January 12, 2005

The Martin County Board of Commissioners met in Regular Session on Wednesday, January 12, 2005 in the Board Room of the Martin County Governmental Center, 305 East Main Street, Williamston, North Carolina.

ASSEMBLY

Chairman C. Mort Hurst, Vice Chairman Tommy W. Bowen, Commissioners Ronnie Smith, Elmo “Butch” Lilley and Al Perry, County Manager W. Russell Overman, County Attorney J. Melvin Bowen and Clerk to the Board Linda G. Hardison were present. No one was absent.

Chairman Hurst called the meeting to order at 7:00 p.m. Commissioner Lilley led the audience in the Pledge of Allegiance after which Vice Chairman Bowen offered the Invocation.

Chairman Hurst began the meeting by individually introducing the Commissioners, Manager, Clerk, Attorney and former Interim Manager Jack Williford. He then thanked the press from The Enterprise and Washington Daily News for covering the meeting.

AGENDA APPROVAL

MOTION by Commissioner Smith, SECOND by Vice Chairman Bowen, to approve the agenda as presented. MOTION APPROVED by a unanimous vote of the Board.

MINUTES – DECEMBER 6, 2004 REGULAR AND CLOSED SESSIONS

MOTION by Vice Chairman Bowen, SECOND by Commissioner Smith, to approve the December 6, 2004 minutes, both regular and closed sessions, as mailed. MOTION APPROVED by a unanimous vote of the Board.

NO OLF UPDATE

Ms. Frankie Lee made the presentation for her daughter Ms. Joymarial Lee. Ms. Lee read a letter from the NO OLF committee thanking the Martin County Board of Commissioners for its continued support. She then presented a revised Resolution to Rescind NC GS 104-7 for the Board’s consideration.

A Resolution to Rescind NC GS 104-7

Whereas, Under Article I, Section 8, Clause 17 of the United States Constitution, the federal government may acquire property within a state, but can only acquire jurisdiction over that property if both the state and federal governments agree to the transfer; otherwise, the United States cannot take jurisdiction over the property, and can only be a proprietor of the property; and

Whereas, Article I, Section 8, Clause 17 of the US Constitution, so significantly limits the federal government’s use of federally acquired land, as to make the property useless, where federal jurisdiction is essential as for military purposes; and

Whereas, in 1907, the North Carolina General Assembly, under NC GS 104-7, gave the federal government consent to acquire by purchase, condemnation, or otherwise, any land in the State, required for the sites for customhouses, courthouses, post offices, arsenals, or other public buildings whatever, or for any other purpose, and exclusive jurisdiction over such lands, as well as exemption from taxation.

Whereas, This action by the North Carolina General Assembly in 1907, waived the rights of this state and all its citizens, that were guaranteed by the US Constitution, to approve the jurisdiction given to the federal government of land in the state of North Carolina acquired by the federal government; and
Whereas, the US Navy’s proposed purchase of 30,000 acres in Washington and Beaufort Counties for an Outlying Landing Field (OLF) has demonstrated that NC GS 104-7 can subject the state of North Carolina and its citizens to the will of individuals, from other states, whose priorities may not be in the best interest of the state of North Carolina or its citizens; and

Whereas, the power of such individuals is derived from authority vested in them, by the federal government; and

Whereas, NC GS 104-7, renders the state of North Carolina powerless to negotiate with the federal government on the purchase and/or use of NC property, thereby making the state vulnerable to the abuse of such power, that has, and can continue, to result in expensive lawsuits which unnecessarily tax poor communities, in defense of land rights that would have been protected by the US Constitution.

THEREFORE, BE IT HEREBY RESOLVED that the Martin County Board of Commissioners, requests that the NC General Assembly rescind GS 104-7 in order to regain the state’s constitutional right to approve the transfer of jurisdiction over property in NC that is purchased or otherwise acquired by the federal government.

Following a short discussion of this particular statute, MOTION by Commissioner Perry, SECOND by Vice Chairman Bowen, to approve the Resolution to Rescind NC GS 104-7 as presented. MOTION APPROVED by a unanimous vote of the Board.

AVAILABILITY FEE – VICTORY BAPTIST CHURCH

Ms. Carol Cox, Secretary-Treasurer of Victory Baptist Church, appeared before the Board to discuss the availability fee that is being charged to her church. She stated that she had appeared before the Board several years ago. (Minutes of the February 23, 1994 meeting were provided to the Commissioners as reference.) She said the Board told her that she would not have to pay the availability fee since her church had so few members; however, the minutes reflect that the Board stated they would “take her complaint under consideration”. She stated that she had not been receiving bills since that time and would like to be relieved of the bill she received this year.

Vice Chairman Bowen requested the record reflect that he is not the Commissioner Bowen of the 1994 minutes.

The records have been researched and no record is found releasing this levy. Following a lengthy discussion, the Board agreed that she should not have to pay for the years she was not billed; however, it also agreed that it cannot relieve every church in the county. Ms. Cox was reminded that the fee is not imposed for the service itself but for the availability of the service.

Chairman Hurst called for a motion to relieve Victory Baptist Tabernacle of the availability fee. No motion was forthcoming; therefore, Victory Baptist Tabernacle will continue to be billed for the availability fee.

COUNTY MANAGER’S REPORT

Introduction of New Employee: Manager Overman introduced Mr. Thomas A. Wall, Jr. who will begin his duties as Emergency Management Director on January 24, 2005. Mr. Wall served as Emergency Management Coordinator and Building Inspector for Tyrrell County from September 2003 until November 2004. Prior to serving in that position he had worked as an electrician. He graduated from Columbia High School and has an Associates Degree from Pitt Community College. He will be moving to Martin County prior to May 1, 2005.

The Board welcomed Mr. Wall and stated that they look forward to working with him.
Budget Amendments:  MOTION by Commissioner Lilley, SECOND by Commissioner Smith, to approve Budget Amendments 6 and 7 as presented.  MOTION APPROVED by a unanimous vote of the Board.

Budget Ordinance Amendment – 6

BE IT ORDAINED by the Board of Commissioners of Martin County, North Carolina, that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2005.

Section 1. To amend the General Fund, the expenditures are to be changed as follows:

<table>
<thead>
<tr>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Government</td>
<td></td>
</tr>
<tr>
<td>Public Buildings</td>
<td>$ 7,500</td>
</tr>
<tr>
<td>Human Services</td>
<td></td>
</tr>
<tr>
<td>Department of Social Services</td>
<td></td>
</tr>
<tr>
<td>Assistance Programs</td>
<td>$ 29,699</td>
</tr>
</tbody>
</table>

This will result in an increase of $37,199 in the expenditures of the General Fund. To provide an increase in revenue for the above, the following revenues will be changed.

<table>
<thead>
<tr>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intergovernmental Revenues</td>
<td></td>
</tr>
<tr>
<td>Restricted</td>
<td>$ 29,699</td>
</tr>
<tr>
<td>Fund Balance Appropriation</td>
<td>$ 7,500</td>
</tr>
</tbody>
</table>

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board and to the Finance Officer for their direction.

Budget Amendment Ordinance – 7

BE IT ORDAINED by the Martin County Board of Commissioners of Martin County, North Carolina that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2005.

Section 1. The following amounts are hereby appropriated in the Enterprise Fund for the operation of the Water and Sewer District No. 1 and its activities for the fiscal year beginning July 1, 2004 and ending June 30, 2005, in accordance with the chart of accounts heretofore established for this district.

<table>
<thead>
<tr>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration/operations</td>
<td>$ 50,000</td>
</tr>
</tbody>
</table>

Section 2. It is estimated that the following revenues will be available in the Enterprise Fund for Water and Sewer District No. 1 for the fiscal year beginning July 1, 2004 and ending June 30, 2005.

<table>
<thead>
<tr>
<th>Increase</th>
<th>Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales &amp; Services</td>
<td>$ 5,000</td>
</tr>
<tr>
<td>Restricted</td>
<td>$ 45,000</td>
</tr>
</tbody>
</table>

Section 3. Copies of this budget ordinance shall be furnished to the Clerk and to the Finance Officer to be kept on file by them for their direction in the disbursement of funds.


Tax Collector’s Report:  The following Tax Collector’s Report for December, 2004 was presented for informational purposes.

December, 2004 Year to Date
**Property Taxes**

<table>
<thead>
<tr>
<th>Year</th>
<th>Levy</th>
<th>Name</th>
<th>Remarks</th>
<th>Value</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$ 1,636,601.32</td>
<td>$ 5,541,220.41</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Motor Vehicles**

<table>
<thead>
<tr>
<th>Year</th>
<th>Levy</th>
<th>Name</th>
<th>Remarks</th>
<th>Value</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>88,618.28</td>
<td>557,800.01</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Tax Relief & Refund Orders:** MOTION by Commissioner Lilley, SECOND by Commissioner Smith, to approve the Tax Relief and Refund Orders in the amount of $1,381.04 as presented. MOTION APPROVED by a unanimous vote of the Board.

**Public Information Officer:** MOTION by Commissioner Smith, SECOND by Commissioner Perry, to name the County Manager to serve and the Public Information Officer for Martin County. MOTION APPROVED by a unanimous vote of the Board.

**OLD BUSINESS**

**County Road Signs:** Chairman Hurst emphasized the need to get the road signs up as soon as possible. He indicated that the new Emergency Management Director will not have time to put all these signs up. He suggested that someone be contracted with to provide this service.

Manager Overman stated that the Sheriff’s Department is taking an inventory of downed signs. The new Emergency Management Director will take an inventory of signs that have already been ordered and received.

MOTION by Commissioner Smith, SECOND by Vice Chairman Bowen, to table this item until the next meeting. MOTION APPROVED by a unanimous vote of the Board.

**Airport Sign:** Manager Overman stated that he has talked with Anthony Roper, the new Division Engineer, and a letter has been mailed to him making a request for a larger sign. If DOT policy allows a larger sign, it will happen. Manager Overman also stated that the present sign does not reflect as it should.

Commissioner Perry indicated that new posts have been erected in this area, but he does not know what will be placed on the posts.

Manager Overman will have a report on this item at the next meeting.

**NEW BUSINESS**
Service Animal Policy: Ms. Rebecca Clayton, Director of Martin County Transit, reported that she must have a Service Animal Policy adopted by the Board of Commissioners in order to stay in compliance with the Americans with Disabilities Act of 1990. The following policy was presented for consideration.

Martin County Transit
Service Animal Policy

BACKGROUND

According to the Americans with Disabilities Act (AD) regulations:

Service Animal means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including but limited to:

- Guiding individual with impaired vision
- Alerting individuals with impaired hearing to intruders or sounds
- Pulling a wheelchair
- Fetching dropped items

The American with Disabilities Act of 1990 (ADA) CFR 49 Part 37.167 subsection (d) provides that transit agencies shall permit service animals to accompany individuals with disabilities in transit vehicles and facilities.

PURPOSE

The purpose of this policy is to recognize the important role service animals play in helping persons with disabilities to be more independent.

DESCRIPTION

- Martin County Transit will allow service animals to board transit vehicles. No other animals will be allowed to travel on Martin County Transit vehicles.
- Passengers that use service animals are to notify Martin County Transit when scheduling trips that they will be bringing a service animal.
- Transit will not charge an additional fare for service animals.
- Service animals will not be permitted to ride lift equipment into the transit vehicles. Animals’ tails, paws, head, or equipment may catch in lift equipment causing serious injury to the animal.
- Service animals may not ride on vehicle seats. They may ride in owners’ lap if small enough, otherwise service animals are to sit on the floor out of the aisle-way.
- Service animals are to be under the control of the handler at all times and must be on a leash or in a carrier.
- Service animals are to be clean and free from ticks, fleas, and other pests. Any service animal that appears to be poorly cared for shall be reported to the local animal control board.
- Any service animal that poses a threat to other passengers or the driver will be denied access to transit vehicles and/or transit facilities. Any owner/handler that cannot or will not control their animal will be denied transportation services if using the service animal. The local animal control board will be notified of any service animal that poses a threat to the general public.

MOTION by Commissioner Smith, SECOND by Vice Chairman Bowen, to approve the Martin County Transit Service Animal Policy as presented. MOTION APPROVED by a unanimous vote of the Board.
Name Debt Set-off Officer: MOTION by Commissioner Lilley, SECOND by Commissioner Smith, to name the County Manager as the Debt Set-off Officer for Martin County. MOTION APPROVED by a unanimous vote of the Board.

Travel & Tourism Resignations and Appointments: Paula Passalacqua and Patrick Sutton have resigned from the Travel and Tourism Board because of work schedules. Gail Keel has resigned because of her retirement.

The following recommendations have been made by the Travel & Tourism Board:

Lucia Peele – Haughton Hall Bed & Breakfast, Williamston
Tim Roberson – Filling Station Restaurant, Robersonville
Regina Hardison – Chamber of Commerce representative

MOTION by Commissioner Smith, SECOND by Commissioner Lilley, to appoint Lucia Peele, Tim Roberson and Regina Hardison to fill the unexpired terms on the Travel and Tourism Board. MOTION APPROVED by a unanimous vote of the Board.

Senior Center Grants: Ms. Helen Newsome, Director of the Martin County Senior Center, informed the Board that her agency has received information concerning the Outreach and General Purpose Funding grants that are awarded by the Legislature each year.

The proposed Senior Center General Purpose Funding Grant for Martin County consists of:

| General Purpose Funding Grant          | $ 5,912 |
| Local Match (25%)                     | $ 1,971 |
| TOTAL                                | $ 7,883 |

These funds will be used to continue to expand exercise, health and wellness opportunities program.

The proposed Senior Center Outreach Grant for Martin County consists of:

| Outreach Grant – State      | $ 981 |
| Local Match                 | $ 1,308 |
| TOTAL                       |       |

These funds will be used to continue to publish and mail newsletter to 500-600 older adults of Martin County. Funds will help provide postage, paper, ink and masters.

Ms. Newsome also informed the Board that the Martin County Council on Aging will provide the local match funds.

MOTION by Vice Chairman Bowen, SECOND by Commissioner Smith, to approve the General Purpose Funding Grant as presented. MOTION APPROVED by a unanimous vote of the Board.

MOTION by Vice Chairman Bowen, SECOND by Commissioner Smith, to approve the Outreach Grant as presented. MOTION APPROVED by a unanimous vote of the Board.

Feedback from Boards and Commissions: Commissioner Smith requested this item appear on the agenda. He stated that he mentioned this item at the last meeting. He addressed the issue of better communication between appointed boards and commissions with the Board of Commissioners. He emphasized the importance of dialogue so that the appointees will know the direction the Commissioners want taken by the specific boards on which they serve.

Down East Magazine: Chairman Hurst reviewed the minutes of the April, 2004 meeting when ads for the Down East Magazine were discussed. At that time, it was decided to make a decision each quarter whether an ad would be included in the magazine.
Chairman Hurst pointed out that ads may be placed at a reduced rate if run in four consecutive editions.

MOTION by Commissioner Smith, SECOND by Commissioner Perry, to continue placing the quarter-page ads in the Down East Magazine with the contract price for four editions. MOTION APPROVED by a unanimous vote of the Board.

Chairman Appointments for Commissioners: Chairman Hurst passed out the following appointments for the Commissioners.

Chairman Hurst
Airport Commission
Chamber of Commerce
Interagency Council
Personnel

Vice Chairman Bowen
E-911 Advisory Board
Transportation Advisory Board
Martin Enterprises
Social Services Board
Personnel

Commissioner Smith
Mid-East Commission
Criminal Justice Partnership Board
Highway 17 Commission
RPO

Commissioner Lilley
Tideland Mental Health
Travel & Tourism Authority
Council on Aging

Commissioner Perry
Bertie-Martin Regional Jail Commission
M-T-W District Health Board
Martin Community College
Entrepreneurial Assistance Program Advisory Board

CLERK’S REPORT

Clerk to the Board Linda Hardison reviewed information included in each Commissioner’s packet and reminded them of scheduled events for January and February.

CLOSED SESSION – G.S. 143-318.11(a)(4), LOCATION OF INDUSTRY

MOTION by Commissioner Smith, SECOND by Vice Chairman Bowen, to go into Closed Session according to G.S. 143-318.11(a)(4) to discuss the location of an industry. MOTION APPROVED by a unanimous vote of the Board, and the Closed Session began at 7:50 p.m.

OPEN SESSION

MOTION by Commissioner Lilley, SECOND by Commissioner Smith, to go out of Closed Session into Open Session. MOTION APPROVED by a unanimous vote of the Board.

The Chairman stated that no action was taken in Closed Session.

ADJOURNMENT

MOTION by Commissioner Lilley, SECOND by Commissioner Smith, to adjourn the meeting. MOTION APPROVED by a unanimous vote, and the meeting was adjourned at 7:55 p.m.

The next regular meeting of the Martin County Board of Commissioners is scheduled for Wednesday, February 9, 2005 at 7:00 p.m. in the Board Room of the Martin County Governmental Center, 305 East Main Street, Williamston, NC.