

May 11, 2011

The Martin County Board of Commissioners met in Regular Session on Wednesday, May 11, 2011 at 7:00 p.m. in the Board Room, Martin County Governmental Center at 305 East Main Street, Williamston, North Carolina.

ASSEMBLY

Chairman Elmo “Butch” Lilley, Vice Chairman Tommy W. Bowen, Commissioner Ronnie Smith, Commissioner Derek Price, Commissioner Bob Hyman, County Manager W. Russell Overman, County Attorney J. Melvin Bowen and Clerk to the Board Marion B. Thompson.

The meeting was called to order by Chairman Lilley. Chairman Lilley cordially welcomed everyone to the meeting.

The pledge of allegiance was led by Commissioner Smith. The invocation was offered by Commissioner Bowen.

AGENDA APPROVAL

Commissioner Price introduced a MOTION, with a SECOND by Commissioner Smith to approve the agenda as presented. The motion was unanimously APPROVED.

PUBLIC COMMENTS – No one signed the log for public comments.

CONSENT AGENDA

Commissioner Smith introduced a MOTION; Commissioner Price added a SECOND to approve the following consent agenda items as presented. The motion was unanimously APPROVED.

1. **Minutes** for April 13, 2011, Regular Session; April 20, 2011 Special Session and Closed Session
2. **Financial Report** April 2011.

3. Tax Relief Orders for April 2011 in the amount of \$474.53

Year

Levy	Lname	Fname	Remarks	Value	Total
2010	Gardner	David Earl	Error in value	2,700	19.17
2010	Godard	Ernest N.	Clerk Error	3,350	23.79
2010	Jackson	Jimmy Leo	Bill of Sales	5,640	40.61
2007	Williamston Fire District		Value Release	1,000	0.60
2007	General County	Personal Prop	Value Release	1,000	7.85
2008	Williamston Fire District		Value Release	1,000	0.60
2008	Williamston Fire District		Value Release	1,000	0.06
2008	General County	Personal Prop	Value Release	1,000	7.85
2008	General County	Late List Penal	Value Release	1,000	0.79
2009	Williamston Fire District		Value Release	1,000	0.50
2009	Williamston Fire District		Value Release	1,000	0.05
2009	General County	Personal Prop	Value Release	1,000	6.70
2009	General County	Late List Penal	Value Release	1,000	0.67
2010	Roanoke Fire District		Value Release	4,700	1.88
2010	General County	Real	Value Release	4,700	31.49
2010	Solid Waste Fee Residential		Value Release		324.00
2010	Williamston Fire District		Value Release	1,000	0.50
2010	Williamston Fire District		Value Release	1,000	0.05
2010	General County	Personal Prop	Value Release	1,000	6.70
2010	General County	Late List Penal	Value Release	1,000	0.67
				Total	\$474.53

4. Tax Collector's Report for April 2011.

Month	Property Taxes	Property Taxes	MV Taxes	Mv Taxes
	Month to Date	Year to Date	Month to Date	Year to Date
Apr-11	109,793.13	11,052,429.72	84,825.56	909,814.59

5. Resolution Opposing SB462 and HB574

Resolution Expressing Martin County's Opposition To Senate Bill 462 and House Bill 574 Regarding Redirection of Excise Tax Proceeds Away from North Carolina Parks and Recreation Trust Fund and Natural Heritage Trust Fund

WHEREAS the provision of parks, recreation and open spaces protects quality of life and enhances public health by promoting outdoor activity, sports and exercise opportunities, as well as immense social, natural and economic benefits and an appreciation of our natural resources; and

WHEREAS, the North Carolina Parks and Recreation Trust Fund (PARTF) and the Natural Heritage Trust Fund (NHTF) were created to preserve natural areas, protect water quality, create and expand parks, trails and game lands; and

WHEREAS, legislators created these trust funds nineteen years ago and recognized the economic importance of balancing conservation and development, and in so doing dedicated a funding source for the trust funds, which receive almost all of their funding from the deed stamp excise tax from the sale of real estate; and

WHEREAS, Martin County has specifically benefited from funding assistance for the construction of parks and recreation facilities, receiving a PARTF grant for the Moratoc Park project as well as other facilities within the municipalities of Martin County; and

WHEREAS, new legislation filed in the North Carolina House (HB 574) and Senate (SB 462) would take away half of the dedicated funding for the Parks and Recreation Trust Fund (PARTF) and the Natural Heritage Trust Fund (NHTF), redirecting this revenue to the North Carolina Housing Trust Fund largely as a result of lobbying by homebuilders and realtors groups; and

WHEREAS, tourism in North Carolina generated \$17 billion in 2010, much of which comes from visitors to state parks, beaches and outdoor areas – areas that exist thanks to investment from these trust funds; and

WHEREAS a study by the Trust for Public Land found that investing in conservation lands more than pays for itself with every \$1 invested in land conservation returning \$4 in economic value from natural resource goods and services alone; and

WHEREAS, NHTF and PARTF revenues are already down significantly due to the real estate slowdown, and the permanent 50% cut that would result from HB 574 and SB 462 would mean that essential conservation projects will not be funded, harming the State's tourism economy, leading to dirtier water and air, and result in a massive decline of parkland, park facilities and/or gamelands;

NOW, THEREFORE, BE IT RESOLVED that the Martin County Board of Commissioners expresses its opposition to Senate Bill 462 and House Bill 574 and any other similar legislation that attempts to redirect funding away from the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund, which perform critically-important roles in protecting North Carolina's natural resources and parks and open space.

This, the 11th day of May 2011.

- 6. ECBH Quarterly fiscal Monitoring Report** included for informational purposes.
- 7. Budget Amendments – Description Corrections** – corrections will be referenced in the actual minutes for BA#11-13. BA #14 will be corrected before entry into the permanent binder.

BUDGET ORDINANCE AMENDMENT-11

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.

General Fund

Section 1. To amend the ~~Controlled Substance Tax Dist. Fund~~, the expenditures are to be changed as follows.

	Increase	Decrease
Public Safety		
Capital Outlay	\$23,895	
Human Services		
Office of Aging	\$ 6,830	

General Fund

This will result in an increase of \$30,725 in the expenditures of the ~~Controlled Substance Tax Dist. Fund~~. To provide an increase in revenue for the above, the following revenues will be changed.

Restricted **\$30,725**

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.

Motion by _____ and seconded by _____ to adopt the above budget ordinance amendment this 12th day of January, 2011.

BUDGET ORDINANCE AMENDMENT-12

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.

General Fund

Section 1. To amend the ~~Controlled Substance Tax Dist. Fund~~, the expenditures are to be changed as follows.

	Increase	Decrease
Public Safety		
Sheriff		
Capital Outlay	\$ 5,000	
Emergency Management		\$ 124,834.00
Human Services		
Dept of Social Services	\$ 48,456	
Assistance Program		
Administration	\$ 1,420	

This will result in a decrease of \$69,958 in the expenditures of the General Fund. To provide an increase in revenue for the above, the following revenues will be changed.

Restricted	\$53,456	\$ 124,834
Miscellaneous	\$ 1,420	

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.

Motion by _____ and seconded by _____ to adopt the above budget ordinance amendment this 9th day of February, 2011.

BUDGET ORDINANCE AMENDMENT-13

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.

General Fund

Section 1. To amend the ~~Controlled Substance Tax Dist. Fund~~, the expenditures are to be changed as follows.

	Increase	Decrease
General Government		
DMV License Plate Agency	\$ 5,000	
Public Safety		
Sheriff	\$ 14,000	

This will result in a decrease of \$ 19,000 in the expenditures of the General Fund. To provide an increase in revenue for the above, the following revenues will be changed.

Permits & Fees	\$ 5,000
Sales & Services	\$ 14,000

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.

Motion by _____ and seconded by _____ to adopt the above budget ordinance amendment this 16th day of March, 2011.

BUDGET ORDINANCE AMENDMENT-14

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.

General Fund

Section 1. To amend the ~~Controlled Substance Tax Dist. Fund~~, the expenditures are to be changed as follows.

	Increase	Decrease
Public Safety Sheriff	\$60,000	

General Fund

This will result in an increase of \$60,000 in the expenditures of the ~~Controlled Substance Tax Dist. Fund~~. To provide an increase in revenue for the above, the following revenues will be changed.

Fund Balance **\$60,000**

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.

Motion by _____ and seconded by _____ to adopt the above budget ordinance amendment this 13th day of April, 2011.

8. Approval of Subordination Agreement

Community Development Block Grant (CDBG) program grant recipient, Ms. Mattie Leggett, executed a note and deed of trust back in 2003 such that if she were to sell or otherwise dispose of the house within ten years she would have to pay back a prorated portion of the grant. Ms. Leggett had eight months remaining before her obligations would be met and desired to borrow funds on her house but to do so the County would need to subordinate the lien. Approval of the consent agenda will approve authorizing County Attorney Melvin Bowen to prepare the subordination agreement and the Chairman to execute said document.

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

INTRODUCTION OF NEW EMPLOYEES

Sheriff Dan Gibbs presented former employee Deputy Sheriff Gregory Daniels to the Board of Commissioners. The Board welcomed Deputy Daniels back home. Deputy Daniels stated he was glad to be back.

PRESENTATIONS

Startup 2010 Scattered Site Housing

Mr. Mike Barnette, McDavid & Associates, was present to seek approval of the 2010 CDBG Scattered Site Housing resolutions, budget, and program plans and policies and to answer questions about the program. The Resolution for the 2010 CDBG-SSH Program Grant Award

was approved in the regular meeting, October 6, 2010 by the Board and awarded to McDavid and Associates therefore no further action was needed. Commissioner Smith made a Motion to approve the following: 2010 CDBG-SSH Resolution of Grant Acceptance, Grant Program Budget and the 2010 CDBG-SSH Program Plans and Policies. Commissioner Price SECONDED the motion. The motion was unanimously APPROVED.

**RESOLUTION BY THE BOARD OF COMMISSIONERS
OF
MARTIN COUNTY
2010 CDBG-SSH PROGRAM**

WHEREAS, Martin County has the need for housing revitalization and public utility improvements in the 2010 Community Development project area, and;

WHEREAS, Martin County has applied for funding from the State of North Carolina under the Small Cities Community Development Block Grant Program, and;

WHEREAS, Martin County has been offered a \$400,000 grant under the Small Cities Community Development Block Grant Program;

NOW, THEREFORE, BE IT RESOLVED, *by the Martin County Board of Commissioners, Martin County hereby accepts the State of North Carolina Small Cities Community Development Block Grant offer of \$400,000;*

THAT, *Elmo “ Butch ” Lilley, Chairman, is hereby authorized to accept this grant offer on behalf of Martin County and execute the Grant Agreement and Funding Approval;*

Adopted this 11th day of May, 2011, at Martin County, North Carolina.

**GRANT PROGRAM BUDGET
MARTIN COUNTY
2010 CDBG-SSH PROGRAM**

Be it ordained by the Board of Commissioners of Martin County, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Program Budget is hereby adopted:

Section 1. The Program authorized is the Community Development Block Grant Program (CDBG) described in the work statement contained in the grant agreement between this unit and Community Investment and Assistance. This project is more familiarly known as the 2010 CDBG-SSH Program.

Section 2. The officers of this unit are hereby directed to proceed with the Grant Program Budget within the terms of the grant documents, the rules and regulations of the Community Investment and Assistance and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this Program:

Community Development Funds	\$	400,000.00
Other Revenues		<u>0.00</u>
TOTAL	\$	400,000.00

Section 4. The following amounts are appropriated for the Program:

C-1 Clearance	\$	10,000
C-1 Reconstruction		180,000
C-1 Rehabilitation		140,000
C-1 Temporary Relocation		4,000
C-1 Administration		36,000
L-1 Rehabilitation		27,500
L-1 Administration		2,500
TOTAL	\$	<u>400,000.00</u>

Section 5. The finance officer is hereby directed to maintain within the Grant Program Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement and federal and state regulations, and is authorized to sign Budget Revisions to amend this budget within limits authorized by CI for budget changes not requiring a program amendment.

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The finance officer is directed to report annually on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The budget officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this board.

Section 9. Copies of this grant project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this Program.

2010 CDBG-SSH Program Plans & Policies

I. COMPLAINT PROCEDURE

Whenever conflict arises during the program, target area residents will have the following procedure for dealing with complaints. All complaints must be made in writing and will be responded to within 10 calendar days from the date of receipt.

- A. Submit complaint to the Program Administrator at the County Office, and the Program Administrator will issue a written response to the complaint.
- B. If resolution is not obtained, the complaint will be forwarded to the County Manager by the complainant. A meeting with the complainant, Program Administrator and County Manager will be held, and the County Manager shall issue a written response to the complainant.

- C. If resolution is not obtained, the Board of Commissioners shall review the complainant's statement and previous written statements by the Program Administrator and the County Manager. The Board of Commissioners shall make a decision which will be final.
- D. The Board of Commissioner's decision will be given to the complainant along with the name and address of DCA and project representative for the 2010 CDBG program.

II. CODE OF CONDUCT

- A. This Code shall govern the performance of officers, employees, and agents engaged in the award and administration of contracts supported by Federal funds.
- B. No employee, officer or agent of Martin County shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
 - 1. The employee, officer or agent,
 - 2. Any member of his immediate family,
 - 3. His or her partner, or
 - 4. Any organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.
- C. County officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to subagreements.
- D. Martin County at its discretion may make determinations of minimum rules where financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.
- E. All violations of these standards deemed by the Board of Commissioners to be in excess of minimum levels determined in D., will result in penalties, sanctions or disciplinary action as required by State and Local laws and regulations or as deemed appropriate by the Martin County Board of Commissioners.

III. CITIZEN PARTICIPATION PLAN

A. Citizen participation shall be consistent with all requirements of the CDBG Regulations. All said regulations shall be strictly adhered to. This citizen participation plan shall include the following actions by the CDBG recipient:

1. Solicit, encourage and respond to citizen views and proposals especially those of LMI residents of slum/blighted areas and the project areas. Respond to written comments within 10 calendar days.
2. Provide technical assistance to groups so requesting to facilitate participation and proposals.
3. Provide notices of public hearings in a timely manner. Notice to be given 10-25 days before public hearings.
4. Schedule public hearings to permit broad citizen participation.
5. Hold the following public hearings at a minimum
 - a. Prior to formulation of CDBG Application
 - b. After Application formulation but prior to submission
 - c. Prior to submission of every program amendment
 - d. Prior to submission of closeout documents
6. Provide for needs of non-English speaking citizens where a significant number of non-English speaking participants are anticipated.
7. Provide citizens with reasonable and timely access to local meetings, information, and records relating to the proposed and actual use of funds.

Any other requirements of 04 NCAC 19L.1002 shall be herein incorporated by reference.

IV. PROCUREMENT AND SIGNATURE POLICY

- A. All procurement shall be conducted in accordance with 24CFR85.36 and the NC General Statutes.
- B. The County Manager shall be authorized to award miscellaneous contracts and approve change orders not to exceed \$10,000.

- C. The County Manager shall be authorized to award administration, legal, appraisal, lead-based paint, asbestos abatement services and similar contracts.
- D. The County Manager shall be authorized to approve relocation benefits and voluntary acquisition amounts (not to include Uniform Act Just Compensation or Acquisitions).
- E. The County Manager shall be authorized to sign correspondence with CI.
- F. The County Manager shall be authorized to approve/sign:
 - Environmental documents,
 - Implementation Schedule (Performance Based Contract),
 - Programs Plans & Policies Revisions,
 - Annual Performance Reports,
 - Quarterly Reports,
 - Performance Indicators Reports,
 - Fair Housing Plan Updates/Documents,
 - Language Access Plan,
 - Monitoring Response,
 - Complaint Responses,
 - and other similar reporting documents for DCA.

V. **SECTION 3 PLAN - TRAINING, EMPLOYMENT AND BUSINESS OPPORTUNITIES**

To insure that to the greatest extent possible contracts for work are awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, Martin County has developed and hereby adopts the following Plan:

- A. This plan shall apply to services needed in connection with the grant including but not limited to businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.
- B. The policy will apply directly to residents and businesses within the federally assisted community development project areas and to residents and businesses within Martin

County. Consideration will also be given to low income residents and businesses within the County of Martin as well.

- C. When in need of a service, the Grantee will identify suppliers, contractors or subcontractors located in the Section 3 area. Word of mouth recommendation may also be used as a source.
- D. The Grantee shall include the attached Section 3 clause in all contracts executed under this CDBG Program.
- E. The Prime Contractor selected for any construction work over \$50,000 shall be required to submit a Section 3 Plan. Should a need exist to hire any additional personnel, the appropriate Office of the Employment Security Commission shall be notified and referred to the Contractor.
- F. Early in the project, the Grantee will develop a listing of contracts likely to be utilized during the project and publish information containing this list as a non-legal block ad in the local newspaper.
- G. Approved Signature

Elmo "Butch" Lilley

5-11-2011
Date

"Section 3" Compliance in the Provision of Training, Employment, and Business Opportunities.

Contractor agrees as follows:

1. The work to be performed under the contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and the contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
2. The parties to this Agreement will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

3. The Contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
4. The Contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24CFR Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
5. Compliance with the provisions of Section 3, the regulations set forth in 24CFR Part 135 and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its Engineers and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to sanctions as are specified by CFR Part 135.

VI. EQUAL EMPLOYMENT OPPORTUNITY (EEO) PLAN

To help insure the Grantee maintains the policy to achieve the goal of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment, the Grantee hereby adopts the following Plan:

- A. All jobs will be advertised as "Equal Employment Opportunity".
- B. EEO posters will be displayed in the County Office.
- C. The County Manager will monitor EEO goals outlined to insure compliance and make periodic verbal reports to the Board of Commissioners concerning the above stated Goal.
- D. The Grantee shall include appropriate EEO clauses in all CDBG contracts.

- E. The Grantee shall prohibit any retaliatory action of any kind taken by any employee of the Grantee against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.
- F. The Grantee will make efforts whenever possible to attract women and minority owned businesses to participate in the CDBG program.
- G. Approval Signature

Elmo "Butch" Lilley

5-11-2011
Date

VII. OPTIONAL COVERAGE RELOCATION PLAN

A. PURPOSE

The purpose of this optional coverage relocation assistance plan is to provide relocation assistance and payments to individuals and families displaced as a result of Community Development housing code enforcement or other Community Development Activities that are not otherwise covered by the Uniform Relocation Assistance and Real Property Acquisition Policies Act, hereinafter referred to as the Uniform Act.

B. ELIGIBILITY

Only those individuals and families displaced as a result of Community Development housing code enforcement or other Community Development Activities are eligible to receive assistance. In addition, eligibility of the individual or family must have been established and documented prior to the provision of financial assistance under this plan.

C. AUTHORITY

Optional relocation benefits are authorized by Section 105(a)(11) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and Sections 570.496a(d) and 570.606(d) of the interim rule which describes the "Act". This policy is promulgated in accordance therewith.

D. ASSISTANCE TO BE PROVIDED

The following optional coverage relocation policy is to be used during the implementation of the Community Development Block Grant Program. All persons displaced in accordance with this policy shall be provided relocation assistance in accordance with guidelines outlined under 49CFR24, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs", except as outlined below:

1. Displaced Person. The term "displaced person", as defined under 49CFR24, shall be redefined under this policy to mean any person who occupies a primary legal residence on the effective date of the initiation of negotiations, and who permanently moves from a primary legal residence as a direct result of the initiation of negotiations of either a voluntary demolition agreement, code enforcement demolition, or rehabilitation grant award.
2. Initiation of Negotiations. The term "initiation of negotiations", shall be redefined under this policy to mean the delivery date of either (1) a voluntary demolition agreement, or (2) a code enforcement initial complaint, whichever is earlier; or (3) the date of an owner's letter of intent for a rehabilitation grant award; or (4) the date of a Notice of Relocation Eligibility issued to the owner.
3. Comparable Replacement Dwelling. The term "comparable replacement dwelling", as defined under 49CFR24, shall be redefined under this policy to mean a dwelling which is (1) decent, safe, and sanitary, as defined in 49CFR24.2(f); (2) functionally equivalent to displacement dwelling not to include porches and accessory buildings; (3) adequate in size to accommodate the occupants; (4) on a site not subject to adverse environmental conditions; (5) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, commercial and public facilities, and reasonably accessible to the person's place of employment; (6) on a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, porches, or greenhouses; (7) currently available to the displaced person in the private market; however, a government subsidized dwelling unit will be considered comparable if it meets standards (1) through (6) above, and the displacement dwelling is government subsidized and (8) within the financial means of the displaced person, as defined under 49CFR24.2(d)8. Circumstances permitting temporary relocation and basic conditions of emergency move will be followed in accordance with 49CFR24.203(c)(4) and 49CFR24.204(b) and (c).
4. Relocation Notices. A "Notice of Relocation Eligibility", outlining all information described under 49CFR24.203(a) and (b) will be sent by certified mail or hand-delivered to all displaced individuals concurrently with any letter or document initiating negotiations for the displacement dwelling. Additionally, the CD Administrator will, in all cases, precede the initiation of negotiations with a documented personal interview with the individual to be displaced. Ninety-day notices shall be prepared and issued in accordance with 49CFR24.203(c).
5. Levels and amounts of CDBG assistance to eligible individuals and families shall include the following limits:
 - a. Homeowner Replacement Housing Payment - eligible homeowners who own the dwelling and who have occupied the dwelling for at least 180 days, may receive a replacement housing payment, as computed in accordance with HUD Handbook 1378 paragraphs 3-3 b.-2. and 3-6.

- b. Rental Assistance and Down payment Assistance - eligible tenants may receive an amount for rental assistance or down payment assistance as computed in accordance with HUD Handbook 1378 paragraphs 3-4 and 3-6.
 - c. Moving Expenses - eligible individuals or families may receive moving and related expenses as calculated in accordance with HUD Handbook 1378 paragraphs 3-2 and 3-6.
 - d. Temporary Relocation Expenses - eligible individuals or families may receive temporary relocation payments to cover the actual cost of temporary housing rental and utilities as applicable. All expenses must be authorized in advance by the program administrator.
 - e. Eligible tenants may elect assistance as described in Section 104(d) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and further described in Sections 570.496a(b) and 570.606(b) of the interim rule. The rental assistance provided for relocation under this section is as follows:
 - (1) A choice between (i) actual reasonable moving expenses as described in 24CFR42.301 or (ii) a fixed expense as described in 24CFR42.302.
 - (2) Advisory Services as described in 24CFR Part 42, Subpart C.
 - (3) Reimbursement for reasonable and necessary security deposit and credit checks.
 - (4) Replacement Housing Assistance - A person choosing to rent must be offered either (i) a Section 8 housing voucher/certificate (through the housing authority) and referrals to comparable replacement dwelling units where the owner agrees to participate in the Section 8 Program or (ii) cash rental assistance to reduce the rent and utility costs to 30% of his/her income (adjusted, as determined by grantee/recipient) for a 5-year period and appropriate referrals to comparable replacement dwelling units.
6. Delete.
7. Owner-occupants of displacement mobile homes situated on a rented site are eligible for down payment assistance of up to \$50,000 for purchase of a new mobile home site in lieu of a rental assistance payment, in addition to a replacement housing payment, if a comparable rental site cannot be located on a timely or cost-effective basis.
8. If such assistance, as prescribed in the above sections, is not sufficient to completely relocate a household in accordance with the Uniform Relocation Assistance and Real Property Acquisition Regulations (49CFR24) the Agency may provide additional assistance as outlined in 49CFR24.404, Replacement Housing of Last Resort.

E. AFFIRMATIVE ACTION FOR LOW INCOME AND MINORITY PERSONS

All relocation assistance provided under this plan will be undertaken in a non-discriminatory manner. Any low-income or minority individual or family assisted under this plan shall not be required to move to an area of low-income and/or minority concentration as a condition of receiving relocation assistance, unless they have been given opportunities to relocate to a comparable replacement dwelling that is not located in an area of low-income and/or minority concentration, if such opportunities are available.

F. RELOCATION RECORDKEEPING

Complete records, documents, and justification for payment made pursuant to this plan shall be maintained in accordance with the guidelines under 49CFR24.9 of the "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs".

VIII. RECORDS REVIEW POLICY

- A. Anyone wishing to review records must submit a written request to the County at least 2 days prior to the desired date for reviewing. The request must include an accurate name, address, phone no. and affiliation of the person or organization making the request.
- B. The County shall verify in writing to the address listed in No. A date and time to review program records.
- C. A County employee or agent designated by the County shall be present at all times when records are being reviewed.
- D. Copying shall be \$0.25 per page and shall be payable before copying.
- E. No records shall be removed without permission of the County.

IX. RECIPIENT'S PLAN TO FURTHER FAIR HOUSING

Martin County
Grantee

PO Box 668, Williamston, NC 27892
Grantee's Address

County Manager
Contact Person

252-798-4300
Telephone Number

- A. Indicate if the grantee will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.

First Time X (No Active grant) Past Activities _____

- B. Identify and analyze obstacles to affirmatively furthering fair housing in grantee's community.

Martin County began participation in the CDBG program with the funding of a 2010 CDBG application. Upon cursory investigation by the Program Administrator, the primary obstacle to furthering fair housing in the County had been the lack of knowledge and awareness by Martin County citizens of Title VIII information.

- C. Briefly describe the activities that the grantee will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule for implementation of these activities must be included. Activities must be scheduled for implementation at least on a quarterly basis.

The County proposes to undertake steps to provide information to Martin County residents on Title VIII requirements. The proposed steps are distribution of Title VIII information pamphlets, counseling services, and public announcement information.

1. First Quarter - 4-11 : Fair Housing information will be placed in the County Office.
2. Second Quarter - 7-11 : General Fair Housing information will be published in the local paper.
3. Third Quarter - 10-11 : The Fair Housing Complaint Procedure will be published in the local paper.
4. Fourth Quarter - 1-12 : Fair Housing information will be restocked in the County Office.
5. Fifth Quarter - 4-12 : Fair Housing information will be supplied to local Realtors.
6. Sixth Quarter - 7-12 : Fair Housing information will be provided to local churches.
7. Seventh Quarter - 10-12 : Fair Housing information will be restocked in the County Office.
8. Eighth Quarter - 1-13 : Fair Housing information will be provided to local lenders.
9. Ninth Quarter - 4-13 : Fair Housing information will be provided to local churches.
10. Tenth Quarter - 7-13 : Fair Housing information will be restocked in the County Office.

A TDD Number will be provided on all public information.

D. Will the above activities apply to the total municipality or county?

Yes X No ___ If no, provide explanation.

E. Describe grantee's method for receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under this CDBG grant. Include a description of how the grantee informs the public about the complaint procedures.

Martin County has adopted the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in Martin County may do so by informing the County Manager of the facts and circumstances of the alleged discriminatory act or practice;
2. Upon receiving a housing discrimination complaint, the County Manager shall acknowledge the complaint within 10 calendar days in writing and inform the North Carolina Human Relations Commission about the complaint. The County Manager shall then assist the Commission and the complainant in filing an official written housing discrimination complaint with the Commission, pursuant to the State Fair Housing Act and Title VIII;
3. The County Manager shall offer assistance to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based upon events occurring in Martin County.
4. The County Manager shall publicize in the local paper who is the local official to contact with housing discrimination complaints.

F. Approved Signature

Elmo "Butch" Lilley

5-11-2011
Date

X. **RESIDENTIAL ANTI-DISPLACEMENT PLAN AND RELOCATION ASSISTANCE PLAN**

A. **PURPOSE**

The purpose of this Plan is to comply with the provisions of Section 104(d) of the Housing and Community Development Act of 1974, as amended, as detailed in CPD Notice 88-33.

B. **DESCRIPTION OF PROPOSED ASSISTED ACTIVITY**

The Martin County 2010 CDBG program consists of the following assisted activities:

- 3 housing rehabilitations
- 2 housing demolitions
- 2 owner reconstructions
- 5 emergency repairs

The program cost is estimated to be \$400,000 including \$400,000 of CDBG funds and \$0.00 of local funds.

C. GENERAL LOCATION MAP AND PROJECTED NUMBER OF DWELLING UNITS TO BE DEMOLISHED OR CONVERTED TO USE OTHER THAN AS LOW/MODERATE INCOME HOUSING

Project Area maps and a general location map are included hereby reference. The CDBG program will demolish 2 units which are severely dilapidated but occupied. 2 replacement units are required for this program.

D. TIME SCHEDULE FOR COMMENCEMENT AND COMPLETION OF DEMOLITION OR CONVERSION

Commencement and completion of demolition of 2 units shall be during the fourth quarter of 2011.

E. GENERAL LOCATION MAP OF REPLACEMENT DWELLING UNITS

All replacement units shall be constructed or installed in the same location as the existing dilapidated structures. Therefore, project area maps for this program are included by reference.

F. FUNDING SOURCE AND TIME SCHEDULE FOR REPLACEMENT DWELLING UNITS

All replacement units will be funded with CDBG funds and shall be constructed or installed immediately after demolition outlined in "D" above.

G. BASIS FOR CONCLUDING THAT REPLACEMENT DWELLING UNITS WILL REMAIN LOW/MODERATE INCOME HOUSEHOLDS

All units will be conditioned to insure continued benefit to LMI households.

H. ACTIVITIES TO MINIMIZE THE DISPLACEMENT OF PERSONS FROM THEIR HOMES

Attempts will be made to rehabilitate existing housing wherever possible to eliminate the need to demolish and relocate wherever feasible.

OLD BUSINESS

Board Rules and Procedures Adoption

A cumulative copy of Board Rules and Procedures were recommended by County Manager Overman and Clerk Thompson for adoption by the Board of Commissioners. The Rules and Procedures will include the statutory release requirements of closed session minutes. A provision for sponsorship of a proclamation by a commissioner was included as well. Vice Chairman Bowen made the MOTION to adopt the Board Rules and Procedures as presented, with a SECOND by Commissioner Hyman. The motion was unanimously APPROVED.

The Board Rules and Procedures are included by reference and will be on file in the Clerk's Office.

Approve Resolution Approving the Water Shortage Response Plans WD1 & WD2

At March's meeting, Water District Manager Ed Warren presented Water Shortage Response Plans for both Water Districts 1 and 2 to the Board. The recommended revisions have been made to the draft. The availability of the plans for public inspection has been advertised. Chairman Lilley allotted time for the public to comment on these plans. No comments were made during the meeting. No written comments have been received.

Manager Overman recommended the adoption of the following resolutions approving the water shortage response plans for Water District 1 and Water District 2 to complete the process. The appropriate documentations will be forwarded to the NC Division of Water Resources.

Sitting as the governing body for Water District 1, Vice Chairman Bowen made the MOTION to adopt the following Resolution Approving the Water Response Plan for Water District 1, with a SECOND by Commissioner Price. The motion was unanimously APPROVED.

MARTIN COUNTY WATER DISTRICT 1 RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water shortage Response Plan for Martin County Water District 1 has been developed and submitted to the Board of County Commissioners for approval; and

WHEREAS, the Board of County Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for Martin County Water District 1 as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Martin County Water District 1 that the Water Shortage Response Plan entitled Water Shortage Response Plan, Martin County Water District 1 dated March 16, 2011, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Board of County Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This, the 11th day of May, 2011.

Sitting as the governing body for Water District 2, Vice Chairman Bowen made the MOTION to adopt the following Resolution Approving the Water Response Plan for Water District 2, with a SECOND by Commissioner Price. The motion was unanimously APPROVED.

**MARTIN COUNTY WATER DISTRICT 2
RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN**

WHEREAS, North Carolina General Statute 143-355 (1) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water shortage Response Plan for Martin County Water District 2 has been developed and submitted to the Board of County Commissioners for approval; and

WHEREAS, the Board of County Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (1) and that it will provide appropriate guidance for the future management of water supplies for Martin County Water District 2 as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Martin County Water District 2 that the Water Shortage Response Plan entitled Water Shortage Response Plan, Martin County Water District 2 dated March 16, 2011, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Board of County Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This, the 11th day of May, 2011.

NEW BUSINESS

Update on Equine Survey/Resolution Creating the Equine Development and Implementation Task Force

Executive Director EDC Marvin Davis gave the Board an update on the Equine strategic analysis supplied by Sanford and Holshouser. The study benchmarked three areas facilities. In Martin County, there are tremendous assets and opportunity for economic development and jobs in equine. One of the things pointed out in the report was that our coordination effects are not a good as they could be. Mr. Davis stated that we can attract more, do more, and be more in the equine industry by coordinating our various effects.

The EDC Board has recommended the adoption of the following resolution which would create an Equine Development and Implementation Task Force consisting of five at large members and several ex-officio members for two year terms each. Commissioner Smith made the MOTION to approve the resolution as presented, with a SECOND by Vice Chairman Bowen. The motion was unanimously APPROVED.

A Resolution Creating the Equine Development and Implementation Task Force

WHEREAS, equine development is important to the economic future and well being of Martin County; and

WHEREAS, an analysis has been undertaken setting a strategic direction for future equine development.

NOW THEREFORE BE IT RESOLVED by the Martin County Board of Commissioners that:

Section 1. There is hereby created an Equine Development and Implementation Task Force.

Section 2. The purpose of this Equine Development and Implementation Task Force is to successfully implement the Equine Development Strategy and to further build upon the opportunities for equine development.

Section 3. The membership of the Equine Development Implementation and Development Task Force shall consist of persons holding the following positions:

**Chairman, Martin County Board of Commissioners
Martin County Manager
Chairman, Martin County Economic Development Corporation
Executive Director, Martin County Economic Development Corporation
Agribusiness Manager, Senator Bob Martin Eastern Agricultural Center
Marketing Div. Director, N C Dept. of Agriculture and Consumer Services
Chairman, Martin Community College Board of Trustees
President, Martin Community College**

**Chairman, Martin County Tourism Development Authority
Executive Director, Martin County Tourism Development Authority
Chairman, Martin County Chamber of Commerce
Executive Director, Martin County Chamber of Commerce
At least five citizens having interest in equine development.**

Section 4. The County Commission Chairman shall appoint the Chairman of the Equine Development and Implementation Task Force from the membership as listed in Section 3.

Section 5. The Equine Development and Implementation Task Force shall make an initial report to the Martin County Commission no later than ninety days after adoption of this resolution setting forth the plan for implementation. Additional reports shall be to the Board of County Commissioners from time to time after the initial report.

Section 6. The Equine Development Implementation Task Force shall be established for a period of two years from the date of adoption of this resolution.

Adopted this the 11th day of May, 2011.

Appointment of Equine Development and Implementation Task Force Board

Vice Chairman Bowen introduced the MOTION, with a SECOND by Commissioner Hyman to appoint Norman Gurkin, Trish Andrews, and Ken Ambrose, Gary Speller, and Kay Lilley as at large members, as well as, appointing by virtue of their position the following members. The motion was unanimously APPROVED.

Elmo "Butch" Lilley, Chairman, Board of Commissioners
Laurence Lilley, Jr, Chairman, Economic Development Corporation
Marvin Davis, Executive Director, Economic Development Corporation
Durwood Taylor, Agribusiness Manager/Bob Martin Center
Tom Slade, Marketing Division Director/NCDA&CS
Charlotte Griffin, Chairman, Martin Community College Board of Trustees
Dr. Ann Britt, President, Martin Community College
Wayne Fox, Chairman, Tourism Development Authority
Sarah Katherine Adams, Executive Director, Tourism Development Authority
Randy Gardner, Chairman, Chamber of Commerce
David Whitley, Executive Director, Chamber of Commerce
W. Russell Overman, Martin County Manager

Resolution of Support for MCRWASA Water Treatment Plant

Manager Overman stated that a reclassification of the river for a segment of the Roanoke River regarding the water treatment plant that is being constructed for the Martin County Regional Water and Sewer Authority had been discussed at an earlier meeting. The Wooten Company has been working on that reclassification process and to continue moving forward a resolution must

be approved by the local governments having land use jurisdiction within the water supply watershed. These local governments are Bertie County, Martin County and the Town of Williamston. The river would be reclassified from a Class C to Class Water Supply IV (WS-IV) and Class Water Supply In Critical Area (WS-IV CA). Various aspects of the change were discussed by the Board. Commissioner Hyman questioned whether the reclassification would effect erosion and sedimentation controls. The Board decided to table this item until the next meeting so that a definite answer could be obtained to the question.

BUDGET ORDINANCE AMENDMENT-16

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
Human Services		
Dept of Social Services		
Assistance Program		\$ 40,000
Administration	\$ 40,000	

This will be no changes in the expenditures of the General Fund and no changes in revenues.

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.

MOTION by Vice Chairman Bowen and SECONDED by Commissioner Price to adopt the above budget ordinance amendment this 11th day of May, 2011. The motion was unanimously APPROVED.

Approval of Audit Contract for Martin County

Manager Overman explained that Pittard Perry & Crone, Inc had submitted a proposed audit contract to audit our accounts for the fiscal year ending June 30, 2011. This firm does a tremendous job for us and they are always available to and do make a presentation to the Board. This contract is for \$29,000 which is \$250 more than last year’s amount. Manager Overman recommended that the Board approve the contract which would then be forward to the Local Government Commission for their approval.

Commissioner Price asked whether other firms have shown an interest or if request for bids were ever done for the audit contract. Finance Officer Cindy Ange explained that bids have been done before but due to this being a specialized field of auditing, there are few certified public accountants (CPA) qualified to do this kind of audit and for a reasonable price. Commissioner Smith made the MOTION, with a SECOND by Commissioner Hyman to accept the audit

contract for Pittard Perry and Crone, Inc as presented. The motion was unanimously APPROVED.

Resolution Supporting Change in Speed Limit-Portion of Grand Canyon Road

Chairman Lilley turned the proceedings over to Vice Chairman Bowen who entertained a motion to approve the following resolution requesting a change in speed limit from 55 mph to 35 mph on a section of Grand Canyon Road, about 600 feet in length between the Smithwick Creek Bridge and the stop sign at Fire Department Road. Commissioner Smith made the MOTION, with a SECOND by Vice Chairman Bowen. Commissioners Bowen, Smith, Price and Hyman voted for the motion. Commissioner Lilley abstained. The motion was APPROVED by a majority.

RESOLUTION SUPPORTING CHANGE IN SPEED LIMIT A PORTION OF GRAND CANYON ROAD

WHEREAS, Grand Canyon Road (SR 1114) is a fairly straight, heavily travelled secondary road with a posted speed limit of 55 mph; and

WHEREAS, due to its design the road allows people to easily travel above the speed limit which creates safety issues particularly in the vicinity of Fire Department Road where it splits in half a residential/farming complex; and

WHEREAS, the Martin County Board of Commissioners are concerned about the safety of those living and working in this area.

NOW, THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners supports changing the speed limit on Grand Canyon Road from the Smithwick Creek bridge east to the intersection with Fire Department Road from 55 mph to 35 mph; and

THEREFORE BE IT FURTHER RESOLVED, that this resolution be forwarded to the Division Engineer of Division One so this request can be presented to the North Carolina Board of Transportation.

Adopted this, the 11th day of May, 2011.

Department of Social Services Appointment

Manager Overman stated that Ms. Olga Jones, a commissioner appointment to the Social Services Board is completing her second term June 30, 2011 and is therefore not eligible for reappointment. Commissioner Bowen has served as a non-voting "commissioner representative" or liaison for several years. Social Services Director Susan Davenport and Manager Overman recommended that Commissioner Bowen be appointed to the Social Services Board for a three year term. Commissioner Hyman made the MOTION to approve the appointment, with a SECOND by Commissioner Smith. The motion was unanimously APPROVED.

Approval of Department of Aging Food Bids

Recently, food bids were solicited for the congregate nutrition and home delivered meals programs within the Department of Aging. Bids were received from The Granville Restaurant of Windsor and current contractor Trumps Restaurant of Plymouth. Due to bids specification not being met, Manager Overman recommended that both bids be rejected and to re-advertise for request for bids. Offers will be extended to “coach” interested bidders on meeting the bid proposal requirements. Commissioner Price made the MOTION to reject both bids and to re-advertise, with a SECOND by Vice Chairman Bowen. The motion was unanimously APPROVED.

Approval of New Middle School Financing Documents

Listed below is an account of the proceeding as submitted to the bond counselor on the new middle school financing:

Commissioner Smith introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

RESOLUTION APPROVING AN INSTALLMENT FINANCING CONTRACT,
A DEED OF TRUST AND OTHER DOCUMENTS AND APPROVING AND
AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH FINANCING
A PORTION OF THE COST OF A NEW MIDDLE SCHOOL.

WHEREAS, the County of Martin, North Carolina (the “County”), is a validly existing political subdivision of the State of North Carolina (the “State”), under and by virtue of the Constitution and laws of the State; and

WHEREAS, the County has the power, pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended, to (a) finance the purchase of real and personal property by installment agreements that create in the property purchased a security interest to secure payment of the purchase price to the entity advancing moneys for such transaction and (b) finance the construction of fixtures or improvements on real property by agreements that create in such fixtures or improvements and in the real property on which such fixtures or

improvements are located a security interest to secure repayment of moneys advanced or made available for such construction; and

WHEREAS, the County and The Martin County Board of Education, a body corporate which has general control and supervision of all matters pertaining to the public schools in the Martin County Schools (the “Board of Education”), have determined to cooperate in a plan to finance a portion of the cost of a project which each has found to be necessary and desirable to provide for improved public school facilities and improved public education in the County; and

WHEREAS, such project consists of the construction of a new middle school and related facilities, including a new road, parking facilities and playing fields, on a site that is to be sold by the Board of Education to the County (the “Project”); and

WHEREAS, the Board of Commissioners for the County (the “Board”) has determined to proceed with the financing pursuant to said Section 160A-20 of a portion of the cost of the Project in an amount not to exceed \$15,000,000 (the “Amount Advanced”), and it is necessary to approve an installment financing contract, a deed of trust and other documents and approve and authorize certain actions in connection therewith; and

WHEREAS, pursuant to Section 54F of the Internal Revenue Code of 1986, as amended (the “Code”), the County has received an allocation of qualified school construction bond authority in an amount of not less than \$15,000,000 and desires that its obligation to repay the Amount Advanced under the Installment Financing Contract (as hereinafter defined) constitute a taxable direct payment qualified school construction bond pursuant to Section 54F of the Code; and

WHEREAS, there have been presented for consideration by the Board copies of the following documents relating to such matter:

(a) a draft of an Installment Financing Contract, between the County and Branch Banking and Trust Company (the “Installment Financing Contract”), under which Branch Banking and Trust Company (the “Bank”) would advance the Amount Advanced to finance a portion of the cost of the Project and the County would be obligated to make Installment Payments (as defined therein) to repay the Amount Advanced and to make certain other payments, among other requirements, such obligations being subject to termination by the County under certain circumstances as provided therein;

(b) a draft of a Sinking Fund Agreement (the “Sinking Fund Agreement”) among the County, the Bank and Branch Banking and Trust Company, as escrow agent (the “Escrow Agent”), under which the County would be obligated to pay a portion of the Installment Payments to the credit of a Sinking Fund established with the Escrow Agent to provide for the repayment of the Amount Advanced at the end of the term of the Installment Financing Contract;

(c) a draft of a Deed of Trust and Security Agreement (the “Deed of Trust”) which the County would execute and deliver to a trustee for the benefit of the Bank and which would encumber the site of the Project and the improvements on such site and certain related property, subject to certain exceptions, as security for the County’s obligation to repay the Amount Advanced and any other funds advanced to it pursuant to the Installment Financing Contract;

(d) a draft of an Agreement Concerning the Construction of a New Middle School (the “Administrative Agreement”) between the Board of Education and the County, which furthers such plan to finance a portion of the cost of the Project; and

(e) a draft of a Lease (the “Lease”) between the County, as lessor, and the Board of Education, as lessee, which provides for the lease by the County to the Board of Education of the site of the Project as a part of such plan to finance a portion of the cost of the Project;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby confirms that the Project and its use are essential for improved public education in the County and the Project will permit the County to carry out public functions that it is authorized by law to perform.

Section 2. The Board hereby finds and determines that it is in the best interest of the County to enter into the Installment Financing Contract, the Sinking Fund Agreement, the Deed of Trust, the Administrative Agreement and the Lease in order to effectuate the financing of a portion of the cost of the Project as described above.

Section 3. The form and content of the Installment Financing Contract, the Sinking Fund Agreement, the Deed of Trust, the Administrative Agreement and the Lease, each of which will be a valid, legal and binding obligation of the County in accordance with its terms, are hereby approved in all respects and the Chairman of the Board, the County Manager of the County, the Finance Officer of the County, the County Attorney of the County and the Clerk to the Board are hereby authorized and directed to execute and deliver the Installment Financing Contract, the Sinking Fund Agreement, the Deed of Trust, the Administrative Agreement and the Lease, as may be applicable, in substantially the forms presented to the Board, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary and appropriate, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board and the County; provided, however, that the due date of the final Installment Payment is not later than December 31, 2026 and that the Amount Advanced does not exceed \$15,000,000.

Section 4. The Board hereby approves, ratifies and confirms the actions of the County Manager, the Finance Officer and the County Attorney of the County in connection with this matter.

Section 5. The officers and employees of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the Installment Financing Contract, the Sinking Fund Agreement, the Deed of Trust, the Administrative Agreement and the Lease.

Section 6. The County hereby designates its obligation to repay the Amount Advanced under the Installment Financing Contract a qualified school construction bond for the purposes of Section 54F(a)(3) of the Code and hereby makes an irrevocable election on its books and records that Section 6431(f) of the Code will apply to such obligation to repay the Amount Advanced.

Section 7. If any section, phrase or provision of this resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this resolution.

Section 8. All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 9. This resolution shall take effect immediately upon its passage.

Upon motion duly made and seconded, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Lilley, Bowen, Smith, and Hyman

Noes: Price

Board Reports- None given

Update on Moratoc Park Renovations

Manager Overman stated that due to the death of David Fischetti, engineer of the Moratoc Park structural renovations, proposals are being sort from a Greenville Firm for the structural analysis, leveling the floor, possible removal of center column, and wall repairs.

Mr. David Hodges, Mid-East RC&D, had been responsible for the walking trails, picnic area and the restroom facility renovations. As a result of federal cuts, the Mid-East RC&D has been dissolved. The federal government only approved funds through time worked. Manager Overman will contact Mr. Hodges on the level of completion of that segment of the renovations.

CLOSED SESSION

CONSULTATION WITH ATTORNEY G.S. 143-318.11(a)(3)

Around 8:34 p.m., Commissioner Price made a MOTION, with a SECOND by Commissioner Smith to go into Closed Session according to G.S. 143-318.11(a)(3) Consultation with Attorney The motion was unanimously APPROVED.

No action was taken in closed session.

Commissioner Hyman made a MOTION to end Closed Session around 8:52 p.m., with a SECOND by Vice Chairman Bowen. The motion was unanimously APPROVED.

Open Session

ADJOURNMENT

With no further business to discuss, Vice Chairman Bowen made the MOTION to adjourn at 8:53 p.m., with a SECOND by Commissioner Price. The motion was unanimously APPROVED.

The next regular meeting of the Martin County Board of Commissioners is scheduled for Wednesday, June 8, 2011 at 7:00 p.m. in the Board Room of the Martin County Governmental Center, 305 East Main Street, Williamston, North Carolina.

Elmo "Butch" Lilley, Chairman

Marion B. Thompson, Clerk to the Board