

August 10, 2011

The Martin County Board of Commissioners met in Regular Session on Wednesday, August 10, 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, Interim County Manager Jack Williford, County Attorney J. Melvin Bowen, and Clerk to the Board Marion B. Thompson.

Chairman Lilley called the meeting to order. Elected officials were recognized and everyone was welcomed to the meeting.

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

AGENDA APPROVAL

The following items were additions to the agenda: Presentation - Resolution of Appreciation – Ms. Katie Matthews; ABC Travel Policy Adoption; Add-on to Appointment to the Region Q Workforce Development Board.

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

PUBLIC COMMENTS – An opportunity was extended for public comments by the Chairman. No one responded.

CONSENT AGENDA

Vice Chairman Bowen introduced a MOTION, with a SECOND by Commissioner Hyman to approve the following consent agenda items as presented. The motion was unanimously APPROVED.

1. **Minutes** for July 13, 2011, Regular Session
2. **Financial Report** for July 2011 for informational purposes only.
3. **Tax Relief Orders** for July 2011 in the amount of \$3,636.93

Year	Levy	Lname	Fname	Remarks	Value	Total
2011		Bland	William Earl	Clerk Error	3,500	54.35
2011		Griffin	Barbara J	High Milage	1,075	7.74
2011		Jenkins	Charles W.	High Milage	3,000	21.60
2011		Knott	Delorese A	Error in Value	1,650	11.89
2011		Miller	Stuart M	Out of Town		3.70
2011		Rogerson	Charles C.	High Milage	2,500	35.25
2011		Van Nortwick	Suzanne	Bill of Sale	1,250	9.01
2011		Griffin	Mayo Grimes	Error in Landfill		162.00
2011		Bailey	William Gerald Jr	Error in Landfill		162.00
2011		Bland	Fannie	Error in Landfill		486.00
2011		Coltrain	Jerry Wayne	Error in Landfill		162.00
2011		Corey	Bernard	Error in Landfill		162.00
2011		Gardner	Freddy R	Error in Landfill		162.00
2011		Lassiter	Mary Lilley	Error in Landfill		162.00
2011		Manning	Patricia Barber	Sold Mobile Home		10.39
2011		Mills	C W Etals	Error in Landfill		162.00
2011		Mobley	Terry Christopher	Error in Landfill		162.00
2011		Perry	Terry Lee	Error in Landfill		162.00
2011		Price	Jo Beth Carraway	Error in Landfill		162.00
2011		Revels	Frankie	Error in Landfill		162.00
2011		Roberson	Cherry Maria Etal	Error in Landfill		162.00
2011		Rodriguez	Robert	Error in Landfill		162.00
2011		Rodriguez	Robert	Error in Landfill		162.00
2011		Savage	Michael Douglas	Error in Landfill		81.00
2011		Smith	Florene B.	Error in Landfill		162.00
2011		Thomas	Naomi B	Error in Landfill		162.00
2011		Water Properties	LLC	Error in Landfill		162.00
2011		Wynne	Thurman E.	Error in Landfill		162.00
					Total	3,636.93

4. **Tax Collector's Report** for July 2011.

Month	Property Taxes Month to Date	Property Taxes Year to Date	MV Taxes Month to Date	Mv Taxes Year to Date
Jul-11	436,230.62	436,230.62	82,559.45	82,559.45

5. **Annual Settlement of Taxes**

Annual Settlement of Taxes for Fiscal Year Ending June 30, 2011

Taxes Receivable July 1, 2010	\$1,953,306.28	
Adjustment for Computer Errors (1)	-\$485.09	
Net Beginning Balance, July 1, 2010	\$1,952,821.19	
		<hr/>
2005	\$191.78	
2006	\$179.84	
2007	\$1,785.74	
2008	\$1,773.72	
2009	\$2,324.05	
2010	\$15,105,984.63	
2011	\$134,202.30	
		<hr/>
Total Taxes Charged to Tax Collector, Including years 2005-2011		\$17,199,263.25
Collection of Principal	-\$15,098,173.12	
Write-off of 2000 Delinquents to Conform to Audit Report	-\$31,287.47	
Discounts and Write-offs 2001-2011	-\$32,636.96	
Releases ***	-\$58,294.35	
Adjustments	\$104,918.66	
Refunds	\$48,320.14	
		<hr/>
Total Credits and Adjustments		-
		\$15,035,865.63
		<hr/>
Total Receivable as of June 30,2011		\$2,163,397.62
		<hr/>
Cash Collections Summary		
Principal amount of taxes	\$15,098,173.12	
Interest	\$192,392.38	
Over/Short Net Balance	-\$180.90	
Total Cash Deposit (Automated)		\$15,290,384.60

Notes to the Settlement Report
(1) Correction of AR Register and AR Summary

6. Albemarle –Tideland Retiree Fund Reporting

Albemarle-Tideland Retiree Fund 06-30-2011

Money received from ECBH on behalf of Tideland Retirees	\$ 676,280.72
Paid to NCACC for group coverage pre 65	65,825.12
Paid to BCBS for Medicare Supplement	27,424.32
Paid to individuals for coverage pre 65	<u>6,006.43</u>
Balance 06-30-2011	\$ 577,024.85

7. Authorization to Prepare 2012 SFR Application

Mr. Mike Barnette, McDavid Associates, Inc. requested the Board's authorization to prepare an application for 2012 SFR funds on behalf of Martin County to partner with the 2010 CDBG SSH program.

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

INTRODUCTION OF NEW EMPLOYEES – None have been hired since the last meeting.

PRESENTATIONS

Resolution of Appreciation – Ms. Katie Matthews

Commissioner Price recommended that the Board of Commissioner recognize Ms. Katie Matthews by presenting the following resolution for her service to the citizens of Martin County as a 2010 UNC-Chapel Hill Morehead-Cain recipient. Ms. Matthews has become the first person in Martin County to win this scholarship in fifty years. Commissioner Price made the MOTION, with a SECOND by Commissioner Smith to adopt the resolution as presented. The motion was APPROVED unanimously.

Congratulatory remarks and words of appreciation were extended by the Commissioners.

RESOLUTION OF APPRECIATION

WHEREAS, the Martin County Board of Commissioners desires to recognize and honor Ms. Katie Matthews as a 2010 recipient of the University of North Carolina-Chapel Hill's prestigious Morehead-Cain Foundation Scholarship; and

WHEREAS, the Martin County Board of Commissioners desires to recognize and honor Ms. Katie Matthews for her loyal service to the County of Martin and its citizens through her choice of summer enrichment experiences; and

WHEREAS, of the sixty three scholars, Ms. Katie Matthews was the only one that chose to give back to her local community as her public service project; and

WHEREAS, Ms. Katie Matthews chose to donate her \$4,000 stipend to the Multicultural Fine Arts Program; and

WHEREAS, Ms. Katie Matthews used her leadership skills to organize and train high school volunteers to help with various activities.

NOW, THEREFORE, BE IT RESOLVED that the Martin County Board of Commissioners extends to Ms. Katie Matthews its appreciation and gratitude for her leadership and dedication to the people of Martin County.

AND BE IT FURTHER RESOLVED that the Martin County Board of Commissioners extends its best wishes to Ms. Katie Matthews, Morehead-Cain class of 2014.

Adopted this 10st day of August, 2011.

Resolution of Support Observing Firefighters Week

Chairman Lilley recommended that the Board adopt the following resolution received from Representative Charles Graham adopted by the House on May 17, 2011 that encourages the citizens of North Carolina to observe the week of each year containing September 11 as Firefighters Week in North Carolina.

Those in attendance representing five of the seven fire departments were: Mr. Randy Gardner, JFD; Mr. Russ Smith, RFD; Mr. Kim Griffin, GFD; Mr. David Sawyer, HFD; Mr. Jay Peaks and Mr. Keith Manning, WFD.

A MOTION was made by Vice Chairman Bowen to adopt the resolution as presented, with a SECOND by Commissioner Smith. The motion was unanimously APPROVED.

Words of gratitude and appreciation were extended by the Board to all firefighters.

A RESOLUTION OF SUPPORT ENCOURAGING THE CITIZENS OF NORTH CAROLINA TO OBSERVE FIREFIGHTERS WEEK IN NORTH CAROLINA

WHEREAS, fighting fires is one of the most hazardous professions, requiring physical strength, stamina, extensive training, courage and selfless concern for the welfare of others; and

WHEREAS, firefighters provide valuable services to the citizens of North Carolina, their communities, and the State; and

WHEREAS, firefighters make sacrifices to protect the lives and financial interests of the citizens of North Carolina; and

WHEREAS, firefighters respond to emergencies without hesitation when the call of duty arises; and

WHEREAS, firefighters work with public safety officials and law enforcement officers to protect the integrity of crime scenes, which is necessary to resolve arson cases; and

WHEREAS, firefighters reside in the community in which they serve and have a great appreciation for protecting their communities; and

WHEREAS, it is appropriate to recognize the duties and services that firefighters perform by observing Firefighters Week in North Carolina.

NOW, THEREFORE BE IT RESOLVED that the Martin County Board of Commissioners and the House of Representative believe that all firefighters deserve to be honored for the invaluable service they provide to the State, its citizens, and communities.

BE IT FURTHER RESOLVED that the Martin County Board of Commissioners and the House of Representative encourage the citizens of this State to observe the week in September of each year containing September 11 as Firefighters Week in North Carolina.

Adopted this 10th day of August 2011.

Resolution Proclaiming Sept'11 Hunger Action Month

Mr. George Bright, Food of the Albemarle, was requesting that the Commissioners adopted the resolution below Proclaiming September 2011 Hunger Action Month. Food of the Albemarle represents 15 counties in northeast North Carolina. Of the 4,600,000 pounds of food distributed by 130 agencies in northeast North Carolina, one half million pounds came to Martin County. Only Beaufort and Pasquotank received more poundage of food from the Food of the Albemarle than Martin County. A national survey showed Bronx, NY as the only area greater in hunger than northeast North Carolina.

Mr. Bright recognized the following agencies in Martin County for their service in the distribution of the food: Back Swamp, Bibleway Project Relief, Everett Baptist Church, Faith Community Outreach, Full Gospel Way of the Cross, Heal Task Force Promiseland, Catholic Clearinghouse, Liberty Christian Center, Martin County Council on Aging and Unlimited Care.

Mr. Bright thanked the Board for their support and for helping to get the word out.

**Proclamation for
HUNGER ACTION MONTH
“30 Ways in 30 Days”
September, 2011**

WHEREAS, Feeding America is the nation's leading domestic hunger-relief organization with a mission to feed and advocate for America's hungry through a nationwide network of member food banks; and

WHEREAS, the Food Bank of the Albemarle is a member of Feeding America and fights hunger and poverty in 15 northeast North Carolina counties by partnering with more than 130 local agencies to distribute food to the hungry; and

WHEREAS, both the Food Bank of the Albemarle and Feeding America seek to engage our citizens locally, statewide, and nationally in the fight to end hunger; and

WHEREAS, the number of people in the Albemarle area who need assistance is increasing as reflected in more households in poverty and more individuals being unemployed; and

WHEREAS, the fight against hunger is a fight that concerns each of us; and

WHEREAS, the contribution of our time, talent and treasure moves us ever closer to an answer to issues of hunger and poverty in our communities; and

WHEREAS, the citizens of Martin County can visit the Food Bank of the Albemarle's website (www.afoodbank.org) for ideas of ways to make a difference for local emergency feeding programs, for the Food Bank, and especially for our hungry and needy during these thirty days of opportunities;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Martin County do hereby proclaim September 2011 as Hunger Action Month - with the theme of "30 Ways in 30 Days" - in Martin County.

ADOPTED this 10th day of August, 2011.

OLD BUSINESS

Review Retiree Health Insurance for New Hires – Article V

Sections of Article V - Other Employee Benefits have been rewritten to reflect the amendments approved by the Board in the last meeting. Interim County Manager Williford recommended tabling this agenda item until next month so that another section of Article V could be rewritten for clarity only.

MOTION by Commissioner Smith; SECONDED by Vice Chairman Bowen to table the review of Article V- Other Employee Benefits until next month's meeting. The motion was APPROVED unanimously.

ABC Board Travel Policy

Interim Manager Williford explained that on June 8, 2011, the Board of Commissioners approved the travel policy that had been adopted by the ABC Board in February 2010 which varies slightly from the County's travel policy. Their policy reimburse meals on a per diem basis rather than actual. Under NCGS 138-6, unless the local board adopts a travel policy that conforms to the travel policy of the appointing authority, Martin County in our case, any excess expenses not covered by the local board's travel policy shall only be paid with the written authorization of the appointing authority's finance officer.

On June 14, 2011, the ABC Board voted unanimously to adopt the travel policy of Martin County that is listed below. The ABC Board requested that the Board approve the ABC travel policy adopted June 14, 2011 to replace the policy adopted February 2010. Interim Manager Williford recommended approval of the policy.

Vice Chairman Bowen introduced the MOTION, with a SECOND by Commissioner Price to approve the ABC Travel Policy (Martin County's Travel Policy) adopted by the local ABC Board on June 14, 2011. The motion was unanimously APPROVED.

TABLE OF CONTENTS

TRAVEL REIMBURSEMENT POLICY

INTRODUCTION

The Martin County Board of Commissioners has adopted the following Travel Reimbursement Policy.

Section 1 – Purpose and Applicability of Travel Policy	2
Section 2 – Employee and Board Member Responsibility	2
Section 3 – Definitions and General Guidelines	2
Section 4 – Specific Guidelines Relating to Transportation, Subsistence & Other Costs	4
Section 5 – Authorization for Reimbursement Procedures	7

Section 1: Purpose and Applicability of Travel Policy

It is the intent of this policy to provide County of Martin departments and agencies a comprehensive reference for uniform interpretation of payment or reimbursement for travel expenses pertaining to official travel and subsistence.

All employees and officials of the County are subject to this policy.

Section 2: Employee and Board Member Responsibility

An employee or board member traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, luxury accommodations and services unnecessary or unjustified in the performance of official business are not acceptable under this standard. Employees and board members will be responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience. Employees and board members are expected to be in attendance at all meetings to which they are traveling. Willful violations of this policy may result in dismissal from County employment or other disciplinary action.

Section 3: Definitions and General Guidelines

A. Employee’s Duty Station: Duty station is defined as the job location at which the employee has been assigned. For an employee in travel status, the duty station should

be the point where traveling begins the majority of the time, usually the office. The designation of an employee's home as the duty station should be used if the mileage will be less and there is no reason for the employee to begin traveling from the office.

- B. Registration Fees: The County allows reasonable registration fees for employees and board members to be paid for each occurrence. They may be paid by the employee and then reimbursed or paid by the County. The County requires itemization and documentation of expenses.
- C. Reimbursements: All reimbursement requests shall be filed for approval and payment within 30 days after the travel period ends for which the reimbursement is being requested. Travel period is defined as the calendar month during which the travel occurred.
- D. Requesting Party: The person who will be reimbursed for travel costs incurred while conducting County business.
- E. Transportation: Transportation expenses include personal automobile, taxi, bus, train, airplane, motor pool charges, auto rentals, tolls, and parking fees. All travel expenses must be incurred by and for employees, board members, or other eligible travelers while conducting official County business.
- F. Travel: Travel is defined as going to and from the normal job location to another site out of town to conduct County business. Authorization of travel requests will be based upon need and cost/benefit of travel as determined by the Department Head and/or County Manager. All travel costs will either be paid directly by the requesting party, the Finance Office, or charged on the County charge card. The requesting party is encouraged to use travel agents and reserve transportation and lodging in advance when possible. Employees and board members should travel with other employees and officials of the County and representatives of other government units when possible. The requesting party will be reimbursed for actual costs incurred only, subject to the limitations established in this policy.
 - 1. In-State Travel: The first responsibility for approving all travel is with the respective Department Head. The Department Head must be informed as to routine travel and must approve in advance all unusual and overnight travel. The Department Head (and ultimately the Finance Officer) is responsible for determining that a sufficient unexpended appropriation remains in the department travel budget to reimburse all expected costs of travel. A travel authorization form will be submitted by the requesting party to the Department Head for authorization of travel at least five (5) working days prior to the date upon which travel will commence. If the Department Head is the requesting party, the form should be submitted to the County Manager. In case of emergency out of county travel, the Department Head or County Manager will be notified as soon as possible. (MC Form T1)

2. **Out-of-State Travel:** Out-of-state travel requests by employees and Department Heads will be approved by the County Manager in addition to the Department Head. The travel authorization form will be submitted to the County Manager no later than five (5) working days prior to the date travel will commence. (MD Form T1)
3. **Short Distance Travel:** Employee travel that does not require overnight lodging and is within the County should still have approval from the Department Head.
4. **Travel Advances:** Travel advances will be issued at the discretion of the Finance Officer or County Manager. Requests for advanced travel must be in writing to the Finance Officer. The amount of the travel advance may not exceed the estimated travel cost. Excess travel advances will be repaid no later than five (5) working days after the completing of the approved travel. The Finance Officer will not issue a travel advance unless it has been approved. (MC Form T2)
5. **Travel Allowances:** County Commissioners receive a \$50 per month payment for attending board meetings, conferences, workshops, committee meetings or any function they attend because of their status as Commissioner. This is in addition to any out of county mileage reimbursement and meals.

Section 4: Specific Guidelines Relating to Transportation, Subsistence, and Other Costs

A. Transportation

1. **Common Carrier:** Actual coach fare (substantiated by receipt) will be reimbursed. First class travel should be used only in extraordinary circumstances. Penalties and charges resulting from the cancellation of airline reservations (or other travel reservations) shall be the county's obligation if the employee's (or board member's) travel has been approved in advance and the cancellation or change is made at the direction of or for the convenience of the County. If the cancellation or change is made for the personal benefit of the employee, (or board member) it shall be the employee's (or board member's) obligation to pay the penalties and charges. However, in the event of accidents, serious illness or death within the employee's (or board member's) immediate family, or other critical circumstances beyond the control of the employee (or board member), the County will be obligated to pay the penalties or charges.

Super Saver Rates: When traveling by common carrier to conduct official County business, employees (or board members) traveling to their destination earlier than necessary and/or delaying their return to avail the County of reduced transportation rates may be reimbursed subsistence for additional travel days if, in the opinion of the County Manager, the amount saved in transportation costs due to the early and/or delayed travel is greater than the amount expended in salary and additional subsistence. Prior written approval is required.

2. Personal Vehicle: A requesting party may use his own personal vehicle for travel and be reimbursed only if one of the following conditions is met:
 - a. No County vehicle is available or use of a County vehicle is not practical.
 - b. There is no other County employee or official traveling to the same location.
 - c. The other vehicle will be over crowded if you travel with them.
 - d. There is other County business that you must attend either before or after the event that makes it impractical for you to travel with others.
 - e. It is for unusual circumstances and has been approved by the County Manager.
 - f. The requesting party needs a specially equipped vehicle.

When at all possible, employees and officials should ride together. Reimbursement will not be approved if the use of a personal vehicle is made for the personal benefit of the employee or board member.

The allowable IRS rate per mile will be paid for the use of personal vehicle. (Amended April 13, 2005, retroactive to March 1, 2005.)

Actual mileage is reimbursable mileage, measured from the duty station to the destination (and return).

Parking fees, toll and storage fees are reimbursable. Receipts are required for fees in excess of \$3.00 per day.

3. Rental Vehicle: A receipt is necessary for reimbursement. Rental vehicles are to be used as a last resort.
4. Commuting: No reimbursement shall be made for the use of a personal vehicle in commuting from home to duty station.
5. County Vehicles: County vehicles may be used for any authorized travel. The requesting party must obey all laws of the jurisdiction in which the vehicle is being operated. The vehicle will be used in conducting County business only. A de minimis (very small) amount of personal use, such as driving the vehicle to and from dinner, may be allowed. Non-county employees may accompany County employees and officials if they have business interest in the travel. Spouses and children of County employees and officials may accompany them in County vehicles if space is available and the trip is strictly for official County business. Use of the County vehicle must be approved by the County Manager.

B. Subsistence: Expenses for meals and lodging are expected to be reasonable. Motel and restaurant receipts are required before reimbursement.

1. Lodging

- a. Authorization: Approval by the Department Head or County Manager is required on the reimbursement request to substantiate that the overnight lodging was necessary. One day meetings less than 100 miles from Williamston should not require overnight travel, unless approved by the County Manager in advance.
- b. Reimbursement: Each employee is responsible for filing a request for reimbursement. Requests for reimbursement should be filed within 30 days after the travel period ends for which the reimbursement is being requested. Specific dates of lodging must be listed on the reimbursement request and substantiated by a receipt from a commercial lodging establishment. Other entertainment expenses, such as the cost of movies, that are included with the bill for lodging will not be reimbursed. (MC Forms T3, T4)
- c. Baggage handling tips may be claimed for porters at terminals and hotels at a maximum of \$3.00 per day as "Other" on the reimbursement form. (MC Form T4)

2. Meals

- a. Reimbursement: Each employee is responsible for filing a request for reimbursement. Filing procedures are the same as for lodging [see 1(b) above]. No reimbursements will be made for meals without receipts. Tips for meals are reimbursable but should be limited to 15% and when possible should be on the meal receipts. Alcoholic beverages are not reimbursable. (MC Form T3)
- b. Reimbursement for Meals Within the County:
 1. An employee or board member may be reimbursed for meals, including lunches, within the County when the job requires attendance at the meeting of a board, committee or council in an official capacity and the meal is preplanned as part of the meeting. (MC Form T3)
 2. An employee or board member may be reimbursed for meals, including lunches, when the meal is included as an integral part of a congress, conference, assembly, etc. (MC Form T3)

C. Other Costs

1. Conventions, Conferences and Meetings

- a. Limitations: Attendance at conventions conferences and meetings will be limited to two requesting parties from each department in addition to any requesting parties involved unless approved by the County Manager.
- b. Registration Fees: Penalties and charges resulting from canceling the registration to a convention, conference or meeting shall be the County's obligation if the employee's (or board member's) registration has been approved in advance and the cancellation or change is made at the direction of or for the convenience of the County. If the cancellation or change is made for the personal benefit of the employee (or board member) it shall be the employee's (or board member's) obligation to pay the penalties and charges. However, in the event of accidents, serious illness or death within the employee's (or board member's) family, or other critical circumstances beyond the control of the employee (or board member), the County will be obligated to pay the penalties or charges.

2. Telephone Calls

Long Distance: Employees and board members are allowed to charge long distance phone calls to the County for calls made of a personal nature up to a limit of \$5.00 per overnight trip. In most instances these calls will be made back home concerning travel arrival, departure, child care, etc. Personal calls exceeding \$5.00 may be charged to the room, but must be noted and not reimbursed by the County.

Section 5: Authorization for Reimbursement Procedures

A. Submitting Expense Reports

1. A requesting party will complete a reimbursement form and attach receipts for expenses requiring them, and submit to the Finance Office no later than 30 days after the travel period ends for which the reimbursement is being requested. Advances will be deducted from the reimbursable costs. (In the case of lost or misplaced receipts, the requesting party must certify the reason for not having a receipt, sign and date the certification. The Department Head must sign and approve the certification also.)
2. A requesting party submitting a falsified reimbursement form will be subject to disciplinary action and criminal prosecution. An authorizing party or Finance Officer who approves a falsified reimbursement form that they know to be false will be subject to disciplinary action or criminal prosecution. Violations of the County's travel policy may result in dismissal from County employment.

B. Approval and Processing of Reimbursement Requests

1. Reimbursement requests will be submitted to the authorizing party for approval. After approval by the authorizing party, the form should be forwarded to the County Finance Officer.
2. The Finance Officer will determine that the reimbursement form has been properly approved, that it is mathematically correct, and that requested reimbursements agree to submitted receipts and are within the limits set by this policy. If an error in the reimbursement request is found, the requesting party will be informed and the error will be corrected before payment is made.
3. Before the reimbursement is made, the Finance Officer will determine that an amount sufficient to pay the request has been encumbered for payment, or that there is a sufficient unexpended appropriation in the expenditure item. The Finance Officer will immediately inform the authorizing party and requesting party if payment cannot be made.

NEW BUSINESS

Order to Collect Taxes – 2010 & 2011

Interim Manager Williford stated that after examination, it appears that an order to collect taxes was not done for year 2010. NC G. S. § 105-321 states that before delivering the tax receipts to the tax collector in any year, the board of county commissioners or municipal governing body shall adopt and enter in its minutes an order directing the tax collector to collect taxes charged in the tax records and receipts. A copy of this order shall be delivered to the tax collector at the time the tax receipts are delivered to him, *but the failure to do so shall not affect the tax collector's rights and duties to employ the means of collecting taxes provided by this Subchapter.* Interim Manager Williford recommended approval for years 2010 and 2011.

Commissioner Smith made the MOTION, with a SECOND by Commissioner Price to approve the Order to Collect Taxes for years 2010 and 2011. The motion was unanimously APPROVED.

Approve Airport VISION 100 Grant Agreement & Resolution

NC DOT has mailed state airport aid grant agreements for the funding of the Airport VISION 100 Grant Project 36237.33.102 for the approach certification; NPDES Permitting Assistance; and Permitting Modification (fee).

Finance Officer Cindy Ange has given assurance that no additional local match has to be allocated. This will be simply a case of moving unused monies to an area where it is now needed. Monies have been transferred in past Airport projects with the approval of NCDOT and the Board of Commissioners'.

Interim Manager Williford recommended approval for the Chairman to execute the VISION 100 Grant Agreement and Resolution.

RESOLUTION

A motion was made by Commissioner Price and seconded by Commissioner Hyman for the adoption of the following resolution and upon being put to a vote was duly accepted: Unanimously

WHEREAS, a Grant in the amount of \$22,386 has been approved by the Department based on total estimated cost of \$24,873; and

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

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

Resolution In Opposition to the Merger of MCC

In the last meeting doing board reports, MCC Chairman Charlotte Griffin gave an emotional report on a meeting in Raleigh pertaining to the recommendation that the NC Joint Legislative Program Evaluation Oversight Committee consolidate/merge 22 North Carolina Community Colleges, with Martin Community College being one of them.

MCC President Dr. Ann Britt and MCC Chairman Griffin have both submitted resolutions for the Board to consider for adoption. Excerpts from the two resolutions have been used to create a single document for the Board's consideration. Interim Manager Williford recommended that the Board adopt the resolution presented below.

Commissioner Hyman (a member of the MCC Board) made the MOTION, with a SECOND by Vice Chairman Bowen to approve the resolution as presented. The motion was unanimously APPROVED.

RESOLUTION IN OPPOSITION TO THE CONSOLIDATION OF MARTIN COMMUNITY COLLEGE WITH ANY OTHER COMMUNITY COLLEGE

WHEREAS, the North Carolina Joint Legislative Program Evaluation Oversight Committee has received a recommendation to consolidate 22 North Carolina Community Colleges based on the findings in the North Carolina Community College Efficiency Study; and

WHEREAS, the Caryle Commission and the General Assembly recognized that a Community College System, with colleges within 30 miles of every citizen, local control, and local financial support would ensure that all citizens have equal opportunity to an education and that workforce development needs of communities are met, which is critical to the need to train workers for the new industrial age; and

WHEREAS, community colleges were created to serve the needs of communities and communities are different, and "community" colleges respond to the differences; and

WHEREAS, Martin County is a socially and economically depressed Tier One County, and the importance of Martin Community College in meeting “our” local needs with locally established policies directed to what is in the best interest of our citizenry, cannot be underestimated; and

WHEREAS, the consolidation of our community college would create a branch campus of another college; and

WHEREAS, a branch campus would not be perceived in the same way, but would result in a negative impact in the community because the sense of importance of the institution to constituents would be diminished and the opportunity for creative, flexible rapid response to industry needs and concerns would be lost; and

WHEREAS, there is the very real potential to make educational opportunities less accessible and less affordable to our already distressed community, and in some instances, place the dream of a better life beyond reach.

THEREFORE, BE IT RESOLVED, on this 10th of August, 2011, that the Martin County Board of Commissioners is opposed to consolidation or merger of Martin Community College with any other community college.

Approve Amendment Article IV, Section 2-C: Conditions of Employment – Overtime/Compensatory Time

It was brought to our attention that Compensatory time was not included in the Employee Handbook, Article IV, Section 2-C and the “opinion”, though not required by FLSA standards, was that compensatory time should be counted in computing overtime. (The reasoning for example given by Interim Manager Williford: if an employee took 8 hours compensatory time on Monday, work 35 hours Tuesday through Friday, total hour should be shown as 43 hours thus earning 3 hour of overtime at time and a half.)

Under the Fair Labor Standard Act (FLSA), "overtime" means "time actually **worked** beyond a prescribed threshold." The normal FLSA "work period" is the "work week" -- 7 consecutive days -- and the normal FLSA overtime threshold is 40 hours per work week. Some jobs may be governed by a different FLSA overtime threshold (*such as law enforcement*).

Interim Manager Williford strongly believed that due to a practice on a consistent basis that sick leave, annual leave, **compensatory time**, leave without pay, or holiday have not been counted when computing hours worked in a particular work week or work period that it was the Board's intention when adopting this rule to not include compensatory time to compute normal FLSA overtime.

Interim Manager Williford recommended that the Board approve amending Article IV, Conditions of Employment, Section 2: Overtime, Overtime Pay, Compensatory Time & Holiday Pay to read as follows: Sick leave, annual leave, **compensatory time**, leave without pay, or holiday do not count when computing hours worked in a particular work week or work period.

Vice Chairman Bowen made the MOTION to approve the amendment as presented; SECONDED by Commissioner Price. The motion was APPROVED unanimously.

Home and Community Care Block Grant/Agreement Approval

The Department of Aging requested that the Board approve the annual Home and Community Care Block Grant Agreement/County Funding Plan and ask that the Board authorize Chairman Lilley to execute any of the necessary documents.

Commissioner Smith made the MOTION, with a SECOND by Vice Chairman Bowen to accept the grant agreement and to authorize the Chairman to execute any necessary documents. The motion was APPROVED unanimously.

Region Q Workforce Development Board Appointments

Workforce Development Director Walter Dorsey recommended that the Board consider appointing Mr. Reginald Speight, Martin Community Action, to the Region Q Workforce Development Board as a Community Based Organization representative and Mr. Roy Lilley, Johnson and Lilley, as private industry to complete the unexpired term of Commissioner Derek Price through June 30, 2012. Commissioner Price resigned due to conflicting schedules.

Commissioner Smith made the MOTION, with a SECOND by Commissioner Price to appoint Mr. Reginald Speight for a two year term and Mr. Roy Lilley to the Region Q Workforce Development Board through June 30, 2012. The motion was APPROVED unanimously.

Approve Moratoc Trail Bid

Bids were solicited for the Moratoc fitness, walking, connection trail. H & H Landscaping and Barber's Concrete have submitted bids. Of the proposals received, Mr. Wade Barber, Barber's Concrete (\$54,244.42) was recommended as the bid of acceptance for the renovations. An adjustment to the total bid has been made to include additional supplies totaling \$1,615.35. Total bid after adjustment is \$55,859.77. Interim Manager Williford recommended entering into a contract with Mr. Barber for the project and to authorize County Attorney Bowen to execute the contract.

Commissioners Lilley, Bowen, Price and Hyman expressed reservations over the range of high and low bids.

Commissioner Price stated that there was some hesitation and hoped the contractor has not missed anything. Commissioner Price expressed a concern about operating under Mr. Barber's license.

Vice Chairman Bowen assured Maintenance Supervisor Justin Harrison that he would be held responsible for supervision only of this project, to make sure specifications are carried out.

Chairman Lilley explained that the Interim Manager Williford, Supervisor Harrison, and Finance Officer Cindy Ange had met with Mr. Barber in the county manager's office. An in depth review was done on the specifications and was satisfied that he could complete the project within proposed cost. Chairman Lilley commented on the good quality of work that Mr. Barber has done in the past. Chairman Lilley expressed his confidence in the decision to choose the bid given by Barber's Concrete.

Commissioner Smith stated that Mr. Barber is a professional who would enter into this agreement with faith and goodwill. He added that Mr. Barber's work record has spoken for itself and that some are willing to work for less, to give back to the community.

Commissioner Hyman stated that he agreed with the comments made by Commissioners Bowen and Price.

Commissioner Smith introduced the MOTION to accept the bid of \$55,859.77 offered by Barber's Concrete. Commissioner Price SECONDED the motion. After the discussion, the motion was APPROVED unanimously.

Appoint EMS Medical Director/ Approval Agreement

Martin County has been without a Medical Director since June 30, 2011. OEMS Regional Specialist Todd Messer stated in a memo that until a new EMS Medical Director is hired, all EMS Personnel that fall under the Martin County EMS System plan will be allowed to perform all basic and non-invasive (Including AED and Oxygen delivery devices) procedures allowed for EMT's under the current State of North Carolina EMS Protocols. All invasive procedures including and not limited to Advanced airways, BIAD placement, Blood Glucose monitoring, Hemostatic agents, Medication administration, Tourniquet placement, etc... will require Martin County EMS Personnel to contact the on duty Medical Control at Martin General Hospital and request verbal orders for such procedures. All granted procedures must be documented in the Patient Care Report (PCR) and accompanied by a receiving Physicians signature.

The EMS Advisory Council recommended that the Board appoint Dr. Joseph Dell'Aria as Medical Director for Martin County. Dr. Dell'Aria has stated that he is willing to accept the position. Emergency Management Director Mike Stalls stated that the Shumaker Group, which provides doctors for Martin General Hospital, has given its approval. The North Carolina Office of EMS must give final approval.

Vice Chairman Bowen made a MOTION, with a SECOND by Commissioner Hyman to appoint Dr. Dell'Aria as Martin County Medical Director under the following contract contingent on NC OEMS approval. The motion was unanimously APPROVED.

AGREEMENT

NORTH CAROLINA

MARTIN COUNTY

This Agreement, effective as of the 15th day of August 2011, by and between Martin County, North Carolina (hereinafter "County"), for contractual services by Joseph C. Dell'Aria, MD as Martin County EMS Medical Director.

WITNESSETH

For the purpose and subject to the terms and conditions hereinafter set forth, the County hereby contracts for the services of the Provider, and, the Provider agrees to provide the services to the County in accordance with the terms of this Agreement.

I.

The services to be performed by the provider shall be as follows:

1. Training and instructional courses for ambulance and emergency medical personnel of the Martin County Emergency medical Service at facilities within the County designated by the County.
2. Medical advice to ambulance and emergency personnel of the Martin County Emergency Medical Service.
3. Perform the duties and responsibilities listed for a Medical Director as enumerated in the Title 10 – Department of Health & Human Resources, Chapter 3 Facility Services, Sub-Chapter 3D Office of Emergency Medical Services Regulations Section .2801 Medical Oversight.

II.

The services of the Provider shall begin on August 15th, 2011 and shall be provided until June 30, 2012, provided that either party shall have the right to terminate this Agreement for services upon thirty (30) days notice in writing to the other party.

III.

As full compensation for the Provider's services, the County agrees to pay the Provider the sum of Eighteen Thousand Dollars (\$18,000.00) per annum. Total payments under this contract are not to exceed Eighteen Thousand Dollars (\$18,000.00), during fiscal year 2011-2012.

IV.

The Provider shall bill the County for services rendered during the preceding quarter (3 months). The County shall pay all such bills within the following ten (10) days provided all elements of the Agreement are satisfactorily met.

The Provider shall operate as an independent contractor, and the County shall not be responsible for any of the Provider's acts or omissions. The Provider agrees to hold the County harmless

from and against any and all claims, expenses (including attorney fees), costs or liability for acts or omissions of the provider.

The Provider shall not be treated as an employee of the County with respect to the services performed hereunder for federal, nor state, nor payroll tax of any kind shall be withheld or paid by the County on behalf of the Provider or the employees of the Provider. The Provider further understands and agrees that the Provider is fully responsible for the payment of any and all taxes arising from the payment of monies under this Agreement.

The Provider shall not be treated as an employee of the County with respect to the services performed hereunder for purposes of eligibility for, or participation in, any employee pension, health, or other fringe benefit plan of the County.

The Provider shall supply, at his/her sole expense, all equipment, tools, materials, and/or supplies required to provide contracted services unless otherwise agreed in writing.

The Provider has no authority to enter into contracts or agreements on behalf of the County.

The Provider declares that it has complied with all federal, state and local laws regarding business permits, certificates and licenses they may be required to carry out the services to be performed under this Agreement.

The Provider will have medical malpractice liability coverage as described in the attached Liability and Property Coverage Certificate from the North Carolina Association of County commissioners. (See Attachment A)

BOARD REPORTS

County Manager Search

Interim Manager Williford distributed to each commissioner a tentative list of questions for the County Manager interviews. The Board was asked to review the list and make comments.

Used Cars for Transit

Vice Chairman Bowen, a member of the Transit Advisory Board, stated that Transit is in need of two used cars to transport clients who cannot ride the transit buses or vans. Vice Chairman Bowen questioned if the Sheriff Department had two used cars for Transit. Interim Manager Williford will check into getting the used cars for Transit.

Land Use Plan Implementation

Commissioner Price commented that he serves on several transportation boards. He is constantly reminded by the NCDOT and the engineers that Martin County is one of a few counties left that do not have a land use plan. A land use plan is not countywide zoning. Commissioner Price

asked for the Board's blessing to have a preliminary conversation only with Mr. Bryant Buck about the land use plan.

Chairman Lilley stated that there are lots of complex details involved in land use planning with much of the details sound like zoning.

Commissioner Smith suggested that the discussion focus on the complexity of putting things together. He recommended resources such as NC State and Gateway programs as a source of information on land use planning.

Testing of Fire Hydrant Flow Meters

Chairman Lilley requested that testing be done on the flow meters on rural fire hydrants, the possibility of color coding the good hydrants (most gallons per minutes), and to report the results of the findings at the next meeting.

Equine Development and Implementation Task Force

The Equine Development and Implementation Task Force submitted an initial report to the Martin County Board of Commissioners setting forth the plan for implementation. Additional reports shall be presented to the Board of County Commissioners from time to time after the initial report.

Recess

The meeting was recessed for ten minutes.

CLOSED SESSION

POTENTIAL LITIGATION G.S. §143-318.11(a)(3) AND EXPANSION OF INDUSTRY G.S. §143-318.11(a)(4)

Around 8:26 p.m., Commissioner Smith made a MOTION, with a SECOND by Commissioner Price to go into Closed Session according to NC G.S. §143-318.11(a)(3) Potential Litigation and Expansion of Industry NC G.S. §143-318.11(a)(4). The motion was unanimously APPROVED.

No action was taken in closed session.

Commissioner Price made a MOTION to end Closed Session around 9:50 p.m., with a SECOND by Vice Chairman Bowen. The motion was unanimously APPROVED.

Open Session

Landfill Fee – Atwell Construction

Commissioner Price made the MOTION to authorize Finance Officer Cindy Ange to bill Atwell Construction \$14,515.87 for landfill dumping, with a SECOND by Vice Chairman Bowen. The motion was unanimously APPROVED.

ADJOURNMENT

With no further business to discuss, Vice Chairman Bowen made the MOTION to adjourn at 9:55 p.m., with a SECOND by Commissioner Smith. The motion was unanimously APPROVED.

The next regular meeting of the Martin County Board of Commissioners is scheduled for Wednesday, September 7, 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