

December 6, 2004

The Martin County Board of Commissioners met in Regular Session on Monday, December 6, 2004 at 9:00 a.m. in the Board Room of the Martin County Governmental Center, 305 East Main Street, Williamston, NC.

## **ASSEMBLY**

Chairman Elmo "Butch" Lilley, Vice Chairman C. Mort Hurst, Commissioners William H. Manson, Jr., Tommy W. Bowen and Ronnie Smith, Commissioner-Elect Alphonzo Perry, County Manager W. Russell Overman, Past Interim Manager Jack Williford, County Attorney J. Melvin Bowen and Clerk to the Board Linda G. Hardison were present. No one was absent.

Chairman Lilley called the meeting to order at 9:00 a.m. Following the Pledge of Allegiance, Commissioner Manson offered the Invocation.

## **AGENDA APPROVAL**

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

## **BOARD RE-ORGANIZATION**

**Presentation of Plaque and Minute Book:** Chairman Lilley presented out-going Commissioner William H. Manson, Jr. with a Plaque of Appreciation for his service to the citizens of Martin County as a representative on this Board. He was also presented with two book containing minutes of every meeting during his tenure. After the presentations, Commissioner Manson expressed his gratitude for the opportunity to serve the people of Martin County. He promised to continue to work for the Martin County citizens.

**Swearing-in Ceremony:** Superior Court Judge William Griffin was present to conduct the swearing-in ceremony for incumbents Tommy W. Bowen and Elmo "Butch" Lilley, as well as Commissioner-elect Alphonzo Perry.

Following this ceremony, Judge Griffin administered the oath to new County Manager W. Russell Overman.

**Recess:** A very short recess followed so family members could congratulate the new commissioners and manager.

**Election of Chairman:** County Manager Overman presided over the election of Chairman. MOTION by Commissioner Smith, SECOND by Vice Chairman Bowen, to nominate C. Mort Hurst as Chairman. MOTION by Commissioner Lilley, SECOND by Vice Chairman Bowen, to close the nominations. Both motions were approved by unanimous votes.

Chairman Hurst thanked everyone for the vote of confidence.

**Presentation of Plaque:** Chairman Hurst's first official duty was the presentation of a plaque to former Chairman Lilley for his dedication and service to the citizens of Martin County while serving as Chairman of the Board.

**Election of Vice Chairman:** MOTION by Commissioner Lilley, SECOND by Commissioner Smith, to appoint Tommy W. Bowen as Vice Chairman. MOTION APPROVED by a unanimous vote of the Board.

**Appointment of County Attorney:** MOTION by Vice Chairman Bowen, SECOND by Commissioner Smith, to appoint J. Melvin Bowen as County Attorney. MOTION APPROVED by a unanimous vote of the Board.

**Appointment of Clerk to the Board:** MOTION by Commissioner Smith, SECOND by Commissioner Lilley, to appoint Linda G. Hardison as Clerk to the Board. MOTION APPROVED by a unanimous vote of the Board.

**2005 Schedule of Meetings:** The following schedule was presented to the Board for consideration.

**MARTIN COUNTY BOARD OF COMMISSIONERS  
Meeting Schedule  
2005**

<b>Date of Meeting</b>	<b>Type of Meeting</b>	<b>Date Backup Needed Due by 12:00 Noon</b>
January 12, 2005	Regular Meeting	January 5, 2005
February 9, 2005	Regular Meeting	February 2, 2005
February 28, 2005	Budget Sheets to Department Heads	
March 9, 2005	Regular Meeting	March 2, 2005
March 28, 2005	Departmental Budget Requests Due	
April 13, 2005	Board of Equalization & Review	
April 13, 2005	Regular Meeting	April 6, 2005
April 19, 2005	Review Departmental Requests with Dept. Heads	
April 20, 2005	Continue Reviewing Requests with Dept. Heads	
May 11, 2005	Regular Meeting	May 4, 2005
May 16, 2005	Budget Presentations	
May 17, 2005	Ad to paper before noon	
May 19, 2005	Budget Ready for Public Inspection	
June 1, 2005	Budget Public Hearing	
June 8, 2005	Regular Meeting	June 1, 2005
June 8, 2005	Adopt Budget	
July 13, 2005	Regular Meeting	July 6, 2005
August 10, 2005	Regular Meeting	August 3, 2005
September 14, 2005	Regular Meeting	September 7, 2005
October 12, 2005	Regular Meeting	October 5, 2005
November 9, 2005	Regular Meeting	November 2, 2005
December 14, 2005	Regular Meeting	November 7, 2005

MOTION by Commissioner Smith, SECOND by Vice Chairman Bowen, to approve the 2005 meeting schedule as presented. MOTION APPROVED by a unanimous vote of the Board.

**MINUTES – NOVEMBER 9, 2004 SPECIAL AND CLOSED SESSIONS; NOVEMBER 10, 2004 REGULAR AND CLOSED SESSIONS; AND NOVEMBER 17, 2004 SPECIAL SESSION**

Clerk to the Board Hardison explained that two typographical errors had been found and corrected on the minutes. MOTION by Commissioner Smith, SECOND by Commissioner Lilley, to approve the Minutes of the November 9, 2004 Special and Closed Sessions, November 10, 2004 Regular and Closed Sessions and the November 17, 2004 Special Session as corrected. MOTION APPROVED by a unanimous vote of the Board.

**PUBLIC HEARING – 2005 CDBG APPLICATION**

MOTION by Vice Chairman Bowen, SECOND by Commissioner Smith, to open the Public Hearing on the 2005-06 CDBG Concentrated Needs Application. MOTION APPROVED by a unanimous vote, and the Public Hearing began at 9:24 a.m.

Mr. Joe Dooley of the Mid-East Commission presented the proposal for the grant. The proposed 2005-06 C-1 Project will consist of :

- Housing improvements on SR 1321 in the Free Union area
- Housing improvements on Prison Camp Road southwest of the Ag Center

The recommended C-1 Project will include \$595,000 of CDBG funds and \$30,000 of local commitment funds.

The proposed 2005-06 L-1 Project will consist of:

Housing emergency repairs and utility hookups where possible at “to be determined” scattered sites in the County.

The recommended L-1 Project will include \$105,000 of CDBG funds and no local commitment funds.

Mr. Dooley pointed out that the \$30,000 of local commitment funds will cover three budget years.

No comments, written or oral, were received from the audience. However, Commissioner Smith questioned whether residents living outside Hassell would be included in the county project or the town project. Mr. Dooley explained that Hassell did not have zoning and an Extra Territorial Jurisdiction so those residents would be included, if qualified, in the county project.

With no further questions, MOTION by Commissioner Smith, SECOND by Vice Chairman Bowen, to close the Public Hearing. MOTION APPROVED by a unanimous vote, and the Public Hearing was closed at 9:38 a.m.

MOTION by Commissioner Smith, SECOND by Commissioner Lilley, to authorize the County’s local commitment of \$30,000 and to authorize the Chairman to sign the 2005-06 CDBG-CN Application. MOTION APPROVED by a unanimous vote of the Board.

### **MEDICAL TRANSPORT**

For the past two months, the Board has discussed the medical transport services for Martin County. Mr. Jack Williford, former Interim County Manager, and Mr. Jody Griffin, Emergency Medical Services Administrator, have discussed this issue at length and made the following recommendations.

Approve Roanoke Medical Transport and White Oak Medical Transport to provide transport services in Martin County. The application process has been completed and approved.

Begin the process to establish a franchise fee to be effective July 1, 2005.

MOTION by Commissioner Smith, SECOND by Commissioner Lilley, to approve Roanoke Medical Transport and White Oak Medical Transport to provide transport services in Martin County. MOTION APPROVED by a unanimous vote of the Board.

Vice Chairman Bowen expressed concern about the number of transport services being approved and asked if the Board was considering setting a cap on the number of providers. Commissioner Lilley disagreed by saying that competition weeds out those who are not doing a good job.

MOTION by Commissioner Smith, SECOND by Commissioner Lilley, to begin the process to establish a franchise fee for medical transport services to become effective July 1, 2005. MOTION APPROVED by a unanimous vote of the Board.

**Presentation by Ricky Leggett:** Mr. Leggett thanked the Board for approving his business to provide transport in Martin County and explained that since the Board approved his business he did not need to make his presentation.

**COUNTY MANAGER’S REPORT**

**Budget/Policy Amendments:** MOTION by Commissioner Lilley, SECOND by Commissioner Smith, to approve the budget/policy amendments as presented. MOTION APPROVED by a unanimous vote of the Board.

**BUDGET ORDINANCE AMENDMENT – 5**

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.

	Increase	Decrease
Transportation		
Airport		\$ 96,806
Public Safety		
Emergency management	\$ 206,766	

This will result in an increase of \$109,960 in the expenditures of the General Fund. To provide an increase in revenue for the above, the following revenues will be changed.

Intergovernmental Revenues		
Restricted	\$ 204,483	\$ 96,806
Fund Balance Appropriation	2,283	

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.

The policy amendment pertains to Article V of the Employee Handbook. Changes are indicated in Italics.

If you are a full-time law enforcement officer and were hired prior to July 1, 1998, you are also eligible for coverage

If you are age 55 with at least 20 years of creditable service with the NC Local Governmental Employees’ Retirement System and at least the last 10 years of that time have been with the County of Martin.

County Commissioners are eligible for coverage, either through the County’s group hospitalization or Medicare Supplement coverage (if over age 65), as a post-employment benefit *if elected for three (3) full terms or at least eight (8) years served as a member of the Martin County Board of Commissioners. (Approved 12-6-2004 by the Board of Commissioners to be effective retroactive to December 1, 2004.)*

A County Commissioner is eligible for coverage by paying the entire premium if at least one (1) full term has been served.

Unless stated otherwise, the contributory rate will be at the same level as is provided for an active permanent employee.

(Approved 3-10-99 by the Board of Commissioners to be effective retroactive to October 1, 1998.) *(Section B. amended 12-6-04)*

**Financial Report:** The Financial Report for November, 2004 was presented for informational purposes.

**Tax Collector's Report:** The Tax Collector's Report for October, 2004 was included for informational purposes.

	November, 2004	Year to Date
Property Taxes	\$ 341,546.48	\$ 3,904,619.09
Motor Vehicles	107,640.78	469,181.73

**Tax Relief Orders:** MOTION by Commissioner Lilley, SECOND by Commissioner Smith, to approve the Tax Relief Orders as presented. MOTION APPROVED by a unanimous vote of the Board.

Year	Levy	Name	Remarks	Value	Total
2003		Rogers Robin Stevenson	High Mileage	905	7.55
2004		Rogers James Michael	High Mileage	2,065	17.24
2004		Baker William Dwayne	Bill of Sale	5,046	79.98
2004		Dickerson Charles K	Error in Value	2,000	16.70
2003		Gurley Sherry W	Out of County	16,610	138.70
2004		Barber Dallas H	Bill of Sale	6,260	52.27
2004		Bell Lester Ray	Out of Town		15.00
2004		Bell Lester Ray	Out of Town		15.32
2004		Ange Troy Hugh	High Mileage	2,275	19.00
2004		Roberson Wiley B Jr	Error in Value	38,670	322.90
2004		Tetterton McKinzy J	Bill of Sale	4,798	40.06
2004		Black Gregory Van	Error in Value	4,500	37.58
2004		Butler Wesley R	Bill of Sale	7,000	59.15
2004		Jones Gary Gene	Error in Value	420	3.51
2004		Chesson Fred Jr	Out of Town		35.40
2004		Meetze Jacob Earl Jr	High Mileage	725	6.13
2003		Phelps Anthony	Sold Mobile Home	1,500	12.53
2004		Phelps Anthony	Sold Mobile Home	1,500	12.53
1996		Speight James Ernest	Error in Listing	1,500	12.30
1997		Speight James Ernest	Error in Listing	1,500	12.30
1995		Barber Dennis Hubert Jr	Double List	20,920	171.54
1996		Barber Dennis Hubert Jr	Double List	19,460	159.57
1997		Barber Dennis Hubert Jr	Double List	18,880	154.82
1998		Barber Dennis Hubert Jr	Double List	17,240	141.37
1999		Barber Dennis Hubert Jr	Double List	15,930	130.63
2000		Barber Dennis Hubert Jr	Double List	14,890	122.10
2001		Barber Dennis Hubert Jr	Double List	14,400	118.08
2002		Barber Dennis Hubert Jr	Double List	13,440	112.22
2003		Williams Sue	Out of County	17,870	151.00
2004		Williams Sue	Out of County	16,730	141.37
2003		Holliday Macon M	Error in Listing	2,000	16.70
2004		Holliday Macon M	Error in Listing	2,000	16.70
2003		Bell Elmer Monterie	Error in Landfill Fee		300.00
2001		Williams Charles	Error in Listing	5,598	45.90
2002		Williams Charles	Error in Listing	5,000	41.75
2003		Williams Charles	Error in Listing	4,500	37.58
2004		Williams Charles	Error in Listing	4,050	33.82
2004		Miller Tracey Eugene	Error in Landfill Fee		150.00
1998		Roberson Bennie Barton	Double List	15,570	129.23
1999		Roberson Bennie Barton	Double List	15,080	125.17
2000		Roberson Bennie Barton	Double List	14,100	117.03
2001		Roberson Bennie Barton	Double List	13,560	112.55
2002		Roberson Bennie Barton	Double List	12,650	106.89
2003		Roberson Bennie Barton	Double List	11,790	99.62
2004		Roberson Bennie Barton	Double List	11,040	92.18
2001		Freking Henry	Repo	17,030	141.35
2002		Freking Henry	Repo	15,710	132.75
2003		Freking Henry	Repo	14,650	123.79



That the Grant of funds shall include maximum funding obligations for federal funds which shall be:

**State Block Grant Program – VISION 100: \$150,000** (not to exceed **90%** of the final total costs)

That the funding obligations referenced in (2) above shall be the maximum obligations based on the final cost of eligible work items in the approved project, as certified by the Sponsor.

That the Sponsor shall promptly undertake the Project and complete all work on the Project no later than the 1<sup>st</sup> day of **January 2008**, unless a written extension of time is granted by the Department.

That all work performed on the Project shall conform to the approved scope of work referenced in this Agreement. Any amendments or modifications to the approved scope of work, approved grant amounts, or this Agreement shall not be authorized by the Department unless they are contained in a written modification to this Agreement and fully executed by both the Sponsor and the Department.

The Sponsor certifies that it has adhered to all applicable laws, regulations, and procedures in the application for and Sponsor's approval of this Grant.

For a material breach of this Agreement or the Sponsor's Assurances, the Sponsor shall be liable to the Department for the return of all grant monies received.

The Sponsor agrees to adhere to the standards and procedures contained in the State Aid to Airports Program Guidance Handbook (third edition, dated January 1997), unless the Department issues a written waiver to the contrary.

The Sponsor agrees to adhere to and be bound by the Grant Assurances of the Federal Aviation Administration, said Grant Assurances contained in Appendix 1 of this Grant Agreement. Further, the Sponsor agrees that it shall be responsible to the Federal Aviation Administration, or its designated agent, for enforcement of such Grant Assurances including any penalties, sanctions, or other actions which may be legally enforceable for lack of compliance with said Grant Assurances.

The Sponsor agrees to comply with the "Sponsor Assurances" contained as part of this Agreement.

IN WITNESS WHEREOF, THE PARTIES HERETO EXECUTED THIS GRANT AGREEMENT THE DAY AND YEAR FIRST WRITTEN ABOVE.

The contents of the agreement are incorporated into these minutes by reference.

#### RESOLUTION

WHEREAS, a Grant in the amount of **\$150,000** has been approved by the Department based on total estimated cost of **\$166,667**; and

WHEREAS, an amount equal to or greater than **ten percent (10%)** of the total estimated project cost has been appropriated by the Sponsor for this Project.

NOW, THEREFORE, BE AND IT IS RESOLVED THAT THE County Manager of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

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

#### NEW BUSINESS

**Legislative Goals – Voting Delegate:** Commissioner Smith and Manager Overman indicated that both of them would be attending the Legislative Goals Conference in High Point on January 13-14, 2005. MOTION by Commissioner Lilley, SECOND by Vice Chairman Bowen, to appoint Commissioner Ronnie Smith to serve as the Voting Delegate to the Legislative Goals Conference. MOTION APPROVED by a unanimous vote of the Board.

**NACo Legislative Conference:** Clerk to the Board Hardison encouraged the members to let her know if they are planning to attend the NACo Legislative Conference in Washington, DC on March 4-8, 2005 so that reservations can be made in the conference hotel. Commissioners Lilley and Smith, along with Manager Overman, indicated they would be attending.

**Airport Sign on Highway 64:** Chairman Hurst stated that he had requested this item be put on the agenda. At the last Airport Commission meeting, a representative from the Division of Aviation missed the exit to the Airport because there was no sign on Highway 64. He asked that a letter making this request be forwarded to NC Department of Transportation. MOTION by Commissioner Lilley, SECOND by Commissioner Smith, to request a visible sign for the Airport be erected on Highway 64. MOTION APPROVED by a unanimous vote of the Board.

**Airport Commission Appointment:** MOTION by Commissioner Smith, SECOND by Vice Chairman Bowen, to appoint James Matthewson from Robersonville to serve on the Airport Commission replacing Eric Raynor. MOTION APPROVED by a unanimous vote of the Board.

**Jail Commission Appointment:** MOTION by Commissioner Lilley, SECOND by Commissioner Smith, to reappoint Sharon Stevens to another term on the Bertie-Martin Regional Jail Commission. MOTION APPROVED by a unanimous vote of the Board.

Chairman Hurst stated that former Commissioner Manson had served on this Board for a long time and suggested that he be considered for the next available seat on this Board.

**Juvenile Crime Prevention Council Appointments:** MOTION by Commissioner Smith, SECOND by Commissioner Lilley, to reappoint District Attorney Seth Edwards, Linda Hardison, Attorney Richard James, Sheila Godard, Mark Leggett, Christine Manning, Ella Thigpen, Murray Elliott and Kelly Rouse to the Juvenile Crime Prevention Council for another two-year term. MOTION APPROVED by a unanimous vote of the Board.

**M-T-W District Board of Health Appointment:** MOTION by Vice Chairman Bowen, SECOND by Commissioner Smith, to reappoint Bracky Bickerstaff to a second three-year term on the M-T-W District Board of Health. MOTION APPROVED by a unanimous vote of the Board.

Commissioner Smith pointed out that Martin County appoints eight of the fifteen members of this Board, and he feels that this Board is not getting enough feedback on the Health Department. He suggested that one of the members report to this Board on a regular basis.

**Mid-East Commission Appointment:** MOTION by Commissioner Smith, SECOND by Commissioner Lilley, to reappoint Yumekco Little to another two-year term on the Mid-East Commission Board. MOTION APPROVED by a unanimous vote of the Board.

**Rural Internet Access Authority Grant – EDC:** Mr. Stan Crowe, Chairman of the Martin County Economic Development Corporation, appeared before the Board to explain that the Rural Internet Access Authority will give to Martin County a \$100,000 matching grant for the Northeast Technology and Business Center. This grant must be applied to the telecenter debt and or operations. Martin County must agree to contribute \$50,000 to the Martin County Economic Development Corporation in the following manner:

2005-2006 fiscal year - \$0  
2006-2007 fiscal year - \$25,000  
2007-2008 fiscal year - \$25,000

The additional \$50,000 will be an in-kind match over the next three fiscal years.

MOTION by Commissioner Smith, SECOND by Commissioner Lilley, to approve the Rural Internet Access Authority grant as presented. MOTION APPROVED by a unanimous vote of the Board.

Former Interim Manager Jack Williford asked how long EDC had known about the possibility of receiving this grant. He went on to explain that receiving information such as this at the 13<sup>th</sup> hour is not fiscally responsible.

#### **CLERK'S REPORT**

Clerk to the Board Linda G. Hardison reviewed information included in each Commissioner's packet and reminded them of scheduled meetings.

#### **CLOSED SESSION – PERSONNEL, G.S. 143-318.11(a)(6) and POTENTIAL LITIGATION, G.S. 143-138.11(a)(3)**

MOTION by Commissioner Lilley, SECOND by Commissioner Smith, to go into Closed Session to discuss Personnel according to G.S. 143-318.11(a)(6) and Potential Litigation according to G.S. 143-138.11(a)(3). MOTION APPROVED by a unanimous vote of the Board, and the Closed Session began at 10:34 a.m.

#### **OPEN SESSION**

MOTION by Vice Chairman Bowen, SECOND by Commissioner Smith, to go out of Closed Session into Open Session. MOTION APPROVED by a unanimous vote of the Board, and the Open Session began at 11:00 a.m.

Chairman Hurst 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 11:03 a.m.

The next regular meeting of the Martin County Board of Commissioners is scheduled for Wednesday, January 12, 2005 at 7:00 p.m. in the Board Room of the Martin County Governmental Center, 305 East Main Street, Williamston, North Carolina.

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C. Mort Hurst, Chairman

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Linda G. Hardison, Clerk to the Board