

THE BOARD OF COMMISSIONERS OF THE COUNTY OF CRAVEN RECONVENED MARCH 15, 2021 AT 9:45 A.M. AT THE NEW BERN RIVERFRONT CONVENTION CENTER, 203 SOUTH FRONT STREET, NEW BERN, NORTH CAROLINA. THE PURPOSE OF THE MEETING WAS TO CONDUCT A WORK SESSION.

MEMBERS PRESENT:

Chairman Jason R. Jones
Vice Chairman Denny Bucher
Commissioner George S. Liner
Commissioner Thomas F. Mark
Commissioner Theron L. McCabe
Commissioner E.T. Mitchell
Commissioner Beatrice Smith

STAFF PRESENT:

Jack B. Veit III, County Manager
Gene Hodges, Assistant County Manager
Nan Holton, Clerk to the Board
Craig Warren, Finance Director
Amber Parker, Human Resources Director
Arey Grady, County Attorney

Commissioner Liner motioned to approve the agenda, noting that some items would be addressed out of order to enable speakers to arrive for the reconvened session. His motion was seconded by Commissioner Mitchell and approved unanimously.

LITTER DISCUSSION

County Manager, Jack Veit, kicked off discussion about litter by reflecting on how this issue has become such a hot topic. He reported on the difficulty in identifying anyone to fill the position for a full-time Roadside Litter Clean up person. As a result, someone has been temporarily hired while still advertising for the full-time position. He reported on a Coastal Regional Solid Waste Management Authority (CRSWMA) meeting where their Board discussed the litter issue. As a result of that meeting, CRSWMA budgeted a total of \$180,000 for litter pick up to occur six times over the next year.

Commissioner Jones brought up the \$10,000 grant funding available to sheriffs in counties of less than 150,000 residents to pay deputies overtime to clean up rural roads. The issue though is that Craven County does not allow overtime with staff, and to change that would mean doing so universally, not within just one department. Discussion turned to whether or not to put something extra in the budget for enforcement efforts.

Commissioner Liner referenced the difficulty of moving litter cases through the court system due to lack of verifiable evidence. County Attorney Grady mentioned the possibility of pursuing them as civil cases versus criminal cases.

Other discussion centered on using dedicated enforcement officers, or having a rewards program. Consensus of the Board was to have the County Attorney and staff look further into the enforcement side of the litter issue.

Mr. Veit recognized the work of the Clean Sweep Committee under the leadership of Pat Sager, who recently retired as their longstanding Chairperson. He commented on how she has built coalitions over the years, and instituted the program recognizing businesses for their efforts. Commissioner Liner recommended a letter of appreciation be prepared for her.

TOWNSHIP 5 EMS DISCUSSION

Mr. Veit reviewed the previous discussions from the November, 2020 Work Session about establishing a Township 5 EMS. He highlighted the area is currently served by the City of Havelock, but there are response time issues.

To establish their own EMS district in Harlowe, there are several findings that would have to be met, as well as having the ability to sustain a tax increase of 5-10% which is burdensome.

Mr. Veit stated by the Harlowe VFD working to acquire the property next to their current station, it shows interest in pursuing a First Responder Program within their department. He reported they currently have six credentialed volunteers now and could achieve more going forward, which would solve some of the time issues related to the City of Havelocks responses. To pursue this option, would require a \$200-250,000 initial capital outlay versus the \$400-500,000 for an EMS service. Commissioner McCabe voiced his support of the First Responder option. Mr. Veit indicated if that is route the Board wanted to take, they could work with Mr. Stanley Kite to set up a timeline.

Commissioner Mitchell motioned to proceed with a First Responder Program for District 5; Commissioner McCabe seconded it and it was approved unanimously.

DEPARTMENT OF TRANSPORTATION PRESENTATION

General Hugh Overholt spoke on behalf of the NC Board of Transportation and thanked the Board of Commissioners for their support; and introduced Preston Hunter, the Division Engineer.

Mr. Hunter provided the Board with a thorough NC Department of Transportation presentation highlighting:

- State Transportation Improvement Projects in eastern NC (currently under construction and programmed)
- Bridge Projects
- Resurfacing
- Safety Improvements
- Other high impact/low cost projects

Mr. Hunter spent much time explaining the James City Hwy. 70 Project and explained that Winnie Johnson would be the dedicated project manager overseeing it. He addressed inquiries about litter pick up and mowing schedules, the Kinston by-pass, and issues with the progress of the Hwy 17 project.

General Overholt concluded the presentation with remarks about how the NC DOT Board has been reorganized, their fiscal responsibility, how the diminished vehicle tax plummeted during Covid and the impact that electric cars may have on infrastructure in the future. He commended Mr. Hunter on his management style and customer service.

At

11:40 am the Board took a five minute break.

MILITARY INFLUENCE OVERLAY DISTRICTS

Marc Finlayson, Allies for Cherry Point's Tomorrow, presented the Board with detailed background information regarding the Joint Land Use Study from 2016 intended to:

- Promote compatible development through existing ordinances and encourage new ordinances where appropriate; and
- Identify potential non-compatible land uses; and
- Enhance communications between the air station and communities, particularly about tall structures.

Mr. Finlayson reviewed the Military Influence Overlay District (MIOD) Project and highlighted their mission to encourage all counties, cities and towns in the Cherry Point region to consider mitigation measures against encroachment on Cherry Point training; including adopting land use ordinances where appropriate and entering into a Memoranda of Agreement with Cherry Point to formalize the relationship.

Planning Director, Don Baumgardner, provided the Board with a sample Military Planning & Coordination Agreement handout and explained it is a communication document to formalize the lines of communication between Cherry Point and Craven County.

He indicated it sets forth the procedures and protocols of land use activity that are occurring within the five-mile radius of Cherry Point. Mr. Baumgardner reviewed that Craven County already has several ordinances related to tall structures that support military activities in place, stating this agreement would just further build upon that. Mr. Baumgardner reported they will continue to work with the County Attorney to edit the document for Craven County and come back with a formal request for the Board's consideration of a MOA to continue supporting the Cherry Point Military Base.

Discussion was entered into about offshore wind farms supported by the Governor. Commissioner Jones interjected that Jaime Simmons, Program Manager with SE Wind Coalition, has recently requested to present to the Board about the wind and turbine program. He also referenced the impact that Cherry Point gives to Craven County as pointed out in the recent audit.

ANIMAL CONTROL ORDINANCE

County Attorney, Arey Grady, referenced the redlined proposal amending the Animal Control Ordinance to make the county animal shelter the primary point of contact for animals picked up by animal control. The proposed amendment reads:

II. In exercising his duties hereunder, the Sheriff shall only impound an animal in the County's animal shelter; provided, the Sheriff may impound an animal at another appropriate facility upon notice from the County's animal shelter that it is temporarily unable to accept animals due to capacity limitations, staffing or other such circumstances.

After some discussion, the Board was in consensus to add language referencing emergency circumstances and requiring written notice. Mr. Grady stated he would add the language, but to move forward a Public Hearing needed to set.

Commissioner Mark motioned to set a Public Hearing for the purpose of receiving comments on the proposed amendment to the Animal Control Ordinance on Monday, April 5th at 7:00 pm or as close thereafter as it can start. His motion was seconded by Commissioner McCabe and approved unanimously.

At 12:35 pm, the Board took a lunch break until 1:00 pm.

TAX REVALUATION

Tax Administrator, Ronnie Antry, presented the following information to the Board:

North Carolina law requires that every county reappraise all real property at least once in every eight (8) years. In 2011, the Craven County Board of Commissioners advanced the revaluation schedule from the eight-year cycle that the county has operated under since 1962. The 2016 revaluation was conducted six (6) years after the 2010 reappraisal and the 2011 resolution called for the subsequent revaluations to be done every four (4) years after 2016.

After the devastation caused by Hurricane Florence in 2018, the Board in 2019 postponed the 2020 revaluation by one year to become effective January 1, 2021. In March of last year, citing ongoing burdens to staff caused by Hurricane Florence and the fact that the tax office was installing new tax software, it was proposed to postpone the revaluation another two years to become effective January 1, 2023. The Board approved another one-year delay to postpone it to take effect January 1, 2022.

Two of the three modules of tax software have been completed. The tax collection software was installed in 2019 and is working well. The tax listing software was put into place in 2020 and it is also functioning as it was intended. The last module to be installed—and the one most needed to conduct the next revaluation—is the real estate appraisal software that was to have been working in 2020. He relayed that progress is being made on the conversion; however, work on it to assure accuracy is more time consuming and labor intensive than first anticipated to replicate existing values and data elements to assure an accurate and successful revaluation.

For this reason, Mr. Antry recommended that the Board again consider delaying the revaluation an additional year to become effective January 1, 2023. This would allow for the time needed to install the new software, complete the data conversion, and allow staff time to work with the new software before the next revaluation.

Glenn Jones, Craven County Chief Appraiser, was also present to address any questions.

Commissioner Mark motioned to move the revaluation to January 2023, as requested. His motion was seconded by Commissioner Bucher and passed 6-1 (Liner, nay) in a roll call vote.

Mr. Antry reminded the Board of “gap billing” discussed at a September, 2020 meeting, which has to do with gaps in the registration of vehicles that occur for a variety of reasons. He presented them with a sample bill that is to be mailed out. Mr. Antry reported that he had been working with Human Resources Director, Amber Parker, on a public information announcement to aid individuals in understanding why they are receiving these bills.

SOLID WASTE TANDEM AXLE TRAILER POLICY

Solid Waste Director, Steve Aster, indicated he was tasked with evaluating the prohibition of tandem axle trailers utilizing the Craven County Convenience Centers and began by reviewing the current rules and regulations which state their policy is to prohibit them.

He provided research results from 13 other Solid Waste Departments for comparison, highlighting they share a common goal of not allowing contractors to utilize their facilities. He also said that Craven County is the only county to receive all of the materials that they do.

Mr. Aster reviewed the hauling and disposal costs associated with C&D, Yard Waste, Brown Goods, and Hauling over the last few years. He estimated that allowing tandem axle trailers to utilize Convenience Centers would increase their expenditures by 5-10%. Just in FY19-20, Craven County Solid Waste spent \$1,256,797 on the hauling and disposal of materials from the Convenience Centers.

He informed the Board that the larger trailers cause congestion and can fill up a dumpster in one load. He stated that GFL has two hours to bring in a new dumpster once they are called, which means that site is without the capability to receive more until a new dumpster is delivered.

Discussion then ensued on the complications created for the workers when dealing with the issues related to double axle trailers. They also explored other alternatives.

Commissioner Mark motioned to keep the existing policies in place which restrict tandem axle trailers from using the convenience centers. His motion was seconded by Commissioner Bucher and carried in a 5-2 (Mitchell & Jones, nays) roll call vote.

At 1:30 p.m., a fifteen-minute break was taken.

At 1:45 p.m., Commissioner Jones called the hearing for a bid withdrawal for the Courthouse mortar restoration project to order.

County Attorney, Arey Grady, noted that the Board would be hearing testimony from the contractor Primus Structures and sub-contractor GE Masonry, requesting to withdraw their bid on the courthouse mortar restoration project. He referenced the affidavit that sets their position and the sub-contractor’s hand-written bid sheet as evidence submitted to the Board. Mr. Grady stated that after their sworn testimonies, the Board would be able to ask questions. At the conclusion of the hearing, the Board would need to make a written ruling within five days.

Commissioner Jones called anyone present who wanted to give a testimony forward. Primus Structure Senior Project Manager Estimator, Jim Sambino, and GE Masonry Estimator, Rob Haas, came forward, stated their names for the record and took the oath from Clerk to the Board Nan Holton. Attorney Steele B. (“Al”) Windle, III, with Smith, Terry, Johnson and Windle, was present on speaker phone.

Jim Sambino reviewed that in bidding for the courthouse mortar restoration project he solicited bids from masonry contractors. Mr. Sambino stated he received just one bid from Rob Haas with GE Masonry. He remarked that they had done historical work before so Primus Construction was confident accepting their bid. He relayed that the architects with Oakley Collier checked in with him and there were several emails back and forth to clarify things. Mr. Sambino reported that Mr. Haas had visited the site prior to submitting his bid and again afterward. It was after the bid was submitted that Mr. Haas realized a mistake had been made in transcribing his notes to the formal bid documents.

Mr. Sambino indicated they were looking forward to doing the job and it was never their intent to withdraw, but having received only one masonry bid to rely on put them in an unfortunate situation. He stated that Primus Structures has never pulled out of a project before.

Mr. Haas stated that upon solicitation to bid on this job with Primus Structures he visited the job site and walked it, checked the walls, and brought in his mason who has done this type of work before and walked it again. He reported he and his mason talked the project over while in the parking lot, breaking it down as chiseling, chipping, pointing, staining, and cleaning. Mr. Haas stated that the Project Manager plugged the information into the formal bid document from the handwritten notes. His notebook was circulated between the Commissioners for their review. He reported that upon being awarded the job, he spoke with his subcontractors to set a timeline and walked the site again while reviewing the bid that was submitted. It was then that he became aware that the chipping had not been transcribed from his notes to the bid submission. He indicated he had worked to assess the issue and to see if there was a way to salvage the job, but he was unable to find a viable solution.

At this time, Attorney Windle, via phone stated that it was a clerical error versus a judgement error and that they request to withdraw their bid.

Commissioner Jones asked if there was desire to have testimony on behalf of Craven County and there was not. Commissioner Bucher requested to know what their options were. Mr. Grady stated the statute gives two options: one is to allow their withdrawal of the bid upon finding it was submitted in good faith and the error was clerical in nature, which would release the contractor and his bid bond; the second option would be to hold the contractor responsible and not release his bid bond. Mr. Grady relayed that any rulings need to be submitted in writing and the contractor has the right to appeal to Superior Court.

At 2:03 p.m. Commissioner Jones called the hearing to a close as there were other agenda items to discuss.

RESOLUTION IN SUPPORT OF PARTISAN BOARD OF EDUCATION

County Manager, Jack Veit, read the proposed resolution and opened the floor for discussion. Commissioner Jones indicated he was seeking consensus from the Board to hold a public hearing at their next meeting and to allow for written comments to be submitted.

Commissioner Smith stated this topic is causing her a lot of contention as a supporter of public education, as it gives the perception that the Board of Education is not functioning properly. She requested input on why this change was being suggested. Ms. Smith also referenced an email received about how the Board of Education submits their budget and sought clarity on that.

Commissioner Bucher responded by providing statistics on voter turnout for the Presidential election and the schools' Board of Education elections. He stated that the Board of Education is the only non-partisan election on the ballot.

Commissioner Mitchell stated that in theory she agrees that education should be non-partisan, but that many voters do not do their research. She referenced the lack of a public school system the past year during Covid and the need for the Board of Education to listen to their constituents.

Commissioner Liner rebuked by saying that Raleigh sends down directives to the local school boards and they are not able to set their own rules and regulations. He indicated he would be more interested in making the school board election by districts.

Commissioner Jones provided a history lesson dating back to 1998 when the sitting Board of Commissioners asked by resolution to have the Legislature pass a local bill to make the Board of Education non-partisan.

Commissioner Mitchell motioned to set a public hearing to receive citizen comments about the Resolution in support of partisan Board of Education elections, to be held on Monday, April 5th at 7:00 p.m. or as close thereafter that it can start, in the Convention Center, and to allow for written comments to be submitted. Her motion was seconded by Commissioner Mark and approved 7-0 in a roll call vote.

Commissioner Jones responded to Commissioner Smiths inquiry about the school board budget and stated he recently met with the Superintendent and the individual who sent the email and satisfied her issue.

DISCUSSION ON BID WITHDRAWL FOR COURTHOUSE MORTAR RESTORATION PROJECT

Mr. Veit reviewed the testimonies that were heard as well as the evidence shared regarding the bid from Primus Structures and GE Masonry and emphasized the need for a decision to be made. He stated that Mr. Grady had already provided the guidelines.

Commissioner Bucher motioned to release Primus Structures from their bid. His motion was seconded by Commissioner Mitchell. Attorney Grady requested the motion include authorization for him and Chairman Jones to write up the decision and send it to their attorney. Commissioner Bucher and Mitchell agreed to the amended motion.

Discussion ensued regarding not reviewing the bid prior to submittal, seeing the numbers for chiseling on the handwritten notes, not recognizing their mistake until after seeing what other contractors bid, and the possibility of an appeal to Superior Court.

A break was taken at 2:45 p.m. and upon return at 2:50 p.m., Clerk to the Board conducted a roll call vote which passed the motion 5-2 (Liner, Mark, nays).

COUNTY MANAGER REPORT

Mr. Veit shared some data sent from the Health Department regarding Covid vaccinations, the collaboration with the hospital, and an update on the recent clinics held. The Board discussed having more clinics in the outlying areas and making transportation available to people who need it.

Mr. Veit reported on House Bill 221 addressing emergency powers of a Governor filed by Representative Kidwell last week. He indicated it is an act to restrict the application of certain emergency management powers to the counties of Beaufort, Craven, and Onslow. He reviewed that the Beaufort Board of Commissioners submitted a resolution to the state related to the pandemic, on the power of the Governor. This legislation is a direct result of that resolution, and it is troubling because this Bill goes beyond the pandemic and would hinder Craven County's ability to call an emergency state during a natural disaster such as a hurricane. Commissioner Liner reported that Beaufort County was caught off guard and that Onslow County was also unaware. He commented that Rep. Kidwell was on the radio earlier today touting this Bill. The Board discussed the ramifications of the Bill; how this would impede the flow of FEMA monies and the need to communicate directly with Rep. Kidwell about removing Craven County from the Bill. It was the consensus of the Board to have Chairman Jones make contact and relay Craven County's opposition to the Bill.

COMMISSIONERS' REPORT

Commissioner Liner reported on the Coastal Regional Airport Authority meeting tomorrow and the Vietnam Wall coming to New Bern from April 7th – 11th and their need for volunteers. He relayed that he and Commissioner Smith had attended the swearing in of Mr. Dove to the Board of Education recently.

Commissioner Mark reported that CarolinaEast Hospital was recognized in Business Magazine as a better hospital for the sixth year in a row.

Commissioner Mitchell reported that Eastern Carolina Council of Governments is in the process of revising their By-Laws, with the focus to impose board limits and engage more activity. She referenced the Hwy 70 Corridor plan on their website, indicating all four lanes will be closed at night and her plans to speak with them about safety measures. In closing she relayed that the NC Military Affairs Commission is gearing up to address BRAC and would be seeking support from the House and the Senate.

Commissioner McCabe had nothing to report.

Commissioner Smith had nothing to report.

Commissioner Bucher had nothing to report.

Chairman Jones requested to draft a Proclamation in recognition of James Ray Odom, who is retiring as funeral director at Cotton Funeral Home. He stated it was determined that no Closed Session would be necessary.

At 3:30 p.m. Commissioner Mark motioned to adjourn; seconded by Commissioner Liner and approved unanimously.

Chairman Jason R. Jones
Craven County Board of Commissioners

Nan Holton
Clerk to the Board