

**July 11, 2018**

The Martin County Board of Commissioners met in Regular Session on Wednesday, July 11, 2018 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., County Manager David Bone, County Attorney J. Melvin Bowen, Clerk to the Board Marion B. Thompson, Deputy Clerk Jessica Godard and Finance Director/Deputy Clerk Cindy Ange.

Commissioner Joe R. Ayers was not in attendance.

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

Chairman Lilley extended a welcome to everyone in attendance. Chairman Lilley recognized the following elected/appointed officials in attendance: Town of Jamesville Commissioner Rachel Craddock, Town of Bear Grass Mayor Charlotte Griffin, Town of Parmele Mayor Jerry McCrary, Sheriff Tim Manning, and Town of Williamston Mayor Joyce Whichard-Brown. Also in attendance were Former Commissioner Junious Horton and Chief Deputy Drew Robinson.

## **AGENDA APPROVAL**

Vice Chairman Bowen made the MOTION to approve the agenda, as presented, with a SECOND by Commissioner Bond. The Board APPROVED the motion unanimously.

**PUBLIC COMMENTS** – None

## **CONSENT AGENDA**

Commissioner Smith made the MOTION to approve the Consent Agenda, as presented, with a SECOND by Commissioner Bond. The Board APPROVED the motion unanimously.

1. **Minutes** for June 13, 2018 Regular & Closed Sessions & June 27, 2018 Special & Closed Sessions
2. **Financial Report** for May 2018 included for informational purposes.
3. **Tax Assessor – Tax Refund Request – June 2018**

**Parcel # 01-01078** – Mr. William Davis requested a refund for year 2017 for a solid waste availability fee. The single wide mobile home that was on the property was completely removed in 2016. In accordance to the Martin County Landfill Ordinance, Mr. Davis is allowed up to two years refund/adjustment. The refund amount would be \$172.00 for year

2017, plus any additional fees or interest. Mr. Davis requested the refund be mailed to him, since all of his taxes have been paid through 2017.

**4. Tax Assessor – Tax Relief Orders – June 2018**

| Year Levy | Lname      | Fname              | Reason                | Value | Total    |
|-----------|------------|--------------------|-----------------------|-------|----------|
| 2018      | Washington | Linda D. Williams  | Error in Landfill Fee |       | 172.00   |
| 2018      | Best       | Velenza Anthenette | Situs Error           |       | 26.05    |
| 2018      | Chesson    | Michael Leonard    | Situs Error           |       | 26.23    |
| 2018      | Cook       | Sherry Kent        | Situs Error           |       | 7.20     |
| 2018      | Leggett    | Robert Lee Jr.     | Situs Error           |       | 36.08    |
| 2018      | Smallwood  | Tonya Marie        | Situs Error           |       | 93.51    |
|           |            |                    |                       | Total | \$361.07 |

**5. Tax Collector’s Report – June 2018**

|                   | Category | Jun-18           | June-18 Y-T-D       |
|-------------------|----------|------------------|---------------------|
| Real Property     | 20       | \$66,345.73      | \$9,098,763.49      |
| Personal Property | 25       | <u>12,218.90</u> | <u>5,054,820.19</u> |
| Total             |          | \$78,564.63      | \$14,153,583.68     |
| Motor Vehicle     | 30       | <u>15,629.43</u> | <u>24,733.09</u>    |
| Total MV          |          | \$15,629.43      | \$24,733.09         |
| All Total         |          | \$94,194.06      | \$14,178,316.77     |

**6. Board Appointments/Reappointments/Resignations**

**a. ABC Board**

The terms for ABC Board members Rose Reason and Dempsey Bond, Jr. would expire July 31, 2018. An email was received from General Manager Lynn Sadler, on behalf of the ABC Board, requesting that Ms. Reason and Mr. Bond be reappointed for another three-year term, which would expire July 31, 2021.

In addition, The ABC Board recommended that Ms. Janie Grady continue as the Board Chair, and that Mr. James Hill continue as the Vice Chair.

The Board reappointed ABC Board members Rose Reason and Dempsey Bond, Jr. Ms. Janie Grady was reappointed ABC Board Chair and Mr. James Hill was reappointed ABC Board Vice Chair. All were approved as part of the Consent Agenda, and would be a three-year term, which would expire July 31, 2021.

**b. Trillium Northern Regional Advisory Board**

In a letter dated June 14, 2018, Trillium Health Resources Northern Regional Director Bland Baker recognized the service of Dr. Derrick L. Wilkins as the Chairman of the Trillium Northern Regional Advisory Board.

Trillium Health Resources bylaws state that Board members will serve on a rotational basis for a three-year term. Dr. Derrick L. Wilkins served on this Board since 2015, and his term expired as of June 30, 2018.

The Board, along with Director Baker thanked Dr. Wilkins for his support and commitment to his responsibilities as the Chair of the Northern Advisory Board, as well as his commitment to the citizens in the community.

The Board accepted the resignation of Dr. Derrick L. Wilkins, as part of the Consent Agenda.

**c. Women’s Council**

On behalf of the Martin County Women’s Council, Chair Deborah Teel recommended that the Board of Commissioners appoint/reappoint Ms. Sandra McCleary and Ms. Debra Armstrong, each for three-year term, which would expire June 30, 2021.

Additionally, Chair Teel requested that the Board accept the resignation of Ms. Keisha Manson-Rodgers (term ended June 30, 2018).

The Board reappointed Ms. McCleary and Ms. Armstrong for another three-year term, which would expire June 30, 2021, and also accepted the resignation of Ms. Manson-Rodgers, as part of the Consent Agenda.

**7. Order to Collect Taxes**

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.*

The Board of Commissioners approved the Order to Collect Taxes for fiscal year 2018-19, with the approval of the Consent Agenda.

Order of Collection

STATE OF NORTH CAROLINA

COUNTY OF MARTIN

To the Tax Collector of the County of Martin:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the offices of the Martin County Tax Assessor and Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth *for fiscal year 2018-19*. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Martin, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 11th day of July, 2018.

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

### **INTRODUCTION OF NEW EMPLOYEE (S)**

County Manager Bone introduced full-time employees Deputy Clerk Jessica Godard and Information Technology (IT) Director Jeb Gardner. Public Works Director Justin Harrison presented newly hired Maintenance Technician Tom Shepherd.

The Board welcomed all to the Martin County workforce family.

### **PRESENTATIONS**

#### **Update on Wright Flight Program**

Wright Flight Board Member Gene Powell was invited to the Board of Commissioners' meeting to give an update of the Wright Flight of Martin County, NC. Mr. Powell spearheaded the Wright Flight of Martin County efforts.

Wright Flight of Martin, NC was modeled after the Wright Flight of North Carolina [a 501 (c) (3) nonprofit organization. Both programs use the Wright brothers' example of setting goals and achieving them through hard work and discipline as a model for today's children. The Wright Flight program accomplishes this by using the motivational power of aviation to help kids do better in school, highlighting the importance of education.

Every student enrolled in the program sets specific academic and behavioral goals, which is called the "Wright Flight contract." In addition to meeting this goal, each student receives a series of seven, one-hour, aviation history lessons in their classroom, and must pass an exam on these lessons with a grade of 85-percent or higher. Lastly, each student is required to honor a pledge to remain drug, alcohol and tobacco free.

Those students who successfully complete the Wright Flight program are presented with a Wright Flight completion certificate and a Wright Flight t-shirt at an assembly in their honor. Each graduate also is rewarded with an exciting aviation-related experience (a flight in a plane with their parent).

Mr. Powell stated the Wright Flight of Martin County began its efforts in 2014. A group of interested citizens (including members of the Martin County Airport Commission) incorporated as a 501c (3) nonprofit to administer the program in Martin County. The first program of the Wright Flight of Martin County NC started in 2015, with seventy (70) 5<sup>th</sup> graders at East End Elementary and Edna Andrews Elementary. Of the seventy, twenty-seven (27) graduated, amounting to a 38% ratio. The program was expanded to all 5<sup>th</sup> graders in Martin County in 2016; whereas, of the two hundred ninety-seven (297) who entered the program, one hundred-five (105) graduated (35.9%). In 2017, two hundred seventy-five (175) kids enrolled in the program, one hundred fifteen (115) graduated (41.8%). Two hundred sixty (160) enrolled in 2018, one hundred twenty (120) graduated and one hundred two (102) kids flew over a period of four (4) hours in fourteen (14) aircrafts. The goal has been set at 60%. Over 100 volunteers participated in one way or another, with 40 mainstay volunteers. Some from as far as Michigan and Florida.

Mr. Powell commended Ms. Michele Modlin on managing the operations of the flights. Mr. Powell contributed the instant success of the Wright Flight Program to the Board of Education, educators, sponsors, such as the Martin County Commissioners, parents and students.

The Martin County Board of Commissioners has financially supported the Wright Flight of Martin County Program since its inception and currently funds \$6,000 to the program annually.

For 40 years, Mr. Powell served on the Martin County Airport Commission. He served as Chairman for 38 of those years. Mr. Powell recently retired from the Airport Commission and stated he would be retiring from the Wright Flight program in the near future, to allow more time for family.

#### **Order of the Long Leaf Pine Recognition – Mr. William “Gene” Powell, Sr.**

Mr. Gene Powell was not aware he had been recommended to Governor Roy Cooper for recognition of the Order of the Long Leaf Pine and would receive the award at the July 11, 2018 Board of Commissioners’ meeting.

During the presentation, Mr. Powell was supported by his wife, Nancy Powell, son William Powell, Jr., daughter-in-law, Melissa Wynn Powell, daughter, Cindy Powell, granddaughter, Kyndalyn Powell, granddaughter, Traci Powell and members of the Airport Board Commission. Photos were taken as the Board thanked and commended Mr. Powell for his service to the Martin County Airport Commission and the citizens of Martin County. Mr. Powell, who was visually overwhelmed by the award, thanked all for the recognition.

County Manager Bone explained the Order of the Long Leaf Pine is among the prestigious awards conferred by the Governor of North Carolina. The award is bestowed upon persons for exemplary service to the State of North Carolina and their communities that is above and beyond the call of duty and which has made a significant impact and strengthened North Carolina. County Manager Bone named some past recipients of this award were Maya Angelou, Reverend Billy Graham, Michael Jordan and many others.

## **Martin County Youth Summit Representative – 4-H'ers Angel Barber**

4-H Agent Susan Tyre introduced Ms. Angel Barber, Martin County 4-H'er, who would be attending the 2018 NC Association of County Commissioners Youth Voice in August. 4-H'er Barber has been a Martin County 4-H'er for five years and participated in projects related to leadership, volunteerism, citizenship, STEM, robotics, and character building. 4-H'er Barber would be a rising sophomore at Riverside High School.

As 4-H'er Barber shared some of her 4-H experiences and accomplishments, it was evident she was well prepared to represent Martin County well at the Youth Summit. 4-H'er Barber planned to participate in a panel discussion lead by Commissioner Ronnie Smith at the 2018 NCACC Youth Summit. She stated she was looking forward to being a part of Youth Voice and acquiring the excellent skills she would learn and bring back to Martin County.

The Board commended 4-H'er Barber on her comments and wished her well at the Youth Summit. Agent Tyre and 4-H'er Barber took a photo with the Board of Commissioners to submit along with her application to the NCACC.

## **Possible Use of Contract Services for Child Support Collection**

Department of Social Services/Transit Director Letecia Loadholt explained Child Support Enforcement came into being in 1975 under the leadership of President Gerald Ford. Being a child of divorced parents, President Ford witnessed firsthand how fathers sometimes did not always provide the kind of support needed to provide for the children involved. This led to the formation of Title IV of the Social Security Act of 1975, which covers grants to states for the purpose of providing aid and services to needy families with children.

Director Loadholt introduced Ms. Tammy Pearson, of YoungWilliams, who discussed the possibility of Martin County Department of Social Services (DSS) Board contracting with the firm for child support services. YoungWilliams has been a partner with various agencies concerning child support since 1993. As a leading national provider of child support services, YoungWilliams is able to attract and retain top-level professionals with years of public and private sector experience. Today, the company provides a wide range of services in collaboration with state and local government child support agencies.

Director Loadholt spoke of the firm's strong track record of meeting and/or exceeding standards. Their satellite office in Onslow County has been the highest-performing child support office in the state. Young Williams also collected a lump sum of \$218,000 (the largest lump sum payment in North Carolina history) in Pasquotank County.

Operations Manager Pearson stated YoungWilliams serves a number of agencies in NC. Counties served in North Carolina include Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, New Hanover, Onslow, Pasquotank, Perquimans, Union, and most recently Hyde. YoungWilliams also services communities in other states. The need for services of this type have been heightened by the passage of HB630 and the state imposed mandates.

Under the proposed plan, current Martin County DSS Child Support staff (seven individuals) would be given the opportunity to be hired by YoungWilliams at the same rate of salary, with the

benefits offered by the agency. Martin County benefits would discontinue, once employment began with YoungWilliams.

YoungWilliams provided draft proposals for initial review – Options #1 & #2.

Highlights – Option #1:

YoungWilliams would establish an office in Williamston, if option #1 was selected. Current employees retained by YoungWilliams would remain in the Martin County area and would not have to travel out of county for employment. (The agreement drafted has been pro-rated for a 10-month period to align with the County's fiscal year.)

Highlights – Option #2:

If selected, current employees would have to travel to the main office in Beaufort County; employees would not be reimbursed for their normal commuting travel, but any work-related travel from the main office to Martin County would be reimbursed at the federal gas reimbursement rate. YoungWilliams would provide employee representation in Martin County at least once per week or however often it would be necessary to serve the citizens. This option would be provided at a reduced cost, as it would be shared cost with Beaufort and Hyde Counties moving toward a regional model. (The agreement drafted has been pro-rated for a 10-month period to align with the County's fiscal year.)

Director Loadholt stated after meeting with YoungWilliams on June 5, 2018 and June 18, 2018, the Department of Social Services Board recommended Option #1 because of:

- The relocation of the central work station in Option 2; and
- The travel requirements proposed in Option 2.

County Manager Bone suggested Option #2 may be the better option for the County for the following reasons:

- It would provide \$36,926 in savings over Option #1;
- A greater opportunity for cost savings down the road with Option #2; and
- Would embrace the State's trend towards regional collaboration, partnership and efficiencies.

Director Loadholt reported NC DHHS staff visited the Martin County Child Support Office for a routine, monthly inspection, on June 20, 2018. In a follow-up letter, NCDHHS stated the Martin County Child Support Office was performing above the State average in one out of the five incentive areas, lower than the State average in Total Collections, Paternity Establishment, Collection Rate and Payment to Arrears, and above the Federal compliance level in five out of the nine self-assessment categories.

County Manager Bone explained budgeting for Social Services includes federal and state reimbursements for the myriad of social service programs. Furthering the complexity of the various programs are the varying reimbursement percentages, as well as the cost of

administrative and related services from other county departments/offices (such as the Finance Department and Sheriff's Office) allocated on a cost share basis. Any changes made within this complex budgeting formula would cause ripple effects.

Currently, the total net county share to administer DSS under the current Child Support Enforcement program staffing model is \$1,786,629 (taking into account federal/state reimbursements and employee benefit costs).

Option #1 in the proposed contract would increase the total net county share to administer DSS under the YoungWilliams Option #1 Child Support Enforcement program staffing model for a 12-month period to \$1,916,156, which would represent a net increase of \$129,527.

Option #2 would increase the total net county share to administer DSS under the YoungWilliams Option #2 Child Support Enforcement program staffing model for a 12-month period to \$1,879,230, which would represent a net increase of \$92,601.

With Option #1 and Option #2, county appropriations appear to increase, due to the shift in cost allocation for the agency (taking into account the reduced number of employees, which would increase the revenue due to less staff). It was projected that approximately \$159,788 would stay within the county, due to not having staff in child support; therefore, the money would be distributed to other funds hitting other fund sources.

When evaluating the cost of either contract vs. actual spending without cost allocation (on a dollar-for-dollar basis), with current staffing, the actual, current county cost for Child Support would be \$206,948; Option #1 would cost \$209,571; while Option #2 would cost \$189,170. Incentives received from child support collections can be used to pay on the contract, thereby reducing actual costs for administering the contract. Federal reimbursements would be received at 66% of the cost of the contract, and the county's portion would be 34%.

Some pros to contracting with YoungWilliams:

- Better efficiency and productivity;
- Higher rates of child support collection;
- Greater opportunity to exceed state standards;
- Higher incentives;
- Greater accountability;
- Possibly less liability as Martin County moved forward with the DHHS local written agreement standards; and
- Overtime cost savings realized by YoungWilliams would be shared with Martin County.

Things to Keep in Mind:

- Liability and responsibility for those standards stays with Martin County, rather than being transferred to YoungWilliams; however, language would be added to the draft proposals that Martin County would impose a financial penalty, if standards are not met.



Both the DSS Board and the Board of Commissioners would need to affirm any decision to move forward with YoungWilliams. In the event such a decision was made, the earliest such a transition could happen would be this fall. The Board was not being asked to take any action on this agenda item at this time. The agreement may be presented to the Board for consideration, at the August 8, 2018 Board of Commissioners' meeting.

On a lighter note, Commissioner Smith commended Director Loadholt on being accepted into the Public Executive Leadership Academy (PELA) provided by the School of Government at UNC Chapel Hill.

## **PUBLIC HEARING**

### **Martin County Comprehensive Transportation Plan**

Commissioner Bond made the MOTION to enter the public hearing for the Martin County Comprehensive Transportation Plan, with a SECOND by Commissioner Smith. The Board APPROVED the motion unanimously.

Martin County, in cooperation with the North Carolina Department of Transportation and the Mid-East Rural Planning Organization, has been working for several years on developing a Comprehensive Transportation Plan (CTP) for the community. A Steering Committee of community leaders and volunteers was engaged in the development and review of this document, and each community had at least one representative on the committee.

Planner Eliud De Jesus provided a power-point presentation summarizing the CTP for Martin County. This long-range, multi-modal plan identifies the future transportation system needs and includes highways, public transportation, rail, bicycle and pedestrian facilities needed to serve the anticipated travel demand throughout the County. Among its primary objectives are the improvement of safety and the reduction of traffic congestion. Surveys were distributed, collected, and used as a resource to gather community input on present and future transportation need, taking into consideration anticipated growth and development. The CTP would have a 25-30 year time span and would not be fiscally constrained.

Planner Eliud De Jesus, of Mid-East Commission stated once adopted, the generated information would be used by decision-makers to guide future transportation decisions. The plan had been approved by every Town and now needed to be adopted by the County. Planner De Jesus stated the Town of Bear Grass was the first to adopt the CTP. The Town of Parmele was the second.

#### Public Comments

Bear Grass Mayor Charlotte Griffin commented on the thoroughness of the plan, challenges posed during the process, and how grant funding could be hindered without such a plan. Mayor Griffin also commended those involved in the creation of the final documents, maps, etc.

#### Commissioners' Comments

The Board thanked all those involved and commended them for their service to the County for working on the Comprehensive plan.

Vice Chairman Bowen made the MOTION to end the public hearing on the CTP, with a SECOND by Commissioner Bond. The Board APPROVED the motion unanimously.

Transportation Engineer Carlos Moya-Astudillo, of NCDOT, accompanied by Transportation Engineer Scott Lawson, conveyed thanks to the Board of Commissioners for their support, to the Mid-East Commission, the NCDOT staff, and to the many volunteers who assisted in the project. The Comprehensive Plan would be presented to the Mid-East Commission Board in September 2018; then to the NCDOT possibly on October 2018 but no later than November 2018.

**Resolution Adopting the Martin County Comprehensive Transportation Plan (CTP)**

Commissioner Bond made the MOTION to adopt the Resolution Adopting the Martin County Comprehensive Transportation Plan (CTP), with SECOND by Commissioner Smith. The Board APPROVED the motion unanimously.

RESOLUTION  
ADOPTING A COMPREHENSIVE TRANSPORTATION PLAN  
*FOR MARTIN COUNTY, NORTH CAROLINA*

WHEREAS, Martin County and the Transportation Planning Branch, North Carolina Department of Transportation actively worked to develop a comprehensive transportation plan for the Martin County; and

WHEREAS, the County and the Department of Transportation are directed by North Carolina General Statutes 136-66.2 to reach an agreement for a transportation system that will serve present and anticipated volumes of traffic in the County; and

WHEREAS, it is recognized that the proper movement of traffic within and through Martin County is a highly desirable element of the comprehensive plan for the orderly growth and development of the County; and

WHEREAS, after full study of the plan, and following a public hearing, the Martin County Board of Commissioners feel it to be in the best interest of Martin County to adopt a plan pursuant to General Statutes 136-66.2;

NOW THEREFORE, BE IT RESOLVED: that the Martin County Comprehensive Transportation Plan as shown on a map dated January 16, 2018, be approved and adopted as a guide in the development of the transportation system in Martin County and the same is hereby recommended to the North Carolina Department of Transportation for its subsequent adoption.

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, and upon being put to vote, was passed \_\_\_\_\_ on the 11<sup>th</sup> day of July, 2018.

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I, David Bone, County Manager of Martin County, North Carolina, hereby certify that the above is a true and correct copy of the excerpts from the minutes of said county. WITNESS my hand and the official seal of Martin County this the 11<sup>th</sup> day of July, 2018.

ATTEST (seal)

\_\_\_\_\_  
County Manager

\_\_\_\_\_  
County Clerk

**OLD BUSINESS** – None

**NEW BUSINESS**

**Possible Joint Grant Application with the Town of Williamston Seeking Funding to Evaluate Water Utility Merger Opportunities**

County Manager Bone recalled during a joint meeting on May 23, 2016, the concept and benefits of consolidating public water/sewer utilities was discussed previously by various local governments in Martin County.

As a follow-up to the May 23, 2016 meeting, a letter was sent by Martin County to the municipalities in Martin County to gauge interest in the further evaluation of utility merger. Insufficient interest was received, and the study was not pursued at the time.

Recently, informal discussion between the Town of Williamston and Martin County re-emerged concerning a possible merger analysis. The current discussion focuses on the Town of Williamston and Martin County rather than all the public utilities in Martin County, as was discussed in 2016.

County Manager Bone explained there was opportunity to submit a regionalization/merger grant application to the Division of Water Infrastructure (DWI) this fall for just that kind of purpose. DWI would accept applications in September and then would announce grant awards in January/February 2019.

If the Town of Williamston and Martin County authorized a grant application and a grant award was received, a feasibility study would be conducted by McGill Associates. Prior to beginning the study, the Board of Commissioners would need to approve a resolution of support for the grant application.

Neither entities would be committed/required to follow-through with a consolidation. The feasibility study would simply evaluate the opportunity and provide an analysis of options on how to move forward, if both jurisdictions choose to do so.

Williamston Mayor Whichard-Brown confirmed that the Williamston Board of Commissioners voted to table the item until their August 3, 2018 meeting, due to unanswered questions.

The Martin County Board of Commissioners discussed this opportunity and consensually agreed the study was needed and would be beneficial to the County as a whole.

Commissioner Smith made the MOTION to approve proceeding with the grant application, with a SECOND by Vice Chairman Bowen. The Board APPROVED the motion unanimously.

### **Solid Waste Availability Fee Appeal – Solid Rock Lodge**

Mr. J. T. Fleming, of the Solid Rock Lodge, requested that the solid waste availability fee be released from tax years 2008-2018, based on the premise that the improved property/dwelling does not have a trash can.

According to the May 9, 2007 minutes, Mr. Fleming had a previous issue with the solid waste availability fee. Mr. Fleming received a release of the solid waste availability fee for this property, based on the reasoning that the tax office had a bad address. Included on the Consent Agenda for the May 9, 2007 Board of Commissioners' meeting, a comment accredited to then County Manager Russell Overman alluded to the fact that the address had been corrected, and the Lodge would be responsible for the landfill availability fee, even though the property would be exempt from taxes.

NC G. S. §153A-292 states "if a county operates or supports any disposal facilities within the county, it may impose a fee "for the availability" of the disposal facilities. An availability fee may be imposed on all "improved" properties in the county that "benefit" from the availability of the facility". The statute does not define what constitutes an improved property, but it likely requires that there be one or more residential, commercial, or industrial structures on the real property.

Additionally, NC G. S. §153A-292 states certain property is deemed by statute not to benefit from the availability of a county's disposal facilities and, thus, is exempt from the availability fee. A county may not impose the availability fee on improved property whose solid waste is collected by a county, a municipality, or a private contractor for a fee, if the fee imposed by the hauler includes a charge for the availability and use of a disposal facility provided by the county.

Furthermore, NC G. S. §153A-292 states a county may not impose the availability fee on property served by a private contractor who disposes of solid waste collected from the property in a disposal facility provided by the private contractor that provides the same services as those provided by the county's disposal facilities. If the services provided by the private disposal facilities and the county disposal facilities are not coextensive, the county may assess a reduced availability fee to cover the additional services that its disposal facilities provide. County officials have discretion to determine if any other categories of improved properties, such as those that are vacant, also do not "benefit" from the county's disposal facilities and, therefore, also are exempt from the availability fee.

As per the Amendment to the Martin County Solid Waste Ordinance dated July 13, 1994, Improved Property is defined as "all improved real property which contain improvements with Martin County including, but not limited to, residences, mobile homes, apartments, hand commercial establishments, business and commercial establishments not using dumpsters, schools, churches, rest homes, nursing homes, country clubs, governmental units and professional offices, but excluding business and commercial establishments generating more

than one cubic yard of solid waste weekly or industrial solid waste weekly or using dumpster equipment.”

In the same Amendment to the Martin County Solid Waste Ordinance, it states the availability fee can be removed when the electrical service has been disconnected or when the building or structure is determined by the building inspector to be uninhabitable or when the property is inspected by the Tax Assessor and it is determined that the building or dwelling can be used for storage only and the power is to remain on.

Tax Assessor Elisha Hardison recommended that the solid waste service availability fee stay as billed for the 2008-present tax years, based on the information mentioned above.

According to the May 9, 2007 meeting minutes, it appeared Mr. Fleming (who represented the Solid Rock Lodge and the Masonic Lodge in 2007) was made aware of the solid waste availability fee and was made aware of the Lodge being responsible to pay the fee in 2008 and thereafter.

Mr. Fleming was accompanied by Mr. Elbert Highsmith, who was also knowledgeable of the situation. Both men disputed having any knowledge of having been told about the fee being due. Mr. Fleming stated the Solid Rock Lodge has not had a trash can since the trash can was picked up shortly after the release of the availability fee in 2007. Both expressed disagreement that the Lodge should be responsible for the tax bill received recently for the solid waste availability fees for 2008-2018, plus interest and penalty. Mr. Highsmith stated he agreed the Solid Rock Lodge should pay going forward but disagreed since the Lodge did not have a trash can for the years in question.

Mr. Highsmith also stated there were gray areas in the ordinance concerning non-profits and asked why the Lodge was being charged for something they never had. Mr. Fleming added a bill was never received on a consistent basis.

Commissioner Smith remembered the incident but vaguely recalled the details. Vice Chairman Bowen commented he felt the Solid Waste Ordinance should be adhered to for equity.

Chairman Lilley suggested and the Board consensually agreed to table the matter until the August meeting, to allow time to research the incident further.

### **Amendment #1 to North Carolina Railroad Invests Program Grant Agreement for Weitron Project**

On April 19, 2017, Governor Roy Cooper announced that Weitron, Inc., a packager and distributor of refrigerant gases, selected Martin County for a new production facility. The company committed to investing 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. Weitron agreed to create 31 new full-time jobs at the new manufacturing facility. Of which, sixty percent (60%) or nineteen (19) of those positions would be reserved for persons of prior low and moderate-income status.

Weitron would need rail access for this facility. The project was to involve the installation of approximately four thousand nine hundred (4,900) track feet of industrial track, four (4) switches, demolition, clearing and grubbing, excavations, grading, importation of select fill material if not available on-site, storm drainage (pipes and structures) and associated sedimentation/erosion control measures and related appurtenances to serve the Martin Regional Business Park.

The Board approved Creative Rail Solutions to be the engineer, and Amtrac Railroad, of Maryland to be the contractor for the project.

County Manager Bone recalled of the multiple funding sources sought to assist with the rail extension project, the North Carolina Railroad Company (NCR) was one of the agencies supporting the project with grant funding. NCR, a private business corporation with one hundred percent of the stock owned by the State of North Carolina was chartered in 1849 for the purpose of economic development. NCR continues to invest in rail infrastructure and increased freight rail capacity to recruit new and expanding industry to our state.

NCR owns and manages the 317-mile rail corridor that stretches from Charlotte to the Port Terminal in Morehead City. Its rail corridor is a vital route for freight moving east to west, and north to south. It connects to routes carrying freight and people throughout the eastern United States. NCR does not operate trains, but its partners do.

The North Carolina Railroad issued a letter of commitment dated February 9, 2017 for \$467,000 from its newly-created NCR Invests Grant Program in support of Weitron, which is located in the Martin County Regional Business Park. In turn, the Board of Commissioners demonstrated its acceptance of the award by approving a grant agreement with NCR on August 8, 2017.

County Manager Bone explained this spring, additional areas of unsuitable soils beyond those anticipated in the initial scope were discovered. In order for the railroad bed to be structurally sound, these soils needed to be removed and replaced with suitable soils. The cost was not originally budgeted in the capital project.

In April 2018, the Board of Commissioners approved Budget Amendment #34 to transfer additional funding from the general fund to cover the some of the unanticipated costs associated with the extra soil. Additionally, NCR approved Amendment #1 in May, which would include additional funding of \$60,000 to help cover the expense for the extra soil.

Commissioner Bond made the MOTION to approve Amendment #1 to the NCR grant agreement as presented below, with a SECOND by Commissioner Smith. The Board APPROVED the motion unanimously.

NORTH CAROLINA

MARTIN COUNTY

NORTH CAROLINA RAILROAD COMPANY

AND

FIRST AMENDMENT TO  
DEFINITIVE PROJECT  
INVESTMENT AGREEMENT

MARTIN COUNTY, NORTH CAROLINA

This FIRST AMENDMENT TO DEFINITIVE PROJECT INVESTMENT AGREEMENT ("First Amendment") is made effective as of the \_\_\_\_\_ day of July, 2018 by and between County of Martin, North Carolina (hereinafter "County") and the North Carolina Railroad Company (hereinafter "NCRR"). All parties hereto are collectively referred to as the "Parties".

**RECITALS**

WHEREAS, NCRR created the "NCRR Invests" program to partner with industry and local and state governments to facilitate industrial rail projects in North Carolina that create new full-time jobs, rail usage and capital investment in counties throughout the State.

WHEREAS, Weitron, Inc. ("Company") has chosen to build a new manufacturing and distribution facility at the Martin County Regional Business Park ("Project") in Martin County, North Carolina.

WHEREAS, as part of the NCRR Invests program, NCRR previously agreed to reimburse the County up to \$467,000 ("Investment Amount") for the actual, documented costs incurred with land preparation associated with the construction of the new lead railroad track and spur track and related infrastructure to be used by the Company.

WHEREAS, on or about May 10, 2018, NCRR approved an increase in the Investment Amount to \$527,000.

WHEREAS, NCRR and the County entered into that Definitive Project Investment Agreement ("County Definitive Agreement") effective on or about August 9, 2017.

WHEREAS, NCRR and the County now desire to amend the County Definitive Agreement as follows.

NOW THEREFORE, the Parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

1. The above recitals are herein incorporated by reference.
2. In the County Definitive Agreement, the figure "\$467,000" is hereby deleted and replaced with the figure "\$527,000" in the following three (3) places:
  - a. Seventh WHEREAS clause;
  - b. Section 3(B); and
  - c. Section 7(B).
3. In Section 3(D)(ii) of the County Definitive Agreement, the figure "\$70,050" is hereby deleted and replaced with the figure "\$79,050."

4. Except as expressly changed by this First Amendment, all terms and conditions of the County Definitive Agreement remain in full force and effect.

INWITNESS WHEREOF, this First Amendment has been executed by the County and NCRR by authority duly given.

COUNTY OF MARTIN

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

NORTH CAROLINA RAILROAD COMPANY

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Designation of NCACC Voting Delegate**

The North Carolina Association of County Commissioners (NCACC) 111<sup>th</sup> Annual Conference was scheduled to be held in Catawba County August 23-25, 2018. During the business session on Saturday, August 25, 2018 scheduled from 3:00-4:30 p.m., each county would be entitled to one vote on items that come before the membership, including election of the NCACC Second Vice President. In order to facilitate this process, each county was asked to designate one voting delegate prior to the Annual Conference.

Commissioners Lilley, Smith and Bond, and County Manager Bone plan to attend. Commissioner Smith was to become NCACC First Vice President.

Being a county in good standing, the Board of Commissioners was asked to select a primary voting delegate. In the past, the Board designated an alternate voting delegate for the NCACC Annual Conference, as well.

Commissioner Smith made the MOTION to select Chairman Lilley as the primary voting delegate for the 2018 NCACC Annual Conference, with a SECOND by Commissioner Bond. The Board APPROVED the motion unanimously.

Commissioner Smith made the MOTION to select Commissioner Bond as the alternate voting delegate for the 2018 NCACC Annual Conference, with a SECOND by Vice Chairman Bowen. The Board APPROVED the motion unanimously.



## **Pension Audit Engagement Letter**

Finance Director Cindy Ange reported in order to meet the standards set by Governmental Accounting Standards Board (GASB) Statement 68, the Office of the State Auditor (OSA), in its role as the auditor for the State's CAFR, is responsible to provide assurance that the census data used to produce the net pension liability and the pension expense data is materially accurate. Likewise, the Local Government Employees Retirement System (LGERS) Plan, itself, has the responsibility to ensure the census data is materially correct. Therefore, the Department of the State Treasurer (DST) decided to rely on sample testing of employer participants by an auditor to meet this standard.

As a result, OSA selected a sample of 48 local government employer participants from both LGERS and Teachers and State Employees Retirement System (TSERS) for this year. Martin County was chosen to be included in this sample. This would be the fourth year of sampling, and the County should expect to be included about once every four years, going forward.

Carr Riggs & Ingram (CRI), the auditor for Martin County was asked by OSA to provide attestation to both OSA and DST that certain census data is materially correct. This would require additional testing than would be required by the annual audit and a separate engagement document. The fee for this work would be based on the auditor's standard rates.

Vice Chairman Bowen made the MOTION to approve the engagement letter for the pension audit, with a SECOND by Commissioner Bond. The Board APPROVED the motion unanimously.

**BOARD REPORTS / COMMISSIONERS' COMMENTS - None**

## **ADJOURNMENT**

With no further business to discuss, Vice Chairman Bowen made the MOTION to adjourn at 8:59 p.m., with a SECOND by Commissioner Smith. The Board APPROVED the motion unanimously.

The Martin County Board of Commissioners' next regular meeting would be Wednesday, August 8, 2018 at 7:00 p.m. in the Commissioners' Board Room of the Martin County Governmental Center, 305 East Main Street, Williamston, North Carolina.

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Elmo "Butch" Lilley, Chairman

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Marion B. Thompson, NCCCC, NCMCC  
Clerk to the Board