

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, OCTOBER 3, 2011. THE MEETING CONVENED AT 7:00 P.M.

MEMBERS PRESENT:

Chairman Steve Tyson
Vice Chairman Lee Kyle Allen
Commissioner Scott C. Dacey
Commissioner Thomas F. Mark
Commissioner Theron L. McCabe
Commissioner Johnnie Sampson, Jr.
Commissioner Jefferey S. Taylor

STAFF PRESENT:

Jack B. Veit, III., County Manager
Richard F. Hemphill, County Finance Officer
Gwendolyn M. Bryan, Clerk to the Board
Jim Hicks, County Attorney
Aaron Arnette, County Attorney Associate

Following an invocation by Commissioner Sampson and the Pledge of Allegiance, Commissioner Sampson moved to approve minutes of the September 19, 2011 regular session, seconded by Commissioner Mark and unanimously carried.

PUBLIC HEARING ON PRIVATE ROAD NAMING

At 7:05 p.m. Commissioner Sampson moved to go into public hearing, seconded by Commissioner Mark, to hear comments regarding the naming of a private road, Boyd Lane, which is located in Township 3 off of Wintergreen Road. There were no citizens who wished to speak and Commissioner Sampson moved to close the public hearing, seconded by Commissioner McCabe. Commissioner Mark moved to approve the naming of Boyd Lane as a private road, seconded by Commissioner McCabe and unanimously carried.

PETITIONS OF CITIZENS

Mark Griffin, 465 Doughty Lane, Dover, Craven County's appointee to North Carolina's Eastern Region briefed the Board and stated that NCER has changed since its inception. The NCER funds consist of three pots of money: one loan pool (derived from DMV license plates sales; two grant pools from 15% collection reserve from NCER Operating Fund-one for county-wide projects and one regional grant. Each member County has a designated loan amount available; however, desirable county-wide projects may sometimes exceed that limit. He stated that he has been pushing for a gap loan process whereby one county agrees to lend to a county needing a "gap" loan versus the loan coming from the loan pool, thus putting all member counties at risk. He has also been working on eliminating grants of state funds to individual companies that are competing with others in the same class. NCER will have a State of the Region briefing in the beginning of the year. He encouraged Commissioners to attend to learn more.

Tyker Gonzalez, 125 Turkey Quarter Creek Road, Cove City, addressed the Board concerning the Voluntary Agricultural District. She expressed, on behalf of the Agricultural Advisory Board, the desire to keep old requirements for eligibility and keep the recordation requirement versus moving to new state statutory requirements. She requested an amendment to the County Ordinance in order to cement these requirements. The Chairman directed the County Attorney to review the request and the ordinance.

Commissioner McCabe requested to allow *Steve Foster, 1534 Belangia Road, Havelock,* to speak, with there being no objection from the Board. Mr. Foster spoke about the increased mosquito population in the eastern end of the County due to Hurricane Irene and asked that spraying be done in his community. Commissioner McCabe moved to

spray for mosquitoes in areas needed, seconded by Commissioner Sampson. The motion failed with two (2) "ayes" from Commissioners McCabe and Sampson and five (5) "nays" from Commissioners Allen, Dacey, Mark, Taylor and Tyson.

TAX RELEASES AND REFUNDS

Tax Administrator, Ronnie Antry, presented the following routine requests for tax releases and refunds. Commissioner Mark moved for their approval, as presented, seconded by Commissioner Sampson and unanimously carried in a roll call vote.

Credits

TAXPAYER NAME	TICKET #	AMOUNT
ALUM SPRINGS LLC APPRAISAL ERROR CORRECTION	2011-0000925	\$1,940.47
ANDERSON, JOSEPH R APPRAISAL ERROR CORRECTION	2011-0001268	\$29.18
ANDREWS, DALTON M & LUCRECIA ORDERED BY BOARD OF E&R 9/27/2011	2011-0001379	\$446.01
BIO-MEDICAL APPLICATIONS APPRAISAL ERROR CORRECTION	2011-0004823	\$112.33
BLACK, MARGARET LOVICK VALUE CORRECTION PER BILL OF SALE	2011-0090279	\$87.24
BLACKMAN, SARAH C & CLARK, BUR APPRAISAL ERROR CORRECTION	2011-0004966	\$59.10
BLYTHE, CHARLES B & JUDITH B APPRAISAL ERROR CORRECTION	2011-0005374	\$59.10
BOHLER, JUNE E CORRECTION OF SENIOR EXC. RECYCLE	2011-0091496	\$12.00
BROGNA, NICHOLAS & CAROL A DOUBLE BILLED-ADJUSTED VALUE	2011-0090314	\$1,234.78
CHAOON, CHRISTINE & BROWNWELL DWELLING VACANT SEVERAL YEARS	2011-0008492	\$36.00
CAHOON, CHRISTINE E & DWELLINGS UNOCCUPIED SINCE 2008	2011-0008495	\$72.00
CATALIOTTI, ANTHONY J & MARILY VALUE CORRECTION	2011-0009846	\$201.36
CHEEK, STEPHEN L DID NOT OWN 1/1/2011	2011-0010347	\$19.77
CIT TECHNOLOGY FINANCING SERVI APPRAISAL ERROR CORRECTION	2011-0010724	\$1.02
CIT TECHNOLOGY FINANCING SERVI APPRAISAL ERROR CORRECTION	2011-0010728	\$28.91
DEGROOT, BOB BOAT IN TRANSIT – NOT TAXABLE TO NC	2011-0014831	\$1,640.85

DISH NETWORK LLC APPRAISAL ERROR CORRECTION	2011-0015429	\$1.63
DISH NETWORK LLC APPRAISAL ERROR CORRECTION	2011-0015430	\$4.79
DISH NETWORK LLC APPRAISAL ERROR CORRECTION	2011-0015431	\$5.49
DISH NETWORK LLC APPRAISAL ERROR CORRECTION	2011-0015432	\$49.21
DISH NETWORK LLC APPRAISAL ERROR CORRECTION	2011-0015433	\$61.80
DISH NETWORK LLC APPRAISAL ERROR CORRECTION	2011-0015434	\$15.14
DISH NETWORK LLC APPRAISAL ERROR CORRECTION	2011-0015435	\$19.16
DISH NETWORK LLC APPRAISAL ERROR CORRECTION	2011-0015436	\$147.50
DISH NETWORK LLC APPRAISAL ERROR CORRECTION	2011-0015437	\$12.96
DISH NETWORK LLC APPRAISAL ERROR CORRECTION	2011-0015438	\$15.20
DISH NETWORK LLC APPRAISAL ERROR CORRECTION	2011-0015439	\$48.20
DIVEN, JAMES N & EILEEN M BOAT LOCATED IN MARYLAND	2011-0015451	\$95.09
DIXON, DEBRA POWELL APPRAISAL ERROR CORRECTION	2011-0015486	\$15.95
DIXON, TAMMIE TAYLOR DOUBLE LISTED – SAME ACCOUNTY	2011-0015656	\$90.85
DOYLE, JOHN R & JERRIE E DID NOT OWN 1/1/2011	2011-0016062	\$91.01
DUKENET COMMUNICATIONS INC INCORRECTLY BILLED IN HAVELOCK	2011-0091410	\$18.47
DUROCHER, SCOTT D CLERICAL ERROR – VEHICLE PLATED	2011-0016776	\$46.17
FORREST, BRADLEY APPRAISAL ERROR CORRECTION	2011-0019580	\$19.42
FRANK, JOANN MISS APPRAISAL ERROR CORRECTION	2011-0019845	\$5.39
GADOMSKI, MARY LINDA & EDWARD VETERAN EXCLUSION CORRECTION	2011-0020578	\$262.95
GASKINS, CHARLES HOLLISTER JR DWELLING UNOCCUPIED SINCE 2009	2011-0021095	\$36.00

GIBSON, JAMES ALEXANDER BOAT RELEASED TO CARTERET COUNTY	2011-0021867	\$272.94
GONZALEZ, JOSE F MILITARY EXCLUSION	2011-0022514	\$61.59
HABITAT FOR HUMANITY OF CRAVEN EXEMPT PER NCGS 105-278.6(8)	2011-0023846	\$171.30
HAMILTON, LAURA LICHTENWALTER CORRECTION OF SENIOR EXC. RECYCLE	2011-0090524	\$12.00
HARMAN, BARBARA H CORRECTION OF SENIOR EXC. RECYCLE	2011-0091525	\$12.00
HIGHSMITH, JAMES CHRISTOPHER INCORRECT SITUS – S/B 2A NOT 8N	2011-0026857	\$117.00
HOOKER, JOSEPH M APPRAISAL ERROR CORRECTION	2011-0027846	\$94.18
HORNADAY, THERESA & GARY DID NOT OWN 1/1/2011	2011-0027940	\$109.78
JONES, JULIE MICHELE DID NOT OWN 1/1/2011	2011-0030845	\$106.41
JONES, JULIE MICHELE DID NOT OWN 1/1/2010	2010-0027820	\$111.68
KELLY, STEPHEN A MOVED OUT OF STATE BEFORE 1/1/2011	2011-0031740	\$70.40
KLEBAUR, EDWARD J JR & MARY AN DID NOT OWN 1/1/2011	2011-0090748	\$508.27
KYLE, RICHARD DID NOT OWN 1/1/2011	2011-0033086	\$101.12
KYLE, RICHARD DID NOT OWN 1/1/2010	2010-0029789	\$114.94
LAMB, ALLISON RENEE BOAT RELEASED TO ONSLOW COUNTY	2011-0033237	\$129.87
LEWIS, ANNIE DELL HAWKINS MART APPRAISAL ERROR CORRECTION	2011-0034283	\$58.87
MITCHELL, CHARLES C INVESTMENT APPRAISAL ERROR CORRECTION – REBILLED	2011-0039795	\$495.82
MOFFAT, SUSAN APPRAISAL ERROR CORRECTION	2011-0040058	\$59.10
MOORE, TIMOTHY WARD APPRAISAL ERROR CORRECTION	2011-0040678	\$50.42
MULLINS, JOHNNIE DID NOT OWN 1/1/2011	2011-0090857	\$224.92

PRICE, WALTER CLIFTON CLERICAL ERROR – REBILLING	2011-0046592	\$26.01
PROVIDENCE PROPERTIES LLC APPRAISAL ERROR CORRECTION	2011-0046780	\$59.10
PROVIDENCE PROPERTIES LLC APPRAISAL ERROR CORRECTION	2011-0046779	\$59.10
PROVIDENCE PROPERTIES LLC APPRAISAL ERROR CORRECTION	2011-0046778	\$59.10
PROVIDENCE PROPERTIES LLC APPRAISAL ERROR CORRECTION	2011-0046777	\$59.10
PROVIDENCE PROPERTIES LLC APPRAISAL ERROR CORRECTION	2011-0046776	\$59.10
RHODES, MARK C OUT OF BUSINESS 1/1/2011	2011-0091086	\$17.65
ROUND, KENNETH D & DENISE M MILITARY EXLUSION	2011-0049562	\$26.92
SEAHORSE SCUBA AND CHARTER LLC BOAT SITUS OUT OF NORTH CAROLINA	2011-0051209	\$25.97
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055661	\$137.58
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055662	\$201.16
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055663	\$201.96
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055664	\$61.23
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055665	\$70.04
T-MOIBLE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055666	\$36.82
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055667	\$88.25
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055668	\$39.56
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055669	\$47.67
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055670	\$39.21
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055671	\$18.01
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055672	\$176.93

T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055673	\$50.62
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055674	\$49.17
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055675	\$35.57
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055676	\$34.74
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055677	\$37.68
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055678	\$57.18
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055679	\$35.31
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055680	\$34.26
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055681	\$34.26
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055682	\$36.79
T-MOBILE SOUTH LLC APPRAISAL ERROR CORRECTION	2011-0055683	\$78.56
THOMAS, JOHN & SUSAN M APPRAISAL ERROR CORRECTION	2011-0056682	\$59.10
THOMAS, SUSAN MOFFAT APPRAISAL ERROR CORRECTION	2011-0056844	\$59.10
THOMAS, SUSAN MOFFAT APPRAISAL ERROR CORRECTION	2011-0056843	\$59.10
THOMPSON, JAMES R & SHARON L APPRAISAL ERROR CORRECTION	2011-0056917	\$36.45
THOMPSON, SHERIDA A APPRAISAL ERROR CORRECTION	2011-0056964	\$59.10
TIME WARNER ENTERTAINMENT/ APPRAISAL ERROR CORRECTION	2011-0057116	\$487.96
TIME WARNER ENTERTAINMENT/ APPRAISAL ERROR CORRECTION	2011-0057117	\$238.63
WALLACE, CHRISTOPHER D APPRAISAL ERROR - DOUBLE BILLED	2011-0091281	\$32.61
WILLETT, CHRISTOPHER RYAN INCORRECT SITUS – S/B 5E	2011-0062581	\$44.91

WILLIS, CHARLES M & WILLIS, PH APPRAISAL ERROR CORRECTION	2011-0063157	\$59.10
99 – CREDIT MEMO (S)		\$13,055.78
<i>Refunds</i>		
DIRECTV INC APPRAISAL ERROR CORRECTION	2011-0015416	\$11.65
DIRECTV INC APPRAISAL ERROR CORRECTION	2011-0015417	\$3.06
DIRECTV INC APPRAISAL ERROR CORRECTION	2011-0015418	\$40.26
DIRECTV INC APPRAISAL ERROR CORRECTION	2011-0015419	\$51.28
DIRECTV INC APPRAISAL ERROR CORRECTION	2011-0015420	\$157.73
DIRECTV INC APPRAISAL ERROR CORRECTION	2011-0015421	\$237.71
DIRECTV INC APPRAISAL ERROR CORRECTION	2011-0015422	\$13.15
DIRECTV INC APPRAISAL ERROR CORRECTION	2011-0015423	\$107.03
DIVEN, JAMES N & EILEEN M BOAT LOCATED IN MARYLAND	2010-0014021	\$100.10
PAOLINO, PAULA APPRAISAL ERROR CORRECTION	2011-0044180	\$753.05
10 – REFUND (S)		\$1,475.02

PRESENTATION OF PROPOSED BOARD OF HEALTH RULE

Environmental Health Director, Ray Silverthorne, explained the recent review and revision of the Regulations Governing the Authorization, Construction and Sanitation of Seafood Markets and Seafood Sales Vehicles in Craven County, North Carolina by his division. After an initial assessment of the existing County ordinance, which was last revised in November of 2004, it was determined that some of the requirements were outdated and unnecessary. In order to protect the public’s health in the most efficient manner, some revisions were proposed to address federal and state regulatory changes, as well as updated food science findings which have been introduced into current NC food safety regulations. County Attorney, Jim Hicks, explained that a major advantage to passing a Board of Health rule is that the jurisdiction of this type of regulation is county wide, including municipalities. The current County ordinance must be adopted by all incorporated areas before it is enforceable by the health department within town or city limits.

The main changes to the existing County ordinance which are addressed in the proposed Board of Health rule are as follows:

1. Reduce the number of inspections required for a seafood market from 4/year to 2/year. Commissioner Mark inquired as to what the reasoning was for this change. Mr. Jernigan responded that the State has revised requirements based on CDC recommendation.

2. Eliminate requirement for seafood sales vehicles to be inspected beyond the annual permitting process;
3. Eliminate all Hazard Analysis and Critical Control Point (HACCP) documentation requirements for seafood markets;
4. Allow shellstock to be displayed on ice within a mechanically refrigerated case;
5. Require the posting of a Consumer Advisory in seafood markets and on sales vehicles/roadside stands to meet the state requirements for other food service establishments which sell shellfish;
6. Change some basic formatting, language and numbering of the document (including the title of the regulations).

The Board was asked to consider sunsetting the current ordinance. Mr. Hicks stated that a public hearing would be necessary. It was the consensus of the Board not to move forward until there is discussion with municipalities and their agreement is confirmed.

COOPERATIVE EXTENSION REQUEST

Cooperative Extension Director, Tom Glasgow, presented plans to apply for grant funding in the amount of \$142,000 over three years from the NC Rural Center, to support a research project focused on freshwater prawn hatchery and nursery technology. Extension requested that Craven County Government be the fiduciary agent in holding and distributing the funds, if the grant application is successful.

He explained that freshwater prawn represents an opportunity for economic development and diversification in rural areas of Craven County. For the industry to develop, there is a need for implementing juvenile production at the individual farm level, rather than relying completely on the one NC hatchery currently in production. Area Extension Aquaculture Agent, Mike Frisko will be collaborating with a local prawn producer and specialists at NC State to research hatchery techniques that can be implemented by individual producers. The project will have research, demonstration and economic development value.

Commissioner Dacey expressed opposition to grant funds being used to subsidize private business. Mr. Glasgow responded that the research requires a demonstration site. The pre-proposal needs to be received in a couple of weeks, and if accepted, the next step would be preparation of a detailed budget and business plan. Commissioner Mark moved to defer this matter until the Board’s next meeting to see a budget and business plan, seconded by Commissioner McCabe.

EMERGENCY SERVICES MATTERS

Ambulance Franchise Ordinance

At its last meeting, the Board voted to adopt amendments to the County’s Ambulance Franchise Ordinance. In a second vote, the amended ordinance, which follows, was unanimously adopted by motion of Commissioner Mark and a second by Commissioner Dacey.

ARTICLE II. AMBULANCE FRANCHISES

Sec. 14-19. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or unless otherwise defined by applicable state law:

Ambulance means any privately or publicly owned motor vehicle, aircraft, or vessel that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation of patients on the streets or highways, waterways or airways of this State.

Ambulance provider means a Person who engages or professes to engage in the business or service of transporting patients in an ambulance.

Approved means approved by the Commission pursuant to the rules and regulations promulgated under G.S. §143B-165.

Board of Commissioners means the Craven County Board of Commissioners.

Commission means the North Carolina Medical Care Commission, and any successor entity.

Council means the Craven County Emergency Medical Services Advisory Council.

Department means the North Carolina Department of Health and Human Services, and any successor entity.

Emergency or emergency transportation service means the use of an ambulance, its equipment and personnel to provide medical care and transportation of a patient who is in need of immediate medical treatment in order to prevent loss of life or further aggravation or physiological or psychological illness or injury.

Emergency medical technician (EMT) means an individual who has completed an educational program in emergency medical care approved by the Department and has been credentialed as an emergency medical technician by the Department.

Emergency medical technician-intermediate (EMT-I) means an individual who has completed an educational program in emergency medical care approved by the Department and has been credentialed as an emergency medical technician-intermediate by the Department.

Emergency medical technician-paramedic (EMT-P) means an individual who has completed an educational program in emergency medical care approved by the Department and has been credentialed as an emergency medical technician-paramedic by the Department.

Franchise means a permit issued by the County to a Person for the operation of an ambulance service or a medical first responder program.

Franchisee means any Person having been issued a franchise by the County for the operation of an ambulance service or a medical first responder program.

License means any driver's license or permit to operate a motor vehicle issued under or granted by the laws of the State.

Medical responder means an individual who has completed an educational program in emergency medical care and first aid approved by the Department and has been credentialed as a medical responder by the Department.

Medical first responder program means an approved existing fire department or rescue/EMS organization within the County providing service by contract to the extent of sending medical responders to a call for assistance to any person for medical, trauma or rescue needs except transporting such Person to or from any facility.

Nonemergency or Nonemergency transportation service means the operation of an ambulance for any purpose other than transporting patients in an emergency.

Operator means a Person in actual physical control of an ambulance which is in motion or which has the engine running.

Owner means any Person who owns an ambulance.

Patient means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless such that the need for some medical assistance might be anticipated.

Person means an individual, corporation, company, association, partnership, unit of local government, State agency, federal agency or other legal entity.

Rescue means situations where the victim cannot escape an area through normal exit or under his own power.

(Code 1984, § 2.5-1; Ord. of 1-19-1987, § 1; Amd. of 9-8-1998; Amd. of 10-xx-2011)

Sec. 14-20. Franchise required.

(a) No Person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in providing emergency and/or nonemergency transportation services of patients by ambulance within the County unless the Person holds a valid permit for each ambulance used in such business or service issued by the Department, and has been granted a franchise for the operation of such business or service by the County pursuant to this Article.

(b) No Person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of a medical first responder unless the Person has been granted a franchise for the operation of such business or service by the County pursuant to this Article.

(c) No Person shall drive an ambulance, attend to a patient in one, or permit one to be operated when transporting a patient within the County unless he holds a currently valid certificate as a medical responder or EMT, as the case may be,

(d) No franchise shall be required for:

(1) Any Person rendering assistance to a franchised ambulance service in the case of a major catastrophe, mutual aid or emergency with which the services franchised by the County are insufficient or unable to cope;

(2) Any entity operated from a location or headquarters outside of the County in order to transport patients who are picked up beyond the limits of the County to facilities located within the County or to pick up patients within the County for transporting to locations outside the County;

(3) Ambulances owned and operated by an agency of the United States government;

(4) A law enforcement agency assisting any Person in a life threatening situation;

(5) A medical first responder program provided by a franchisee.

(Code 1984, § 2.5-2; Ord. of 1-19-1987, § 2; Amd. of 9-8-1998; Amd. of 10-xx-2011)

State law references: State regulation of ambulance services, G.S. 131E-155 et seq.; Emergency Medical Services Act of 1973, G.S. 143-507 et seq.; county ambulance service franchise, G.S. 153A-250.

Sec. 14-21. Application for franchise.

Application for a franchise to operate an emergency transportation service, a nonemergency transportation service, or a medical first responder program within the County shall be made by the provider upon such forms as may be prepared or prescribed by the County and shall contain:

(1) The name and address of the provider and of the owner of the ambulances and/or the medical first responder program.

(2) The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such name or articles of incorporation stating such name.

(3) A resume of the training and experience of the applicant in the transportation and/or care of patients.

(4) A full description of the type and level of service to be provided, including the location of the place or places from which it is intended to operate, the manner in which the public will be able to obtain assistance and how the vehicles will be dispatched. An audited financial statement of the applicant as the same pertains to the operations in the County, said financial statement to be in such form and in such detail as may be required by the County.

(5) A description of the applicant's capability to provide 24-hour coverage, seven days per week, for the district covered by the franchise applied for, and an accurate estimate of the minimum and maximum times for a response to calls within such district.

(6) Any information the County shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance services or medical first responder program in the County in accordance with the requirements of state laws and the provisions of this Article.

(Code 1984, § 2.5-3; Ord. of 1-19-1987, § 3; Amd. of 9-8-1998; Amd. of 10-xx-2011)

Sec. 14-22. Granting of franchises; Districts.

(a) The Board of Commissioners has designated specific service areas as franchise districts. Said districts were established using criteria that includes geographic size, road access, the location of existing medical transportation services, population, and response time. The County shall have the authority to redistrict or rearrange existing districts at any time at its discretion. A copy of the district maps will be on file at the Office of the Clerk to the Board of Commissioners and/or the County's Department of Emergency Management.

(b) Any applicant may apply for a franchise to operate an emergency transportation service, a nonemergency transportation service, or a medical first responder program. When different types of franchises are proposed to be provided by the same applicant, separate applications must be filed for each type of franchise.

(c) Within 30 days upon receipt of an application for a franchise, the County shall schedule a time and place for the council to hear the applicant. Within 60 days after hearing the applicant, the council shall make its recommendation to the Board of Commissioners.

(d) A franchise may be granted if the County finds that:

(1) The applicant shows a reasonable effort to meet state standards and standards outlined in the franchise ordinance.

(2) A need exists for the proposed service in order to improve the level of services available to residents of the County and that this is a reasonable and cost effective manner of meeting the need.

(e) The maximum number of nonemergency transportation services that may be franchised per franchise district hereunder is four (4), and shall only be granted to for-profit entities.. In the event of a vacancy in a nonemergency franchise, the Board of Commissioners shall grant a franchise to the next approved provider, based on the date of original approval; provided such applicant is still in compliance with all requirements herein.

Notwithstanding anything to the contrary contained within this Sec. 14-22(e), a nonemergency transportation services franchise may be granted to CarolinaEast Health System and/or CarolinaEast Medical Center; and in such an event, this franchise shall not count towards the limitation of four (4) total franchises per district.

(f) There shall not be a maximum number of emergency transportation services that may be franchised hereunder.

(Code 1984, § 2.5-4; Ord. of 1-19-1987, § 4; Amd. of 9-8-1998; Ord. of 4-19-1999; Amd. of 10-xx-2011)

Sec. 14-23. Term of franchise; compliance; transfer of ownership; inspection; franchise not to be defaced or removed.

(a) The County may issue a franchise hereunder to a provider, to be valid for a term to be determined by the County, provided that either party at its option may terminate the franchise upon 60 days' prior written notice to the other party. After a notice of service termination is given, the provider may reapply for a franchise if continued service is desired.

(b) Upon suspension, revocation or termination of a franchise granted hereunder, such franchised service immediately shall cease operations. Upon suspension, revocation or termination of a driver's license or medical responder certificate or EMT certificate, such Persons shall cease to drive an ambulance or provide medical care.

(c) Each franchised service shall comply at all times with the requirements of this Article, the franchise granted hereunder, and all applicable state and local laws relating to health, sanitation, safety, equipment, and ambulance design and all other laws and ordinances.

(d) Prior approval of the County shall be required where ownership or control of more than ten percent of the right of control of a franchisee is acquired by a Person or group of Persons acting in concert, none of whom own or control ten percent or more of such right of control, singularly or collectively, at the date of the franchise. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition occurring without prior approval of the County shall constitute a violation of the franchise by the franchisee and shall be cause for termination at the option of the County.

(e) Any change of ownership of a franchised service without the approval of the County when such approval is required shall terminate the franchise and shall require a new application and a new franchise in conformance with all the requirements of this Article as upon original franchising.

(f) No franchise may be sold, assigned, mortgaged, or otherwise transferred without the approval of the County and a finding of conformance with all requirements of this Article as upon original franchising. Each franchised service, its equipment and the premises designated in the application and all records relating to its maintenance and operation, as such, shall be open to inspection by the state, the County, or its designated representatives.

(g) A franchise may not be defaced, removed or obliterated.

(Code 1984, § 2.5-5; Ord. of 1-19-1987, § 5; Amd. of 9-8-1998; Amd. of 10-xx-2011)

Sec. 14-24. Standards for EMT's and medical responders.

Standards for EMT's and medical responders, as developed by the Commission as requirements for certification of medical responders and emergency medical technicians pursuant to G.S. Ch. 143, Art. 56 (G.S. §143-507 et seq.), shall be applied, and the same are incorporated herein by reference.

(Code 1984, § 2.5-16; Ord. of 1-19-1987, § 6; Amd. of 9-8-1998; Amd. of 10-xx-2011)

Sec. 14-25. Standards for vehicles and equipment.

Vehicle and equipment standards, as developed by the Commission pursuant to G.S. Ch. 143, art. 56 (G.S. §143-507 et seq.), shall be applied, and the same are incorporated herein by reference.

(Code 1984, § 2.5-7; Ord. of 1-19-1987, § 7; Amd. of 9-8-1998; Amd. of 10-xx-2011)

State law references: Rules and regulations of North Carolina Medical Care Commission, G.S. 143-508(d)(8).

Sec. 14-26. Standards for communications.

(a) Each ambulance shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of the County to each hospital's emergency department in the County in which the ambulance is based. Each ambulance shall be equipped with two-way radio communications capabilities compatible with all hospitals' emergency departments to which transportation of patients is made on a regular or routine basis anywhere within the state. Each ambulance shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of the County in which the ambulance-dispatching agency is located.

(b) Each ambulance provider shall maintain current authorization or Federal Communications Commission licenses for all frequencies and radio transmitters operated by that provider. Copies of all authorizations and licenses shall be on display and available for inspection per the Federal Communications Commission's rules and regulations.

(c) Each base of operations must have at least one open telephone line. Telephone numbers must be registered with each law enforcement agency and communications center in the County.

(Code 1984, § 2.5-8; Ord. of 1-19-1987, § 8; Amd. of 9-8-1998)

Sec. 14-27. Insurance.

No franchise shall be issued under this Article, nor shall such franchise be valid after issuance, nor shall any service be provided in the County unless the franchisee has at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the state, for commercial general liability insurance, automobile coverage insurance for each and every vehicle owned and/or operated by or for the franchisee, and worker's compensation insurance as follows:

(1) Commercial general liability insurance with combined single limits of no less than \$2,000,000 each occurrence and \$2,000,000 aggregate; This insurance shall include Comprehensive Broad Form Coverage including contractual liability ; and

(2) Commercial automobile liability with limits of no less than \$500,000 Combined Single Limit for bodily injury and property damage; and

(3) Worker's compensation insurance in an amount no less that the statutory minimum.

In the event that the Board of Commissioners increases the amount of insurance required by this Section after the issuance of a franchise, all such previously issued franchises must comply and conform with the increased amount of coverage as a continuing condition of such franchise.

(Code 1984, § 2.5-9; Ord. of 1-19-1987, § 9; Amd. of 9-8-1998; Amd. of 10-xx-2011)

Sec. 14-28. Records.

Each franchisee shall maintain the following records:

(1) *Record of dispatch.* The record of dispatch shall show the following:

- a. Time call was received;
- b. Time dispatched;
- c. Time arrived on scene;
- d. Time arrived at destination;
- e. Time in service; and
- f. Time returned to base.

(2) *Trip record.* The trip record shall state all information required in subsection (1) of this section in addition to information on a form approved by the County. The trip record

shall be so designed as to provide the patient with a copy thereof containing all required information. A copy of the trip record may serve as a receipt for any charges paid.

(3) *Daily report log.* The daily report log shall be maintained for the purpose of identifying more than one person transported in any one day.

(4) *Daily driver checklist and inspection report.* The daily driver checklist and inspection report shall list contents and description of operations for each vehicle and shall be signed by the individual verifying vehicle operations and equipment.

(Code 1984, § 2.5-10; Ord. of 1-19-1987, § 10; Amd. of 9-8-1998)

Sec. 14-29. Rates and charges; collections.

(a) The Board of Commissioners shall hereby be empowered to promulgate resolutions, rules and regulations for the purpose of determining the schedule of rates and charges, if any, charged to the patient or responsible party receiving services within the County.

(b) The methods of collecting said charges, if any, shall be prescribed in such resolutions, rules and regulations.

(c) Notwithstanding provisions outlined in any resolutions, rules and regulations established pursuant to the authority in subsection (a) of this section, no ambulance service shall attempt to collect rates on emergency calls until the patient has reached the point of destination, has received medical attention and is in a condition deemed by the physician fit to consult with the ambulance service, but such service may attempt to collect rates with family or guardian of the patient once the patient is in the process of receiving medical attention.

(d) On nonemergency calls, or calls where a person requires transportation to a nonemergency facility, attempts to collect payment can be made before the ambulance begins its trip.

(e) Upon establishment of a schedule of rates and charges, all persons receiving service from the respective franchise shall be charged in accordance with the applicable schedule of charges approved for use by the franchisee.

(Code 1984, § 2.5-11; Ord. of 1-19-1987, § 11; Amd. of 9-8-1998)

Sec. 14-30. Funding of nonprofit and municipal franchisees.

(a) Each nonprofit and municipal franchisee also seeking funding from the County shall submit to the Board of Commissioners for approval an annual operational budget. Medical first responder programs will be considered for funding for initial startup cost only.

(b) Upon approval of said budget, the Board of Commissioners shall consider funding to each such franchisee, but in no event shall the County be required to provide any such funding.

(c) Nothing in the language of this Article shall in any way be construed to limit or restrict the individual franchisee's receipt of charitable donations or proceeds from fund raising events.

(Code 1984, § 2.5-12; Ord. of 1-19-1987, § 12; Amd. of 9-8-1998; Amd. of 10-xx-2011)

Sec. 14-31. Enforcement.

The Craven County Department of Emergency Services shall be the enforcing agency for purposes of this Article. This Department shall:

(1) Receive all franchise applications from potential providers.

(2) Study each application for conformance to this Article.

(3) With the approval of the council, recommend to the Board of Commissioners the award of the franchise to the applicant submitting the best proposal.

(4) Inspect the premises, vehicles, equipment and personnel of franchisees to assure compliance to this Article and perform any other inspections that may be required.

(5) With the approval of the council, recommend to the Board of Commissioners the temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this Article, and recommend the imposition of misdemeanor or civil penalties as provided therein.

(6) Ensure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended.

(7) Receive monthly reports from ambulance services and consolidate the same into a quarterly summary for review by the council and the County.

(8) Receive complaints from the public, other enforcing agencies, and ambulance services regarding franchise infractions, review such complaints with the council, and obtain corrective action with the approval of the council.

(9) With the approval of the council, recommend improvements to the County which will ensure better medical transportation.

(10) Maintain all records required by this Article and other applicable County regulations.

(11) Perform such of the above functions as may be requested by any municipality within the County.

(12) Serve as staff to the County emergency medical services council on all matters that pertain to the council.

(Code 1984, § 2.5-13; Ord. of 1-19-1987, § 13; Amd. of 9-8-1998; Amd. of 10-xx-2011)

Sec. 14-32. Inspection of records, etc.

The County may inspect a franchisee's records, premises and equipment at any time in order to ensure compliance with this Article and any franchise granted hereunder.

(Code 1984, § 2.5-14; Ord. of 1-19-1987, § 14; Amd. of 9-8-1998)

Twp. 7 Request

The Board considered a request for an ambulance franchise by Twp. 7. Commissioner Mark moved to deny approval of the request based upon provisions of the newly amended ordinance, seconded by Commissioner McCabe and unanimously carried.

SHERIFF'S PRESENTATION

The Sheriff provided the Board an update on operations of the Sheriff's Department.

He presented the final draft of the revised vehicle use policy which includes provisions for motor vehicles traveling outside the County. Effective October 1, 2011, all new hires must reside within Craven County. If not, they must leave vehicles inside County boundaries when returning home. Existing out of County employees are within a five-mile buffer and five-mile buffer personnel who are grandfathered must be included in the language of the policy. He stated that staff off-duty work assignments are contained within four categories: community college, airport, fairgrounds and school ballgames. Use of vehicles to transport private individuals is prohibited and window tinting in vehicles is done as a matter of officer safety.

Commissioner Dacey commented that there is an issue with behavior of Sheriff's Department personnel driving the vehicles irresponsibly and he related his experience with an incident that occurred in the Food Lion parking lot earlier in the afternoon. The Sheriff stated that he would check on the circumstances and respond.

The Sheriff stated that his department is in need of new vehicles and approval from the Board to move ahead with the order was requested. He stated that an entire section of the department's fleet is offline and it affects the operation of the department. Commissioner Sampson moved to approve release of an allocation for new vehicles, seconded by Commissioner McCabe and carried with four (4) "ayes" from Commissioners Sampson, McCabe, Allen and Tyson, there being three (3) "nays" from Commissioners Taylor, Dacey and Mark.

PLANNING DEPARTMENT MATTERS

NCDOT Request for Addition to State Maintained Secondary Road System

The Board was requested to adopt a road resolution to approve John Street and Kennedy Drive to be turned over to the State of North Carolina for maintenance. Commissioner McCabe moved to approve the resolution, as requested, seconded by Commissioner Mark and unanimously carried.

Subdivision for Approval

On September 22, 2011 the Planning Board met and recommended the following subdivision for approval. Commissioner McCabe moved to approve the subdivision, as presented, seconded by Commissioner Sampson and unanimously carried.

Michael A. Calhoun and Lynn Wiggins – Final: The property, owned by Michael A. Calhoun and surveyed by Richard M. Benton, is located within Twp. 1 off of Nelson Road (SR 1450) and Bay Bush Road (SR 1454), parcel ID 1-073-14000. The subdivision contains 2 lots on 10.44 acres and is proposed to be served by County water and individual septic systems.

Request to Set Public Hearing

The Planning Department requested to set a public hearing for October 17, 2011 at 9:30 a.m. to receive comments concerning the proposed CDBG Contingency Infrastructure Grant. He advised that the grant for sewer line expansion outside of River Bend is within the ETJ. He advised that he has consulted with River Bend. Commissioner Sampson moved to set a public hearing for October 17 at 9:30 a.m., as requested, seconded by Commissioner McCabe and unanimously carried.

AMENDMENT TO CASSIDY CONSULTING AGREEMENT

An amendment to the agreement with Cassidy and Associates was presented. Commissioner Dacey advised that the amended termination clause allows a 30 day grace period for termination of the agreement. Commissioner Dacey moved to adopt the amended agreement with Cassidy and Associates, seconded by Commissioner Mark and unanimously carried.

BUDGET AMENDMENTS

Craven County Finance Director, Rick Hemphill, presented the following budget amendments for the Board’s approval. Commissioner Dacey moved for their approval, seconded by Commissioner Mark and unanimously carried in a roll call vote.

Grant ARRA/CARTS Transportation

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-7013-377-15-00 ARRA Grant Funds	\$41,414.00	101-7001-450-31-01 CARTS Vehicle Expense	\$41,414.00
TOTAL	\$41,414.00	TOTAL	\$41,414.00

Justification: Funding from ARRA Grant for Preventive Maintenance.

Convention Center

101-8201-369-36-00 TDA	\$5,300.00	101-8201-430-27-00 Adv	\$5,300.00
TOTAL	\$5,300.00	TOTAL	\$5,300.00

Justification: Funds to cover the expense of the Charm package for VisitNewBern.com.

APPOINTMENTS

Regional Aging Advisory Committee

The Board was advised of the expiring term of Gertha Williams on the Regional Aging Advisory Committee. Commissioner Sampson nominated Ms. Williams for

reappointment. There being no additional nominations, Ms. Williams was reappointed by acclamation.

Craven County Clean Sweep Committee

The Board was advised of the expiring terms of Felix Croom, Dave Gardner, Janie Johnson, Ivett Jones, Jan Parker, Pat Sager, Tim Tabak and Thomas Wooten on the Craven County Clean Sweep Committee. Commissioner Mark nominated Joan Campbell for appointment. Commissioner Sampson nominated Thomas Wooten for reappointment. Commissioner Dacey nominated Mr. Croom, Ms. Johnson, Ms. Jones, Ms. Sagar, and Mr. Tabak, all serving under ten years, and to defer the remaining two appointments to replace Mr. Gardner and Ms. Parker until the next meeting. Commissioner McCabe moved to defer these appointments and check for the willingness of the five members to continue serving, seconded by Commissioner Mark and unanimously carried.

Industrial Facilities Pollution Control Financing Authority

It was the consensus of the Board to defer these appointments until the Board's next meeting.

Promise Place

The Board was notified to expect recommendations for appointments to this board from the Promise Place Executive Board.

Upcoming Appointments

The Board was advised of the following upcoming appointments due to expire:

November: None

December: Commissioners' Appointments; Board of Equalization & Review (James Findley, Grover Lancaster, Al Otto, Bill Pope, Jimmy Smith, Jerry Stapleford, Drew Willis); Health Board (James Jackson, Rosanne Leahy, Trey Paul, Reed Underhill); Havelock Library Board (Jacqueline Attaway); New Bern Library Board (Molly Ritter); Vanceboro Library Board (Dorothy Bryant)

COUNTY ATTORNEY'S REPORT

County Attorney, Jim Hicks, requested a closed session pursuant to NCGS 143-318.11(a)(3) to consult with the Board concerning pending litigation. He reported that no upset bids were received on the County's intent concerning the Walt Bellamy Drive foreclosure sale. Commissioner Mark moved to accept the offer and move forward with the sale, seconded by Commissioner McCabe and unanimously carried.

COUNTY MANAGER'S REPORT

County Manager, Jack Veit, reported on the status of debris removal. He presented task orders for debris removal and clearance services with Response and Recovery Operations, and advised that if documents were approved immediately, the operation can be put into place with plans in the next week. It may take several weeks to complete. Commissioner Allen moved to approve the task orders, as requested, seconded by Commissioner Mark and unanimously carried.

Commissioner Dacey stated that the task orders for debris removal are differentiated from the mosquito spraying request heard earlier from Belangia Road. This is an issue of broad concern and county-wide scope versus treatment of a limited area.

CLOSED SESSION

At 9:10 p.m. Commissioner McCabe moved to go into closed session, seconded by Commissioner Taylor and unanimously carried.

The Board returned from closed session at 10:15 p.m. The County Attorney announced that direction had been given in a matter of litigation.

At 10:16 p.m. Commissioner McCabe moved to adjourn, seconded by Commissioner Mark and unanimously carried.

Chairman Steve Tyson
Craven County Board of Commissioners

Gwendolyn M. Bryan
Clerk to the Board