

**AGENDA  
CRAVEN COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
MONDAY, APRIL 6, 2015  
7:00 P.M.**

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

APPROVE MINUTES OF MARCH 16, 2015 REGULAR SESSION

1. PUBLIC HEARING FOR PROPOSED AMENDMENTS TO THE CRAVEN COUNTY CODE OF ORDINANCES
2. PETITIONS OF CITIZENS
3. PROPOSED AMENDMENTS TO THE COMMISSIONERS' RULES OF PROCEDURE

DEPARTMENTAL MATTERS

4. TAX – RELEASES AND REFUNDS: Ronnie Antry, Tax Administrator
5. FINANCE – APPROVAL OF PUBLIC SCHOOL FUNDING DRAW-DOWN: Rick Hemphill, Assistant County Manager, Finance/Administration
6. PLANNING – SUBDIVISIONS FOR APPROVAL: Don Baumgardner, Planning Director
7. FACILITIES – SECURITY SUB-COMMITTEE REPORT: Gene Hodges, Assistant County Manager, Facilities/Operations
8. APPOINTMENTS
9. COUNTY ATTORNEY'S REPORT: Jim Hicks
10. COUNTY MANAGER'S REPORT: Jack Veit
11. COMMISSIONERS' REPORTS

Agenda Date: April 6, 2015

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

Agenda Item No. 1

Board Action Required or Considered: No

## **PUBLIC HEARING FOR PROPOSED AMENDMENTS TO THE CRAVEN COUNTY CODE OF ORDINANCES**

The Craven County Board of Commissioners will go into public hearing at 7:00 p.m. to consider:

1. Proposed text amendments to Appendix D (“Cherry Point Marine Corps Air Station”), Part I (“Marine Corps Air Station Zoning Ordinance”), Section 11.0 (“Board of Adjustment”). These proposed amendments are to amend the provisions related to the Board of Adjustment, to comply with recent statutory changes;
2. Proposed text amendments to Appendix F (“Coastal Carolina Regional Airport Zoning and Height Control Ordinance”), Section F-8.0 (“Board of Adjustment”). These proposed amendments are to amend the provisions related to the Board of Adjustment, to comply with recent statutory changes; and,
3. Proposed text amendments to Chapter 30 (“Signs”), Article II (“Off-Premises Signs”). These proposed amendments are to redefine the definition of signs, to standardize penalties, and to provide for more detailed procedures for the Board of Adjustment in the administrative reviews, appeals and variances under Chapter 30.

The proposed amendments have been on file with the Clerk to the Board for public inspection. (Attachment #1)

**Board Action: Receive public input**

Agenda Date: April 6, 2015

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

Agenda Item No. 2

Board Action Required or Considered: No

## PETITIONS OF CITIZENS

**Board Action: Receive Information**

Agenda Date: April 6, 2015

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

Agenda Item No. 3

Board Action Required or Considered: Yes

**PROPOSED AMENDMENTS TO THE COMMISSIONERS' RULES OF PROCEDURE**

Attachment #3 is a draft of the Commissioners' Rules of Procedure reflecting amendments proposed by the Board at its meeting on March 16, 2015.

**Board Action: For discussion and possible approval.**

Agenda Date: April 6, 2015

Presenter: Ronnie Antry

Agenda Item No. 4

Board Action Required or Considered: Yes

**DEPARTMENTAL MATTERS: TAX – RELEASES AND REFUNDS**

You will notice that in addition to the regular release and refund requests contained in Attachment #4, there are 2 refund items for Faith United Methodist Church. The church leases a building on its property to a private for-profit day care center. A discovery was made to add the building to the tax records for the four years that it lost its tax exemption. A tax bill was issued and the taxpayer appealed the discovery to the Craven County Board of Equalization and Review, which upheld the assessor's finding that the property is taxable; however, it reduced the assessed value from \$428,200 to \$152,500. This change resulted in the total tax liability for the four years to be reduced from \$19,209.75 to \$6,841.48. The taxpayer's rights to appeal the board's decision to the North Carolina Property Tax Commission have now expired and therefore, this difference of \$12,368.27 is to be refunded to the church.

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

Agenda Date: April 6, 2015

Presenter: Rick Hemphill

Agenda Item No. 5

Board Action Required or Considered: Yes

**DEPARTMENTAL MATTERS: FINANCE - APPROVAL OF PUBLIC SCHOOL FUNDING DRAW-DOWN**

Annually the Board of Education and the Board of Commissioners approve a project to be submitted to Department of Public Instruction to draw down the lottery funds which have been allocated to Craven County. These funds are used to pay debt service. Attachment #5 contains the form prescribed to submit to DPI to accomplish this. It has already been approved by the Board of Education

**Board Action: A vote to approve submission of the form.**

Agenda Date: April 6, 2015

Presenter: Don Baumgardner

Agenda Item No. 6

Board Action Required or Considered: Yes

**DEPARTMENTAL MATTERS: PLANNING – SUBDIVISIONS FOR APPROVAL**

Craven County Planning Director, Don Baumgardner, presented the following subdivisions recommended by the Planning Board for the Board's approval.

**Bertha Paul Farm – Final**

- Property is owned by Rakiock, LLC and surveyed by James C. Simmons, Jr., PLS.
- Property is located within Twp. 5, on Adams Creek Rd. (SR 1700)
- Subdivision contains 2 lots on 4.98 acres
- Lots proposed to be served by county water and individual septic systems

**Joseph H. Midgette – Final**

- Property is owned by Joseph & Margaret Midgette and surveyed by Kendal Gaskins Surveying, PLS.
- Property is located within Twp. 1, on Brick Kiln Rd. (SR 1635)
- Subdivision contains 1 lot on 2.59 acres
- Lot proposed to be served by county water and an individual septic system

**Board Action: A vote to approve the subdivisions, as recommended, is needed.**

Agenda Date: April 6, 2015

Presenter: Gene Hodges

Agenda Item No. 7

Board Action Required or Considered: Yes

**DEPARTMENTAL MATTERS: FACILITIES – SECURITY SUB-COMMITTEE  
REPORT**

On February 2, 2015 a subcommittee of Commissioners Dacey, Liner and McCabe was formed to research security concerns at the Human Services complex in light of the Department of Social Services request for a weapons ban. This subcommittee met on two different occasions with County staff and developed recommendations to enhance the security of the staff and property located at the Human Services complex. These recommendations are listed and detailed in Attachment #7.

**Board Action: Receive information and provide feedback to staff if necessary.**

Agenda Date: April 6, 2015

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

Agenda Item No. 8

Board Action Required or Considered: Yes

## APPOINTMENTS

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

**Board Action: Appointments will be effective immediately, unless otherwise specified.**

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

FIRE TAX COMMISSIONERS

AUTHORIZATION: N.C.G.S. 69-25.7

MISSION/FUNCTION: To serve in an advisory capacity as representatives of the County Commissioners relative to determining the amount of fire protection needed in their respective districts, assuring that district residents are afforded fire protection commensurate with the amount of fire tax paid, and furnishing said protection.

NUMBER OF MEMBERS:

30  
\_\_\_\_\_

TYPE:

3 per District  
\_\_\_\_\_

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

Must be a qualified voter of the district represented.

LENGTH OF TERMS: 2 Years

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

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

**Terms due to expire:** Tim Harvey (appointed 2013; has moved and needs to be replaced)

**No applications on file:**

**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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

LENGTH OF TERMS: 3 Years

MEETING SCHEDULE: Not Specified

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

**Term(s) ending:**

John Brazelton (appointed 1999)

Gerald Teel (appointed 1999)

Alvin West (Alternate; appointed 1999)

**Attachment # 8.A. is a list of residents in the eligible areas (AICUZ Zone and Coastal Carolina Regional Airport Zone).**

**B. CURRENT APPOINTMENTS**

ACT (ALLIES FOR CHERRY POINT'S TOMORROW)

(See Attachment # 8.B.)

DOWN EAST RPO COUNTY ALTERNATE: Chairman Tyson, Commissioner Mark

**C. UPCOMING APPOINTMENTS**

**May**

Eastern Carolina Regional Housing Authority Arlene Clifton; Appointed 2000

Fire Tax Commissioner John Hawkins; Twp. 3; appointed 2013  
John Norris, Sr.; Rhems; appointed 2013

Nursing Home Advisory Committee Cheryl Stevenson; Appointed 2012

Agenda Date: April 6, 2015

Presenter: Jim Hicks

Agenda Item No. 9

Board Action Required or Considered: Yes

## COUNTY ATTORNEY'S REPORT

- A. Final Acceptance - Offer to Purchase Real Property – 2501 New Bern Avenue (Parcel Number 8-037-090)

The County and City have previously received and tentatively approved an offer in the amount of \$1,700.00 for this property, which was acquired through a tax foreclosure. The total taxes and costs that were foreclosed on were \$1,729.16. The current tax value is \$8,500.00. The offer was advertised and there were no upset bids. Attached is the proposed resolution, deed and lien waiver. The City will consider its final approval on April 14, 2015. It is recommended that the Board give final approval of the sale and adopt the enclosed resolution shown in Attachment #9.A.

**Board Action: Adopt resolution to approve sale, pending City's approval.**

- B. Final Acceptance - Offer to Purchase Real Property – 1422 Lincoln Street (Parcel Number 8-013-052)

The County and City have previously received and tentatively approved an offer in the amount of \$4,000.00 for this property, which was acquired through a tax foreclosure. The total taxes and costs that were foreclosed on were \$4,182.41. The current tax value is \$66,730.00. The offer was advertised and there were no upset bids. Attached is the proposed resolution, deed and lien waiver. The City has given final approval. It is recommended that the Board give final approval of the sale and adopt the enclosed resolution shown as Attachment #9.B.

**Board Action: Adopt resolution for final approval and authorization for execution of related documents.**

- C. Offer to Purchase Real Property – Parcel No. 1-044-264 (no assigned street number; off of Main Street, north of Vanceboro)

The County has received an offer in the amount of \$2,200.00 for this property, which was acquired through a tax foreclosure. The total taxes and costs that were foreclosed on were \$2,139.09. The current tax value is \$13,500.00.

Attachment #9.C contains copies of a proposed resolution, offer to purchase, bid deposit, foreclosure deed, and GIS information.

Should the Board accept this offer, the property will then be advertised for upset bids in accordance with General Statutes. Once no further upset bids are timely received, the County may accept or reject the final offer.

**NOTE:** By way of disclaimer, our firm has provided past legal representation to the proposed purchaser.

**Board Action: Approve resolution**

D. Proposed Business Associate Agreement with Sumrell Sugg

A business associate agreement is required by HIPAA and the HITECH Act amendments for relationships between a “covered entity” and a “business associate.” A “business associate” is a person or entity that uses, holds, receives, transmits, etc. health information of a “covered entity” when performing services on behalf of the “covered entity.” The County has various departments, including the health department, that store and/or use protected health information and would be considered a “covered entity” in the case of those transactions.

Since our firm may come into contact with health information of patients/clients of the County in the course of rendering our services to the County, our firm may potentially be considered a “business associate” of the County. Therefore a business associate agreement between the County and our firm is recommended.

A copy of the proposed Business Associate Agreement is contained in Attachment #9.D for approval.

**Board Action: Approval of agreement**

Agenda Date: April 6, 2015

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

Agenda Item No. 10

## **COUNTY MANAGER'S REPORT**

Agenda Date: April 6, 2015

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

Agenda Item No. 11

## **COMMISSIONERS' REPORTS**