

**PITT COUNTY BOARD OF COMMISSIONERS
GREENVILLE, NORTH CAROLINA
APRIL 7, 2003 MINUTES**

The Board of County Commissioners convened as the Board of Equalization and Review at 8:45 a.m. on this date prior to the regular meeting.

The Pitt County Board of Commissioners met on Monday, April 7, 2003, at 9:00 AM in the Commissioners' Auditorium, Pitt County Office Building, 1717 W. 5th Street, Greenville, North Carolina.

Commissioners present:

Beth Ward, Chairman
Eugene James, Vice Chairman
Jimmy Garris, Commissioner
John Minges, Commissioner
Mark Owens, Jr., Commissioner
Glenn Bowen, Commissioner
Tom Coulson, Commissioner
David Hammond, Commissioner
Randy Royal, Commissioner

Staff present:

Scott Elliott, County Manager
Susan Banks, Clerk to the Board
Melonie Bryan, Deputy County Manager/Financial Services
John K. Bulow, Deputy County Manager/Human Services
Glenn Cutrell, Tax Assessor
Phil Dickerson, Deputy County Manager/Facility Services
Edward Garrison, DSS Director
Greg Hackett, EMS Director
Florida Hardy, Director of Human Resources
Thomas Lynch, Public Information Officer
Glen Moore, Planning Department
John Morrow, Director of Health Department
James Rhodes, Planning Director
Joel Scales, Dir. of Solid Waste/Recycling
Michael Taylor, MIS Director

Call to Order

Meeting Notes

Chairman Ward called the meeting to order and welcomed everyone present.

Invocation and Pledge

The invocation was offered by Commissioner Royal.
The Pledge of Allegiance was led by Commissioner Coulson.

Approval of Agenda

Motion:

Motion to approve agenda as presented.

**Motion made by Commissioner David Hammond.
Motion seconded by Vice Chairman Eugene James.**

Motion Passed Unanimously.

Public Hearings

Rezoning -- Northwest Planning Area Zoning Ordinance Map Amendment - James Rhodes

Information Provided with the Agenda

Planning staff has received a request for a Zoning Map Amendment, or rezoning, for property located in the Northwest Planning Area. The Belvoir Volunteer Fire Department has requested a rezoning of property located at NC 222 and NC 33 West (4167 NC 33 West) from Rural Residential to General Commercial.

The Planning Board reviewed this rezoning request at its March meeting and by a unanimous vote recommended approval of the request.

The schedule for consideration of the rezoning request is as follows:

- March 10, 2003 - Board of County Commissioners (BCC) set Public Hearing for April 7, 2003
- March 19, 2003 - Planning Board recommends approval
- March 22, 2003 through April 7, 2003 - Advertise public hearing (Attachment 1) in Daily Reflector and notify adjacent property owners (Attachment 2)
- April 7, 2003 - BCC Public Hearing

Attached is a flow chart that depicts the amendment process (Attachment 3) and a final staff report (Attachment 4).

The rezoning request is in conformance with the Northwest Planning Area Land Use Plan and the site meets guidelines provided for the General Commercial District in the Northwest Planning Area Zoning Ordinance section 4.1.6 General Commercial District.

**Staff Report
REZ-03-01**

ACTION REQUESTED

Rezone 4167 NC 33 West (Parcel #10210) from Rural Residential (Commissioner Royal) to General Commercial (GC)

Site Data

Location	Northwest corner of NC 222 and NC 33 West at Belvoir Crossroad
Parcel Number	10210
Property Address	4167 NC 33 West
Size	2 acres (approx.)
Current Use	Residential
Existing Structure	Single family residence
Current Zoning	Rural Residential (RR)
Adjacent Uses	
	North single family residences and convenience store, zoned RR and GC
	East boat repair shop, zoned GC
	South agricultural, zoned RR
	West fire department, zoned RR

General Description of Area

Site is situated at the intersection of NC 222 and NC 33 West in the Belvoir Crossroad community. Belvoir Crossroad is located approximately 7 miles north of Greenville on NC 33, a main route between Greenville and Tarboro in Edgecombe County. Belvoir Crossroad is a typical crossroad community with a mixture of residential and commercial land uses.

Northwest Planning Area Land Use Plan and Zoning Ordinance Review

Northwest Planning Area Land Use Plan

This parcel is designated as Rural Commercial / Crossroad Community. Land uses in this category are intended to include limited commercial service land uses that are appropriate to rural crossroads development in a prevailing rural/agricultural context; mix of appropriate land uses including residential, public/institutional, and limited commercial and light industrial. Land uses in this category could develop with public sewer or private septic tank systems.

Northwest Planning Area Zoning Ordinance

Current Zoning:

Rural Residential (RR), The Rural Residential District is primarily intended to accommodate low density, single-family residential uses and their associated, supporting public and institutional uses in areas that generally do not have access to public or community water and sewer systems.

Proposed Zoning:

General Commercial (GC), The General Commercial District is intended to accommodate a range of retail, service, office, limited wholesale, and moderate density multifamily residential uses in areas that have access to major thoroughfares and the necessary utilities to support such development.

Any land use established at this location will be required to meet the development standards of the zoning ordinance including, but not limited to: parking, screening, buffering, and sign standards. Also, any use established here will most likely be required to provide paved parking areas.

Environmental Review:

Flood Damage Prevention Ordinance

- Site is located in Zone X Shaded (500 year floodplain) as shown on DFIRM panel 4740J. The Pitt County Flood Damage Prevention Ordinance does not regulate development in this flood zone.

Soil Erosion and Sedimentation Control Ordinance

- Land disturbing activities greater than one acre require a SESC plan to be submitted to the Pitt County Planning Department.

Tar-Pamlico River Basin Rules

- Site is adjacent to a stream as determined by NC Division of Water Quality. All riparian rules, unless otherwise approved and documented by the Division will apply (see Soil Survey #17).

Water Supply Watershed Protection Ordinance

- Located in WPA, Protected Area – if SESC plan is required the development cannot exceed 36 percent built-upon area

REZONING PROCESS

- March 10, 2003 –Board of County Commissioners schedules a Public Hearing for April 7, 2003
- March 19, 2003 – Planning Board Review and Recommendation forwarded to the BCC **(Planning Board recommended approval, 10-0)**

- March 22, 2003 through April 7, 2003 – Advertise public hearing in Daily Reflector and notify adjacent property owners
- April 7, 2003 – BCC Public Hearing

STAFF & PLANNING BOARD RECOMMENDATION

The rezoning request is in conformance with the Northwest Planning Area Land Use Plan and site meets guidelines provided for the General Commercial District in the Northwest Planning Area Zoning Ordinance section 4.1.6 General Commercial District. Also, the Pitt County Planning Board recommended approval of the rezoning. Therefore, staff recommends approval of the request (REZ 03-01) to rezone the Belvoir Volunteer Fire Department property at 4167 NC 33 West, Parcel 10210, from Rural Residential to General Commercial.

Pitt County, North Carolina
www.co.pitt.nc.us



PARCEL NUMBER: 010210



PARCEL NUMBER: 010210

ParcelNumber	010210
AccountNumber	10973430
LocationNumber	4167
LocationDirection	W
LocationStreet	NC 33
LocationType	-
Municipality	OUTSIDE CITY
OwnerName	BELVOIR VOLUNTEER FIRE DEPT.
OwnerAddress1	P. O. BOX 3
OwnerAddress2	-
OwnerAddress3	-
City	GREENVILLE
State	NC
ZipCode	27835
LegalDescription	BELL
DeedBook	0169
DeedPage	0056
MapBlockLot	4751.02-56-2151.000
Township	BELVOIR
CensusTract	3714720
FireTaxDistrict	BELVOIR
RescueTaxDistrict	FALKLAND
Zoning	00
UseCode	RESIDENTIAL
YearBuilt	1958
HeatedSqFt	784
TotalSqFt	816
SalesMonth	03
SalesYear	1988
SalesPrice	\$30,000
Acres	2.00
TotalTaxValue	\$38,210
BuildingValue	\$23,810
LandValue	\$14,400
XTraFeaturesValue	\$0
TaxesBilled	\$341.29
TaxesDue	\$0.00
ElementarySchool	NORTHWEST
MiddleSchool	WELLCOME
HighSchool	NORTH PITT

Disclaimer: This tax record is prepared for the inventory of real property within Pitt County and is compiled from recorded deeds, plats, tax maps, surveys, and other public records. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification. Pitt County assumes no legal responsibility for the information contained herein.

Data Current As Of:
Fri 02/14/2003 4:20p

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.../esrimap.dll?Name=PittMap&Cmd=Prt&Left=2454499.25&Bottom=715377.6875&Right=243/3/2003

Meeting Notes

Mr. Rhodes stated this is the first rezoning case for the NW Planning area. He presented the map of the Belvoir Crossroads with the requested change for the rezoning from rural residential to general commercial. He reviewed the process this application has been through with Planning staff and Board noting that they had notified all adjacent land owners within 100 feet of this property as required by law. The property includes two acres with one residence on the property. He said it is largely vacant. Mr. Rhodes said the rezoning is in accordance with the Comprehensive Land Use Plan for this area which shows it as rural commercial. On the zoning map, this area was zoned in 2001 for existing land use. If rezoned general commercial, there are numerous uses allowed, not just the one requested. He reviewed the types of uses that would be allowed. He stated that this request does conform to the land use plan and staff and the Planning Board recommend approval.

Chairman Ward opened the Public Hearing. No one came forward to speak. Commissioner Bowen asked how much fees had been paid to process this rezoning request. Mr. Rhodes stated the fee paid was \$150. Commissioner Bowen asked how this property was zoned residential when properties around it were zoned commercial. Vice Chairman James said before the flood this property was commercial because it was a car dealership. He stated that he felt the property should have been originally zoned commercial because of the car dealership and it being at a crossroads. He stated he felt it was unfair to charge the fire department \$150 since it should have been originally zoned commercial. Commissioner Bowen spoke about this process and countywide zoning stating that they are zoning properties something else so they can make \$150 for the rezoning requests. Commissioner Bowen said when you go into a crossroads and a store exists, it should not be zoned residential. James Rhodes said they zoned what it was at that time and that following the flood, there was only one residence on the property so it was zoned residential. Vice Chairman James said the properties were bought for one man. James Rhodes said this is two parcels. Vice Chairman James said the fire department had to request the rezoning so they could build an extra bay. James Rhodes said that was incorrect and the fire department's expansion had nothing to do with this rezoning.

Motion:

The Planning Board and staff recommend approval of the request (REZ 03-01) to rezone the Belvoir Volunteer Fire Department property at 4167 NC 33 West, Parcel 10210, from Rural Residential to General Commercial.

Motion made by Commissioner Jimmy Garris.

Motion seconded by Commissioner Randy Royal.

Commissioner Coulson asked why the fire department does not want to be rezoned as well. Mr. Rhodes said the fire department can be zoned general commercial. Mr. Elliott said there was no need to rezone the fire department. Commissioner Bowen said the commissioners need to remember this situation when they start considering zoning the County.

Motion Passed Unanimously.

Motion:

Motion to close the public hearing.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Randy Royal.

Motion Passed Unanimously.

Chairman Ward stated that proper procedure would have been to close the public hearing prior to making the motion. No one had any objection to the process. The motion was accepted as stated without further discussion.

Employee Recognition

Pitt County Employee Incentive Program Award (PCEIP) - Michael Taylor

Information Provided with the Agenda

At their February quarterly meeting the PCEIP Monetary Awards committee made the following award.

2002-0015 DMV monthly billing process enhancements.

Tommy Cobb - Tax Assessor
Tina Cox - Tax Assessor

Tommy and Tina identified and recommended two changes to the DMV monthly billing process which resulted in a reduction of processing time, improved service to the tax payer and lower costs. The first change provided a mechanism to "flag" a vehicle that had previously received value adjustments (i.e. high mileage, bill of sale, wrecked vehicle, etc.). The computer system will now process the value accordingly and not require the tax payer to contact the Tax Assessor's office each year. The second change provides an automated method of pre-valuing trailers. Staff no longer have to manually assess and keypunch data into the system. These changes have resulted in an estimated \$8,100 in staff time while providing a higher level of tax payer satisfaction. A fixed award for \$250 was made.

Meeting Notes

Mr. Michael Taylor and Mr. Scott Elliott presented an Employee Recognition award to Tax Office employees, Tina Cox and Tommy Cobb that presented a way to enhance the monthly DMV billing process which results in a time savings and more productivity. Mr. Elliott presented certificates of excellence and stated this will result in cost saving measures for the department.

Employee Service Awards

Employee Service Awards & Reception - Florida Hardy

Information Provided with the Agenda

Employees with 5, 10, 15, 20, 25 and 30 years of service with Pitt County are recognized by the Board of Commissioners each quarter. Employees who reach these 5year milestones during a quarter are honored at the next regularly scheduled Commissioners meeting following that quarter.

04/07/03 EMPLOYEE SERVICE AWARDS

5 Years

Melinda G. Castelloe	Management Information Systems
Matthew S. (Matt) Davis	Sheriff Department
Walter S. (Shane) Guthrie	Sheriff Department
Mark V. Harrell	Detention Center
Ruby H. Jenkins	Mental Health
Robert B. (Brent) Jones	Public Health
Jonathan H. Kleckner	Detention Center
Wallace L. (Lee) Moore	Sheriff Department
Lorraine F. Olson	Mental Health
Mary N. Perry	Mental Health
Joseph G. (Joe) Reason	Sheriff Department

Keshia C. Speight
Rene B. Williams

Public Health
Public Health

10 Years

Hubert G. Cannon
Georgia K. Claxton
Jacqueline Darden
Denise B. Davis
Romeo A. Garcia
Grover H. (**Hugh**) Garris
Cynthia D. Godley
Anita P. Mills
Dana L. Place
Delores D. Robinson
James P. (**JP**) Stancil
Natalie R. Williams

Buildings & Grounds
Mental Health
Mental Health
Mental Health
Sheriff Department
Detention Center
Detention Center
Social Services
Sheriff Department
Social Services
Sheriff Department
Social Services

15 Years

Judy T. Allison
Angela C. Garris
Alma R. Haddock
Teresa E. Holt
William B. (**Bryant**) Howell
Glenda F. Nobles

Detention Center
Social Services
Social Services
Sheriff Department
Detention Center
Social Services

20 Years

James L. (**Jim**) Capps
Deborah E. McLawhorn

Mental Health
Sheriff Department

30 Years

Rebecca M. (**Becky**) Starkey

Social Services

Meeting Notes

Chairman Ward and Mr. Elliott presented certificates to the employees starting with the thirty-year awards first. A reception was held following the presentations.

Public Addresses to the Board

Meeting Notes

Chairman Ward called the meeting back to order. She stated the next item on the agenda was Public Addresses to the Board.

Nancy Jessup said that her purpose for speaking was is to introduce herself as the Interim Public Information Officer for the Pitt County Schools. She hand delivered information about upcoming meetings about facility needs and work sessions to study those needs.

Tom Johnson, Sr. spoke concerning General Obligation Bonds being considered for the November 2003 election. He offered his support for the General Obligation Bonds for capital expenses for the schools. It has been several years since the public has been asked to vote for

funds for the Pitt County Schools. He said the last general obligation vote failed. He said the failure of that bond referendum was due to the people not buying into the plan early on. Because of its failure to pass, lunch rooms were not built, restrooms were not built or improved, and computer classrooms were not built. He encouraged the Board and the public to vote on this modest bond issue because the cost to borrow money is so low, low bids are possible now and in addition, the County needs \$4.4 million in matching State funds for Pitt Community College. He said he hoped this Board would see fit to proceed with this bond issue this fall.

Nancy Colville spoke concerning the County appointments to the Greenville Planning and Zoning Commission. She requested that the Board of Commissioners not put another person related to construction business or developer on this board. She said she asked the Clerk who had applied to this position and she informed her that someone had asked her to put an application of Mr. Don Baker who had applied. She asked about where he worked and was told Carolina Chemical Company was on his application. She said she brought to the Clerk's attention that Carolina Chemical does not exist any longer and asked for a copy of Mr. Baker's application. She said the public receives a form that is generated from the computer when asking who has applied for positions. She spoke of the form that she received stating that the form does not list employment but lists it by experience. Mr. Baker's form shows Carolina Chemical Corporation but the application clearly shows his employer was Southern Vinyl Corporation. She stated she thought she was misled and she didn't appreciate it. She said his work experience does show Southern Vinyl Corporation and that he had a relationship with another company. His construction experience was shown on his application. She said all commissioners should be aware. She asked if the Board receives a copy of the applications. The form should show current employment.

Motion:

Motion to not charge (or to refund) the \$150 to the Belvoir Fire Department for their rezoning request.

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner David Hammond.

Substitute Motion:

Motion to have Vice Chairman James pay the fee since he got that area zoned.

Motion made by Commissioner Bowen

Motion seconded by Commissioner Owens.

Vote Record:

Jimmy Garris	Yes
John Minges	Yes
Mark Owens, Jr.	Yes
Beth Ward	Yes
Glenn Bowen	Yes
Tom Coulson	Yes
David Hammond	Yes
Eugene James	No
Randy Royal	No

Total Yes Votes: 7

Total No Votes: 2

Motion Passed.

Items for Report

Manager's Report - Scott Elliott

Information Provided with the Agenda

Review Revised FY 03-04 Budget Calendar
County Government Week, April 6-12, 2003
BOE, LREP, Wahl-Coats School, April 14, 7:30 pm
Education Compact Meeting, May 12th, 6:00 pm, location to be announced
Report from NCACC Regional Meeting

Meeting Notes

Mr. Elliott reported that he initially wanted to add May 5th for a work session. However, he is now recommending that this meeting be changed to May 15th following receipt of the schools facilities request. Also, May 21-23 was proposed and now staff is proposing Tuesday through Thursday, May 20th-22nd for these meetings. The Board discussed starting each session workshop at 8:30 a.m. in the auditorium.

Motion:

Motion to approve the revisions to the budget calendar from May 5th to May 15th and change the budget workshops from Mary 21 to 23 to May 20-22. Budget workshop meetings will be held in the auditorium and begin at 8:30 a.m.

Motion made by Commissioner David Hammond.

Motion seconded by Vice Chairman Eugene James.

Motion Passed Unanimously.

Mr. Elliott informed the Board that April 6-12 is County Government Week. There will be live interviews with department heads in an effort to promote county government.

The Long Range Education Plan will be revealed by the School Board on April 14th at 7:30pm at Wahl-Coates School. The Board is invited to attend this meeting where they formally make their total financial need public at this meeting. Chairman Ward said they will follow up with their own workshops where they will discuss what they are bringing to the County and this Board is invited to attend those meetings. There is a series of four workshops which the schedule was provided to the Board.

Mr. Elliott stated they have discussed holding the Education Compact meeting on May 12th at 6:00 p.m. Location has not yet determined.

Mr. Elliott stated that Commissioner Hammond and himself attended the North Carolina Association of County Commissioners regional meeting and got updated on statewide issues. Commissioner Hammond said he felt the Board should be more involved in the NCACC especially when they bring a meeting to this area. He said this County is one of the largest counties and it is not showing the kind of support it should show.

SouthEast Crescent Project - Scott Elliott

Information Provided with the Agenda

Chairman Ward has asked that Al Delia of the East Carolina University Regional Development Institute brief the Board of Commissioners on the SouthEast Crescent project. This project seeks to establish a federal commission to address poverty in North Carolina and several surrounding states.

Board members will find a copy of the "SouthEast Crescent" document included in your agenda packet. The public may view this document at the Clerk to the Board's office at 1717 W. 5th Street, Greenville, NC.

Meeting Notes

Mr. Al Delia presented a map showing the SouthEast Crescent Authority. He gave the board background on the congressional proposal. The original study on economic conditions over a 40 year period starting in 1960. The western part of North Carolina actually improved economically but the eastern part of North Carolina actually declined economically during that time. Further research showed the reason for the improvement was the Appalachian Regional commission which was a Federal/State partnership created to improve their economic position in the State. The current proposal was expanded from just North Carolina to include six other states from Virginia to Florida and as far west as Mississippi. They look at the depth of poverty that was not covered by the federal commission. There are two federal commissions which are the Appalachian Regional Commission and the Delta Regional Authority. They deal with poverty in those areas. Similar commissions have been created for period of time. These deal with poverty. He said when you look at poverty in the US there are areas that are identified as persistently poor. They have a federal authority or commission that provides federal funding with the exception of the southeast region of the United States. He referred to the map of southeastern US. He said other states have expressed an interest in becoming part of the SouthEast Crescent Authority. Whether pink, red or brown on the map they have high poverty, 20% poverty of population of county for each 60,70,..2000 census year. He said you have one-fifth of your population is persistently in poverty for the last forty years. Legislation has been introduced in the House and reintroduced this year as HR 141 creating an authority for this region, authorization in five years, with \$40 million in federal funding. Each federal dollar used leverages \$10 in State, local or private investment in 429 counties southeast region. Mr. Delia said that the majority of the money has to be spent in these counties \$70 - \$80 million to be spent each year on economic development. Senators Dole and Edwards have been strong supporters of this project. Senate Bill 527 creates a similar authority. Differences in these two bills can be reconciled and move forward. The Committee has informally endorsed the legislation. They expect a mark up of this bill this spring. Chairman Ward said they received information about this authority prior to this meeting. Mr. Delia offered the Board an electronic copy of the full report. Commissioner Bowen asked for examples on how this money will be spent. Mr. Delia said worker training, counseling businesses, improving education, and many others but it must be defined as economic development and it must pass an application process before a board.

Mr. Delia said some of the other states are in worse shape than North Carolina. The funds will be based on eligible projects. He said North Carolina could get \$7-\$8 million of these funds. Commissioner Mingos asked if water, sewer, or natural gas would qualify for this project and funds. Mr. Delia said they could be qualified but they would have to pass the application process. He said he is confident that the program will be approved but not necessarily that the funding will be handed down this year. There may be a delay in appropriations. Commissioner Hammond asked if war or homeland security will affect this funding. There may be some stimulus packages generated by the federal government.

Stonegate Subdivision Street Barricade - Glen Moore

Information Provided with the Agenda

The Board of County Commissioners at its September 16, 2002, meeting granted the residents of Stonegate Subdivision an additional six months to work with North Carolina Department of Transportation (NCDOT) to reach an agreeable solution to terminate Jay Circle at the current barricade location while ensuring compliance with the state maintained road standards.

In February 2003, the Village of Simpson extended its Extraterritorial Jurisdiction (ETJ) to include Stonegate subdivision. Upon the advisement from Pitt County Attorney, Joanne Burgdorff and Rich Ducker of the North Carolina Institute of Government, the subdivision and the barricade in question are no longer in the County's jurisdiction and it is now incumbent upon the Village of Simpson and/or NCDOT to require removal of the barricade, if they wish to do so.

Pitt County does enforce subdivision regulations for the Village of Simpson and if the Village requests the County to require the removal of the barricade under its authority, the County may do so, otherwise, the County can no longer request the removal of the barricade.

Staff will be forwarding all relevant information regarding the street barricade to the Village of Simpson for consideration.

Meeting Notes

Commissioner Bowen said that the information in the package was clear and he did not feel a report was necessary. Mr. Glen Moore reported that the Board granted six months for them to work with Simpson to solve this situation. Simpson took in this area so it is no longer in the County's jurisdiction. Planning will forward all information to the Village of Simpson for their information.

GFOA Certificate of Achievement for Excellence in Financial Reporting - Melonie Bryan

Information Provided with the Agenda

Financial Services has received notification from the Government Finance Officers Association of the United States and Canada (GFOA) that Pitt County's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2002, qualifies for a Certificate of Achievement for Excellence in Financial Reporting. This is a certification that the County annually strives to achieve. It is the highest recognition in the area of governmental accounting and financial reporting and demonstrates a "spirit of full disclosure" in communicating Pitt County's financial story. This is the 13th consecutive year that Pitt County has obtained this award.

Motion:

Accept award and recognize contributions of Financial Services staff.

Motion made by Commissioner Glenn Bowen.

Motion seconded by Commissioner Randy Royal.

Motion Passed Unanimously.

Items for Consent

Approve Consent Items

Motion:

Motion to approve items for Consent.

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Social Services - Budget Amendment - Smart Start - \$41,750 - Edward L. Garrison

Information Provided with the Agenda

The Department of Social Services has received notification from the Martin/Pitt Partnership for Children of an additional \$41,750 in funding for the purchase of day care for eligible clients. The funds will be used to purchase day care.

The Department is requesting a budget amendment to increase revenues and expenditures by \$41,750.00.

No additional County funds are requested.

Pitt County
Finance

Budget Amendment Request

INVOICE NO:
DATE: April 22, 2003

Department: SOCIAL SERVICES Date of Request: 03/19/03

FY Budget: FY 02/03

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
165421-531403	DAYCARE SMART START	41,750	
162400-423401	SMART START	41,750	

Department Justification: (Please provide detailed explanation)

The Dept. has received notification of the additional grant to funds for Smart Start for FY 02/03.

Motion:

Staffs recommend approval of budget amendment.

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Health Department - Budget Amendment - \$7,500.00 - John H. Morrow

Information Provided with the Agenda

State Grant to fund Health Promotion activities in the amount of \$7,500.00.

49 Pitt County Budget Amendment Request
Finance

INVOICE NO:
DATE: April 22, 2003

Department: Health Promotions Date of Request: March 27, 2003

FY Budget: Fy 02/03

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
153152 436501	DHHS Funds	7500.00	
155152 561014	Healthy Carolinians	7500.00	

Department Justification: State Grant to fund Health Promotion activities.

Motion:

Approve Budget Amendment as presented.

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Refunds Greater Than \$100 - Glenn Cutrell

Information Provided with the Agenda

Total Number of Refunds Greater Than \$100 - (2) - \$ 795.02

Tyson, Grover Carroll - \$ 226.95

Wade, James Alan - \$ 568.07

Motion:

Approve as submitted.

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Declaration of Surplus Property for County Auction scheduled for April 12, 2003 - Melonie Bryan

Information Provided with the Agenda

The County is preparing for its spring auction on April 12, 2003. It will be held at the County Home Site next to the Farmer's Market on County Home Road. It will start at 9:00am and run until all items are sold. Most of the items to be sold are not fixed assets. However, the cars and several computer components need to be declared surplus in order for the County to complete the sale. A copy of the sale notice is attached which lists the sale items.

**PUBLIC NOTICE
AUCTION**

DATE: APRIL 12, 2003

TIME: 9:00 AM

**LOCATION: COUNTY HOME PROPERTY (COUNTY HOME ROAD)
NEXT TO FARMERS' MARKET AND WINTERGREEN SCHOOL (map on back)**

INSPECTION: 1 HOUR PRIOR TO SALE

TERMS: STRICTLY CASH OR GOOD CHECK

PURSUANT TO NORTH CAROLINA G.S. 160A-270, THE PITT COUNTY BOARD OF COMMISSIONERS HAS AUTHORIZED THE COUNTY MANAGER TO DISPOSE OF THE FOLLOWING SURPLUS VEHICLES, FURNITURE AND EQUIPMENT BY PUBLIC AUCTION.

VEHICLES

1998 FORD CROWN VIC

1998 FORD CROWN VIC

1995 CHEVROLET
CORSICA

1994 CHEVROLET
CAPRICE
1994 FORD TAURUS
1997 DODGE INTREPID

1993 CHEVROLET
BLAZER
1984 CHEVROLET S-10
1992 FORD TEMPO
1991 CHEVROLET VAN

1994 DODGE VAN
1989 FORD 4 DOOR
1978 VOLVO

FURNITURE & EQUIPMENT

2 JET SKIS WITH DOUBLE TRAILER
MISCELLANEOUS OFFICE FURNITURE
CABINETS, & TABLES
4 TYPEWRITERS
DRY/ERASE WALL BOARD
CAR RADIO SYSTEM AND SEVERAL
SPEAKERS
HAND HELD MICROPHONE
2 WAY RADIO EQUIPMENT
CELLULAR PHONES
TRIPODS AND TRANSITE

BLACK LEATHER CARRY BAG
JUMPER CABLES
PAGER/CHARGER EQUIPMENT
PRINTERS/MODEMS/TAPE DRIVE/LAPTOPS
DESKS (METAL AND WOOD)
OFFICE CHAIRS

CB RADIO
OASIS DEHUMIDIFIER
ROOM DIVIDERS
COMPUTER MONITORS
COMPUTER CORDS
COMPUTER MOUSE COMPONENTS
COMPUTER KEY BOARDS/TRAYS
FANS
STEEL SAFE
AIR FILTERING MACHINE
(HONEYWELL)
40 DOORS WITH DOOR CASING
SMALL TV MONITORS
FAX MACHINES
FILE CABINETS (VARIETY)
LIGHTING EQUIPMENT
TABLES/WORK STATIONS

Everything sold "as is, where is", with no expressed or implied warranties. The county reserves the right to add to or delete from this list. Titles for the vehicles sold will be available for cash buyers, and those purchased by check will be mailed upon clearance of check. Other terms and conditions will be announced prior to sale. All bidders must register prior to sale time with name, address and valid NC driver's license. No out-of-state checks will be accepted. Sale conducted by Ernie Nichols, NCAL #5430. The Pitt County Board of Commissioners reserves the right to reject any and all bids. Vehicles will be available for inspection on Friday, April 11, 2003 from 12:00 p.m. to 4:00 p.m. at the site on County Home Road indicated above. Call Chris McDaniel at (252) 902-3006 for additional information.

Motion:

Declare sale items as surplus and direct staff to sell "as is where is" on April 12, 2003.

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimousl y.

Monthly Financial Report - February 2003 - Melonie Bryan

Information Provided with the Agenda

Fund Balance - General Fund: \$ 48,007,392. (06/30/02)
\$ 40,854,227. (Unreserved - \$9,693,614 designated)
40.08%

Total Budget: \$180,537,943. 66.67% of Fiscal Year completed

Summary of Revenues: Feb 2003 YTD 02-03

General Operating Fun \$ 9,282,025. \$ 84,871,216.**

Enterprise Fund	381,023.	5,012,521.
All Other Funds	3,004,797.	19,075,508.
Totals	\$ 12,667,845.	\$ 108,959,245.
Percent of Budget:	7.02%	60.35%
Summary of Expenditures:	Feb 2003	YTD 02-03
General Operating Funds	\$ 10,603,403.	\$ 82,606,216.
Enterprise Fund	559,298.	4,458,932.
All Other Funds	4,101,822.	16,349,835.
Totals	\$ 15,264,523.	\$ 103,414,983.
Percent of Budget:	8.46%	57.28%

**Net of Fund Balance Appropriated.

Motion:

Accept for the record.

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Approval of Minutes - Susan Banks

Information Provided with the Agenda

March 24, 2003

Motion:

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Resolution in Recognition of National County Government Week - Thomas Lynch

Information Provided with the Agenda

Counties across the United States are gearing up for the 13th annual celebration of National County Government Week, April 6-12, 2003. This celebration helps citizens to better understand the complex and critical roles county government plays in their lives. Pitt County's Public information Office is teaming up with WITN-TV (our local NBC affiliate) to present various departments each day of this week.

PITT COUNTY BOARD OF COMMISSIONERS
GREENVILLE, NORTH CAROLINA

A RESOLUTION IN RECOGNITION OF
NATIONAL COUNTY GOVERNMENT WEEK
APRIL 6-12, 2003

WHEREAS, National County Government Week will be commemorated the week of April 6-12, 2003; and,

WHEREAS, this week-long observance is held each year to promote public awareness of county government services, programs, and missions; and,

WHEREAS, Pitt County Government will observe National County Government Week by enhancing its regular advertising program to include in-depth, educational information about the departments and agencies of Pitt County Government; and,

NOW, THEREFORE BE IT RESOLVED, that the Pitt County Board of Commissioners does hereby proclaim April 6-12, 2003 as "**COUNTY GOVERNMENT WEEK**" in Pitt County. This period of time should be set aside as an opportunity to acknowledge the services and programs of Pitt County Government and the important contributions made by all Pitt County employees and volunteers.

Beth B. Ward, Chairman

Attest:

Susan J. Banks, Clerk to the Board

Motion:

**Adopt Resolution recognizing April 6 - 12, 2003 as National County Government Week.
Motion made by Vice Chairman Eugene James.
Motion seconded by Commissioner David Hammond.
Motion Passed Unanimously.**

Items for Decision

Change of Designated Authority For Dangerous Dogs - John H. Morrow

Information Provided with the Agenda

As a result of the Pitt County Animal Control staff moving from the Public Health Department to the Animal Shelter Administration, we are requesting that the authority for designation of "Dangerous and Potentially Dangerous Dogs" be transferred from the Public Health Director to the new Animal Shelter Director, Michele Whaley. In addition we request that the appellate body change over to the new Animal Control Advisory Board. The Board of Health approved both of these actions at the January 28th meeting and the Animal Shelter staff and Phil Dickerson are both in agreement with this request.

Meeting Notes

Mr. Elliott reported on this request for Dr. Morrow. He said the Health Department handles the Dangerous Dogs designation. Now that the Animal Shelter has been moved from under the oversight of the Health Department to a department of County Government, the Health Department has asked to transfer this authority to the Animal Shelter and Animal Advisory Board with it effective today, April 7, 2003.

Motion:

**Appoint the Animal Shelter Director as the county's designated authority for "Dangerous and Potentially Dangerous Dogs" declarations and also appoint the Shelter Advisory Committee as the appellate body for these declarations effective April 7, 2003.
Motion made by Commissioner Glenn Bowen.
Motion seconded by Commissioner John Minges.
Motion Passed Unanimously.**

Information Provided with the Agenda

During 2000, the Environmental Management Commission (EMC) adopted a set of nonpoint source rules under the Tar-Pamlico Nutrient Sensitive Waters Strategy. One component of these rules addresses stormwater runoff in urbanized areas of the basin. These rules establish certain requirements for local programs based on the nutrient strategy's goal of reducing nitrogen loading to the estuary by 30% from 1991 levels. Pitt County is one of five counties required to implement the program.

The Tar-Pamlico Stormwater Rule became effective on April 1, 2001. On February 13, 2003, the EMC approved a model stormwater program based on the rule. Pitt County must submit a local stormwater program to the Division of Water Quality (DWQ) by February 13, 2004, followed by implementation of that program by August 13, 2004.

To meet the minimum requirements of this stormwater program, staff requests the formation of a committee to assist in the development of a model local program and ordinance (see attachment). The committee will include representatives from the Natural Resources Conservation Service (1 representative), Engineering Department (1 representative), development community (2 representatives), surveyor/engineering profession (2 representatives) and the Planning Department (1 representative).

Tar-Pamlico Stormwater Advisory Committee

Purpose

The purpose of the committee is to develop a model local stormwater program and ordinance to address requirements set forth by the Environmental Management Commission in the Tar-Pamlico Stormwater Rules.

Primary Objectives

The Tar-Pamlico Stormwater Advisory Committee will:

- Develop a local program to meet the minimum requirements as set forth in the Tar-Pamlico Stormwater Rules;
- Provide guidance for implementing the Tar-Pamlico Stormwater Program;
- Make recommendations to the Board of County Commissioners;
- Educate the public on the impacts of the Stormwater Program.

Proposed Committee Structure

- Natural Resources Conservation Service (1 representative)
- Engineering department (1 representative)
- Developer (2 representatives)
- Surveyor/Engineer (2 representatives)
- Planning Department (1 representative)
- Environmentalist (1 representative)

Meeting Notes

Mr. James Rhodes reviewed the stormwater activities rules affecting Pitt County. He said these are Federal and State mandates that must be met by the counties. The National Pollutant Discharge Elimination System are temporary rules that were put into place.

Stormwater Rules Affecting Pitt County

- National pollutant Discharge Elimination System (NPDES), Phase II
 - Temporary Rules
 - Permanent Rules
- Tar-Pamlico Stormwater Rules

He said they are now moving into the permanent rules. The County must comply with the permanent rules. He reminded the Board that last month he had reported that the County did not have any areas in that were included in these rules because all the School sites were in the municipalities. These rules were for urbanized areas but the county was required to comply. In review and State officials visit, the form was sent in and they did not have to send in an application. The temporary rules were not applicable in the county's jurisdiction. The deadline for the new permanent rules has not been established yet, and he is still doubtful that counties must comply. He said the North Carolina Association of County Commissioners has a strong stance that counties should not have to comply because counties do not have the same areas of work such as roads.

NPDES, Phase II-Permanent Rules

- Deadline date for compliance yet to be determined
- Applicability to counties yet to be determined

Tar-Pamlico Stormwater Rules

- Affects certain urbanized/urbanizing communities in the Tar-Pamlico River Basin
- Regulates nitrogen and phosphorus loading from new development
- These rules establish certain requirements for local programs to reduce nitrogen and phosphorus loading to waters of the State by 30% from 1991 levels.
- Pitt County was one of five counties required by the EMC and the Division of Water Quality to implement the program.

Mr. Rhodes said that the Tar-Pamlico Stormwater Rules effected urbanized and urbanizing areas which is about 60% of planning jurisdiction. These rules establish certain requirement for local programs that need to comply. Greenville and north of Tar River and everything north of the Tar River flows into this basin. For about one year Pitt County's planning staff has been developing a model ordinance for the State. They met monthly, and since the EMC adopted this program. They have 12 months until February 13, 2004 to have the rules in place and must be implemented by August 13, 2004. They feel an advisory committee needs to be developed. The recommendation for the advisory committee includes representation from the following:

Natural Resources Conservation Service (1)
Engineering Department (1)
Developers (2)
Surveyors/Engineers (2)
Environmentalist (1)
Planning Department (1)

He asked that the Clerk be allowed to advertise for the position outside of staff positions. Commissioner Bowen asked Mr. Rhodes if these individuals would volunteers. Mr. Rhodes stated they would be volunteers.

Motion:

Motion to approve the recommended committee structure and; authorize the County Clerk to advertise for two developers and two surveyor/engineers and an environmentalist to serve on the Tar-Pamlico Advisory Committee.

**Motion made by Commissioner Randy Royal.
Motion seconded by Commissioner Jimmy Garris.
Motion Passed Unanimously.**

Budget Amendment - Bell Arthur and Grifton Emergency Medical Services - Greg P. Hackett

Information Provided with the Agenda

As you are aware, the County, through the EMS Special Taxing District, created additional funding to support EMS services in the County. The various squads have continued to see a marked decrease in the availability of volunteers to provide coverage. We have requests from two squads for additional funding to meet their needs through June 30, 2003. We have attached copies of their requests for your consideration.

The EMS Special Taxing Fund has sufficient resources to cover these requests due to the savings realized by Bell Arthur's use of both paid and volunteer staffing without the County having to support paid 24/7 County employees in that station.

Pitt County Finance Budget Amendment Request
DATE: April 22, 2003

Department: EMS District Date of Request: 3-31-03

FY Budget: 02-03

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
2817100 518999	Reserve for Salaries		35,000
2817100 569902	EMS Personal Services	35,000	

Department Justification: (Please provide detailed explanation)

Transfer to EMS units' personal services (salaries) account.

Meeting Notes

Chairman Ward introduced Mr. Greg Hackett as the new Emergency Services Director. She said he has hit the ground running with the EMS Commission. Mr. Hackett informed the Board that he had received a letter from the County of Lenoir thanking the emergency services people who assisted Kinston on the West Pharmaceutical crisis. He read a portion of the letter recognizing the Pitt County emergency volunteers that assisted them. He said that Pitt County Emergency Services, staff and volunteers are committed to excellence. He said he hoped to have it grow even further.

Mr. Hackett said his request was for approval of two budget amendments for Bell Arthur and Grifton. He said some of the issues that have impacted these needs are the fair standards and labor act from last year. Grifton has spent their savings and have insufficient accounting and projections for the present budget year resulting in more paid staff. The FSLA needs have been corrected and prevention has been put in place for any future problems. The \$30,000 requested

will be close for their needs but should get them through this year. Mr. Hackett stated the Bell Arthur budget amendment is for \$5,000. He said they had new squad captains, inexperienced in management and are learning as they go. They experienced some overtime expenses and since then have hired additional staff to minimize overtime in the future. The EMS Advisory committee met and accepted these requests this past week.

He noted that the Board could look forward to future changes and expectations for the next year.

- Improve County services
- Several Fiscal improvements

Bell Arthur manned the squads themselves so the funds were saved. These funds will come from the three cents tax. Mr. Hackett said he thought there may be other requests but could not say specifics at this time. Vice Chairman James said they are trying to do away with overtime pay. They will need to step up to the plate and is not in favor of another tax increase. Commissioner Mingos said Bell Arthur is still out there raising funds from activities. Mr. Hackett invited the commissioners to their next fund raiser. Commissioner Bowen said there was also a letter written to Grifton Rescue Squad thanking them for their assistance during the West Pharmaceutical crisis also. Greg Hackett said he will find out who all in Pitt County responded to this event and will acknowledge them appropriately.

Motion:

Approve the attached budget amendments.

Motion made by Commissioner Randy Royal.

Motion seconded by Commissioner David Hammond.

Commissioner Hammond said there will be more requests and there is a movement that they think the County should take over all of emergency services

Motion Passed Unanimously.

A Request to Approve a Resolution to Provide for The Transfer of Ownership and Control of Enstar Cable System - Thomas Lynch

Information Provided with the Agenda

The County has a cable television franchise agreement with Enstar that is managed by Charter Communications (which services the Grifton N.C. area). Charter has entered into an agreement to sell the system to NewWave Communications. As local Franchising Authority Pitt County Government has the right to approve a sale or transfer of any Cable System within its jurisdiction. Upon approval NewWave has agreed to certain terms as outlined in the resolution. The Resolution extends the current franchise agreement to December 31, 2003. The current agreement expires on April 11, 2003. The extension will allow sufficient time for the County and Enstar to complete negotiations of an updated franchise under the terms of the County's Cable Enabling Ordinance.

BOARD REPORT

DATE: March 31, 2003

TO: Honorable Chairman and Board of Commissioners
Pitt County

THRU: Manager, Pitt County

SUBJECT: REQUEST TO APPROVE A RESOLUTION TO PROVIDE FOR THE
TRANSFER OF OWNERSHIP AND CONTROL CHARTER (ENSTAR CABLE
SYSTEM)

BACKGROUND:

The County has a cable television franchise agreement with Enstar that is managed by Charter Communications. Charter has entered into an agreement to sell the system to NewWave Communications. NewWave is a small cable operator headquartered in Sikeston, Missouri.

The Federal law on transfers of ownership and control in cable television systems is contained in the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 (collectively, the "Cable Act"). The key Cable Act provision on transfers of ownership is Section 617, commonly know as the antitrafficking provision (47 U.S.C. §537).

The provision which allows the County to approve a transfer is contained in Section 617 which states that if a franchising authority has the right to approve a sale or transfer (under the franchise agreement), the franchising authority must take action within 120 days of the operator's request for approval of sale or transfer or if no action is taken by the Franchising Authority the sale or transfer will be considered completed at the end of 120 days. There are other provisions of Section 617, but these provisions do not apply to this sale and transfer.

There is no state law that governs the transfer or sale of cable systems. The current franchise agreement with Charter clearly states that no transfer or sale will take place without the consent of the local Franchise Authority.

The Act requires certain actions by the buyer and seller, namely, submission of a FCC Form 394. The 394 has been submitted and has been made part of this report by reference. A complete copy of the 394 is available with the Clerk for your perusal.

The staff at Piedmont Triad Council of Governments, has reviewed the legal, technical and financial qualifications of the buyer, and is prepared to make a positive recommendation on the transfer. The review indicates the following:

Legal

NewWave is a recently formed company that was formed exclusively to purchase the Enstar system. NewWave has been formed by the principals of Galaxy Cablevision. Galaxy has a solid reputation in the operation of many rural cable systems in Missouri, Colorado and Illinois. My review and inquiries indicate no criminal or civil proceedings; no revocations, suspensions or non-renewals of franchise agreements in any of those systems surveyed.

Technical

NewWave has technical staffs with adequate experience in the industry through the Galaxy systems. In my telephone interviews with professional managers and elected officials in County's and municipalities having agreements with Galaxy there were no reported problems.

Financial

A review of the financial qualifications is critical because the financial capability of the buyer will impact directly on the ability of the buyer to live up to the commitments under the franchise. Cable television systems require substantial up-front investment in long term assets, which

generate significant cash flow but also generate significant non-cash charges to income in the form of depreciation and amortization expenses. Lenders and analysts are focused on cash flow and its relationship to overall debt levels and debt service requirements as a measure of the company's ability to meet future obligations and provide adequate reserves for capital improvements. To this end, an examination of the purchase agreement, and the pro forma financials provided by NewWave indicate there is not sufficient cash in the bank to support the continuation of service under the terms of the current franchise agreement. In start up companies of this nature the companies generally are required to show proof of ownership of the cable franchise agreements before the lenders will provide funding to support the Agreement. Charter and NewWave have this type agreement.

The financial examination of the pro forma information, performed by Mr. David H. Harris, Piedmont Triad Council of Governments, indicates the following financial condition:

“Based solely on our analysis of the information provided by the proposed transferee it would be our opinion that NewWave through its acquisition of the Enstar cable system does not currently possess sufficient financial qualifications to own and operate the cable systems but under the terms of the agreement will acquire financing to purchase and upgrade the Enstar system through a guaranteed loan arrangement from its lenders. NewWave, under the terms of the Agreement with Enstar, will secure all finances to purchase and upgrade the system to a state-of-the-art cable television system.”

DISCUSSION:

As a general rule, the issue facing the Franchise Authority is not whether to approve or deny the transfer but, rather, on what terms and conditions the proposed transfer will be approved. Staff members from the Piedmont Triad Council of Governments (PTCOG) discussed concerns with representatives of the franchising authorities involved in the Enstar transfer. Concerns expressed were as follows: support for schools; on time service; cable rates; provide access to more citizens in the county; performance bond; upgrade the system to a technically efficient and state-of-the-art system to support the citizens of the County and towns; and reimburse the county/town for administrative cost of preparing the transfer. PTCOG staff has negotiated the above concerns with NewWave and has satisfied these concerns.

Recommendation:

That the Board of Commissioners considers adoption of the attached draft resolution approving the transfer of the Enstar system to NewWave. The Resolution extends the current franchise agreement to December 31, 2003. The current agreement expires on April 11, 2003. The extension will allow sufficient time for the County and Enstar to complete negotiations of an updated franchise under the terms of the County's Cable Enabling Ordinance.

Attachments: Draft resolution-approving transfer of ownership of NewWave

**A RESOLUTION BY THE COUNTY OF PITT, NORTH CAROLINA
APPROVING AND CONSENTING TO THE ASSIGNMENT AND TRANSFER OF CABLE
TELEVISION FRANCHISE AND CONSENTING TO THE TRANSFER OF CONTROL OF
ENSTAR INCOME PROGRAM 1984-1, L. P.**

WHEREAS, the County of Pitt, North Carolina (“County”), acting by and through its Board of Commissioners (“Board”), passed and enacted a certain Ordinance (“Franchise”) dated April 11, 1998, under the authority of the Telecommunications Ordinance for the County of Pitt (“Ordinance”), granting a nonexclusive franchise allowing Enstar Income Program 1984-1, L. P. (“Enstar”) the authority to construct, operate and maintain a cable television system (“System”) within the County; and

WHEREAS, said Franchise was granted for a term of fifteen (15) years and expires on April 11, 2003; and

WHEREAS, New Wave has agreed to the extension of the current Franchise to December 31, 2003; and

WHEREAS, Enstar subsequently transferred control of the System to Charter Communications, Inc. ("CCI"); and

WHEREAS, CCI operated the Enstar system under the name of Enstar Income Program 1984-1, L. P.; and

WHEREAS, on November 8, 2002, Telecommunications Management, LLC doing business as "NewWave Communications ("Transferee" or "NewWave") entered into an Asset Purchase Agreement ("Agreement") with Enstar Income Program 1984-1, L. P.; and

WHEREAS, the Agreement provides for the sale of the assets of Grantee which comprise this franchise; and

WHEREAS, pursuant to provisions of the Franchise and Ordinance, the approval of the Franchising Authority is required to transfer control or assign the Franchise; and

WHEREAS, pursuant to the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act"), as amended, Transferee has submitted to the Franchising Authority an FCC Form 394 - Application for Franchise Authority Consent to Assign or Transfer of Control of Cable Television Franchise, and other documentary materials required by Federal Communications Commission regulation or state law or as required by the Franchise on or about December 23, 2002; and

WHEREAS, the assignment and transfer of the Franchise shall not alter, affect or otherwise change the terms or conditions of the Franchise; and

WHEREAS, after careful evaluation of the Federal Communication Commission Form 394, and related filings concerning the transfer of ownership from Enstar to NewWave, it was found that Transferee has the legal and technical expertise to operate and maintain the cable television system in accordance with the Franchise; and

WHEREAS, NewWave has or will secure financing in order to meet the financial qualifications to meet the needs to continue operation and upgrade of the cable television system to a technically proficient and state-of-the-art system; and

WHEREAS, it is in the best interests of the County and its citizens to consent to the above referenced assignment and transfer of the Franchise.

NOW THEREFORE, be it resolved by the Board of Commissioners acting on behalf of the County that:

1. The Franchising Authority hereby gives consent to the transfer of Enstar's right, title and interest in, and duties and obligations arising under the Franchise to Telecommunications Management, LLC doing business as "NewWave Communications" and the transfer by Enstar of all of Enstar's right, title and interest in, and duties and obligations arising under the Franchise to Telecommunications Management.

2. That the Franchise has been properly granted and is in full force and effect in accordance with its terms and conditions, there are no defaults under the Franchise or events

which upon the giving of notice or passage of time, or both, would constitute an event of default thereunder and the Franchising Authority agrees, by this document, to extend the term of the current Franchise Agreement to December 31, 2003.

3. That consent to and any required approval of the transfer of control of Franchise from Transferor to Transferee, as described in FCC Form 394, is hereby granted;

4. That following the transfer of control, Telecommunications Management, LLC may, at any time and from time to time: (i) assign or transfer the cable system assets, including the Franchise, provided, however, that such assignment or transfer is to a parent or subsidiary of Telecommunications Management, LLC and is in accordance with the transfer provisions of the Franchise Agreement and the Ordinance; (ii) restructure or change the ownership interests among existing participants in Telecommunications Management, LLC and/or its affiliates; (iii) pledge or grant a security interest to any lender (s) of or its affiliates, including, but not limited to the Franchisee, or its interests in Franchisee for purposes of securing indebtedness, without obtaining prior approval of Grantor; and (iv) sell capital stock of Telecommunications Management, LLC or any of its affiliates in a transaction commonly known as "initial public offering" provided Telecommunications Management, represents in writing to Grantor that such transaction will have no foreseeable effect on the management and operation of the cable television system in the franchise service area; and

5. That the Franchising Authority waives any rights of First refusal that it may have to assume the Franchise or acquire the System upon any transfer contemplated hereunder, unless specifically agreed to in the Franchise Agreement; and

6. Transferee agrees to:

a. Provide one Internet access outlet, to include cable modem, installation and one-half hour of instruction on use of the modem and related software, when available, to each school and the County Administration Building, at no cost, for the term of the franchise agreement.

b. An "on-time guarantee" which guarantees on-time service calls or if the on time is not met, a \$20.00 credit will be applied to the affected subscriber's next bill.

c. Hold at current level, or reduce if justified by the FCC 1240 process, all cable television service rates (to include, but not limited to basic service, tier service, premium service, pay-per-view service) and installation and equipment rates until January 1, 2004.

d. Provide proof of an upgrade of the system design and make ready plan, to the Grantee, not later than ninety (90) days after the effective date of this Resolution and upgrade the system not later than thirty-six (36) months after the effective date of this resolution.

e. Agrees to abide by the terms of the "Cable Communications Ordinance for the County of Pitt," adopted March 21, 1994 and agrees to begin good faith negotiation of a franchise renewal within thirty (30) days of adoption of this Resolution and agrees to extension of the current Franchise Agreement from April 11, 2003 to December 31, 2003.

7. That the consent to change of control herein provided shall be effective upon and only effective concurrent with the closing of the transactions described in FCC Form 394, and the Franchising Authority shall be notified promptly upon the closing of such transactions; and

BE IT FURTHER RESOLVED AS FOLLOWS:

8. Upon completion of the closing of the transactions described in FCC Form 394, Telecommunications Management will provide the required performance bond and insurance

certificates required by the Franchise and/or Ordinance and will notify the Franchise Authority of its acceptance of the terms of the Franchise and the Ordinance; and

9. Transferee will reimburse the County of Pitt in the amount of \$1500.00 for legal, administrative and consulting fees; and

10. The effective date of this transfer of ownership shall be the date that Telecommunications Management, LLC doing business as "NewWave Communications files its written acceptance of conditions required by the Franchise Agreement, the Ordinance and this Resolution; and

11. This Resolution will become effective upon receipt of: (i) performance bond and insurance documentation; (ii) reimbursement in the amount of \$1500.00 to the County of Pitt; (iii) written acceptance by the Transferee; and (iv) adoption by the franchise authority.

BE IT FURTHER RESOLVED that this action be entered into the minutes of the Board of Commissioners.

ADOPTED by the Board of Commissioners this the 7 Th day of April 2003.

FOR THE BOARD OF COMMISSIONERS OF THE COUNTY OF PITT, NORTH CAROLINA:

Chairman

ATTEST:

Clerk to the Board

WE CONSENT AND ACCEPT THE TERMS AND CONDITIONS OF THIS RESOLUTION.

DATE OF ACCEPTANCE: TELECOMMUNICATIONS MANAGEMENT, LLC

Title

ATTEST

Meeting Notes

Mr. Lynch presented a resolution for Enstar communications transfer ownership to NewWave communications. They serve the Grifton operations and Greene County. There will be no increase in cable increase for one year and will be due a new system in three years.

Motion:

Adopt Resolution.

Motion made by Commissioner David Hammond.

Motion seconded by Vice Chairman Eugene James.

Commissioner Bowen asked if they guarantee the government channel. He said they are one day behind. Mr. Lynch said they are not interconnected with Cox Communications. It

is in the franchise agreement currently but it will be renegotiated next month. Commissioner Garris asked about their financial arrangements. Mr. Lynch said they explained that upon the transfer they will have the system as collateral with the system. Mr. Lynch recognized Ms. Cynthia Kopowski, reporter from Daily Reflector, who will be moving to West Palm Beach Florida and thanked her for her dedication and what she has done for Pitt County.

Motion Passed Unanimously.

Purchase of 2003 Roll off Truck - Joel Scales

Information Provided with the Agenda

Pitt County Solid Waste and Recycling uses four Roll off Trucks to empty containers located at the fourteen convenience sites throughout the County. The Solid Waste and Recycling department proposes to replace one of the trucks which has in excess of 310,000 miles.

Bids were received for a Roll Off truck on March 13, 2003. Six bidders responded with proposals. The low bid for a 2003 truck was Cavalier Equipment Company in the amount of \$67,812.30 including tax and trade in. The County reserves the right to keep the trade-in or dispose of it outside the contract if it's in our best interest. See attached Bid Tabulation Sheet.

BID TABULATION
 COUNTY OF PITT
 ROLLOFF TRUCK WITH
 AUTOMATIC COVER
 MARCH 13, 2003

BIDDER	CAVALIER EQUIPMENT CO. P. O. BOX 310 CLOVERDALE, VA 24077	CAVALIER EQUIPMENT CO. P. O. BOX 310 CLOVERDALE, VA 24077	TOM BAILEY MOTORS, INC. P. O. BOX 231 ROCKY MOUNT, NC 27802
<u>BID BOND</u>	YES	YES	YES
BRAND OF TRUCK MOTOR	PETERBILT 357 CUMMINS	STERLING LT- 9500 2003/04 MERCEDES MBE- 4000	MACK 2004 DM 6905
1 EA. ROLLOFF TRUCK WITH AUTOMATIC COVER	\$93,848.50	\$87,037.30	\$90,599.00
SALES TAX	1,000.00	1,000.00	DO NOT COLLECT
<u>TRADE IN</u>	20,225.00	20,225.00	\$20,225.00
<u>GRAND TOTAL</u>	\$74,623.50	\$67,812.30	\$70,374.00

BIDDER	TOM BAILEY MOTORS, INC. P. O. BOX 231 ROCKY MOUNT, NC 27802	LODALL-SOUTH, INC. 2207 FAYETTEVILLE RD. ROCKINGHAM, NC 28379	LODALL-SOUTH, INC. 2207 FAYETTEVILLE RD. ROCKINGHAM, NC 28379
<u>BID BOND</u>	YES	YES	YES
BRAND OF TRUCK MOTOR	MACK 2004 CV713 GRANITE	VOLVO VHD	FREIGHTLINER FL112
1 EA. ROLLOFF TRUCK WITH AUTOMATIC COVER	\$92,508	\$93,158.00	\$91,853.00
SALES TAX	DO NOT COLLECT	1,000.00	\$1,000.00
<u>TRADE IN</u>	20,225.00	NO TRADE	NO TRADE
<u>GRAND TOTAL</u>	\$72,283.00	\$94,158.00	\$92,853.00

BIDDER	LODALL-SOUTH, INC. 2207 FAYETTEVILLE RD. ROCKINGHAM, NC 28379	VOLVO & GMC TRUCK CENTER P. O. BOX 560007 CHARLOTTE, NC 28256	VOLVO & GMC TRUCK CENTER P. O. BOX 560007 CHARLOTTE, NC 28256
<u>BID BOND</u>	YES	YES	YES
BRAND OF TRUCK MOTOR	STERLING 350 HP	VOLVO 2003-2004	VOLVO 2003-2004
1 EA. ROLLOFF TRUCK WITH AUTOMATIC COVER	\$86,119.00	\$97,230.00	\$97,961.00
SALES TAX	\$1,000.00	\$1,000.00	\$1,000.00
<u>TRADE IN</u>	NO TRADE IN	20,225.00	20,225.00
<u>GRAND TOTAL</u>	\$87,119.00	\$78,005.00	\$82,761.00

BIDDER	VOLVO & GMC TRUCK CENTER P. O. BOX 560007 CHARLOTTE, NC 28256	VOLVO & GMC TRUCK CENTER P. O. BOX 560007 CHARLOTTE, NC 28256	VOLVO & GMC TRUCK CENTER P. O. BOX 560007 CHARLOTTE, NC 28256
<u>BID BOND</u>	YES	YES	YES
BRAND OF TRUCK MOTOR	VOLVO 2003-2004	VOLVO 2002	VOLVO 2002
1 EA. ROLLOFF TRUCK WITH AUTOMATIC COVER	\$97,533.00	\$83,599.00	\$84,330.00
SALES TAX	1,000.00	1,000.00	\$1,000.00
<u>TRADE IN</u>	NO TRADE IN	20,225.00	16,200
<u>GRAND TOTAL</u>	\$98,533.00	\$64,374.00	\$69,130.00

BIDDER	VOLVO & GMC TRUCK CENTER P. O. BOX 560007 CHARLOTTE, NC 28256	NU LIFE ENVIRONMENTAL , INC. P. O. BOX 1527 EASLEY, SC 29641	NU LIFE ENVIRONMENTAL , INC. P. O. BOX 1527 EASLEY, SC 29641
<u>BID BOND</u>	YES	YES	YES
BRAND OF TRUCK MOTOR	VOLVO 2002	FREIGHTLINER 2004 CAT	FREIGHTLINER 2004 MERCEDES
1 EA. ROLLOFF TRUCK WITH AUTOMATIC COVER	\$83,902.00	\$92,653.00	\$86,762.00
SALES TAX	1,000.00	NOT INCLUDED	NOT INCLUDED
<u>TRADE IN</u>	NO TRADE IN	11,500.00	11,500.00
<u>GRAND TOTAL</u>	\$84,902.00	\$81,153.00	\$75,262.00

BIDDER	NU LIFE ENVIRONMENTAL , INC. P. O. BOX 1527 EASLEY, SC 29641	CAROLINA ENVIRONMENTAL SYSTEMS 2750 HWY 66 S KERNERSVILLE, NC 27284	CAROLINA ENVIRONMENTAL SYSTEMS 2750 HWY 66 S KERNERSVILLE, NC 27284
<u>BID BOND</u>	YES	YES	YES
BRAND OF TRUCK MOTOR	VOLVO 2003-2004 VHD-64B	VOLVO VHD	FREIGHTLINER MODEL FL112
1 EA. ROLLOFF TRUCK WITH AUTOMATIC COVER	\$96,289.00	\$97,817.00	\$91,875.00
SALES TAX	NOT INCLUDED	1,000.00	1,000.00
<u>TRADE IN</u>	11,500.00	16,200.00	16,200.00
<u>GRAND TOTAL</u>	\$84,789.00	\$82,617.00	\$76,675.0

BIDDER	CAROLINA ENVIRONMENTAL SYSTEMS 2750 HWY 66 S KERNERSVILLE, NC 27284
<u>BID BOND</u>	YES
BRAND OF TRUCK MOTOR	STERLING 2004 LT9500
1 EA. ROLLOFF TRUCK WITH AUTOMATIC COVER	\$87,246.00
SALES TAX	1,000.00
<u>TRADE IN</u>	16,200.00
<u>GRAND TOTAL</u>	\$72,046.00

Meeting Notes

Mr. Scales said that each year they look at capital needs. Last year the money was recommended for this truck and approved. Cavalier Equipment is the company they would like the bid awarded to. He said they would also like to request the existing truck be declared surplus so they can sale it outright because they can usually make more money when sold outright.

Commissioner Hammond said he hoped that some day the County would be able to buy things from companies in Pitt County. Commissioner Bowen asked about the service costs for these trucks. Mr. Scales said the company sends the service to them instead of them having to take the truck to them.

Motion:

The staff recommends the purchase of the Sterling LT-9500 2003/2004 roll truck from Cavalier Equipment Company and declare the existing truck as surplus.

Motion made by Commissioner Randy Royal.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Consideration of Meeting Times - Scott Elliott

Information Provided with the Agenda

The Board instructed staff to bring the consideration of the night meeting times back to the Board after a trial period of three months.

There are basically three options the Board can consider regarding this matter. Option One would be to extend the trial period for an additional three months (through June). Option Two would be to change back to entirely day meetings unless there was a specific need to meet at night (i.e. annual public hearing on budget). Option Three would be to permanently meet at night for those meetings on the 3rd Monday of each month.

Meeting Notes

Mr. Elliott stated that the Board asked this item be on this agenda. He said staff needs to know what the Board's wishes are for the remaining meetings.

Motion:

Motion to meet first meeting at 9 a.m., and second meeting at 5 p.m.

Motion made by Commissioner Jimmy Garris.

Motion seconded by Commissioner John Minges.

Commissioner Bowen said he has been in favor of nightly meetings and made the previous motion to go to night meetings but he has not seen a difference in the attendance.

Vote Record:

Jimmy Garris	Yes
John Minges	Yes
Mark Owens, Jr.	No
Beth Ward	No
Glenn Bowen	No
Tom Coulson	Yes
David Hammond	No
Eugene James	No
Randy Royal	Yes

Total Yes Votes: 4

Total No Votes: 5

Motion Failed.

Motion:

Motion to return to 9am board meetings and keep looking at the situation.

Motion made by Commissioner Glenn Bowen.

Motion seconded by Commissioner Mark Owens, Jr.

(Later in the meeting the Chairman made this change effective May 1, by consensus of the Board.)

Vote Record:

Jimmy Garris	No
John Minges	No
Mark Owens, Jr.	Yes
Beth Ward	Yes
Glenn Bowen	Yes
Tom Coulson	No
David Hammond	Yes
Eugene James	Yes
Randy Royal	No

Total Yes Votes: 5

Total No Votes: 4

Motion Passed.

Appointment to the Pitt County Board of Adjustment - Susan Banks

Information Provided with the Agenda

Joe Wright, who was appointed to the Pitt County Board of Adjustment at the March 24, 2003 Board meeting, does not reside in the NW Planning area. Mr. Wright does live in District 2 and did serve on the NW Planning Committee, but he served as the representative from the Pitt County Planning Board. For this reason, a new appointment needs to be made for this position. One option has been brought to our attention: To appoint an existing alternate member of the Pitt County Board of Adjustment as a full member and then appoint a new member to replace the alternate.

Meeting Notes:

Ms. Banks noted that Joe Wright was previously appointed to the Pitt County Board of Adjustment but does not reside in the appropriate area for this position. She also clarified that the Board receives copies of all applications as they are received and what is in the agenda package is just a list of applicants in a summary form.

Motion:

Motion to move Alexander Weaver from alternate to regular member of the Pitt County Board of Adjustment.

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Motion:

Motion to accept the nomination of Alexander Weaver by acclamation.

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Commissioners' Comments

Chairman Ward stated that she would like to go back to the meeting times and by consensus have the change in times effective May 1 since there have been public hearings advertised for the next night meeting.

Meeting Notes

Commissioner Garris stated that he went to Pitt Community College to their academic excellence award program and wanted to commend those 46 students that received awards.

Commissioner Minges announced that in joint partnership between State, Senator Marian McLawhorn and through guidance from former Senator Ed Warren's office there has been an unveiling of a list of residents that are owed unclaimed funds held by the State Treasurer's office. This information will be published as a special insert on April 8 in the Daily Reflector. It can also be found at Minges.org and in the Farmville and Ayden's newspapers. There has been a special number for this project of 919-508-1000. The money needs to be in people's pockets.

Commissioner Bowen once again stated how proud he is of Grifton's Rescue squad for their help to Kinston during the West Pharmaceutical's Plant explosion.

Adjourn

Motion:

Motion to adjourn meeting at 10:50 am.

Motion made by Commissioner Mark Owens, Jr.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Respectfully Submitted,

Susan J. Banks, CMC
Clerk to the Board