

THE BOARD OF COMMISSIONERS OF THE COUNTY OF CRAVEN MET IN REGULAR SESSION IN THE COMMISSIONERS’ ROOM OF THE CRAVEN COUNTY ADMINISTRATION BUILDING, 406 CRAVEN STREET, NEW BERN, NORTH CAROLINA, ON MONDAY, FEBRUARY 18, 2008. THE MEETING CONVENED AT 8:30 A.M.

MEMBERS PRESENT:

- Chairman Jason R. Jones
- Vice Chairman Theron McCabe
- Commissioner Lee Kyle Allen
- Commissioner Perry L. Morris
- Commissioner Johnnie Sampson, Jr.
- Commissioner M. Renée Sisk
- Commissioner Steve Tyson

STAFF PRESENT:

- Harold Blizzard, County Manager
- Ray H. Moser, Assistant County Manager
- Gwendolyn M. Bryan, Clerk to the Board
- Jim Hicks, County Attorney

Following an invocation by Commissioner Morris and the Pledge of Allegiance, Commissioner Sampson moved to approve minutes of the February 4, 2008 regular session, seconded by Commissioner McCabe and unanimously carried.

CONSENT AGENDA

Budget Amendments

Craven County Finance Officer, Rick Hemphill, submitted the following budget amendments for the Board’s approval. Commissioner Allen moved for their approval, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

Health/Home Health Foundation

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-6506-336-25-00 Donations/Contributions	\$10,000	101-6506-440-96-52 Special Appropriation	\$10,000
TOTAL	\$10,000.00	TOTAL	\$10,000.00

Justification: When budget was originally submitted, it was unknown that donations to Craven County Foundation would be so high this year. The average is \$3,000.50 per month, and the biggest fund raiser is scheduled for May 2008. This account is a “wash” for those Foundation donation checks made payable to Craven County and has no impact on the financial position of the Health Department.

Maternity/Child Health/Family Plan/Medical Serv

101-5700-349-14-00 Maternity State Revenue	\$6,505	101-5700-440-32-40 Other Supplies-Maternity	\$6,505
101-5800-349-05-00 Child Health State Rev	\$5,986	101-5800-440-32-40 Other Supplies-Child Health	\$5,986
101-6400-349-12-00 Fam Plan State Revenue	\$1,190	101-6400-440-32-40 Other Supplies-Fam Plan	\$1,190
101-5100-349-59-00	\$1,500	101-5100-440-40-00	\$1,500
TOTAL	\$15,181	TOTAL	\$15,181

Justification: When budget was originally submitted, it was unknown that the state would distribute funds based upon the Random Moment Time Study (RMTS), the RMTS

captures the cost of activities related to Medicaid reimbursed services that are not captured by the cost study for direct services. These include activities such as program planning, outreach, interpreters, and training. Distribution of funds was based on percentage of Medicaid earnings for FY 06-07; \$1,500 will be used for varicella titers now required by the state for Health Department employees.

Tax Releases and Refunds

Craven County Tax Administrator, Ronnie Antry, submitted the following tax releases and refunds for the Board's approval. Commissioner Allen moved for their approval, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

Credits

TAXPAYER NAME	TICKET#	AMOUNT
BAILY, DANIEL C & FRANCES W INCORRECT SITUS-SHOULD BE PAMLICO CO	2007-0091393	\$298.80
BRICE, LARRY R & JANITT S DOUBLE BILLED AS A TAGGED VEHICLE	2007-0006020	\$62.01
CARTER, MARTHA CORRECTING APPRAISAL ERROR	2007-0009085	\$639.63
CLARK, DANNY DOUBLE LISTED ON ACCT #65732	2007-0010565	\$58.16
COASTAL LAND MANAGEMENT LLC NOT IN BUSINESS 01/01/2007	2007-0090333	\$114.87
CSMC INC CORRECTING APPRAISAL ERROR	2007-0090152	\$1,137.70
DANIELS, EDWIN H SR & EDWIN H ½ MILITARY LES 06 (ED, JR) FL ECC 6/30/09	2007-0013450	\$141.51
DETERS, WESLEY R MILITARY-HIS NAME ONLY 08 LES-OH ECC-05/04/09 (18 Y)	2007-0014630	\$125.12
DETERS, WESLEY R MILITARY-HIS NAME ONLY 08 LES-OH ECC-05/04/09 (18 Y)	2006-0091147	\$143.22
EDGERTOWN, EDWARD JOSEPH III MILITARY-HIS NAME ONLY 06 LES-SC ECC-03/12/07	2007-0016492	\$6.89
EVANS, MATTHEW CORRECTING APPRAISAL ERROR	2007-0017417	\$89.26
FORD, WANDA T CORRECTING APPRAISAL ERROR	2007-0018803	\$371.07
GRUSHINSKI, MICHAEL C DID NOT OWN MH 1-1-07	2007-0022825	\$100.71
HAWKINS, DEAN EDWIN & BETTY JE VACANT PROPERTY	2007-0025077	\$36.99
HINES, PHILLIPS OFFSHORE YACHTS NOT IN BUSINESS 01/01/2007	2007-0090552	\$137.89

HOWELL, SHAWN M & AMY MILITARY-HIS NAME ONLY 06 LES-MD ECC-05/03/08	2007-0027378	\$144.02
JERNIGAN, KIP NOT LOCATED IN CRAVEN CO. 01/01/07	2007-0029117	\$24.30
JERNIGAN, KIP NOT LOCATED IN CRAVEN CO 01/01/2006	2006-0028308	\$28.63
JONATHAN R LEAKE INSPECTIONS I DID NOT OWN 01/01/2007	2007-0090601	\$179.99
KOONCE, MATTHEW AARON DID NOT OWN 01/01/2007	2007-0031785	\$123.25
KOONCE, MATTHEW AARON DID NOT OWN 01/01/2006	2006-0030932	\$134.46
LONG, LONNIE ALTON II DID NOT OWN 01/01/2006	2007-0034135	\$19.27
MORLOTE, ROGER & JOANNE CORRECTING APPRAISAL ERROR	2007-0039405	\$3,161.85
PERRY, LILLIE C VACANT PROPERTY	2007-0043407	\$36.54
PRATT, ALAN MICHAEL & CATHERIN CORRECTING APPRAISAL ERROR	2007-0090777	\$1,418.12
RIVERSIDE THERAPY SERVICES INC NOT IN BUSINESS 01/01/2007	2007-0090822	\$137.89
STARZ VIDEO INC CORRECTING APPRAISAL ERROR	2007-0090168	\$699.52
VENTERS PROPERTIES LLC ORDER BY BOARD OF E&R ON 02/18/08	2007-0091076	\$143.66
VENTERS, CHRISTOPHER H III & ORDER BY E&R BOARD ON 02/18/08	2007-0091077	\$334.41
VOSS, EARL NOT TAXABLE IN CRAVEN COUNTY	2007-0091549	\$838.37
	30 – CREDIT MEMO (S)	\$10,888.11
<i>Refunds</i>		
BATTEN PROPERTIES LLC-TOMMY CORRECTING APPRAISAL ERROR	2006-0003090	\$422.10
BURRUS, CHRISTOPHER WAYNE MILITARY-HIS NAME ONLY 07 LES VA ECC-03/16/08	2007-0007838	\$86.40
SALTER, RUSSELL NOT TAXABLE IN CRAVEN COUNTY	2007-0048146	\$463.60
	3 – REFUND (S)	\$972.10

Health Fee Changes

The Board of Health, at its last meeting, recommended the following schedule of adjustments to fees in Dental, Home Health and Hospice. Charges are required to be equal to or greater than the rates paid by Medicaid and Medicare in order to receive full reimbursement for services. Commissioner Allen moved to approve the following adjustments, as requested by the Board of Health, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

<u>Procedure Code/Description</u>	<u>Current Rate</u>	<u>Medicaid Rate</u>	<u>Proposed Rate</u>
<u>Dental Health</u>			
D0170 Re-eval.-Limited, problem focused	\$20.00	\$24.99	\$25.00
D0250 Extraoral-first film	\$17.00	\$22.54	\$23.00
D0260 Extraoral-each additional film	\$14.00	\$18.62	\$19.00
D2390 Resin-based composite crown, anter	\$156.00	\$163.35	\$164.00
D2951 Pin retention-per tooth, in add. to Restoration	\$21.50	\$24.99	\$25.00
D3351 Apexification/recalcification-Initial visit	\$125.00	\$131.32	\$132.00
D3352 Apexification/recalcification-Interm med repl.	\$85.00	\$95.55	\$96.00
D3353 Apexification/recalcification-final	\$178.00	\$191.10	\$192.00
D4355 Full mouth debridement	\$69.00	\$70.56	\$71.00
D7210 Surgical removal of erupted tooth	\$100.00	\$104.00	\$104.00
D7250 Surgical removal of residual tooth	\$111.00	\$113.19	\$114.00
Roots			
D7270 Tooth reimplantation and/or Stabilization	\$198.00	\$200.90	\$201.00
D7310 Ahreoloplasty in conjunction w/ Extractions	\$92.00	\$107.80	\$108.00
D9110 Pallitive treatment of dental pain-Minor proc.	\$35.00	\$44.59	\$45.00

<u>Procedure Code/Description</u>	<u>Current Rate</u>	<u>Medicaid Rate</u>	<u>Proposed Rate</u>
<u>Hospice</u>			
Routine Home Care	\$130.00/day	\$140.00/day	\$140.00/day
Inpatient Respite Care	\$140.00/day	\$150.00/day	\$150.00/day
General Inpatient Care	\$570.00/day	\$600.00/day	\$600.00/day

<u>Procedure Code/Description</u>	<u>Current Rate</u>	<u>Medicaid Rate</u>	<u>Proposed Rate</u>
<u>Home Health</u>			
Physical, Speech & Occupational Therapy	\$115.00/visit	\$125.00/visit	\$125.00/visit
Skilled Nursing	\$110.00/visit	\$120.00/visit	\$120.00/visit
Home Health Aide	\$50.00/visit	\$60.00/visit	\$60.00/visit

NCACC Resolution

The NCACC Board of Directors adopted the following joint resolution in recognition and celebration of *100 Years of County Unity*, the theme of NCACC’s centennial, and asked that all counties consider adopting the joint resolution locally. Commissioner Allen moved to adopt the following resolution, as requested, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

Joint Resolution Celebrating 100 Years of County Unity in Recognition of Our Association’s Centennial

WHEREAS, the North Carolina Association of County Commissioners is an advocacy and service organization made up of all one-hundred (100) North Carolina counties; and

WHEREAS, the active participation and engagement of all 100 counties have directed, strengthened and enhanced our Association; and

WHEREAS, the dedication and talents of individual county commissioners and county staff have led our Association's success in advocacy, county-centered services and educational programs; and

WHEREAS, an informal agreement to form our Association was made by a handful of county commissioners who, at the behest of Craven County Commissioner C.E. Foy, met in New Bern in 1908, to discuss county issues of common interest; and

WHEREAS, the first session of our unofficial Association was held at the Atlantic Hotel in Morehead City on August 19, 1908, where C.E. Foy was elected as president; and

WHEREAS, the North Carolina General Assembly passed an act on March 8, 1909 establishing our Association on behalf of counties;

NOW, THEREFORE BE IT RESOLVED, that the North Carolina Association of County Commissioners and each Board of County Commissioners jointly recognize and celebrate "100 Years of County Unity" in tribute to our Associations' Centennial.

FURTHER BE IT RESOLVED, that the Association communicate its copy of this joint resolution to each Board of County Commissioners.

FURTHER BE IT RESOLVED, that the Craven County Board of Commissioners communicate its copy of this joint resolution to the North Carolina Association of County Commissioners.

Adopted this the 18th day of February, 2008.

Mosquito Control Contract

The Board was requested to authorize the Chairman to execute the annual Mosquito Control contract on behalf of Fairfield Harbour, allowing the grant funds, which have been sought by Fairfield Harbour, to flow through the County. Commissioner Allen moved to authorize the Chairman to execute the Mosquito Control contract, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

Farming Lease

The Board of Commissioners was requested to approve the lease of approximately 30 acres of land for one year at \$45.00 per acre, located at the Judicial Center property on Clarks Road, to Kenneth Nobles for the purpose of farming. Commissioner Allen moved to allow staff to develop an appropriate lease and have the Chairman sign when completed, seconded by Commissioner Sampson and unanimously carried.

Cove City Rescue Grant

The Board was requested to authorize redirection of grant matching funds approved on February 4, 2008 from defibrillators to radio and pager equipment for Cove City. The Department of Insurance has approved redirection of the grant funds. Commissioner Allen moved to authorize redirection of funds, as requested, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

PUBLIC HEARING ON CONDITIONAL USE PERMIT

At 8:35 a.m. Commissioner Sisk moved to go into public hearing, as advertised, to hear public comment on a request for a conditional use permit. Commissioner McCabe seconded the motion, which carried unanimously. There were no speakers from the public and Commissioner Sampson moved to close the public hearing, seconded by Commissioner McCabe and unanimously carried. The Board proceeded with considering the request for a conditional use permit for a parcel located at 226 Kale Road. The owner, KLASCO, LLC, proposes use of the parcel for 6 commercial units. Commissioner Morris inquired about the use of the units; however, Planning Director, Don Baumgardner, stated that in the absence of complete knowledge about the use he did understand that the owner plans to use part of the premises and rent part of the premises. He reassured the Board that the size of the planned units will limit the density of the

occupation. Commissioner Morris moved to approve the conditional use permit for the parcel, which is currently zoned airport development-mixed use zone. Commissioner McCabe seconded the motion, which carried unanimously.

HEALTH DEPARTMENT RESOLUTION

Board of Health Chairman, Dr. Robert Monteiro, presented the following resolution adopted by the Health Board at its meeting on February 11, 2008 urging the Craven County Board of Commissioners to make all Craven County owned buildings tobacco free. The Board asked County Attorney, Jim Hicks, to address the Board's legal status concerning the request. Mr. Hicks responded that inside the City of New Bern the County was previously limited to policy or rule making; however, a new law does not limit the County to these actions. Commissioner Allen moved to receive the report of the Health Board for consideration, seconded by Commissioner Sisk. During discussion, Commissioner Allen indicated his support for the resolution. Commissioner Sampson indicated his support for the resolution; however, stated that he would not be in favor of an immediate effective date. Commissioner Morris indicated that he would not support such a resolution. Commissioner Sisk stated that she would support the resolution in the belief that no one has a right to endanger the health of others. Commissioner Tyson inquired about present smoking limitations in County buildings and was advised that smoking is currently allowed in designated areas of the County Administration building, the Courthouse, the Sheriff's Department, Cooperative Extension building, the Animal Shelter and Probation and Parole building. He further stated that buildings that were constructed after adoption of the smoking ordinance of 1994 were designated as smoke free areas. Commissioner Jones indicated that the Health Director, Wanda Sandel , has been lobbying for support of the resolution; however, he indicated that he has not seen any abuse of smokers' rights in County buildings necessitating such action, and that he would not support the resolution. He distributed a resolution opposing such action that was adopted by the Farm Bureau. Commissioner Tyson moved to table the matter until further review; however, there was no second and the original motion to receive the resolution for consideration passed with four (4) "Ayes" from Commissioners Allen, Sampson, Sisk and Tyson, there being three (3) "Nays" from Commissioners Jones, McCabe and Morris.

CRAVEN COUTNY BOARD OF HEALTH

RESOLUTION

URGING THE CRAVEN COUNTY BOARD OF COMMISSIONERS TO MAKE ALL CRAVEN COUNTY OWNED BUILDINGS TOBACCO

WHEREAS the 2006 Report of the Surgeon General of the United States makes it clear that the debate is over: second hand smoke is a serious health hazard and causes early death and disease in North Carolinians who do not smoke.

-Nonsmokers regularly exposed to secondhand smoke increase their risk of developing heart disease by 25 to 30 percent and lung cancer by 20 to 30 percent. Secondhand smoke exposure is associated with an increased risk of stroke, and an increased risk of having a low birth-weight baby among pregnant women.

-Secondhand smoke contains over 4,000 chemicals; 50 of these chemicals cause cancer.

-The Surgeon General reports that there is no risk free level of exposure to second hand smoke.

-Children, pregnant women, older people, and people with heart or breathing problems should be especially careful. Even a brief exposure could trigger a heart attack in someone with heart disease or risk factors for heart disease.

WHEREAS the CDC advises that all individuals with coronary heart disease or known risk factors for coronary heart disease should avoid all indoor environments that permit smoking

WHEREAS a growing body of statutory, regulatory, and judicial developments indicate potential liability on behalf of employers for negligence and damage resulting from regular exposure to worksite tobacco smoke

WHEREAS local governments in NC now have clear authority under GS 130A-498 to restrict smoking in buildings owned, leased as lessee, or the area leased as lessee and occupied by local government

WHEREAS no system of designated smoking areas, even with separate ventilation protects nonsmokers from secondhand tobacco smoke

WHEREAS the best method of protecting employees from the dangerous consequences of tobacco smoke is to create a totally smoke-free environment in which smoking is eliminated

WHEREAS a smoke free or a tobacco free policy is the easiest to enforce because it is simple and clear cut

WHEREAS all county employees are entitled to equal protection from an environmental health hazard

WHEREAS citizens entering county premises to conduct business or obtain service, especially those with health conditions such as asthma or heart disease, exacerbated by even limited exposure to tobacco smoke should be protected from harm

WHEREAS Craven County Schools and campuses are 100% tobacco-free

WHEREAS local government should set an example in creating an environment that promotes the protection of the health of all citizens

WHEREAS other North Carolina counties have made or are currently in the process of making their buildings tobacco-free

NOW, THEREFORE BE IT RESOLVED that the Board of Health strongly urges the Craven County Board of Commissioners to make all County owned buildings tobacco-free.

This 11th day of February, 2008

Robert Monteiro, MD, Chairman
Craven County Board of Health

UPDATE ON ZONING INFORMATIONAL MEETINGS

Dale Holland from Holland Consulting Planners Inc. provided an update to the Board regarding the two zoning informational meetings that were held in January and February. He itemized and ranked the concerns that were expressed by citizens in the two informational meetings. The Board was advised that the next step would be for the Planning Board to draft a zoning ordinance for presentation to the Board of Commissioners. There was consensus among the Board to allow the Planning Board to continue working on a draft.

**Combined Participant’s Ranking of Key Issues
January 8, 2008 and February 5, 2008**

Rank	Issue	Score
1	If necessary, prefer county over city zoning	96
2	Traffic congestion (turn lanes, signalization, capacity)	70
3	Make zoning regulations minimal/block ETJ	42
4	Opposing land uses (noise and light pollution from Commercial businesses into residential neighborhoods)	41
5	Drainage	40
6	Regulate strip commercial and density	33
7	Accessibility to businesses	11
8*	Signage	10
8*	Connectivity of development/subdivisions	10
9	Zone less than 6 & 7 townships	6

10 Parking

3

* indicates a tie score

CONVENTION CENTER RENTAL FEES

Convention Center Director, Sandy Chamberlin, presented the following proposed 2009 space rental rates for approval. Commissioner Morris moved to approve the rates, as requested, seconded by Commissioner Allen and unanimously carried. Commissioner Tyson inquired about the size of the Convention Center marquis and asked if it could be increased in size. Ms. Chamberlin responded that the sign must fit within the constraints of New Bern’s Historic Preservation Commission. The staff was asked to investigate this further.

Room	Daily Rental Rate 2008	Daily Rental Rate 2009
Colonial Capital Ballroom	\$2,250	\$2,350
Ballroom A	\$1,125	\$1,175
Ballroom B	\$650	\$700
Ballroom C	\$550	\$575
Tryon Room (A and B)	\$475	\$500
Tryon Room A	\$300	\$325
Tryon Room B	\$250	\$275
Berne Room	\$350	\$400
Craven Board Room	\$200	\$200
Heritage Hall	\$400	\$450
Promenade	\$250	\$250
Riverfront Veranda	\$400	\$450
Entire Facility	\$3,400	\$3,550

COUNTY ATTORNEY’S REPORT

County Attorney, Jim Hicks, presented a document from the lender for Tidewater Aviation at the Craven Regional Airport. He stated that the lender has requested that the County acknowledge the lending as consent of landlord. Commissioner Sisk moved to authorize execution of the document, seconded by Commissioner Morris and unanimously carried.

COUNTY MANAGER’S REPORT

Fox Trapping

County Manager, Harold Blizzard, reported on staff research concerning a request that the Board heard on February 4 for an amendment to the state law that would authorize the trapping and sale of foxes in Craven County. He advised the Board that the Craven County Board of Commissioners had, in 2000, approved a similar request and asked the local legislative delegation to support an amendment authorizing fox trapping in the County. He further advised the Board that it appeared the local legislative delegation did not push the resolution forward because, although not required, a public hearing was not held and the legislative delegation deemed the issue to be controversial. He suggested that, should the Board choose to proceed with consideration of this request for local legislation, a public hearing needs to be considered. Commissioner Morris moved to set a public hearing for April 7, seconded by Commissioner Allen and unanimously carried.

Proposed Stormwater Rules

Mr. Blizzard advised the Board that he would be attending a meeting on February 19 at the North Carolina Association of County Commissioners concerning the proposed stormwater rules, and the other nineteen (19) affected counties would be present for the discussions.

COMMISSIONERS' REPORTS

Commissioner Sisk reported on interviews that she had helped to conduct in Wilmington for high school students applying for scholarships. She stated that the young people with whom she came in contact were impressive.

Commissioner Sampson reported on the Aids Awareness Day that was held on February 9, stating that fifteen females and sixteen males had been tested in collaboration with the Health Department.

Commissioner Allen reported on his attendance at the Havelock Middle School Black History Program and the NCACC Board meeting.

Commissioner McCabe inquired of the steps necessary to replace Godette School Road with Ferry Road on the Department of Transportation paving priority list. He indicated that he will make this request for the department's next cycle. He stated that he has been advised that NC 101 will be improved from Havelock to the county line; however, no written confirmation has been received. He stated that the need continues for DOT to raise the bridge on Adams Creek Road. There was discussion about the possibility of obtaining a grant for this project. Planning Director, Don Baumgardner, stated that there had been some State interest in grant funding; however, FEMA had indicated that the project would not rank high enough, but it could be kept as a back-up project. Commissioner McCabe also indicated that Blades Road is in need of improvements.

Commissioner Jones reported on his attendance, along with several other Commissioners, at the Centennial Celebration of Alpha Kappa Alpha Sorority. He advised the Board of a legislative breakfast to be held by the Board of Education at West Craven district and announced a community meeting that he will be holding in Cove City on February 28. He also stated that Allen Hardison and the CRSWMA board members were invited to the library on February 26 for discussions. The Board was reminded that its first Monday meeting in March has been cancelled due to a majority of the Board being out of town at the NACo Legislative Conference.

Commissioner McCabe reminded the Board that he will be hosting an open house and ribbon cutting at the Ferry Road Fire Substation on February 23.

Commissioner Sampson announced that the Martin Luther King Day Parade had been rescheduled for February 23 at 9:00 a.m.

At 10:10 a.m. Commissioner Allen moved to go into closed session following a recess, pursuant to NCGS 143-318.11 (a) (3) citing attorney/client privilege, seconded by Commissioner McCabe and unanimously carried. A recess was called until 10:30 a.m.

At 11:19 a.m. the Board reconvened in regular session. County Manager, Harold Blizzard, announced that the Board had gone into closed session to discuss a lawsuit relative to the Convention Center; however, no action was taken. The Board had been advised of additional funds needed for the attorneys involved in the litigation and he requested that an additional \$60,000 be appropriated from fund balance. Commissioner Allen moved to approve the appropriation of \$60,000 from fund balance for legal fees relative to the Convention Center, seconded by Commissioner Morris and unanimously carried in a roll call vote.

At 11:20 a.m. Commissioner McCabe moved to adjourn, seconded by Commissioner Sisk and unanimously carried.

Jason R. Jones, Chairman
Craven County Board of Commissioners

Gwendolyn M. Bryan
Clerk to the Board