

July 14, 2010

The Martin County Board of Commissioners met in Regular Session on Wednesday, July 14, 2010 at 7:00 p.m. in the Superior Court Room, Martin County Governmental Center, 305 East Main Street, Williamston, North Carolina.

ASSEMBLY

Chairman Ronnie Smith, Vice Chairman Elmo “Butch” Lilley, Commissioner C. Mort Hurst, Commissioner Tommy W. Bowen and Commissioner Derek Price, County Manager W. Russell Overman, County Attorney J. Melvin Bowen and Clerk to the Board Marion B. Thompson were present. No one was absent.

Chairman Smith called the meeting to order around 7:00 p. m. The pledge of Allegiance was led by Vice-Chairman Lilley. The invocation was given by Commissioner Bowen.

Chairman Smith recognized the Board of Commissioners, administrative staff, as well as the numerous elected officials present.

AGENDA APPROVAL

Chairman Smith recommended moving New Business Item 8-1 Fallen LEO Memorial on the agenda to after Item 5, Resolutions of Commendation. Commissioner Price asked that Closed Session Potential Litigation/Consult Attorney G.S. 143-318.11(a)(3) be added after Item 8-9 New Business. Chairman Smith asked for an addition to Item 10 Closed Session Acquisition of Real Property G.S. 143-318.11(a)(5). Commissioner Hurst made a MOTION; Commissioner Bowen gave a SECOND to approve the agenda with stated changes/additions. The motion was unanimously APPROVED.

PUBLIC COMMENTS

Before opening the floor for those who signed up for Public Comments, Chairman Smith explained the rules governing public comments during Martin County board meetings.

Ms. Janice Wynne – Taxes and Retirees

Ms. Janice Wynne, a retired Register Nurse, asked the Board to consider retirees on fixed incomes before raising taxes.

Ms. Elizabeth Taylor - Taxes

Ms. Taylor stated that she was a Martin County citizen speaking on behalf of several citizens. If taxes are raised, Ms. Taylor added that she along with others would move out of the county. She stated the 42 out of 100 counties have tried building new schools and now they are in huge financial difficulties. Ms. Taylor talked about how keeping the tax rate low would attract new businesses.

Mr. Jerry Rogerson – Taxes and Consolidation of Schools

Mr. Jerry Rogerson explained an option which would not include building a new school but taking \$5 million or more to update the present facilities and “bring unity to the county”. Mr. Rogerson suggested combining the two high schools, taking the second high school for a middle school, moving East End to Roanoke Middle School, and leaving E. J. Hayes, Bear Grass and Jamesville as is.

Mr. Roy Lilley – Williamston Middle School Project

Mr. Roy Lilley supported the Williamston Middle School Project. Mr. Lilley stated that conditions are good to build school with interest free money available. Mr. Lilley saw no further need to delay project and saw no need for a bond referendum.

Mr. Curtis Bailey - Williamston Middle School Project

Mr. Curtis Bailey stated that with a new school, taxes would eventually have to be raised. Mr. Bailey stated that the School Bond Referendum was the fairest way to go for the Williamston Middle School Project.

Chairman Smith thanked everyone who came forward with their beliefs, ideas and facts.

CONSENT AGENDA

Commissioner Bowen made a MOTION; Vice Chairman Lilley gave a SECOND to approve the following consent agenda items. The motion was unanimously APPROVED.

Minutes for June 9, 2010 Regular Session and Closed Session, June 28, 2010 Special Session.

Tax Refund Request – Louis Peele

In his memo, Tax Assessor Hilton Edmondson stated that Mr. Peele was requesting a refund for years 2005-2009 (five years) for the charge of a trash pick- up that wasn’t there. After checking the information, it was discovered that Mr. Peele had been double billed for the years 2005-2009. Assessor Edmondson recommended granting the request for a total of \$744.00

Tax Relief Orders for June 2010 in the amount of \$545.59.

Year	Levy	Lname	Fname	Remarks	Value	Total
2009		Courtney	Mary Ann E	High Milage	1,925	27.15
2010		Miller	Randy C	Bill of Sale	3,792	27.31
2010		Stevenson	Simon Leroy	Bill of Sale	712	5.13
2009		James	Robert M	Error in Landfill		162.00
2009		Martin	County	Error in Landfill		162.00
2009		Martin	County	Error in Landfill		162.00
Total						545.59

Tax Collector's Report for June 2010.

Month	Property Taxes Month to Date	Property Taxes Year to Date	MV Taxes Month to Date	Mv Taxes Year to Date
Jun-10	111,393.68	11,118,341.72	93,132.14	1,221,579.10

Clerk's Report is included each month for informational purposes.

PRESENTATION/RESOLUTION – Martin General Hospital (MGH) Stroke Protocol

Dr. Chet Johns, MGH, gave a presentation on the stroke protocol that is to be implemented by September 1, 2010 at the hospital. Upon the recommendation of Commissioner Price, the following resolution was presented to honor the upcoming completion of this accomplishment. Commissioner Price made a MOTION, with a SECOND by Commissioner Bowen to approve the resolution. The motion was unanimously APPROVED.

***RESOLUTION RECOGNIZING MARTIN GENERAL HOSPITAL
AS A FUTURE ACUTE STROKE CAPABLE HOSPITAL***

WHEREAS, according to present medical data, North Carolina has the 6th highest stroke death rate in the United States and Martin County ranks 12th in the state for stroke mortality(68/100,000); and

WHEREAS, the total number of cases of hypertension and stroke are higher in eastern North Carolina than in the rest of the state; and

WHEREAS, most strokes are ischemic, caused by a blocked artery in the brain; these are the strokes that may be treated with thrombolytics or clot busting drugs; the remaining strokes are hemorrhagic, the result of bleeding in the brain often caused by uncontrolled blood pressure; and

WHEREAS, North Carolina EMS are now required to bypass hospitals where primary stroke treatment cannot be provided if a patient meets criteria for the clot busting drugs; and

WHEREAS, studies show that 1 out of 9 patients treated with the clot busting drugs Activase (tPA) within three hours of symptom onset, received an excellent outcome (no disability), others often received reduced disability; and

WHEREAS, modern medicine can vastly improve one's quality of life, and is beneficial to all; not having access to modern medicine and modern medical supplies can cause unnecessary suffering and death; and

WHEREAS, Martin General Hospital will become an Acute Stroke Capable Hospital; and

WHEREAS, Martin General Hospital has established guidelines and protocols for the treatment of acute stroke, sub-acute stroke and Transient Ischemic Attack (TIA) "mini strokes".

NOW, THEREFORE, BE IT RESOLVED, that the Martin County Board of Commissioners recognize the honor due Dr. Chet Johns, MGH Emergency Department, Glen Carney, MGH CEO, and all the individuals that have painstakingly and courageously laid the foundations for the establishment and growth of Martin General Hospital as an Acute Stroke Capable Hospital.

PRESENTATION – Resolutions of Commendation

Upon the recommendations of Chairman Smith and Commissioner Hurst respectively, Mr. John Nelson and Master Trooper Kiplan “Kip” Sales were presented the following resolutions of commendation for the major part each contributed in the survivor of Mr. Herman Taylor. Commissioner Hurst made a MOTION, with a SECOND by Vice Chairman Lilley to present the following resolutions. The motion was unanimously APPROVED.

RESOLUTION OF COMMENDATION – Mr. John Nelson

WHEREAS, Mr. Herman Taylor of the Robersonville area had not been seen for several days, knowing of his history of life threatening illnesses, the family and friends of Mr. Taylor, searched frantically for him for three days to no avail; and

WHEREAS, while performing his duties as a Water Maintenance Worker for the Town of Robersonville, on or about May 24, 2010, Mr. John Nelson, upon finding the body of Mr. Taylor in a ditch with water covering all but his mouth and nose called 911; and

WHEREAS, since May 2006, Mr. Nelson has faithfully served the citizens of the Town of Robersonville in the capacity of a Water Maintenance Worker; and

WHEREAS, the heroic actions taken by Mr. Nelson did contribute to the survival of Mr. Taylor; and

WHEREAS, miraculously, Mr. Herman Taylor has overcome the ordeal with few repercussions.

NOW, THEREFORE, BE IT RESOLVED that the Martin County Board of Commissioners and Mr. Herman Taylor express the highest praise and commendation to Mr. John Nelson for his unselfish act of kindness on May 24, 2010 and for his many years of service to the citizens of Martin County.

RESOLUTION OF COMMENDATION – Master Trooper Kiplan “Kip” Sales

WHEREAS, Mr. Herman Taylor of the Robersonville area had not been seen for several days, knowing of his history of life threatening illnesses, the family and friends of Mr. Taylor, searched frantically for him for three days to no avail; and

WHEREAS, on or about May 24, 2010, Master Trooper Kiplan “Kip” Sales, North Carolina Highway Patrolman, was the first responder to a 911 call placed by Mr. John Nelson, indicating that Mr. Taylor had been found; and

WHEREAS, Master Trooper Sales has served this area as a Highway Patrolman since 1995, a volunteer firefighter for Williamston since 1999 and an Emergency Medical Technician since 2003; and

WHEREAS, Master Trooper Sales did not hesitate to use his emergency training when he saw Mr. Taylor lying unconscious, seemingly to the point of death, in the ditch with water covering all but his mouth and nose; and

WHEREAS, the heroic actions taken by Master Trooper Sales did contribute to the survival of Mr. Taylor; and

WHEREAS, miraculously, Mr. Herman Taylor has overcome the ordeal with few repercussions.

NOW, THEREFORE, BE IT RESOLVED that the Martin County Board of Commissioners and Mr. Herman Taylor express the highest praise and commendation to Master Trooper Kiplan Sales for his unselfish act of kindness on May 24, 2010 and for his many years of service to the citizens of Martin County and the State of North Carolina.

Fallen Law Enforcement Officers Memorial – Frank Bradsher

Mr. Frank Bradsher with the US Attorney's Office out of Raleigh and colleagues spoke with Manager Overman and the Board about them providing a memorial for fallen Martin County Law Enforcement Officers. The Attorney's office would provide the funds (approximately \$3,000.00) for the monument and its installation. The monument will be made of select gray granite with black granite overlay standing five feet six inches tall. Initially, the names engraved on the rear side will be Sheriff Jerry Beach, Corporal Charles "Charlie" Brown and State Trooper Tom Davis. Manager Overman stated that hopefully there would never be another name added but it would be left up to the County to determine the criteria for any future additions. Manager Overman recommended approval to accept this most generous offer and to let them go ahead and order the monument. Commissioner Bowen made the MOTION and Vice Chairman Lilley added a SECOND to accept the gift. The MOTION was unanimously APPROVED.

INTRODUCTION OF NEW EMPLOYEES

The following new full-time employee was introduced at the meeting: Social Services Director Susan Davenport introduced Income Maintenance Caseworker Wendy K. Boyd. The Board welcomed Ms. Boyd as a new County employee.

OLD BUSINESS

Bear Grass School Discussion Update

Commissioner Price reported on behalf of the Bear Grass Community. The Town now leases the former Bear Grass School for community functions. The Town desires to seek grant monies through the "Park and Recreation Trust Fund" but ownership of the property is needed. The grant goes up to \$500,000 which is a match grant and the property, if owned, could be used for the "match". Gold Leaf funding is being sort as well. Commissioner Price asked for the Board to

intervene in the Town's goal to acquire the property. The County has the first right of refusal on the property.

Economic Development Board (EDC) Appointment

Vice Chairman Lilley stated that the EDC Board recommended Mr. Phil Hodges and made a MOTION to that affect with a SECOND by Commissioner Hurst. The motion was unanimously APPROVED.

Bertie-Martin Regional Jail Appointment

Due to the lack of an appointee, Chairman Smith tabled the appointment until a later date.

NEW BUSINESS

Appointment/Reappointment – ABC Board

In a memo from Jerome Roberson, the ABC Board recommended keeping all board members the same and to reappoint Mr. Tim Roberson for another term. Commissioner Hurst made the MOTION, with a SECOND by Vice Chairman Lilley. The motion was unanimously APPROVED.

Resolution Approving Secondary Road Improvement Program

At June's regular meeting, NCDOT officials presented information on the 2009-2010 and 2010-2011 Secondary Road Improvement Program. Attached is the resolution recommended by Manager Overman for approval of the 2009-2010 and 2010-2011 Secondary Road Improvement Program. Commissioner Hurst made the MOTION, with a SECOND by Commissioner Bowen. The motion was unanimously APPROVED.

**SECONDARY ROAD IMPROVEMENT PROGRAM RESOLUTION
Fiscal Years 2010 & 2011**

WHEREAS, members from the Department of Transportation were present Wednesday, June 9, 2010 at the 7:00 p.m. meeting of the Martin County Board of Commissioners in the Board Room of the Martin County Governmental Center, 305 East Main Street in Williamston, North Carolina, to discuss the Proposed Secondary Road Improvement Program for Martin County for Fiscal Years 2010 AND 2011; and

WHEREAS, the following was proposed by the North Carolina Department of Transportation as the Secondary Road Improvement Program for Martin County:

**PROJECT LISTING FOR MARTIN COUNTY – FISCAL YEARS 2010 & 2011
FY 2009-2010 Actual Allocation**

Highway Fund	\$ 254,631.74
Trust Fund	\$ <u>199,819.74</u>
Total	\$ 454,451.48

FY 2010-2011 Anticipated Allocation

Highway Fund	\$ 334,407.00
Trust Fund	\$ <u>401,644.00</u>
Total	\$ 736,051.00

Cumulative Amount of Both Programs \$ 1,190,502.48

I. Paving Unpaved Roads

A. Rural Paving Priority

Priority No.	SR Number	Miles	Road Name and Description	Est. Cost
1	SR 1311	0.70	Norman Rd – Grade, Drain, Base & Pave	\$ 200,000
2	SR 1307	0.50	Warren Rd – Grade, Drain, Base & Pave	<u>150,000</u>

In the event that any roads in priority have to be placed on the “Hold List” due to unavailable right of way or environmental review, or if additional funding becomes available, funds will be applied to the roads listed in priority order in the paving alternate list.

Subtotal \$ 350,000

B. Subdivision Paving Priority

Priority No.	SR Number	Miles	Road Name and Description	Est. Cost
3	SR 1599	0.21	Elmo’s Lane – Grade, Drain, Base & Pave	<u>\$ 60,000</u>
Subtotal				\$ 60,000

II. General Secondary Road Improvements

A. Paved Road Improvements

SR No.	Project Description	Est. Cost
SR 1516	Kader Lilley Rd – Pavement Strengthening	\$ 200,000
SR 1417	Poplar Point Rd – Pavement Strengthening	<u>400,000</u>
Subtotal		\$ 600,000

* Paved Road Improvements Alternatives

SR No.	Project Description	Est. Cost
SR 1100	Sweet Home Church Rd – Widen and Resurface	\$ 280,000

C. Unpaved Road Spot Improvements

SR No.	Project Description	Est. Cost
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Various	Spot Stabilization & Maintenance		<u>\$ 80,000</u>
		Subtotal	\$ 80,000

IV. Funds reserved for surveying, right of way acquisition, road additions, contingencies, departmental overhead, overdrafts, and paving entrances to certified fire departments, rescue squads, etc.

	Subtotal	\$ 100,502.48
	GRAND TOTAL	\$ 1,190,502.48

NOW, THEREFORE, BE IT RESOLVED by the Martin County Board of Commissioners that the North Carolina Board of Transportation's proposed 2010 and 2011 Secondary Road Improvement Program for Martin County is hereby approved as presented.

Resolutions Regarding East Carolina Behavioral Health (ECBH)

Manager Overman recommended that Board approve the resolution that set forth the makeup of the Area Board for the reconstituted ECBH. Commissioner Bowen made the MOTION with a SECOND by Commissioner Price for approval. The motion was APPROVED unanimously.

RESOLUTION REGARDING THE COMPOSITION OF THE BOARD OF DIRECTORS FOR EAST CAROLINA BEHAVIORAL HEALTH

WHEREAS, Albemarle Mental Health Center, Developmental Disabilities, Substance Abuse Services ("AMHC"), is a Local Management Entity as that term is defined by N.C.G.S. §122C *et. seq.*, serving a catchment area comprised of the Counties of Camden, Chowan, Hyde, Pasquotank, Tyrrell, Currituck, Dare, Martin, Perquimans, and Washington; and

WHEREAS, AMHC shall dissolve effective July 1, 2010 and the counties within its catchment area shall consolidate with East Carolina Behavioral Health ("ECBH") a Local Management Entity as that term is defined by N.C.G.S. § 122C *et. seq.*, serving a catchment area comprised of the Counties of Beaufort, Bertie, Craven, Gates, Hertford, Jones, Northampton, Pamlico and Pitt; and

WHEREAS, ECBH is required to have an Area Board comprised pursuant to N.C.G.S. § 122C-118.1 and has determined that its Board shall be comprised of twenty-four (24) members, consisting of one (1) County Commissioner from each County within ECBH's catchment area and five (5) additional members appointed by the above nineteen (19) County Commissioners;

BE IT RESOLVED, that Martin County shall appoint one (1) County Commissioner as a member of the ECBH Area Board.

BE IT RESOLVED FURTHER that the Martin County Commissioners shall coordinate with ECBH and the other County Commissioners within ECBH's catchment area to ensure that the Area Board appointments are in accordance with N.C. G.S. §122C-118.1; specifically, that the appointments take into account sufficient citizen participation, representation of the disability groups, and equitable representation of participating counties and that the Area Board includes two (2)

individuals with financial expertise, and individual with expertise in management or business, and an individual representing the interests of children.

Manager Overman recommended the approval of the Resolution Regarding Consolidation with Additional Counties and the Acquisition of Real Property by East Carolina Behavioral Health. This resolution granted the authority to ECBH to hold title to Albemarle Mental Health Center's (AMHC) interest in the real property owned by AMHC. Vice Chairman Lilley gave the MOTION to adopt the resolution, with a SECOND by Commissioner Bowen. The motion was unanimously APPROVED by the Board.

**RESOLUTION REGARDING CONSOLIDATION WITH ADDITIONAL COUNTIES
AND THE ACQUISITION OF REAL PROPERTY BY
EAST CAROLINA BEHAVIORAL HEALTH**

WHEREAS, Albemarle Mental Health Center, Developmental Disabilities, Substance Abuse Services ("AMHC"), is a Local Management Entity as that term is defined by N.C.G.S. §122C *et. seq.*, serving a catchment area comprised of the Counties of Camden, Chowan, Hyde, Pasquotank, Tyrrell, Currituck, Dare, Martin, Perquimans, and Washington; and

WHEREAS, AMHC shall dissolve effective July 1, 2010 and the counties within its catchment area shall consolidate with East Carolina Behavioral Health ("ECBH") a Local Management Entity as that term is defined by N.C.G.S. § 122C *et. seq.*, serving a catchment area comprised of the Counties of Beaufort, Bertie, Craven, Gates, Hertford, Jones, Northampton, Pamlico and Pitt; and

WHEREAS, AMHC proposes to transfer its interest in four (4) parcels of real property, situate in Camden County, Chowan County, Perquimans County and Currituck County, to ECBH in consideration of the terms of the consolidation. The parcels of real property are more particularly described on Exhibit "A" affixed hereto and incorporated by reference;

BE IT RESOLVED, pursuant to N.C.G.S. §122C-115 & 115.3, the counties within AMHC's catchment area may consolidate with ECBH, creating a catchment area consisting of nineteen (19) counties.

BE IT RESOLVED FURTHER that pursuant to N.C. G.S. §122C-147(c), ECBH be, and hereby is, authorized to accept and hold title to AMHC's interest in that certain real property more particularly described on Exhibit "A" affixed hereto and incorporated herein by reference.

Approval of Operational Agreement for Soil and Water Conservation

Jeff Harris was present to answer any questions regarding the Operational Agreement. The services offered by Soil and Water Conservation are through a cooperative arrangement through the federal government (USDA), state government (DEHNR), Martin County Soil and Water District and Martin County. A newly created Operational Agreement between the four agencies had been prepared for the Board's consideration.

Vice Chairman Lilley made the MOTION to adopt the agreement and Commissioner Bowen gave a SECOND. The motion was APPROVED by all.

OPERATIONAL AGREEMENT
between the
UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
and
DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL
RESOURCES - DIVISION OF SOIL AND WATER CONSERVATION
and
THE MARTIN SOIL AND WATER CONSERVATION DISTRICT
and
MARTIN COUNTY, NORTH CAROLINA

For their Cooperation in the
Conservation of Natural Resources

BACKGROUND STATEMENT AND PURPOSE

THE AGREEMENT is between the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), the DEHNR-Division of Soil and Water Conservation (DSWC) an agency of the State of North Carolina, the Martin Soil and Water Conservation District, and Martin County collectively referred to as the parties, to clearly define the roles and responsibilities of the parties.

The purpose of this agreement is to supplement the Cooperative Working Agreement between the USDA-Natural Resources Conservation Service, North Carolina Department of Environment, Health and Natural Resources, North Carolina Soil and Water Conservation Commission, and Martin Soil and Water Conservation District. This operational agreement documents those areas of common interest of the federal, state and local partnership in natural resources conservation.

The parties mutually agree to provide leadership in natural resources conservation. The parties pledge to work together by advancing and practicing teamwork, including input in the decision making process; communicating, coordinating, and cooperating; promoting mutual respect, and sharing leadership, ownership, credit and responsibility.

AUTHORITIES, STATUTES, LAWS

NRCS is authorized to cooperate and furnish assistance to the parties in the conservation of natural resources as referenced in the Soil Conservation and Domestic Allotment Act, 16 U.S.C. 590; The Department of Agriculture Reorganization Act. Of 1994, Public Law 103-354; and Secretary's Memorandum No. 1010-1, Reorganization of the Department of Agriculture, dated October 20, 1994.

DSWC is authorized to enter into this agreement by North Carolina General Statutes § 139-4 and § 143B-294 - § 143B-297.

The District authority is defined in Soil Conservation District Law, General Statutes of North Carolina § 139-1 - § 139-47.

The county is authorized to enter into this agreement by North Carolina Statute § 153A-11 and § 160A-461 - § 160A-464.

ROLES AND RESPONSIBILITIES:

CONSERVATION PROGRAM IMPLEMENTATION

The parties recognize the natural conservation program as a unique blend of voluntary conservation initiatives and federal, state, and local mandates. Together these address a variety of natural resources, environmental, and educational issues. The parties agree to jointly commit their program authorities and financial and human resources to cooperatively implement a unified natural resources conservation program in areas of mutual concern. The implementation of all programs will be done in accordance with program policy and procedure developed for that specific program.

Inventories and Data Sharing: The parties agree to identify, define, and coordinate the collection and use of natural resource and other data needed to support the delivery of program benefits. The parties will cooperate in maintaining data to assure that it supports the mutual needs of the parties for resource planning and evaluation. The parties further agree that gathered data will be mutually shared and used in support of conservation program implementation. The parties will coordinate with public and private resource groups, other resource agencies, and interested parties to share information and resources as needed to facilitate implementation of the conservation program.

Setting Program Priorities: The parties agree to implement the conservation program based on mutually developed priorities while recognizing individual responsibilities for federal, state, or local mandates. The parties further agree to annually re-evaluate established priorities and adjust as warranted. SWCD supervisors have responsibility to organize local work groups to assess resources conditions and establish local priorities, and develop a single SWCD/NRCS partnership plan of work each fiscal year (July 01 – June 30).

Programs to be Implemented: The parties agree to use federal, state, and local programs in a complimentary fashion to address local priorities and concerns. Attachment A includes a list of programs that will be utilized to address priorities and concerns.

Marketing: The parties agree to conduct a common effort to inform the public of program opportunities and benefits.

TECHNICAL STANDARDS AND JOB APPROVAL AUTHORITY

The parties agree to utilize the NRCS Field Office Technical Guide or Soil and Water Conservation Commission adopted standards as the minimum technical standards for conservation program implementation in areas of mutual concern. The parties may utilize more stringent standards when necessary to comply with locally enacted laws or ordinances. The NRCS will be the lead agency in the development, maintenance, and interpretation of the Field Office Technical Guide.

The parties agree that their respective employees will provide technical assistance based on assigned conservation practice (job approval) authority which is based on acquired knowledge, skills, and demonstrated ability and within applicable laws, regulation, and guidelines. Conservation practice (job approval) authority will be determined and documented according NRCS National Engineering Manual, Part 501.

PERSONNEL AND FISCAL MANAGEMENT

The parties recognize that natural resources conservation programs are delivered through an intergovernmental system, in which federal, state, and local governments work together.

The parties will work together to provide staffing and fiscal resources commensurate with workload, priorities, allocated funding, and expertise necessary to deliver a balanced and diversified conservation program. Staffing will be a mix of employees provided by federal, state, county, and district resources. There are certain authorities delegated to specific staff as follows:

Department Head

The Department Head will be appointed jointly by the Martin Soil and Water Conservation District Board of Supervisors and County Manager. The Department Head will represent the District and its employees at county meetings, conferences, and appropriate functions.

Personnel Management

The management of personnel will be as follows:

- a) The management of employees is the responsibility of their respective entities. Employees of NRCS are the responsibility of NRCS with input from district supervisors.
- b) Employees of the Martin SWCD are the responsibility of the County Manager with input from the District Supervisors. In the interest of facilitating these responsibilities, the District Conservationist is delegated the authority for:
 - 1) Technical Oversight
 - 2) Delivery of employee technical training and development
- c) County employee concerns and grievances shall be handled through the appropriate chain of command in accordance with county policy where appropriate. All parties agree to work cooperatively to resolve employee grievances. County employees will initially present all grievances to the District Supervisors for resolution. Should the grievance not be resolved at this level, the employee may appeal to the County Manager in the manner outlined in the Martin County Personnel Ordinance.
- d) Hiring, supervision, development, evaluation and dismissal of district employees will be done in accordance with applicable law and county policy. Interviewing of employees and / or perspective employee candidates will be done by the County Manager and District Supervisors.

Fiscal Management

The parties will work together to maximize available resources and actively seek funding to accomplish natural resource priorities and programs.

Each party is responsible for its own fiscal resources to include equipment, supplies, and accounts.

The District Board of Supervisors shall be responsible for the following:

- a) Development of operating budgets.
- b) Tracking of expenditures for maintaining funding accountability.
- c) Authorize the expenditure of all funds within the District's authorized budget.
- d) Designate the Administrative Assistant to authorize purchases and payment upon approval by the District Supervisors.
- e) Insuring that all funds are expended consistent with county fiscal policy.

RECORDS, FACILITIES, AND EQUIPMENT

The parties will work together to provide office space, vehicles, and equipment within funding limits, operational guidelines, authorities, federal and state laws, and local ordinances. The parties will work cooperatively to share these resources through the use of formal and informal agreements as follows:

1. Office Space – The county will provide office space for county employees and NRCS will provide space rented from the county for Federal staff.
2. Vehicles – The NRCS will provide vehicles used by NRCS. The county will provide

vehicle(s) for county employees or reimburse for the use of personal vehicle in accordance with Martin County Travel Policy.

3. Equipment owned by NRCS, the District, and Martin County will shared by all agencies.

The parties will agree on the maintenance, update, and disposition of relevant records. Access to records will be governed by the Federal Freedom of Information Act (FOIA) and/or the North Carolina Public Records Law.

FEE FOR SERVICES

The parties recognize that nonfederal signatories may establish procedures to collect fees, where permissible, for delivery of such services which are not provided through federal financial or technical assistance.

ACCOUNTABILITY

The parties agree to cooperatively develop and utilize Toolkit and Performance Results System (PRS) program databases to measure effectiveness in program delivery and customer satisfaction. The District will provide a copy of its Annual Report and Plan of Operations to the other signatories of this agreement by July 31st of each year. The District will also provide a copy of their Long Range Plan which, at no time, will be in excess of five years old.

SCOPE OF AGREEMENT

This agreement covers the basic operating understanding between all parties. Authority to carry out specific projects or activities, transfer of funds, or acquisition of services or property, will be established under separate agreement. The parties agree that contracts, memorandums of understanding, and/or additional agreements may be entered into, as needed, to facilitate the implementation of natural resources conservation programs within the conservation districts.

TORT LIABILITY

NRCS will assume responsibility for the actions of their officials and / or employees. Martin County will assume responsibility for actions of the Martin Soil and Water Conservation District Supervisors and employees. All responsibility is based on actions within the scope of duties of employment to the extent provided by federal and state law and local ordinances.

CIVIL RIGHTS

The parties recognize the benefit and importance of delivering conservation programs equitably to all customers, having a diverse staff to assist this customer base, and having diversity within the district board. The parties agree to work cooperatively to achieve diversity in all aspects of the conservation program through effective outreach and marketing.

The parties will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987 (Public Law 100-259) and other nondiscrimination statutes, namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, Americans with Disabilities Act of 1990, and in accordance with regulations of the Secretary of Agriculture (7 CFR-15, Subparts A & B) which provide that no person in the United States shall, on the grounds of race, color, national origin, age, sex, religion, marital status, or disability be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Agriculture of any agency thereof.

REVIEW / MODIFICATION / TERMINATION

This agreement will be reviewed at least annually. The agreement can be modified or terminated at any time by mutual consent of all parties or can be terminated by any party by giving 60 days written notice to the other parties.

Lease for Probation Space in Courthouse

Manager Overman explained that the North Carolina Department of Correction had determined that a lease agreement was required for the occupation of the county-provided office space for probation offices in each county. The lease agreement will protect the rights of both the County and the State. Manager Overman had reviewed the lease and recommended the Board approve the lease as presented. Commissioner Price made the MOTION to approve the lease as presented with a SECOND by Vice Chairman Lilley. The motion was unanimously APPROVED.

Accept 2010 VISION 100 Grant Award

A letter from NCDOT, received by Manager Overman, gave notification of \$150,000 allocated in federal funds for Airfield Improvements at the airport under the VISION 100 grant program. Our local match for this grant is \$16,667. Approval of Budget Amendment #1 and #2 was necessary to budget this grant. Commissioner Hurst made a MOTION to approve the budget amendments, with a SECOND by Vice Chairman Lilley. The motion was APPROVED by all.

Budget Ordinance Amendment #1

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, 2011.

Section 1. To set up new budget for Airport Grant, the expenditures are listed as follows.

	Increase	Decrease
Vision100 11.1	\$ 166,667	

This will result in a budget of 166,667 in the expenditures of the Airport Fund. To provide a budget in revenue for the above, the revenues will be listed as follows.

Vision 100 11.1	\$ 150,000
Transfer from GF	\$ 16,667

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 Ordinance Amendment #2

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, 2011.

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

	Increase	Decrease
Transfer to Airport Expansion Project	\$ 16,667	

This will result in an increase of \$16,667 in the expenditures of the General Fund. To provide an increase for the revenue above, the following revenues will be changed.

Fund Balance Appropriation	\$ 16,667
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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.

JCPC FUNDING

Manager Overman explained that Budget Amendment #3 was needed for funds allocated by JCPC for Behavior Support Services for FY 09-10 but had not been included in the 2010-2011 Budget Ordinance. The County match amount is \$2,806.

Budget Ordinance Amendment #3

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, 2010.

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

	Increase	Decrease
Human Services		
Other Human Services		
Office of Juvenile Justice	\$ 16,834	

This will result in an increase of \$16,834 in the expenditures of the General Fund. To provide an increase for the revenue above, the following revenues will be changed.

Restricted	\$ 16,834
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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 MOTION was made by Commissioner Price and SECONDED by Commissioner Hurst to adopt the above budget ordinance amendment. The motion was unanimously APPROVED.

CLOSED SESSION

ATTORNEY/CLIENT PRIVILEGE- POTENTIAL LITIGATION – G.S. 143-318.11(A)(3)

Around 8:36 p.m., Commissioner Price made a MOTION, with a SECOND by Commissioner Hurst, to go into Closed Session according to Attorney/Client Privilege -Potential Litigation G.S. 143-318.11(A)(3). The motion was unanimously APPROVED.

ADJOURNMENT

At 9:56 p.m., Commissioner Bowen made a MOTION, with a SECOND by Commissioner Price to end Closed Session. The motion was unanimously APPROVED.

Open Session

Request to Use Lottery Funds

In a memorandum from Martin County Schools, Dr. Daly stated that the Martin County Board of Education had authorized the use of \$550,001 for the purchase of the property for the school that will replace Williamston Middle School. The Board of Education requested that the County Commissioners' concur with the use of the Lottery Funds for the purchase of the property.

Chairman Smith stated that on the recommendation of County Attorney Bowen, the Board was requiring notification of the completion of the Department of Instruction (DPI) feasibility study before making a decision on the use of Lottery Funds. A special meeting will be held to go forth with the consideration of the Lottery Funds application. Commissioner Price made the MOTION to table the consideration, with a SECOND by Commissioner Hurst. The motion was unanimously APPROVED.

School Bond Referendum

Commissioners Hurst and Price agreed on the following reasons for the referendum: give the citizens a choice to decide, the weak economy, continual use of fund balance, and cuts in lottery funds dispersed to counties. Commissioners Smith, Lilley and Bowen agreed on these reasons the referendum was not needed: zero interest loan for Tier I counties and projected revenue for school capital projects. Commissioner Price made the MOTION to put the School Bond up for Referendum in November, with a SECOND by Commissioner Hurst. Commissioners Hurst and Price raised their hands for the School Bond Referendum. Commissioners Smith, Lilley, and Bowen raised their hands against the School Bond Referendum. The motion WAS NOT APPROVED by a majority.

Albemarle Mental Health Retiree Health Insurance Issues

Manager Overman reiterated that with the dissolution of Albemarle Mental Health there are 19 retirees that have been provided health insurance as part of their benefits package and effective July 31, 2010 their coverage will terminate without action on behalf of the counties involved. Originally, approximately \$800,000 was earmarked for those retiree benefits with about \$600,000 remaining in the fund. In addition, the State will turn over an additional \$500,000 to assist in paying these premiums. Manager Overman recommended that Martin County become the administrator of the funds for the AMHC retirees and that they be added to the County's insurance group policy through the NCACC Risk Management Pool. A trust fund would be established and a "simple" memorandum of agreement would be approved by each of the ten counties, setting out the responsibilities of each county.

Commissioner Hurst made the MOTION upon the recommendations of Manager Overman, with a SECOND by Chairman Smith. The motion was APPROVED by all.

DMV License-Large Business Vehicles

Commissioner Hurst stated that citizens should not have to go out of the County to purchase International Registration Plates (IRP). Manager Overman explained that a three day training session is required before implementation. As of yet, no training sessions are planned.

Designation of NCACC Voting Delegate

Commissioner Hurst stated that the designated delegate should consult the Board with decisions on voting. Chairman Smith answered that time may not permit this so some decisions have to be made at the meetings. Commissioner Hurst made the MOTION to make Chairman Smith the designated voting delegate for the NCACC Annual Conference, in the absence of Chairman Smith, Vice Chairman Lilley would be the voting delegate. Commissioner Bowen SECONDED the motion. The motion was unanimously APPROVED.

Board Reports - No board reports were given by the Commissioners

CLOSED SESSION

ACQUISITION OF REAL PROPERTY – G.S. 143-318.11(a)(5)

On or about 11:00 p.m., Commissioner Hurst made a MOTION, with a SECOND by Commissioner Bowen to go into Closed Session according to G.S. 143-318.11(a)(5) Acquisition of Real Property. The motion was unanimously APPROVED.

ADJOURNMENT

With no further business to discuss, Chairman Smith made a MOTION, with a SECOND by Commissioner Bowen, to end Closed Session and to adjourn the meeting at 11:20. The motion was unanimously APPROVED.

The next regular meeting of the Martin County Board of Commissioners is scheduled for Wednesday, August 11, 2010 at 7:00 p.m. in the Board Room of the Martin County Governmental Center, 305 East Main Street, Williamston, North Carolina.

Ronnie Smith, Chairman

Marion B. Thompson, Clerk to the Board