. Other property such as the courier van, computers and other technology, books, and any other assets shall be sold at auction and the proceeds divided among the units or distributed in some other equitable manner as agreed upon by the committee of representatives.

#### VIII. Review and Termination.

- a. This agreement shall continue to be in effect for Ten Years from the dated signatures on the contract unless reasonable cause is presented in writing to each of the local governmental units and the State Library of North Carolina.
- b. The agreement may be reviewed at any time by any local governmental body or the Regional Library Board and, if modifications are deemed reasonable and necessary, amendments may be made according to the procedures stated above.
- c. At the end of the ten-year agreement period, the Regional Library Board shall review the agreement, recommend any modifications, and submit it for review and renewal to each of the local governmental units which shall review, suggest modifications, and vote to extend or rescind the agreement.
- d. The agreement may be terminated if reasonable cause is presented in writing by a local governmental unit to the other members of the region, the Regional Library Board, and the State Library of North Carolina.
- e. The effective dates for termination shall be the same as a withdrawal from the System.
- f. If the agreement terminates, and no successor agreement is to be executed, the CPC Regional Library System shall be dissolved and joint assets distributed as described above in Section VII. This AGREEMENT shall be effective upon acceptance by all parties.

IN WITNESS WHEREOF, this agreement has been executed by the principal official of the governing board of each party hereto, pursuant to authority of each respective board.

Attest:

CRAVEN COUNTY

\_\_\_\_\_  
Clerk to the Board

\_\_\_\_\_  
By Board of Commissioners, Chair

PAMLICO COUNTY

\_\_\_\_\_  
Clerk to the Board

\_\_\_\_\_  
By Board of Commissioners, Chair

CARTERET COUNTY

\_\_\_\_\_  
Clerk to the Board

\_\_\_\_\_  
By Board of Commissioners, Chair

Craven County  
 Libraries Funding  
 8/31/2012

Existing budgets FY 2013

New Bern - operating	999,014
New Bern - capital	21,384
Havelock	87,427
Cove City	87,784
Vanceboro	72,368
Total budgeted library funds FY13	<u>1,267,977</u>

Potential additional costs

Accounting employee	45,000	Currently done by Region
I/T employee	60,000	Currently done by Region
Computer software package	25,000	Est of annual maintenance costs
Maintenance employee	40,000	Addition to County staff
Courier	13,000	Currently done by Region
Catalog employee	40,000	Currently done by Region
Other costs to be assumed	25,000	Other items currently paid by Region
Total existing and new costs	<u>1,515,977</u>	

Potential savings

Reduction in health insurance cost	(135,000)	This would be prem reduction. Claims costs could go up depending on health of employees
Potential additional funding state aid	<u>(123,000)</u>	Based on 2013 state funding

Total net costs 1,257,977

The above assumes that any additional maintenance costs or capital costs (other than an additional maintenance employee) are already covered in the existing amounts budgeted for the libraries in Craven County.

This also assumes that buildings have been maintained to County standards (which may not be the case) and would require immediate capital spending to correct issues.

The above does not reflect any additional costs which may be incurred by the Finance Dept, HR, Admin dept., etc. which while probably not resulting in additional personnel, there would be some incidental increase in operating expenses.

Craven County



**2013  
HOLIDAY SCHEDULE**

**NEW YEAR'S DAY**

**Monday, December 31, 2012 (Floating)  
Tuesday, January 1, 2013**

**MARTIN LUTHER KING, JR.'S BIRTHDAY**

**Monday, January 21, 2013**

**GOOD FRIDAY**

**Friday, March 29, 2013**

**MEMORIAL DAY**

**Monday, May 27, 2013**

**INDEPENDENCE DAY**

**Thursday, July 4, 2013  
Friday, July 5, 2013 (Floating)**

**LABOR DAY**

**Monday, September 2, 2013**

**VETERAN'S DAY**

**Monday, November 11, 2013**

**THANKSGIVING**

**Thursday, November 28, 2013  
Friday, November 29, 2013**

**CHRISTMAS**

**Tuesday, December 24, 2013  
Wednesday, December 25, 2013  
Thursday, December 26, 2013**

**Approved by the Craven County Board of Commissioners at their  
regularly scheduled meeting on Monday, September 17, 2012**

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**Joan M. Harrell  
Human Resources Director**