

August 18, 2021

The Martin County Board of Commissioners met in a Regular Session on Wednesday, August 18, 2021, 7:00 p.m. in the Commissioners Boardroom at the Martin County 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 James Bennett, Clerk to the Board Julia S. Rease, Finance Officer Cindy Ange, Martin County Attorney James Peele, Press Leslie Beachboard.

Others in Attendance: Town of Robersonville Tina Brown, Town of Bear Grass Mayor Charlotte Griffin, North Carolina Department of Transportation Bridge Program Manager John Abel Jr., Chief Deputy Drew Robinson, IT Director Jeb Gardner and Austin Keel, and Pastor Derrick L. Wilkins.

Present via Cisco WebEx: None

Chairman Smith called the meeting to order at 7:00 p.m. Commissioner Ayers led the Pledge of Allegiance. Pastor Derrick L. Wilkins provided the invocation. Chairman Smith extended a welcome to all.

AGENDA APPROVAL

Chairman Smith asked that a Closed Session regarding Personnel be added to the agenda as well as the Reinstatement of COVID Protocols by NC Court Order, and that the Jamesville Softball Presentation is moved as the first presentation after New Employees.

Vice Chairman Bond made a MOTION to approve the agenda as revised to include Closed Session for NC G.S. 143-318.11(a) (6) – Personnel, the Reinstatement of COVID Protocols by NC Court Order, and to move the Jamesville Softball Presentation to be the first presentation, with a SECOND from Commissioner Biggs. The Board APPROVED the motion unanimously. (5-0)

PUBLIC COMMENTS

Mr. Ricky Canon and Mr. Butch Lilley- Oak City Fire, EMS, and Rescue

Mr. Canon and Mr. Lilley made a joint public comment on the subject of Oak City Fire, Rescue, and EMS teams needing funding for volunteer workers. Mr. Canon stated that there were two fatalities related to COVID – 19 in the department, volunteers were hard to find, and there were only three individuals working at the station; one being a working full time Fire Fighter for Rocky Mount, NC. Mr. Canon reported that Mr. Butch Lilley was at the meeting to make a public comment about the finances needed to have a successful county wide rescue as he was Emergency Management in Edgecombe County.

Mr. Butch Lilley stated that he is the Fire Chief in Oak City and is the retired Emergency Management Director in Edgecombe County. Mr. Lilley reported that Edgecombe County recently transformed their department from nonprofit and volunteer work into an all-county run EMS

squad. Mr. Lilley announced to the Board and staff that Edgecombe County has 9 trucks, 6 emergency trucks, and 3 transport trucks running every day and the transport trucks are utilized to bring in more money. Mr. Lilley stated that Edgecombe County put \$6 million dollars in their system, with their workforce being twice the size of Martin County, and that this would be \$2-3 million dollars on a per capita bases for Martin County. Mr. Lilley stated that funds were needed to assist the rescue, fire and EMS volunteer squads and employees.

Annette Holiday - American Rescue Plan Funds for Hazard Pay

Ms. Holiday asked that the County Manager and the Board of Commissioners to give premium pay bonuses from the American Rescue Plan (ARP) funds to the essential workers for their service during the COVID – 19 Pandemic. Ms. Holiday stated that the payments would reward those who have assisted the public with services such as health benefits and food and nutrition during the pandemic. Ms. Holiday also stated that the payments would improve moral, recruitment, retention, and turnover in these departments.

CONSENT AGENDA

MOTION to approve the consent agenda as stated by Commissioner Biggs, with a SECOND by Commissioner Gurganus. The Board APPROVED the motion unanimously. (5-0)

1. Minutes Approval

Minutes – May 12th, 2021 Regular & Closed Sessions, Minutes – May 19th Special/Recessed May 26, 2021 Session & Closed Session, Minutes – June 9th, 2021 Regular Session, Minutes – June 29th, 2021 (June 30th, 2021 Rescheduled) Year End Budget Amendment (s), Minutes – July 14th 2021 Regular Session & Closed Session, Minutes – July 21st, 2021 Special & Closed Session

2. Financial Report for July 2021

3. Tax Assessor – Tax Refund Requests – July 2021– None

4. Tax Assessor – Tax Relief Orders –July 2021

Year Levy	Lname	Fname	Reason	Value	Total
2021	LLC.	Argos USA	Bill of Sale	13,643	110.51
2021	Livesay	Guy	Out of County		77.10
2021	Rodgerson	Michael W.	Clerk Error		75.81
			<i>Total Real & Personal Releases</i>		\$263.42
2021	Cratt	Garland Frederick	SLVG or RBLT TTL		96.15
2021	Vann	Matthew Thomas	Situs Error		140.05
			<i>Total VTS Refunds</i>		\$ 236.20
			<i>Total Tax Relief Orders</i>		\$499.62

5. Tax Collector's Report – July 2021

	Category	21-Jul	July - 21 Y- T-D
Real Property	20	\$ 126,341.80	\$ 126,341.80
Personal Property	25	\$ 6,199.43	\$ 6,199.43
Total		\$ 132,541.23	\$ 132,541.23
Motor Vehicle	30	\$ 123.00	\$ 123.90
Total MV		\$ 123.00	\$ 123.90
All Total		\$ 132,664.23	\$ 132,664.23

6. Board Appointments

a. Parmele ETJ Planning and Zoning Board

Chapter 32.016 (B) of The Town of Williamston's code of ordinance states "The Martin County Board of Commissioners has the authority to appoint members to represent the extraterritorial jurisdiction, but may concede the appointment to the Town Board of Commissioners".

The Board Appointment stated above was APPROVED and ACCEPTED as part of the consent agenda.

b. Southern Albemarle Delegates

The Southern Albemarle Association is an organization of six counties (Beaufort, Dare, Hyde, Martin and Washington) that was established in 1935 for the purpose of making our area a safe place in which to travel, work and live through promoting better roads, bridges, waterways and airports. The organization advocates for transportation improvements in the region. Each year the Southern Albemarle Association submits a suggested list of delegates for the annual meeting for consideration by the Board of Commissioners. The 2021 meeting will be held in October 2021

The Board Appointment stated above was APPROVED and ACCEPTED as part of the consent agenda

c. Women's Council

On behalf of the Martin County Women's Council, Ms. Deborah Teel requested Ms. Debra Armstrong and Ms. Sandra McCleary be reappointed for another three-year term, which would expire June 30, 2024. Their terms expired on June 30, 2021. Ms. Teel did not recommend reappointing Ms. Alice Matthews, whose term expired June 30, 2019, due to lack of attendance.

The Board Appointment stated above was APPROVED and ACCEPTED as part of the consent agenda

7. Martin County ABC Board Temporary Working Capital Fund

The Martin County ABC Board would like to have your permission to start a temporary working capital fund to help with two projects scheduled for the next fiscal year. First, our parking lot at the Williamston location needs some attention. We have been patching potholes and are losing the battle. It needs to be resurfaced at the least but more likely needs a complete repaving. I have contacted the company who repaved the new police station for a starting place. I am waiting to get information on exactly what needs to be done and start the bidding process. The second project is an upgrade to our security system and cameras in Williamston. I have an idea of the cost and have it in the new budget.

The request for the Martin County ABC Board Temporary Working Capital Fund, as stated, above was APPROVED and ACCEPTED as part of the consent agenda

8. Martin County Tax Collectors - Order of Collection 2021

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 request for the Order of Collections, as stated, above was APPROVED and ACCEPTED as part of the consent agenda.

11. Recommended Changes in Martin County Fair Housing Assistance Policy and Martin County Procurement and Disbursement Policy

The Assistance and Procurement/ Disbursement Policies are sent to the NCHFA (North Carolina Fair Housing for amendments and or changes every fund cycle. Recommended changes have been made to the Martin County Fair Housing Assistance Policy and Martin County Procurement and Disbursement Policy as attached

The request to approve Recommended Changes in Martin County Fair Housing Assistance Policy and Martin County Procurement and Disbursement Policy, as stated above, was APPROVED and ACCEPTED as part of the consent agenda.

12. Resolution by the County of Martin Approving the MOA Between the State of NC and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation

County Manager U. James Bennett received an email regarding the Opioid Litigation and read the email to the Board as it states:

“Yesterday, a \$26 billion national settlement agreement was reached with Cardinal, McKesson, and AmerisourceBergen - the nation's three major pharmaceutical distributors - and Johnson & Johnson, which manufactured and marketed opioids. The agreement would resolve the claims of both states and local governments across the

country, including the nearly 4,000 that have filed lawsuits in federal and state courts. Following the agreement, states have 30 days to sign onto the deal and local governments in the participating states will have up to 150 days to join to secure a critical mass of participating states and local governments. States and their local governments will receive maximum payments if each state and its local governments join together in support of the agreement.

In the past 24 hours we have received several questions from members about the attorney fee issue that caused some counties to hold on approving the MOA. The agreements include a \$1.6 billion fund to pay counsel. We believe it is clear in the national agreement that attorneys who participate in the national attorney fee fund are required to waive contingency fee contracts. See Exhibit R (beginning on pg. 283) in the attached Final Distributor Settlement Agreement, which specifies the Agreement on Attorneys' Fees, Expenses and Costs.”

County Manager Bennet asked the Board to approve the Resolution by the County of Martin Approving the Memorandum of Agreement (MOA) Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation as stated:

**A RESOLUTION BY THE COUNTY OF Martin
APPROVING THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE
STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS
RELATING TO THE SETTLEMENT OF OPIOID LITIGATION**

WHEREAS, as of 2019, the opioid epidemic had taken the lives of more than 16,500 North Carolinians, torn families apart, and ravaged communities from the mountains to the coast; and

WHEREAS, the COVID-19 pandemic has compounded the opioid crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total "economic burden" of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, Martin County had loss of lives and families that were negatively impacted due to the use of Opioids; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuit against opioid manufacturers and pharmaceutical distribution companies and hold those companies accountable for their misconduct; and

WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Memorandum of Agreement (MOA) to provide for the equitable distribution of any proceeds from a settlement of national opioid litigation to the State of North Carolina and to individual local governments; and

WHEREAS, Local Governments and the State of North Carolina anticipate a settlement in the national opioid litigation to be forthcoming; and

WHEREAS, by signing onto the MOA, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach

communities, once a negotiation is finalized, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including Martin County and its citizens, to sign onto the MOA and demonstrate solidarity in response to the opioid epidemic, and to maximize the share of opioid settlement funds received both in the state and this county to help abate the harm; and

WHEREAS, the MOA directs substantial resources over multiple years to local governments on the front lines of the opioid epidemic while ensuring that these resources are used in an effective way to address the crisis.

NOW, THEREFORE BE IT RESOLVED, Martin County hereby approves the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation, and any subsequent settlement funds that may come into North Carolina as a result of the opioid crisis. Furthermore, Martin County authorizes the County Manager (or County Attorney) take such measures as necessary to comply with the terms of the MOA and receive any settlement funds, including executing any documents related to the allocation of opioid settlement funds and settlement of lawsuits related to this matter. Be it further resolved copies of this resolution and the signed MOA be sent to opioiddocs@ncdoj.gov as well as forwarded to the North Carolina Association of County Commissioners at communications@ncacc.org.

Adopted this the _____ day of _____, 2021.

Ronnie Smith, Chair
Martin County Board of Commissioners

ATTEST:

Julia Rease
Clerk to the Board
(SEAL)

The Resolution by the County of Martin Approving the MOA Between the State of NC and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation, as stated above, was APPROVED and ACCEPTED as part of the consent agenda

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

INTRODUCTION OF NEW EMPLOYEE(S) - None

PRESENTATIONS

Jamesville 12U Softball Team- State Champions and 5th Place in Nationals

Coaches Jed Modlin and Bobby Hogge introduced the presentation of the Jamesville 12U Softball team by giving a timeline of games won by the team. Coach Modlin stated that the team went undefeated in the District games in Bath and New Bern. Next, Coach Modlin stated that the girls won the State Champions and he wanted the team to push themselves to go to the World Series in Florida. Coach Modlin announced that the Jamesville 12U Softball team placed 5th at the 2021 Babe Ruth Softball World Series in Treasure Coast, Florida, which is a first for Jamesville, NC. It is customary for the Board to

acknowledge such accomplishments in the way of inviting the group to the meeting for the presentation Coaches along with the Jamesville 12U Girls Softball Team members were invited to the meeting, given certificates of recognition, and the Board of Commissioners had the honor of taking a picture with the State Champions. Coaches Bobby Hogge and Jed Modlin read the names of the softball players during the meeting, so every member was recognized. Commissioner Gurganus had the honor of reading a thank you letter from the softball team to the Board of Commissioner’s thanking them for their support. The State Champions are:

Team: Hannah Lilley, Ella Hayes, Ava Modlin, Olivia Hogge, Chloe Clifton, Riley Cowan, JuJu Woods, Torri VanderAa, Chloe Ferebee, Clair Ferebee, and Shannah Avery.

Coaches: Wayne Lilley Head Coach, Assistant Coach Jed Modlin, and Assistant Coach Bobby Hogge

COVID-19 Update

MTW Health Vickey Manning provided the COVID-19 update to the Board of Commissioners. As of August 18, 2021, MTW Health Department Vickey Manning, reported Martin County had 2691 total cases and 140 active cases. At the time of the report, MTW Health Department Manning stated that 52 of Martin County residents were hospitalized. In Martin County, MTW health Department Manning reported that 45% of the population have been administered the first dose of the vaccine and 41% of the population received the second dose of the vaccine.

County	Martin	Tyrrell	Washington
Total Cases	2691	404	1239
Deaths	52	6	32
Total Breakthrough Cases	14	4	3
Cases since 8/17	+18	+5	+7
Current Active Cases	140	41	44

MTW Health Department Vickey Manning reported that the vaccinations were showing positive results regardless of the “breakthrough” cases, which are cases of individuals who contracted COVID 19 and have received both doses of the vaccine. MTW Health Director Vickey Manning reported that Martin County had two outbreak sites that has been monitored and they are the Carrolton of Williamston, NC. MTW Health Department, Vickey Manning also stated that there are booster shots available for individuals who were immune compromised and have had their second vaccination at least 28 days before. MTW Health Department Manning announced that booster shots would be available starting September 20th, 2021 for the general public who have had their second vaccination at least 8 months ago.

STIPS Projects- NC Department of Transportation – John Abel Jr. Bridge Program Manager

NC DOT Bridge Program Manager, John Abel Sr. gave a presentation on NC DOT projects in Martin County that have been prepared for the bidding process.

Projects in Martin County

- R-2511 US 17 from Old Ford to South of Williamston

NCDOT Bridge Program Manager, John Abel Jr. stated that the project will be a change from a superstreet design to a conflict resolution interchange design, the project is 10.6 mile long, 100% of the project is designed, 65%-70% of the right-of-way acquisitions process of \$15,000,000 is completed, and a utility relocation of \$4,400,000 will start after the acquisitions are completed. Bridge Program Manager Abel Jr. stated that utility relocation will not be conducted if utilities are of Dominion power, Edgecombe Martin Electric, or the town of Washington. Bridge Program

Manager Abel Jr. reported that 60% of this project is in Martin County and 40% in Beaufort County, which means that, the construction estimate would be \$69,800,000. Scheduled for LET – December 2021, April 2022.

- R-4705 SR 1142 (Prison Camp Rd) from College Road to NC 903

NC DOT Bridge Program Manager Abel Jr. reported that this modernization project would be 9.6 miles long and the goal was to set a design speed of 60, which would be posted at 55 miles per hour and to redesign some curves in the road. NC DOT BPM, Abel Jr. Stated that the construction estimate would be \$36,300,000, the right-of-way acquisition would cost around \$4,250,000, and the utility relocation would cost \$4,250,000 for towel- electricity- water line, which is no cost to the county. NC DOT Bridge Program Manager Abel Jr. announced the project is scheduled for LET – the process of receiving bids prior to any award of a Construction contract – in June 2022. It was also stated by bridge program Manager, NC DOT, John Abel Jr. stated that there was a request and some discussion with the previous County Manager David Bone about the name “Prison Camp Road” being changed due to the negative connotation to “prison camp”.

- R-5810 US 17 from the end of R-2511 to SR 1119 (Ralph Taylor Road)

NC DOT John Abel Jr. explained that this project was 9.6 miles long and there will be a Conflict Resolution Interchange design to take away all left turns that cross 2 or 4 lane interactions to decrease the amount of accidents. It was reported by NC DOT Bridge Program Manager John Abel Jr. that the construction estimate is \$7,300,000 with the right of way acquisition being \$15,000 and the utility relocation costing \$180,000 for power lines. NC DOT BPM Abel Jr. reported that the project is scheduled for let in June of 2025 and with some of the infrastructure from President Biden and Congress there is a possibility that the project deadline could be moved up.

- I-6028 US 64 from Edgecombe County Line to US 13/17 & US 64 Interchange

Bridge Program Manager John Abel Jr with NC DOT explained the project was 18.6 miles and would address pavement rehabilitation, the I-6028A project was deleted – handled under contract resurfacing, the I-6028B – awarded Barnhill \$2,700,000, the I-6028C – NC DOT Bridge Program Manager John Abel Jr. informed the board that the scheduled LET January 2022 and that the Construction Estimate would be \$11,300,000.

OLD BUSINESS- NONE

NEW BUSINESS

Resolution Opposing the Reduction in the Number of Judges in the Second Judicial District January 11th, 2018, the Joint Select Committee on Judicial Reform and Redistricting was established to study judicial reform proposals by the President Pro Tempore of the Senate and the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1), Rule 31 of the Rules of the Senate of the 2017 General Assembly, and Rule 26(A) of the Rules of the House of Representative of the 2017 General Assembly.

Motion to Approve the Resolution Opposing the Reduction in the Number of Judges in the Second Judicial District by Commissioner Biggs and **Seconded** by Vice Chairman Bond Jr. Motion **Carried** unanimously.

RESOLUTION
OPPOSING THE REDUCTION
IN THE NUMBER OF JUDGES IN THE SECOND JUDICIAL DISTRICT

WHEREAS, on January 11th, 2018, the Joint Select Committee on Judicial Reform and Redistricting was established to study judicial reform proposals by the President Pro Tempore of the Senate and the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1), Rule 31 of the Rules of the Senate of the 2017 General Assembly, and Rule 26(A) of the Rules of the House of Representative of the 2017 General Assembly; and

WHEREAS, the Committee has proposed three different plans to redistrict the judiciary; and

WHEREAS, the proposed Plan A would keep four judges in the Second Judicial District, and proposed Plans B and C would reduce the number of judges in the Second Judicial District from four to three; and

WHEREAS, the Second Judicial District is comprised of the following five counties: Beaufort, Martin, Washington, Tyrrell and Hyde; and

WHEREAS, the geographical area of the Second Judicial District is the largest in the State of North Carolina covering over 3,900 square miles; and

WHEREAS, judges are already required to travel between 28 to 79 miles one way, to get to the various courthouses within the Second Judicial District; and

WHEREAS, the Second Judicial District has had four judges since 2001, and the number of felonies and traffic matters has steadily increased and doubled over the past seventeen years; and

WHEREAS, the swiftly developing Opioid Crisis has further contributed to a shocking increase in the number of criminal cases being dealt with in the Second Judicial District; and

WHEREAS, the indirect and tragic impacts of the Opioid Crisis upon the children and families within the affected communities has even further contributed to an equally shocking increase in the number of abuse, neglect and dependency cases requiring additional judicial time to be spent both in and out of the courtroom by judges within the Second Judicial District; and

WHEREAS, due to the Juvenile Justice Reinvestment Act, which is now law, and requires the Second Judicial District to add court sessions to accommodate the increased number of juvenile cases to be dealt with as a result; and

WHEREAS, any reduction in the number of judges in the Second Judicial District will immediately cause a reduction in the number of court sessions and result in crowded courtrooms, longer court days, case delays, and will negatively impact the clerks, bailiffs, law enforcement, attorneys, judges, and most importantly the general public served by our court system; and

WHEREAS, we conclude it is not in the best interest of our citizens or the Second Judicial District to lose any of the four judge positions that have been assigned to that district for almost two decades, due to the immediate and significant detrimental impact such loss would have upon our citizen's access to justice in a prompt and effective manner.

NOW THEREFORE, THE MARTIN COUNTY BOARD OF COMMISSIONERS HEREBY RESOLVES AS FOLLOWS:

That this resolution in opposition to any reduction in the number of judges in the Second Judicial District is adopted, and that it be transmitted to the North Carolina General Assembly through the duly elected members of that body representing those counties within the Second Judicial District in order to respectfully request that the number of judges in the Second Judicial District not be reduced for the reasons stated herein.

ADOPTED this the 18th day of August, 2021.

Ronnie Smith, Chairman
Martin County Board of Commissioners

ATTEST:

Julia S. Rease
Clerk to the Board

NC Court Order – Reinstatements of COVID Protocol (Add to Agenda if Approved)

On August 13, 2021, County Manager U. James Bennett received an email with an Emergency Order modifying “Administrative Order Effective July 1, 2021” Effective August 16, 2021. The email stated that after contact and response with most of the local Health Department Directors, and at their advice, Judge Sermons found it necessary to move back to a 6 foot social distance guideline. The Modified order is as stated:

NORTH CAROLINA
SECOND JUDICIAL DISTRICT

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT COURT DIVISION
21-R-

**EMERGENCY ORDER MODIFYING
“ADMINISTRATIVE ORDER EFFECTIVE JULY 1, 2021”
EFFECTIVE AUGUST 16, 2021**

NOW COMES the undersigned Senior Resident Superior Court Judge and Chief District Court Judge and enters this Administrative Order concerning Court operations.

IT APPEARING TO THE COURT that The Chief Justice has lifted Emergency Directive 12 and Emergency Directive 21 and given the Senior Resident and Chief District Court Judge the discretion to set the guidelines for social distancing and face coverings, and Court operations. Due to the sudden increase in COVID positive cases in the District, it is necessary to modify the July 1, 2021 Order, which shall remain in place subject to the following modifications.

NOW, THEREFORE, IT IS ORDERED that:

- A. Temperature Screening, Cleaning, Spacing and Masks**

1. Temperature screening shall again be required upon entry to the Courthouse. A temperature above the CDC recommendation will result in the person not entering the building.
2. Hand sanitizer shall be available at the entry and exit of the facility and, preferably, at all high touch areas of the facility including doorways, service counters, stairwells and elevators.
3. All areas accessed by the public are cleaned at the end of each day, including high touch areas (high touch areas include, but are not limited to doorknobs, water fountains, handrails, elevators walls and buttons, bathroom faucets and dispensers, and reception desks or counters).
4. The maximum allowable occupancy of each courtroom or meeting space is established such that all persons who must sit or stand in such space shall observe social distancing of at least 6 feet. The Jury box shall have a social distance of at least 6 feet, unless reduced in the discretion of the Presiding Judge.
5. All persons who are in a court facility are required to wear a face covering while they are in common areas of the facility and courtroom. The Clerks of Superior Court shall post a notice of this requirement at the entrance to every court facility in their county. Failure to comply with this mandate could subject persons to Contempt of Court citations.
6. Masks shall be worn by all persons, other than witnesses while testifying behind the plexiglass at the witness stand.

B. Hearing of in custody, non-custody, defendant pleas, motions and probation violations for Superior Court.

1. The District Attorney shall calendar any cases that are ready for administrative setting. Plea offers shall be made prior to the date of court in writing.
2. Plea transcripts should be prepared and signed by the parties if possible, prior to the court date. If no plea is agreed upon, the case will be called and the plea offer rejected on the record, and a trial date set.
3. No defendant shall be allowed to accept a plea offer after it has been rejected, unless extraordinary circumstances exist and approved by the Court.
4. The District Attorney shall prepare a calendar for all cases or hearings which allocates designated time periods for each defense attorney or hearing. Calendars shall limit the number of people in the courtroom as to available seating at 6 feet distancing.
5. Essential victim rights witnesses, defense witnesses, and members of the public shall be allowed in the Courtroom subject to available seating.

C. Specific rules for Grand Jury sessions until further notice:

1. That Grand Jury sessions in the District will move back to their regularly scheduled day on Monday of the trial session, or so previously scheduled.
2. The Grand Jury will meet in a meeting room appropriate for 6-foot social distancing.
3. All witnesses and Grand Jurors shall wear face coverings at all times.

D. WebEx Hearings

1. Remote civil hearings will continue to be utilized to the extent agreed to by all parties.
2. Remote criminal hearings are discouraged and shall only be allowed with the prior approval of the Presiding Judge.

Martin County Sheriff Tim Manning stated that he consulted with the court officials and temperature gauges were put in the courtrooms upstairs. It was agreed by the board that the staff and citizens continue to wear masks in the building.

Budget Admendment(s)

Budget Admendment(s)

Finance Officer Cindy Ange explained Budget Admendment three, which stated the unauthorized substance tax is an excise tax imposed on controlled substances (marijuana, cocaine etc...), illicit spirituous liquor (“moonshine”), mash, and illicit mixed beverages (G.S. 105-113.106). The State and local law enforcement agencies can generate revenue from their narcotics investigations if during the investigation, a taxable quantity of drugs are discovered and the agency submits the appropriate referral form to the NC Department of Revenue within 48 hours after making a threshold drug arrest or seizure (tax rates, thresholds and forms attached-Appendix 1). These rates and quantities are established pursuant to G.S. 105-113.107 and 105-113.108. G.S. 105-113.108(b) requires that law enforcement agencies complete either a BD-4 (Controlled Substances) or BD-4L (Illicit Liquor) form within 48 hours after making a threshold drug arrest or seizure. The State Unauthorized Substances Act does not place specific spending restrictions on the use of these proceeds shared with law enforcement agencies. The clear and unequivocal language of the statute, however, requires the stated portion of the tax to accrue directly to the law enforcement agency to “generate revenue” for the agency. Thus, the proceeds must be used for law enforcement purposes and not for the general operations or activities of the city or county of which the law enforcement agency is a part. Budget admendment #3 appropriates the funds collected from the unauthorized substance tax to be used by the Sheriff’s office. Martin County accounts for these funds in a special revenue fund.

BUDGET ORDINANCE AMENDMENT-3

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, 2022.

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

	Increase	Decrease
Public Safety		

County Manager Bennett stated that the guidelines for the monies were not finalized as not all employees would be considered as “essential”. County Manager Bennett stated that there was one department that has already received premium payments and would not receive an additional payment. County Manager Bennett also stated that there was a miss quote where Chairman Smith stated that there would be 4.5 million dollars received, but these payments would be paid to the county in halves. County Manager Bennett stated that if it is founded that some employees did not met the criteria for the premium payments, the county would have to pay these monies back through the general fund and he stimulated that the total cost for these payments would be around \$87,680.

Motion to approve Premium Payments of \$1,000 for all employees including the Sheriff’s department by Commissioner Gurganus with a **Second** by Commissioner Ayers. **Motion** was **carried** unanimously.

BOARD REPORTS / COMMISSIONERS’ COMMENTS- NONE

ADJOURNMENT

With no further business to discuss, Commissioner Gurganus made a MOTION to adjourn the meeting, with a SECOND from Commissioner Biggs. Chairman Smith adjourned the meeting at 10:55 p.m. The next regular meeting was scheduled for September 8, 2021 at 7:00 p.m. in the Commissioners Boardroom.

Ronnie Smith, Chairman
Martin County Board of Commissioners

Julia S. Rease
Clerk to the Board