

October 25, 2023
Special Meeting

The Martin County Board of Commissioners met in a Special Session to discuss Closed Session matters, on Wednesday, October 25, 2023, at 6:00 p.m. in the District Courtroom of the Martin County Courthouse/Governmental Center, 305 East Main Street, Williamston, North Carolina.

ASSEMBLY

Present in the Boardroom: Chairman Ronnie Smith, Vice Chairman Dempsey Bond, Jr., Commissioner Joe R. Ayers, Commissioner Emily Biggs, Commissioner David “Skip” Gurganus, County Manager U. James Bennett, Clerk to the Board Julia S. Rease, and Finance Officer Cindy Ange.

Others Present: Sheriff Tim Manning

Chairman Smith called the meeting to order at 6:00 p.m. Commissioner Biggs led the Pledge of Allegiance. Commissioner Gurganus provided the invocation.

Commissioner Smith extended a welcome.

AGENDA APPROVAL

Commissioner Gurganus made the **Motion** to Approve the agenda, with a **Second** by Vice Chairman Bond Jr. Motion was **Carried** unanimously (5-0).

Chairman Smith asked that everyone vacant the room unless they were participating in the Closed Session to leave the room and that they may return when the Board came out of Closed Session.

A resident of Martin County, Mr. Robert Stalls, stood up to make a point of order, wherein he stated the Chairman Smith needed to go into closed session in a legal matter.

Chairman Smith called for the closed session motion and it was made before the audience left the room.

CLOSED SESSION(S) - 1.N.C.G.S § 143-318.11. (a)(5) Contracts/Agreements 2.N.C.G.S § 143-318.11. (a)(6) Personnel

At: 6:04 p.m. Vice Chairman Bond Jr., made the **Motion** to Enter Closed Sessions: 1.N.C.G.S § 143-318.11. (5) Contracts/Agreements and 2. N.C.G.S § 143-318.11. (6) Personnel, with a **Second** by Chairman Smith. Motion was **Carried** unanimously (5-0).

At: 7:03 p.m. Vice Chairman Bond Jr., made the **Motion** to Exit Closed Sessions: 1.N.C.G.S § 143-318.11. (5) Contracts/Agreements and 2. N.C.G.S § 143-318.11. (6) Personnel, with a **Second** by Commissioner Gurganus. Motion was **Carried** unanimously (5-0).

OPEN SESSION

Chairman Smith stated that the Interim County Manager and Medical Records would be discussed

Interim County Manager Position

County Clerk Rease read the Interim County Manager Agreement as stated:

Employment Agreement for Interim County Manager

This Interim County Manager Agreement is made and entered into this 25th day of October 2023, by and between the County of Martin and Ben Eisner, the Interim County Manager.

Martin County agrees to hire Ben Eisner as Interim County Manager, effective November 1, 2023.

- Compensation shall be based upon approximately 20 hours per week at \$65.00 per hour.
- Per week hours could be different based on need in office. Mr. Eisner will be available by telephone, or other electronic means.
- Daily contact will be with Martin County Clerk, Julia Rease, Martin County Finance Director, Cindy Ange, and Martin County HR Director, Donna Zube.
- An email will be submitted weekly submitted to Board of weekly schedule being at the Martin County Government Center.
- Reimbursement of mileage per the IRS reimbursement rate of 65.5 per mile from Mr. Eisner's home (Wilson, NC) to the County offices for those days in person.
- Hours submitted per month will be reviewed and approval by the Board of Commissioners at next board meeting.

The Interim County Manger shall adhere to Martin County policies and the Martin County Board of Commissioners.

Benjamin R. Eisner, Interim County Manager
_____ Date

Ronnie Smith, Chairman, Martin County Board of Commissioners
_____ Date

Julia Rease, Clerk to the Board
_____ Date

Commissioner Biggs made the **Motion** to Appoint Mr. Benjamin Eisner as the Interim County Manager, with a **Second** by Commissioner Gurganus. Motion was **Carried** unanimously (5-0).

Medical Records from Martin General Hospital

Interim County Manager Benjamin Eisner stated that the presence medical records were a big issues being held over from the bankruptcy case. The County reportedly owned the hospital buildings that were returned from the trustee through a court order, but the Chapter 7 trustee Don Beskrone, was legally the custodian and in charge of the medical records. There was reportedly a procedure, under Section 351 of the Bankruptcy Code, where the trustee really needed to safeguard the medical records, take the records to a secure facility, run a 12 - month protocol of sending letters to everyone that had medical records with instructions on how to retrieve their records, and

inform them that the records would be destroyed after 12 months. The County reportedly had no legal custody, control or responsibility of the records, but the trustee reached out to the County to search for an appropriate entity/agency that could safeguard and handle the records. There have been very few entities found thus far. Efforts have also been made by the County's legal team as well to no avail thus far. Interim County Manager Eisner informed the audience and Board that the trustee needed to be contacted if anyone needed his or her medical records at this point.

Chairman Smith asked Interim County Manager Eisner if he believed that there was an entity or organization in the region that could take on the responsibility of the medical records. Interim County Manager Eisner stated that there were very few agencies that could conduct these services and those who did, declined the job. Chairman Smith stated that he asked this question because he had four family members that his wife could not get records for. Chairman Smith made comments about people needing their medical records to move to another medical provider, for medical procedures, etc.

Interim County Manager Eisner reported on a company called "R1" whom were hired before the hospital closed down and they were no longer providing services. The company was supposed to handle the medical records at Martin General Hospital, but were hard to get in contact with before and after the hospital closed. Interim County Manager Eisner stated that he has encouraged concerned citizens to inform the trustee, the Qorum Health Attorney know, the Debtors from the Williamston Hospital Corporation know that the responsibility falls on them at this time.

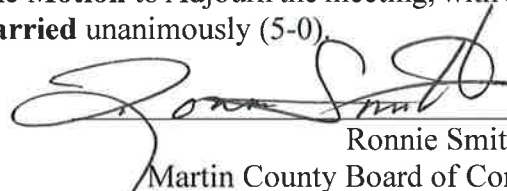
BOARD REPORTS/COMMENTS

Commissioner Gurganus stated that the medical records issue was bad. Commissioner Gurganus stated that he was wrong for making comments in previous meetings in thinking that the Board and County Manager were responsibility for the medical records. Commissioner Gurganus stated that County Attorney/Interim County Manager informed him of the law and whom it said the medical record custodian really was. Commissioner Gurganus discussed efforts being made by the Board and assured that the Board had done everything that they could at this point to resolve all issues.

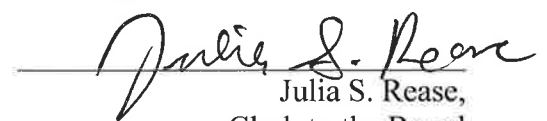
County Attorney/Interim County Manager Eisner answered questions from the crowd regarding the contact information to receive medical records, the possibility of posting the contact information online, and the bankruptcy code for the processing of medical records. County Manager James Bennett gave the number to the audience for the bankruptcy trustee.

ADJOURNMENT

At 7:24 p.m., Vice Chairman Bond Jr. made the **Motion** to Adjourn the meeting, with a **Second** by Commissioner Gurganus. The Motion was **Carried** unanimously (5-0).



Ronnie Smith, Chairman
Martin County Board of Commissioners



Julia S. Rease,
Clerk to the Board