

May 10, 2017

The Martin County Board of Commissioners met in Regular Session on Wednesday, May 10, 2017 at 7:00 p.m. in the Martin County Governmental Center, Commissioners' Boardroom at 305 East Main Street, Williamston, North Carolina.

ASSEMBLY

Those in attendance: Chairman Elmo "Butch" Lilley, Vice Chairman Tommy Bowen, Commissioner Ronnie Smith, Commissioner Dempsey Bond, Jr., Commissioner Joe R. Ayers, County Manager David Bone, Clerk to the Board Marion B. Thompson and Finance Officer/Deputy Clerk Cindy Ange.

County Attorney J. Melvin Bowen was not in attendance. Attorney William Batchelor, a partner of Bowen and Bachelor, Co. Attys., was on-hand as a consultant in the absence of Attorney Bowen.

Chairman Lilley called the meeting to order shortly after 7:00 p.m. Commissioner Ayers led the pledge of allegiance. Commissioner Smith provided the invocation.

Chairman Lilley welcomed everyone. Elected officials, Martin County Sheriff Dan Gibbs, Town of Parmele Mayor Jerry McCrary, Town of Hassell Mayor Jane Williams, and Town of Williamston Mayor Joyce Whichard-Brown were recognized. Bear Grass Mayor Charlotte Griffin arrived later.

AGENDA APPROVAL

Economic Development Corporation President Jason Semple requested the addition of the following item to the agenda:

- NC Commerce Rural Economic Infrastructure Grant Agreement for the Rail Expansion–Project AC

Immediately after Chairman Lilley asked for a motion to approve the agenda with the inclusion of the requested item, Commissioner Bond requested that the agenda also be revised by either pulling, tabling or adding to the Consent Agenda, New Business, Item #8 - Martin Community College Commissioners' Representative Appointment because the said item involved him. Commissioner Bond stated Commissioner appointments/reappointments were usually added to the Consent Agenda and he wanted to be treated the same as the rest of the Commissioners.

Commissioner Smith questioned why the Commissioner Representative appointment was placed under New Business. Adding, in the past the gentleman's agreement between the Board of Commissioners allowed a sitting Commissioner to stay on a board as long as he desired. Commissioner Smith stated he wanted to remain consistent and fair.

Commissioner Smith made the Motion to approve the agenda with the addition of the Grant Agreement and the placement of the MCC Commissioner Representative appointment/reappointment on the Consent Agenda (rather than New Business), with a

SECOND by Commissioner Bond. Commissioners Smith and Bond voted FOR the motion. Commissioners Lilley, Bowen and Ayers voted AGAINST the motion. The motion FAILED with a 2 to 3 vote. With the failure of the motion, the agenda remained as presented in its original form.

On that note, Commissioner Smith made the MOTION to pull all appointments/reappointments (Consent Agenda Items #6:a-c and New Business Item #8) from the agenda until a later date, with a SECOND by Commissioner Bond. Commissioners Lilley, Bowen, Smith and Bond voted FOR the motion, as stated. Commissioner Ayers voted AGAINST the motion. The motion PASSED by majority 4 to 1.

Commissioner Smith made the MOTION to approve the revised agenda, with the addition of the new item and the pulling of the previously stated items, with a SECOND by Vice Chairman Bowen. The motion was APPROVED unanimously.

PUBLIC COMMENTS – None

CONSENT AGENDA

Vice Chairman Bowen made the MOTION to approve the Consent Agenda, as revised, with a SECOND by Commissioner Bond. The motion was unanimously APPROVED.

1. **Minutes** for April 12, 2017, Regular Session.
2. **Financial Report** for March 2017 included for informational purposes.
3. **Tax Assessor – Request for Records Purge/Destruction**

Tax Assessor Elisha Hardison requested permission to shred the records list below, in accordance with the Amended Records Retention and Disposition Schedule provided by the North Carolina Department of Cultural Resources dated July 31, 2008.

Record to be Destroyed	Recommended Retention	Years on file Through June 2017	Years Requested to be Destroyed
Deferred Taxes	10 Years or 2 Revaluation cycles	20	10
Present Use Value Record	Until Superseded or Obsolete	20	10
Tax Abstracts & Lists	10 years of 2 Revaluation Cycles	11	1
Tax Relief Records	10 years of 2 Revaluation Cycles	11	1
Motor Vehicle Scrolls	10 years	11	1

4. **Tax Relief Orders – April 2017**

<u>Year Levy</u>	<u>Lname</u>	<u>Fname</u>	<u>Reason</u>	<u>Value</u>	<u>Total</u>
2012	Silverthorne	Irvin	Error in Value	20,540	137.62

2013	Silverthorne	Irvin	Error in Value	20,540	147.89
2014	Silverthorne	Irvin	Error in Value	20,540	147.89
2015	Silverthorne	Irvin	Error in Value	20,540	150.97
2016	Silverthorne	Irvin	Error in Value	20,540	150.97
2016	Johnson	Donald M	Error in Landfill		<u>172.00</u>
				Total	907.34

5. Tax Collector's Report – April 2017

Category	April	April Y-T-D
20	\$123,837.02	\$8,617,540.51
25	<u>3,189.55</u>	<u>3,969,878.43</u>
	\$127,026.57	\$12,587,418.94
30	<u>368.50</u>	<u>4,340.23</u>
	\$368.50	\$4,340.23
	\$127,395.07	\$12,591,759.17

6. Use of Public School Building Capital Fund – NC Education Lottery

In a memo, Finance Officer Cindy Ange explained NC G. S. Chapter 18C has provided that a portion of the NC's lottery proceeds should be allocated to each county within the Public School Building Capital Fund (PSBCF) based on average daily membership (ADM), in accordance with N C G. S. 115C-546.2. Two sources of revenue comprise the Public School Building Capital Fund: a set-aside from the corporate income tax, known as the ADM fund, allotted based on average daily membership (ADM) in each county; and a percentage of the net proceeds from the N.C. Education lottery.

Monies in the Fund are to be used to pay for public school construction projects and to retire indebtedness incurred for school construction projects. PSBCF also may contain some residual corporate income tax distributions.

An application was prepared that requested funds from lottery proceeds to assist in making the debt and interest payment on Riverside Middle School. Approximately \$15 million was used to build Riverside Middle school in 2013. The annual debt payment is approximately \$1 million, with \$264,000 being included in the PSBCF request for the debt payment. The remaining \$26,338 was for one-half of the interest required as payment to the federal government, due to sequestration.

A County Board and School Board must jointly apply to the NC Department of Public Instruction (NC DPI) on a project-by-project basis to access the monies in the Fund. The Martin County Board of Education approved the request at its May 1, 2017 meeting.

The Board of Commissioners approved the application / request for funds from the Public School Building Capital Fund (PSBCF), as part of the Consent Agenda.

7. **Clerk Report** included for informational purposes.

INTRODUCTION OF NEW EMPLOYEE (S)

The following new full-time employees were introduced: Sheriff Dan Gibbs introduced Deputy/School Resource Officer Kit Carson; DSS Deputy Director Frank Halsey presented Income Maintenance Caseworker Nabeth Webb and Social Worker Shanice Roberson.

On behalf of the Board, Chairman Lilley welcomed the new employees to the Martin County workforce family.

PRESENTATION(S)

Resolution of Memoriam – Mr. Kay Eldridge Pittman

In 2009, Mr. Kay Eldridge Pittman was appointed to the Martin County Equalization and Review Board, became its 1st Chairman, and served in that capacity until his health declined. Mr. Pittman died on April 15, 2017.

A resolution below was created for presentation to the family to remember, to say thank you, and to express gratitude for his years of dedication, commitment, and service to the citizens of Martin County.

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

Ms. Jane Thomas (sister) and Ms. Rebecca Lilley (sister-in-law) received the resolution on behalf of the Pittman family. Ms. Thomas expressed appreciation for the recognition. Adding, Mr. Pittman loved Martin County and serving in the community.

Chairman Lilley stated Mr. Pittman was a brother to him and would be missed.

RESOLUTION IN MEMORIAM

WHEREAS, Mr. Kay Eldridge Pittman served his community in various capacities; and

WHEREAS, Mr. Kay Eldridge Pittman acquired business skills and expertise at NC State University and Atlantic Christian College (now Barton College), that served him well in his professional endeavors, as well as life, in general; and

WHEREAS, while Mr. Kay Eldridge Pittman was not a native of Martin County, he embraced the community that became his home and applied those same skills in such areas as being a devoted member of Piney Grove Baptist Church, serving as a Trustee of the Martin Community College Board, and in years past, as a board member of the Tideland Mental Health Board and the Albemarle Health Board, which is only a

glimpse of the contributions made during his lifetime in the Martin County area alone;
and

WHEREAS, he will be particularly remembered and commended by the Martin County Board of Commissioners for his commitment and service on the Martin County Special Board of Equalization and Review; and

WHEREAS, shortly after the establishment of the Martin County Special Board of Equalization and Review in January 2009, Mr. Kay Eldridge Pittman was appointed, and he served faithfully and diligently as Chairman, being reappointed nine consecutive times;

NOW, THEREFORE, the Martin County Board of Commissioners, do hereby extend sincere condolences and expressions of gratitude to the family and friends of Mr. Kay Eldridge Pittman upon his passing on April 15, 2017, and urge all citizens to join in recognizing and remembering his commitment and service to Martin County.

Adopted this 10th day of May, 2017.

Elmo "Butch" Lilley, Chairman

Marion B. Thompson, NCCCC
Clerk to the Board

May NCACC Video Update

The NC Association of County Commissioners' May video update highlighted the weekly legislation brief sent by email, the video "Made for Governing" on general assembly updates of concern to county government, office relocation updates, action taken to recognize first responders to the March 2017 Quorum fire, encouraged counties to hold forums on opioid abuse and thanked the six districts who hosted the 2017 regional meetings. The sponsors, Local Government Federal Credit Union, M. B. Kahn Construction Co., Nationwide and Waste Industries, were also thanked for funding the events. The video could be viewed online at <https://www.youtube.com/watch?v=5zTpeV2gIcw&feature=youtu.be>.

PUBLIC HEARING(S)

2nd FY 2016 Martin County Community Development Block Grant (CDBG) Program

On October 12, 2016, in anticipation of a possible Martin County application to the North Carolina Small Cities Community Development Block Grant (CDBG) program, Martin County held a "first public hearing" about the CDBG program and allowed the citizens of Martin County an opportunity to express their views concerning community development needs and priorities.

Martin County now proposed to submit an application, and a 2nd CDBG public hearing was a prerequisite of that process. An affidavit was included with the agenda packet confirming the second Public Hearing had been duly scheduled and advertised, in accordance with regulations.

Vice Chairman Bowen made the MOTION to enter the 2nd Public Hearing on the Martin County CDBG Program, with a SECOND by Community Ayers. The motion was APPROVED unanimously.

County Manager David Bone read the following explanation for the public hearing in its entirety:

COMMUNITY DEVELOPMENT BLOCK GRANT
PUBLIC HEARING # 2

- Purpose: The purpose of this public hearing is to explain the State of North Carolina Small Cities Community Development Block Grant (CDBG) program and allow the citizens an opportunity to express their views concerning community development needs and priorities. Federal funding comes from the U.S. Department of Housing and Urban Development (HUD) and CDBG program activities must meet one of the national objectives: (1) benefit to low- and moderate- income (LMI) persons; (2) prevent or eliminate slum and blight; or (3) address an urgent need.
- Proposed Project: Martin County is proposing to request \$620,000 in CDBG Economic Development Building Reuse funds (30% of total project costs) from the NC Department of Commerce, Rural Economic Development Division. These funds would be used to fund a project that will include renovation of a vacant 53,000 square foot manufacturing facility to be re-used by Weitron, Inc., a company that specializes in the production and distribution of refrigerant gases. The project will allow Weitron to establish a new manufacturing facility at 1630 Twin Bridges Road, Everetts, NC that will require the creation of 31 new full-time jobs, 19 of which will be reserved for persons of prior low and moderate-income status (60%).
- Resolutions: Two resolutions were associated with submission of this CDBG application that the County needed to adopt:
 1. Authorizing Resolution
 2. Procurement Plan Resolution

No public comments were received in written or verbal form. Commissioner Smith inquired by the project start-up window. Economic Development Corporation President Jason Semple stated the timeline was still being established, although the goal was stated as November 2017.

Commissioner Smith made the MOTION to end the 2nd Public Hearing on the Martin County CDBG Program, with a SECOND by Community Ayers. The motion was APPROVED unanimously.

Vice Chairman Bowen made the MOTION to approve/adopt the Authorizing Resolution, as shown below, with a SECOND by Commissioner Bond. The motion was APPROVED unanimously.

AUTHORIZING RESOLUTION

RESOLUTION FOR THE COUNTY OF MARTIN APPLICATION FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR
PROJECT AC BUILDING REUSE PROJECT

WHEREAS, the Martin County Board of Commissioners has previously indicated its desire to assist in economic development efforts within the County; and,

WHEREAS, the Board of Commissioners has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit Project AC; and,

WHEREAS, the Board of Commissioners wishes the County to pursue a formal application for Community Development Block Grant funding to benefit Project AC; and,

WHEREAS, the Board of Commissioners certifies it will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program,

NOW, THEREFORE BE IT RESOLVED, by the Martin County Board of Commissioners that the County is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Economic Development Building Reuse funds to benefit Project AC.

Adopted this the Tenth day of May, 2017 in Martin County, North Carolina.

Elmo "Butch" Lilley, Chairman

ATTEST:

Marion B. Thompson, Clerk to the Board

Commissioner Ayers made the MOTION to approve/adopt the Procurement Plan Resolution, as presented below, with a SECOND by Vice Chairman Bowen. The motion was APPROVED unanimously.

RESOLUTION FOR THE COUNTY OF MARTIN
PROCUREMENT PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the County of Martin is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974 as administered through the North Carolina Department of Commerce; and,

WHEREAS, a Procurement Policy is required for the County's CDBG project;

NOW, THEREFORE BE IT RESOLVED, that to accomplish the above, the Martin County Board of Commissioners hereby adopts the attached Procurement Policy to be used throughout the implementation of this Community Development Block Grant project.

Duly adopted this the 10th day of May, 2017 upon motion made by Commissioner Joe Ayers, seconded by Vice Chairman /Commissioner Tommy Bowen, and adopted by the following vote:

Aye 5 No 0 Absent 0 Abstained 0

By: _____
Elmo "Butch" Lilley, Chairman

Attest: _____
Marion B. Thompson, Clerk to the Board

COUNTY OF MARTIN
PROCUREMENT POLICY FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

In the procurement of supplies, equipment or services in the Martin County Project AR Community Development Block Grant Program, the following policies shall apply:

- 1) Small purchase procedures. These are relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies or other property, costing in the aggregate not more than \$25,000. Under this procurement method, price or rate quotations shall be obtained from an adequate number of qualified sources. Office supplies and equipment may be secured by this method.
- 2) In competitive sealed bids (formal advertising), sealed bids shall be publicly solicited and a firm, fixed price contract shall be awarded to the responsible bidder whose bid conforming with all the material terms and conditions of the invitation for bids, is lowest in price.
- 3) In competitive negotiations, proposals shall be requested from a number of sources and the Request for Proposals shall be publicized. All aspects of the competitive negotiations

shall be carried out in conformance with 24 CFR Part 85. The general administrative contract, appraisal contract, surveying contract and all other required services related to the program implementation shall be awarded utilizing this method. Under this method, special consideration shall be given to experience, technical abilities and familiarity with the services to be provided. Price shall not be the sole consideration for award of contract.

On all procurement, efforts shall be made to solicit bids from qualified small, female and minority business firms.

In all cases, procurement under this Policy must confirm to the requirements for procurement set forth in 24 CFR Part 85.

An adequate record of procurement must be maintained to insure that these policies and the requirements of 24 CFR Part 85 have been followed in their entirety.

Local Development Incentives, Sale of Shell Building in Industrial Park & Option for Additional Land Purchase

Martin County proposed to enter an economic development agreement with a company known herein as Weitron, Inc that would clearly state respective responsibilities under the agreement. An affidavit was included with the agenda packet confirming the Public Hearing Notice of the proposed actions had been duly scheduled and advertised, in pursuant of NC G.S. § 158-7.

Commissioner Bond made the MOTION to enter the Public Hearing for the Local Development Incentives, Sale of Shell Building in Industrial Park & Option for Additional Land Purchase, with a SECOND by Commissioner Smith. The motion was APPROVED unanimously.

Economic Development Corporation President/CEO Jason Semple recapped the purpose of the public hearing. On April 19, 2017, Governor Roy Cooper announced that Weitron, Inc., a packager and distributor of refrigerant gases, had selected Martin County for a new production facility. The company planned to invest at least Twelve Million Eight Hundred Thousand Dollars (\$12,800,000) over the next three years in a plant in the Martin County Regional Business Park in Everetts.

The County proposed to sale the shell building located in the Industrial Park located in Everetts, NC for the sum of One Million Nine Hundred Thousand Dollars (\$1,900,000.00), and the land on which the building sets, valued One Hundred Fifty-Five Thousand Nine Hundred Twenty-Five Dollars (\$155,925.00), would be a gift.

These incentives were purposed to induce Weitron, Inc., to make investments in the County, to make improvements to facilities, and make expenditures to acquire and install machinery, equipment and other property, which may increase the tax value in the amount of at least \$13,400,000.00 over five (5) years (December 31, 2022). These significant investments would also allow Weitron, Inc., to create, maintain, and employ in Martin County at least 31 new full-time persons, making average wage of approximately \$32,839 per year, which is higher than the County's average wage.

The County also proposed to grant Weitron, Inc. an Option for an additional 8.79-acre tract of land immediately to the North of the shell building property. This Option would be for a period of five (5) years, and the value of said land had been set at \$133,327.00. Should Weitron, Inc. elect to exercise this Option because it would be necessary for business expansion, there shall be no purchase price and the land shall be gifted to the Company by the County and said conveyance would stimulate and stabilize the local economy, promote business in Martin County, and would result in the creation of a significant number of jobs in the Martin County.

The County also proposed an agreement whereby Weitron, Inc. would agree to grant the County a railroad spur easement on its property so that a future tenant occupying the land parcel adjacent to the west of Weitron, Inc. would have access to the County's lead track.

No comments were received in written or verbal form regarding the public hearing. There also were no comments from the Commissioners.

Vice Chairman Bowen made the MOTION to end the Public Hearing for the Local Development Incentives, Sale of Shell Building in Industrial Park & Option for Additional Land Purchase, with a SECOND by Commissioner Bond. The motion was APPROVED unanimously.

The Board was asked to consider approval of following documents:

- Adoption of a Resolution Authorizing Martin County to Enter an Economic Development Incentive Agreement with Weitron, Inc.
- Approval of the sale of the Shell Building
- Option on 8.79-acre tract of land
- Easement Agreement for the Rail Track

Authorizing Resolution

Commissioner Smith made the MOTION to adopt the Resolution Authorizing Martin County to enter an Economic Development Incentive Agreement with Weitron, Inc. as presented below, with a SECOND by Commissioner Bond. The motion was unanimously APPROVED.

RESOLUTION AUTHORIZING THE COUNTY OF MARTIN TO ENTER INTO AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH WEITRON, INC.

WHEREAS, North Carolina General Statutes § 158-7.1(c) authorizes a county to undertake an economic development project by extending assistance to a company in order to cause the company to locate or expand its operations within the county; and

WHEREAS, the Martin County Board of Commissioners held a public hearing in the Board Room of the Martin County Governmental Center, 305 East Main Street, Williamston, North Carolina, on Wednesday, May 10, 2017, at 7:00 p.m. to receive public comments on a proposed economic development investment policy grant being considered for Weitron, Inc. (the "Company), whereby the County of Martin would contribute Seventy-Five Percent (75%) of net new real and personal property

tax revenues generated by the Company over the next five (5) years to the Company to offset the costs of its expansion in the County of Martin, said incentive to be granted pursuant to an Economic Development Incentive Agreement that contains the essential terms and conditions specified in Section 1 of this Resolution; and

WHEREAS, upon the completion by the Company of this expansion project, it will have generated new value/investment in real and personal property associated with the project in an amount equal to or in excess of Thirteen Million Four Hundred Thousand Dollars (\$13,400,000.00) and created a minimum of Thirty-One (31) new jobs in the County over the next five (5) years; and

WHEREAS, this economic development project will stimulate and stabilize the local economy, promote business in the County, and result in the creation of a significant number of jobs in the County; and

WHEREAS, the County has in its General Fund available revenues sufficient to fund this economic development project;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Martin, this the 10th day of May, 2017, as follows:

Section 1. In addition to the standard terms found in contracts that the County routinely executes in the ordinary course of business, the Economic Development Incentive Agreement entered into by and between the County of Martin and Weitron, Inc., must contain the following essential terms and conditions:

- a. Upon payment of ad valorem taxes by Company to County for each fiscal year beginning with the fiscal year 2017, and certification by Company of improvements made and proof of payment of 2017 taxes, County will, within thirty (30) days, pay to the Company an economic development incentive payment, the amount of which is calculated by multiplying Seventy-Five Percent (75%) by the total general ad valorem tax revenue received by the County attributable and taxed on the property as of January 1, 2017. Upon proof of payment of ad valorem taxes by Company to County of the 2017 taxes, and certification by Company of improvements made and verification that the Company has created and maintained at least thirty-one (31) new jobs within the first three (3) years, County will, within thirty (30) days, pay to the Company an economic development incentive payment the amount of which is calculated by multiplying Seventy-Five Percent (75%) by the total general ad valorem tax revenue received by the County attributable and taxed on the property as of January 1, 2017. This same process will be followed by the County and the Company in each fiscal year for the first five (5) years. General ad valorem taxes for purposes of this calculation shall only include taxes actually paid for real and business personal property taxes, and shall not include any other taxes, payments, or fees made by Company for an applicable fire tax, emergency services tax, drainage districts tax, interest, penalties, or otherwise. The obligation of the County to make such payment specified herein shall be conditioned upon the satisfactory completion by the Company of certain performance requirements, including, but not limited to, the following:
 - i. Upon request, the Company must deliver to the County a written certificate stating the actual value of new investment by the Company in real property and

equipment in connection with this project, known as Project AC. The amount must equal or exceed Thirteen Million Four Hundred Thousand Dollars (\$13,400,000.00) by December 31, 2022. Additionally upon request and for grant reporting purposes throughout the duration of this Agreement, the Company must provide North Carolina Division of Workforce Solutions NCUI-10 reports to the County evidencing the creation of Thirty-One (31) new jobs and further that the average annual wages paid by the Company are greater than or equal to the sum of \$32,839.00 a year, and that the Company is paying at least Fifty Percent (50%) of employee health insurance costs, by December 31, 2019.

- ii. The Company must deliver to the County written certification that the Company has not reduced its level of operations in the County since the date of payment by the County.
- iii. If the Company does not remain in full operation during the five (5) year period and ceases operations in the County, then the amounts paid to the Company shall be returned to the County in full. If the Company remains in operation in the County but falls short of original investment and job creation targets, then the Company shall be subject to returning a prorated portion of the funds according to percentage of the target achieved.

Section 2. No way shall it be construed or interpreted that the County: (a) is in any way creating a pledge or lending of the faith and credit of the County within the meaning of any constitutional debt limitation of the Constitution of North Carolina; (b) pledging or creating a lien on any class or source of Martin County's monies; nor (c) restricting or limiting in any way the duties and obligations of the County relating to the determination and setting of annual budgets and tax rates.

Section 3. The County shall grant to the Company an Option to be conveyed an additional 8.79-acre tract of land immediately to the North of the shell building property, said Option to be for a period of five (5) years with a value of said land being set at \$133,327.00. If the Company elects to exercise this Option because it is necessary for expansion in the same footprint as the property Weitron, Inc. now owns in Martin County, North Carolina, there shall be no purchase price and the land shall be gifted to the Company by the County and said conveyance would stimulate and stabilize the local economy, promote business in the County of Martin, and would result in the creation of a significant number of jobs in the County of Martin.

Section 4. The Chairman is hereby authorized to execute on behalf of the County a contract drafted in accordance with Section 1 of this Resolution and any other documents necessary for the implementation of this economic development project.

Adopted this 10th day of May, 2017.

J. Elmo Lilley, Jr., Chairman
Board of Commissioners of Martin County

ATTEST:

Marion B. Thompson, Clerk

Sale of Shell Building

Commissioner Smith made the MOTION to approve the sale of the Shell Building to Weitron, Inc (*entered into these minutes by reference title "Warranty Deed" between County of Martin and Weitron, Inc*), for the stated amount, with a SECOND by Vice Chairman Bowen. The motion was APPROVED unanimously.

Option on 8.79-acre Tract of Land

Vice Chairman Bowen made the MOTION to approve the Option on the 8.79-acre Tract of Land involving Weitron, Inc (*entered into these minutes by reference title "Option on Real Estate" between County of Martin and Weitron, Inc*), as presented, with a SECOND by Commissioner Ayers. The motion was APPROVED unanimously.

Easement Agreement for the Rail Track

Commissioner Smith made the MOTION to approve the Easement Agreement for the Rail Track with Weitron, Inc (*entered into these minutes by reference title "Agreement" between County of Martin and Weitron, Inc*), as presented, with a SECOND by Vice Chairman Bowen. The motion was APPROVED unanimously.

OLD BUSINESS - None

NEW BUSINESS

Selection & Approval of Project Engineer for Rail Expansion at Industrial Park in Everetts

EDC President/CEO Jason Semple explained in anticipation of Weitron, Inc. selecting Martin County as its location for a new production facility, Martin County issued a Request for Qualifications (RFQ) statements of engineering firms, pursuant to the design and construction of a rail lead track and spur to serve the Martin County Quickstart Building, as well as future manufacturing sites in the Martin County Regional Business Park.

The selected engineering firm would be expected to provide the following services in conjunction with construction of the lead track / rail spur:

- Complete design services required for construction of a lead track and rail spur to serve the Martin County Quickstart Building
- Local, state, and federal permitting
- Preparation of contract documents and specifications
- Approval of plans and specifications by CSX Transportation, Inc. and Martin County
- Implementation & Oversight of Bidding Process

- Construction Administration
- Construction Inspection
- Compliance with Applicable State and Federal Regulations
- Overall coordination of activities with Martin County, the Martin County Economic Development Corporation, and CSX Transportation, Inc.

Martin County received three RFQ submittals in April from: Creative Rail Solutions, Hurt and Proffitt, and The Wooten Company/Dewberry.

The following criteria were used in evaluating the engineer's proposals:

- 1) Work Plan/Technical Approach/Understanding of Program
- 2) Experience of Firm
- 3) Qualifications of Staff Assigned to Project/Work Management Plan/Experience of Proposed Personnel
- 4) Understanding of Area
- 5) Unit Pricing

Based on the review of the submittals and the criteria listed above, County Manager Bone and EDC President / CEO Jason Semple recommended Creative Rail Solutions for this project.

Creative Rail Solutions provided a proposed contract for planning, design, bid and construction phase services for engineering services for the Board's consideration. The contract estimated a total lump sum fee of \$225,775.00, for professional services, including normal and customary travel expenses.

EDC President / CEO Semple stated he had come to realize constructing rail spur was expensive. Four grants would potentially be involved in the construction of the rail spur extension: Golden Leaf Foundation, the Rural Economic Infrastructure Division Grant, NC Commerce Investment Grant and the NC Department of Transportation Rail Spur.

Vice Chairman Bowen made the MOTION to approve the contract with Creative Rail Solutions (*entered into these minutes by title reference "A Proposal for Planning, Design, Bid & Constriction Phase Services to: Martin County"*) as presented, with a SECOND by Commissioner Ayers. The motion was APPROVED unanimously.

The Golden Leaf Foundation Grant Agreement for the Rail Expansion at Industrial Park in Everetts

The Golden LEAF Foundation was created by the North Carolina legislature in 1999 to administer one-half of North Carolina's share of the Master Settlement Agreement with cigarette manufacturers in accordance with the court consent decree between North Carolina and the manufacturers. A nonprofit organization devoted to the economic well-being of North Carolinians, Golden LEAF endeavors to strengthen the state's economy through diverse grants making.

From its inception, Golden LEAF has been committed to using the funds entrusted to it for projects with the most potential for bolstering North Carolina's long-term economy, especially in tobacco-dependent, economically distressed, and/or rural communities. Golden LEAF's grants making priority areas include agriculture, job creation and retention, and workforce preparedness. To fulfill its purpose, Golden LEAF makes grants to government entities, educational institutions, economic development organizations and nonprofits. Currently Golden LEAF has funded 1,421 grants, totaling more than \$698 million.

EDC President / CEO Semple explained to assist the Weitron, Inc. project, as well as future projects, the Golden LEAF Foundation provided a grant of up to \$200,000 to Martin County for the extension of a county-owned rail line in the county-owned Martin County Regional Business Park in Everetts. Weitron, Inc. purposed to invest at least Twelve Million Eight Hundred Thousand Dollars (\$12,800,000) over the next three years in a plant in the Martin County Regional Business Park in Everetts.

A Grantee Acknowledgement and Agreement from Golden LEAF for this grant had been received and needed the Board of Commissioners' approval.

Vice Chairman Bowen made the MOTION to approve the agreement (*entered into these minutes by reference title "The Gold LEAF Foundation Grantee Acknowledge and Agreement, Project File Number & Title: FY 2017-168/Project AC – Rail Extension"*) as presented, with a SECOND by Commissioner Smith. The motion was APPROVED unanimously.

Administration Contract for FY 2016-17 Martin County CDBG Grant Project

Community Development Block Grant (CDBG) funds are available to local municipal or county governments primarily for projects to enhance the vitality of communities by providing decent housing and suitable living environments and expanding economic opportunities. These grants primarily serve persons of low- and moderate- incomes.

CDBG funds are provided by the U.S. Department of Housing and Urban Development (HUD) to the state of North Carolina. Some urban counties and cities in North Carolina receive CDBG funding directly from HUD.

EDC President / CEO Semple stated The Wooten Company submitted a contract for grant administrative services for the proposed request of \$620,000 in CDBG Economic Development Building Reuse funds (30% of total project costs) from the NC Department of Commerce, Rural Economic Development Division for the Weitron, Inc. project.

EDC President / CEO Semple reiterated that the CDBG funds (\$620,000) would be used to fund a project that will include renovation of a vacant 53,000 square foot manufacturing facility to be re-used by Weitron, Inc., a company that specializes in the production and distribution of refrigerant gases. The project will allow Weitron to establish a new manufacturing facility at 1630 Twin Bridges Road, Everetts, NC that will require the creation of 31 new full-time jobs, 19 of which will be reserved for persons of prior low and moderate-income status (60%).

The Wooten Company proposed a fee of \$37,750 for its professional services. CDBG Building Reuse grants do not allow the use of grant funding to cover administrative costs. Martin County would be required to contribute the administrative fee, if the grant was approved.

Commissioner Smith made the MOTION to approve the contract (*entered in these minutes by tile reference "Agreement for Professional Services, Martin County, Weitron Incorporated CDBG Building Reuse Project"*) with The Wooten Company, with a SECOND by Commissioner Bond. The motion was APPROVED unanimously.

NC Commerce Rural Economic Infrastructure Grant Agreement for the Rail Expansion at Industrial Park in Everetts – Project AC

EDC President / CEO Semple thanked the Board of Commissioners for allowing the addition of this item to the agenda. EDC President / CEO Semple stated the North Carolina Rural Infrastructure Authority had provided a grant offer of up to \$387,500 to Martin County to assist the Weitron, Inc. project, as well as future projects, for the extension of a county-owned rail line in the county-owned Martin County Regional Business Park in Everetts. Approval of the documents was required to finalize the grant award.

As previously noted, Weitron, Inc. planned to invest at least Twelve Million Eight Hundred Thousand Dollars (\$12,800,000) over the next three years in a plant in the Martin County Regional Business Park in Everetts.

The Economic Infrastructure Program under the Rural Grants/Programs Section of the North Carolina Department of Commerce provides grants to local governments to assist with infrastructure projects that will lead to the creation of new, full-time jobs. Currently, eligible applicants are units of local government with priority given to the counties that have the 80 highest rankings under N.C.G.S.143B-437.08.

Eligible projects include but are not limited to:

- Upgrades or repair of public drinking water or wastewater treatment plants
- Upgrades, extensions, or repair of public water or sewer lines
- Extensions of publicly owned natural gas line (with an executed Pipeline Construction, Operating and Resale Agreement
- Installation or extension of public broadband infrastructure

- Construction of publicly owned access roads not funded or owned by the NC Department of Transportation
- Construction of public rail spur improvements

Vice Chairman Bowen made the MOTION to approve the grant award contract agreement (*enter into these minutes by title reference "NC Rural Infrastructure Authority Contract Agreement for Grant Number 2017-143-3213-2587, Weitron/Project AC"*), with a SECOND by Commissioner Smith. The motion was APPROVED unanimously.

Approval of 2017-18 Ambulance Franchises

County Manager David Bone stated Martin County has an Ambulance Service Franchise Ordinance (Chapter 10, Article 2 of the Code of Ordinances) that governs non-emergency ambulance service. The Ambulance Service Franchise Ordinance may be found on the Martin County website: www.martincountyncgov.com.

In 2012, the Board of Commissioners capped the number of non-emergency ambulance service companies allowed to operate in Martin County at five (5).

The Ambulance Services Advisory Council submitted its recommendation for approval of the 2017-18 ambulance service franchises in the county to the Board of Commissioners, in pursuant of the Martin County Ambulance Service Franchise Code of Ordinances.

In a memo, Emergency Director Joseph Griffin stated the Martin County Ambulance Advisory Council met on April 26, 2017 and voted unanimously to recommend to the Board of Commissioners the renewal of non-emergency ambulance transport franchises for the following companies:

- Coastal Medical Transport
- Innerbanks Medical Transport
- MedEx Medical Transport
- Midway Medical Transport
- Roanoke Medical Transport

Vice Chairman Bowen made the MOTION to approve the Non-Emergency Ambulance Franchises for 2017-18, as presented, with a SECOND by Commissioner Bond. The motion was APPROVED unanimously.

Approval of Sealed Bids/Sale of 2006 LR-622 Liebherr Crawler/Dozer

County Manager Bone explained as communicated in October 2016, staff experienced maintenance issues with the 2006 Liebherr crawler/excavator/dozer, which was purchased in 2010. The machine was in the shop, due to issues with the undercarriage. Operations Manager Justin Harrison suggested the county may be better served with a different piece of equipment, specifically, a bulldozer, rather than fixing the crawler.

At the November 16, 2016 Board of Commissioners' meeting, the Board approved the purchase of a John Deere 700K Crawler Dozer for the landfill operations.

County Manager Bone stated interest had been shown in purchasing the 2006 Liebherr. Request for Sealed Bids for the 2006 Liebherr crawler/excavator/dozer was advertised in the *Martin County Enterprise and Weekly Herald* on April 28, 2017, in accordance with NC General Statute § 160A-268. The bid submittal deadline was scheduled for 3:00 p.m. on Tuesday, May 9, 2017.

The Board was asked to consider acceptance of a responsible bid received from B. K. Moody Enterprise, Inc. of State Road, NC, in the amount of \$12,590.99. To be responsible, a bid must be accompanied by a bid deposit of five percent (5%) of the amount of the bid.

Commissioner Bond made the MOTION to approve acceptance of the bid from B. K. Moody Enterprise, Inc. for the sale of the 2006 Liebherr crawler/excavator/dozer, as presented, with a SECOND by Commissioner Ayers. The motion was unanimously APPROVED.

Resolution Accepting State Water Infrastructure Fund Grant Award for Water District #1/Oak City Project

County Manager Bone stated Martin County recently received an offer notification of a Drinking Water State Reserve (DWSR) grant award of \$1,476,275 from the NC Infrastructure Authority to make water system improvements in Water District #1, namely in the Oak City area. The grant would be funded at one hundred percent (100%); no cost to the County.

The existing water mains in the Oak City area were installed between the late 1950's, with rehabilitation projects through the 1990's. Further rehabilitation to the water system is needed.

The Martin County Board of Commissioners approved an engineering services contract with The Wooten Company for this project at the April 12, 2017 meeting.

County Manager Bone stated Martin County needed to approve a resolution and complete an offer-and-acceptance document for this grant. The document included standard conditions and assurances for the grant program.

Commissioner Ayers made the MOTION to approve the resolution (shown below) and the offer-and acceptance document (*entered into these minutes by reference title "DWI Project No. H-SRP-D-17-0004, Replacing of Existing Water Lines in Martin County Water District #1, Oak City area"*) to officially accept the grant, with a SECOND by Vice Chairman Bowen. The motion was APPROVED unanimously.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects; and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Grant in the amount of \$1,476,275 for the construction of DWI Project No. H-SRP-D-17-0004, Replacing of Existing Water Lines in Martin County Water District #1, Oak City area; and

WHEREAS, Martin County intends to construct said project in accordance with the approved plans and specifications.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MARTIN COUNTY:

That Martin County does hereby accept the State Grant offer of \$1,476,275.

That Martin County does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the grant offer, Section II – Assurances will be adhered to.

That David Bone, Martin County Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Martin County has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations and Ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 10th day of May, 2017 at Martin County, North Carolina.

Elmo “Butch” Lilley, Chairman
Martin County Board of Commissioners

Budget Amendments

Budget Amendment #21

Finance Officer Cindy Ange stated the Juvenile Community Programs Section of the NC Department of Public Safety awarded additional funding to three Martin County programs.

Riverside Intervention was awarded an additional \$12,000 to be used for ABE Behavior Management Software license. NIFF Summer Adventures was awarded \$4,007 to be used for a laptop and equipment. And, Smithwick Chapel was awarded \$2,000 to fund summer activities.

No additional match would be required for these funds.

BUDGET ORDINANCE AMENDMENT-21

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, 2017.

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

	Increase	Decrease
Human Services		
Office of Juvenile Justice	\$ 18,007	

This will result in an increase of \$18,007 in the expenditures of the General Fund. To provide an increase in the revenues for the above, the following revenues will be changed.

Restricted Intergovernmental	\$ 18,007
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Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board and to the Finance Officer for their direction.

MOTION by Vice Chairman Bowen and SECONDED by Commissioner Smith to adopt the above budget ordinance amendment this 10th day of May, 2017. The motion was APPROVED unanimously.

Budget Amendment #22 & #23

Finance Officer Cindy Ange stated Weitron, Inc., a packager and distributor of refrigerant gases used in air conditioning systems, planned to bring a new production facility to Martin County and create 31 jobs.

The North Carolina Infrastructure Authority approved a \$620,000 CDBG-ED Building Reuse grant in conjunction with this project. These grants require local funds to be used for the administration of the grant.

Budget Amendment #22 and #23 would supply the county's contribution for administration fees for the Weitron Building Reuse CDBG grant project.

BUDGET ORDINANCE AMENDMENT-22

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, 2017.

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

	Increase	Decrease
Administration	\$ 37,750	

This will result in an increase of \$37,750 in the expenditures of the Program Grant Fund. To provide for an increase in revenue for the above, the following revenues will be changed.

Transfer from the General Fund \$ 37,750

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 Bond to adopt the above budget ordinance amendment this 10th day of May 2017. The motion was APPROVED unanimously.

BUDGET ORDINANCE AMENDMENT- 23

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, 2017.

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

	Increase	Decrease
Transfers		
Program Grant Fund	\$ 37,750	

This will result in an increase of \$37,750 in the expenditures of the General Fund. To provide for an increase in revenue for the above, the following revenues will be changed.

Fund Balance Appropriation \$ 37,750

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 10th day of May 2017.

BOARD REPORTS / COMMISSIONERS' COMMENTS

Commissioner Smith gave a report about County Assembly Day in Raleigh on the May 10, 2017, attended by Commissioner Bond, County Manager Bone and himself. Commissioner Smith stated The Senate budget maintains the existing level of lottery funding for statewide school capital at \$100 million, and creates a new needs-based fund containing an additional \$75 million for school capital for Tier 1 and 2 counties. Stating, it was not as much as many would like but it would be a start, if approved.

Commissioner Smith also stated he expressed his concerns to Senator Erica Smith-Ingram regarding SB 594/HB 608 which would reform the child welfare system by requiring a transition plan for county departments of social services, mandating a regional model with 30 entities that

would deliver child welfare and all other social services. Commissioner Smith stated he was concerned that mandating regionalization would not necessarily address all the weaknesses in the current child welfare system and could make it more difficult for citizens to access the range of services currently provided or administered locally. Commissioner Smith stated he strongly suggested Senator Smith-Ingram consult with the local Department of Social Services (DSS) experts. Adding, the suggested change does not appear good for Martin County.

DSS Director Susan Davenport had been contacted and had agreed to volunteer for the Advisory Committee concerning this matter.

Chairman Lilley called for a short recess, before moving forward with the remainder of the agenda.

CLOSED SESSIONS

NC G.S. §143-318.11(a)(5) Real Property Acquisition

NC G.S. §143-318.11(a)(5) Contract Negotiations

Around 8:30 p.m., Vice Chairman Bowen made the MOTION to enter Closed Session in pursuant of NC G.S. §143-318.11(a)(5) Real Property Acquisition and NC G.S. §143- 18.11(a)(5) Contract Negotiations, with a SECOND by Commissioner Bond. The motion was APPROVED unanimously.

Around 9:21 p.m., Commissioner Smith made the MOTION to end Closed Session in pursuant of NC G.S. §143-318.11(a)(5) Real Property Acquisition and NC G.S. §143-318.11(a)(5) Contract Negotiations, with a SECOND by Commissioner Bond. The motion was APPROVED unanimously.

OPEN SESSION

Any action, if needed, regarding the closed sessions would be taken in open session at a later time.

ADJOURNMENT

With no further business to discuss, Vice Chairman Bowen made the MOTION to adjourn at 9:22 p.m., with a SECOND by Commissioner Smith. The motion was unanimously APPROVED.

The next regular meeting of the Martin County Board of Commissioners was scheduled for Wednesday, June 14, 2017 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, NCCCC, Clerk to the Board