

March 14, 2018

The Martin County Board of Commissioners met in Regular Session on Wednesday, March 14, 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 Dempsey Bond, Jr., Commissioner Joe R. Ayers, County Manager David Bone, County Attorney J. Melvin Bowen, Clerk to the Board Marion B. Thompson and Finance Director/Deputy Clerk Cindy Ange.

Commissioner Ronnie Smith was attending a meeting in Washington, DC with officials from the office of U. S. President Donald Trump.

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 all in attendance and thanked them for his/her participation. Chairman Lilley recognized the following elected/appointed officials in attendance: Martin County Sheriff Tim Manning and Town of Parmele Mayor Jerry McCrary.

AGENDA APPROVAL

County Manager Bone asked the Board to approve the agenda with the inclusion of the following item:

- Resolution Declaring March 2018 National Social Work Month

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

PUBLIC COMMENTS – None

CONSENT AGENDA

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

- 1. Minutes** for February 14, 2018 Regular & Closed Sessions
- 2. Financial Report** for January 2018 included for informational purposes.
- 3. Finance Office – Disposal of Administrative Records**

Finance Director Cindy Ange requested approval to dispose of the following items:

- 2011-2012 Cash receipt files, original and duplicate copies – state requires retention for three years.
- 2011-2012 Green copies of purchase orders, duplicated.
- 2011-2012 Building Inspector permits copies; originals kept in another office.
- 2011-2012 Paid invoice file, original invoices and duplicate copies of checks – state requires retention for three years.
- 2011-2012 Centura bank statements and cancelled checks – state requires retention for three years.
- 2011-2012 Centura payroll bank statements and cancelled checks; original corresponding reports kept on file in the Finance Office.
- 2014-2015 Computer generated printouts (Supporting documents will be retained for five years)
- 2011-2012 Landfill billing statements, payments, daily ticket report & financial report.
- 2012-2013 Budget Amendments
- 2011-2012 Gasoline reports
- 2011-2012 Welfare Drafts
- 2011-2012 Capital Trust Statements
- 2011-2012 Sales Tax
- 2011-2012 Journal Entries
- 2011-2012 Retirement & SS Backup Reports
- 2011-2012 Transit Invoices
- 2011-2012 Return Check copies

4. Tax Assessor – Tax Refund Request – February 2018

Parcel # 14-42207 – On behalf of Keel Brothers Farms, Mrs. Coral Keel requested a refund for a double list and payment of taxes for 2017, due to a double listing from two different entities. After extensive research, the Tax Assessor’s Office discovered that Keel Brothers Farms leases the piece of equipment from DLL Finance LLC. The correct owner and taxpayer, DLL Finance LLC, and Keel Brothers Farms listed the same piece of equipment and paid the taxes. The 2017 value for the equipment was \$217,709. Per NC G. S. § 105-381(a)(1), Martin County may refund the current year plus five additional years due to an error from within the Tax Assessor’s office. The refund would be \$1,806.98, plus any additional interest and fees due. Keel Brothers Farms requested the refund mailed back to them, since all taxes are currently paid.

Parcels #05-00071, #05-02986, & #05-01033 – Mr. Kiplin Gray Sales requested a refund for an overvaluation of three (3) of his rental properties, which he appealed in 2017. After extensive research, the Tax Assessor’s office discovered that Mr. Sales had appealed in 2017, but was not given an adjustment or notified of the decision of the appeals team. After an inspection by Mr. Tim Cain, of Assessment Solution, Mr. Cain granted Mr. Sales a decrease in valuation for 2018, on these three parcels. Tax Assessor Hardison stated it was only fair to make this adjustment for 2017 as well, due to the inefficient handling of the appeal. Per NC G. S. § 105-381(a)(1), Martin County may refund the current year plus five additional years due to an error from within the Tax Assessor’s office. The refund would be for parcel #05-00071 - \$103.49, parcel #05-02986 - \$41.00, and parcel #05-01033 - \$63.52, totaling \$208.01, plus any additional interest and fees due. Keel Brothers Farms requested the refund mailed back to them, since all taxes are currently paid.

5. Tax Assessor – Tax Relief Orders – February 2018

Year Levy	Lname	Fname	Reason	Value	Total
2017	Beecham	George L Jr	Repo		245.20
2017	Clark	R W Bobby	Error in Landfill		172.00
2017	Glueck	R Gary	Error in Listing		543.24
2017	James	Beatrice W Heirs	Error in Value		386.48
2017	Pugh	Janet Bernette	Error in Landfill		172.00
2017	Bullock	Monica Reynold	Mileage		20.58
2017	House	James William Jr	Over Assessment		404.55
2017	Peele	Charles Edward	Over Assessment		17.20
				Total	1,961.25

6. Tax Collector’s Report – February 2018

	Category	Feb-18	Feb-18 Y-T-D
Real Property	20	\$213,321.80	\$8,394,955.34
Personal Property	25	<u>11,707.22</u>	<u>4,992,829.42</u>
Total		\$225,029.02	\$13,387,784.76
Motor Vehicle	30	<u>93.33</u>	<u>3,829.29</u>
Total MV		\$93.33	\$3,829.29
All Total		\$225,122.35	\$13,391,614.05

7. Choanoke Area Development Association Board – Appointments

The Board of Commissioners accepted the resignations of Ms. Tina Rodgers and Ms. Barbara Council, Martin County Representatives on the Choanoke Area Development Association (CADA) Board, effective December 31, 2017.

Social Services/Transit Director Letecia Loadholt and Martin County Business Owner Callie Northern expressed a desire to serve on the CADA Board.

As an item on the Consent Agenda, the Board appointed these individuals for a two-year term, which would expire December 31, 2020.

8. Amendment #1 to Metcore Industrial Solution Agreement

Metcore Industrial Solutions sells and manufactures high precision sheet metal components and assemblies primarily in the air filtration and agricultural industries. Metcore Industrial Solutions is a start-up company and a subsidiary of Trinity Manufacturing in Hamlet.

On March 9, 2016, the Martin County Board of Commissioners approved a NC Commerce Rural Economic Development Grant Contract Agreement in the amount of \$150,000 and a county match of \$7,500 for Metcore Industrial Solutions.

The project involved the reuse of a 90,000 sq. ft. building located at 23399 NC 125 North in Williamston. The building, constructed in 1986, had been vacant for nearly three years. The project assisted with renovations and upgrades that include the construction of office space, electrical upgrades, and HVAC.

The grant agreement called for the creation of 12 full-time jobs. The current agreement between Martin County/Metcore and NC Department of Commerce expired on February 18, 2018.

The modified Amendment #1 to the agreement with the NC Department of Commerce – Rural Economic Development Division would involve an extension of time only, to December 31, 2018. All other terms and conditions of the Agreement shall remain unaltered and in full force and effect.

The Board approved the NC Department of Commerce – Rural Economic Development Division agreement amendment #1 with Martin County (*entered into these minutes by Contract reference #2016-044-3201-2587, dated February 14, 2018*) as presented, as part of the Consent Agenda.

9. Correction to Martin County Salary Table

In 2015, the Board of Commissioners established a goal to create a pay strategy to improve employee retention. To that end, funding was included in the 2016-17 Budget for a pay/classification study.

The purpose of a pay and classification study is to ensure an organization has accurate job specifications and salaries that will help retain the best employees and attract qualified applicants. Pay and classification studies provide local governments with a customized salary structure for their organizations. The last pay study for Martin County was conducted in 1999.

One goal of implementing a pay/classification study is to compensate employees fairly and equitably as close as possible to the market rate. The pay study included a market analysis of positions in the Martin County organization and compared them with similar organization in the region. By applying the implementation strategy consistently with all employees, the county avoids any legal liabilities or negative morale reactions.

Martin County contracted with the MAPS Group, which conducted the pay study in 2016. On December 14, 2016, Ms. Becky Veazey, of the MAPS Group, presented the findings to the Board of Commissioners and recommended “Option 3”.

On July 5, 2017, the Board of Commissioners approved the Pay Grades, Pay Ranges and Classifications associated with “Option 3” from the pay study.

County Manager Bone reported the Grade/Salary Table adopted July 5, 2017 listed the Accounting Tech position as Grade 63. Staff determined this position should be at Grade 65.

The Board of Commissioners approved the noted revision to the Pay Grade list, as part of the Consent Agenda.

10. Adjustment of Classification & Duties of the Emergency Specialist Management Director & Fire Marshal

County Manager Bone stated there was a vacancy in the Emergency Specialist position in the Code Enforcement and Safety Department. This position also had the responsibilities of EMS Administrator and Deputy Emergency Management Director. The Communications Department now house the 911 addressing responsibilities formerly held by this position.

The Code Enforcement and Safety Department also has a part-time Deputy Fire Marshal position.

Staff proposed combining the full-time Emergency Specialist position and part-time Deputy Fire Marshal position to create one Deputy Fire Marshal/Deputy Emergency Management Coordinator/Assistant EMS Administrator position. The new position proposed would be at Grade 67, with a salary range of \$32,588 - \$50,511.

The Board of Commissioners approved this adjustment of classification and duties, as part of the Consent Agenda.

11. Resolution Declaring the Opioid Crisis a Public Nuisance

The opioid crisis in the United States has received a lot of attention. In October 2017, the County Commissioners of Martin, Tyrrell and Washington Counties, as well as partners at the Martin-Tyrrell-Washington District Health Department and Trillium Health Resources held a leadership forum on Opioid Abuse.

Regular use of opioid pain relievers – even when used as prescribed by a doctor – can produce dependence, and when misused or abused, can lead to fatal overdose. In North Carolina, as in our nation, the use of prescription painkillers has reached epidemic proportions. Closely related is the alarming increase in the use of heroin. In the communities of Martin, Tyrrell and Washington Counties, two individuals were found dead of an opioid overdose last year. Recent data about the opioid use, misuse and accidental overdose in our communities was shown as follows:

	Martin County	Tyrrell County	Washington County
# of opioid deaths in 2016	1	0	1
Total # of legal prescription written for opioids (per resident)	1.317	0.882	1.071
Average # of pills per person	97.8	67.5	78.5

(Data on prescription rates and poisoning deaths courtesy of NC Department of Health & Human Services)

A recent article published by the Center for Disease Control (CDC) showed the opioid epidemic to be getting worse. The resolution would declare the opioid crisis a public nuisance in Martin County.

The Board of Commissioners approved the resolution below, as part of the Consent Agenda.

RESOLUTION
OF THE BOARD OF COMMISSIONERS OF MARTIN COUNTY, NORTH CAROLINA
DECLARING THE OPIOID CRISIS A PUBLIC NUISANCE

WHEREAS, Martin County Board of Commissioners has the authority to adopt resolutions with respect to county affairs of Martin County, North Carolina, pursuant to N.C. Gen. Stat. Ann. § 153A-121; and

WHEREAS, the Martin County Board of Commissioners has the authority to take action to protect the public health, safety, and welfare of the residents and citizens of Martin County; and

WHEREAS, there exists a serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Martin County; and

WHEREAS, the diversion of legally produced controlled substances into the illicit market causes or contributes to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Martin County; and

WHEREAS, the opioid crisis unreasonably interferes with rights common to the general public of Martin County; involves a significant interference with the public health, safety, peace, comfort, and convenience of citizens and residents of Martin County; includes the delivery of controlled substances in violation of State and Federal law and regulations; and therefore constitutes a public nuisance; and

WHEREAS, the opioid crisis is having an extended and far reaching impact of the general public, health, and safety, of residents and citizens of Martin County and must be abated; and

WHEREAS, the violation of any laws of the State of North Carolina, or of the United States of America controlling the distribution of a controlled substance is inimical, harmful, and adverse to the public welfare of the residents and citizens of Martin County constitutes a public nuisance; and

WHEREAS, the Martin County Board of Commissioners has the authority to abate, or cause to be abated, any public nuisance including those acts that unreasonably interfere with rights common to the general public of Martin County and/or involve a significant interference with the public health, safety, peace, comfort, and convenience of citizens and residents of Martin County; and

WHEREAS, Martin County has expended, is expending, and will continue to expend in the future County funds to respond to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality within Martin County; and

WHEREAS, the Martin County Board of Commissioners have received information that indicates that the manufacturers and wholesale distributors of controlled substances have distributed in Martin County, North Carolina, and surrounding areas, and may have violated Federal and/or State laws and regulations that were enacted to prevent the diversion of legally produced controlled substances into the illicit market.

NOW, THEREFORE, BE IT RESOLVED by the Martin County Board of Commissioners, assembled on this day at which a quorum is present, that based upon the above the Martin County Board of Commissioners are declaring the opioid crisis a public nuisance which must be abated for the benefit of Martin County and its residents and citizens.

BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are rescinded.

The motion to approve the foregoing resolution was made by Commissioner _____, seconded by Commissioner _____, and the following vote was recorded:

Elmo "Butch" Lilley _____

Tommy Bowen _____

Ronnie Smith _____

Dempsey Bond, Jr. _____

Joe R. Ayers _____

Elmo "Butch" Lilley, Chairman

Attest:

Marion B. Thompson, NCCCC
Clerk to the Board

12. Clerk Report included for informational purposes.

INTRODUCTION OF NEW EMPLOYEE (S)

Department of Social Services/Transit Director Letecia Loadholt introduced the following new employees: Social Workers, Ms. Margaret Porter, Ms. Yolanda White and Ms. Viola McIntyre; and Income Maintenance Caseworkers, Ms. LaShawnda Keyes and Ms. Valonda Howell.

On behalf of the Board of Commissioners, Chairman Lilley welcomed the new employees to the Martin County workforce family and wished them many years of success with the County.

PRESENTATIONS

NC DOT Updates & Current Projects

NC DOT Division 1 personnel asked to be on the March 14, 2018 agenda to give the Board of Commissioners a general overview of some of the large transportation construction projects affecting the Martin County area, along with maintenance projects that were scheduled in the next 10 years.

Division Maintenance Engineer Win Bridgers took the lead in introducing current Staff and providing the updates to the Board. Mr. Bridgers acknowledged Division One Board of Transportation Member Allen Moran, who was not in attendance. Accompanying Mr. Bridgers was NC DOT Division 1 Assistant Division Maintenance Engineer Ronnie Sawyer, Division Project Development Engineer Gretchen Byrum, District Engineer Darrick Lee, and County Maintenance Engineer Andy Mulder. Division Engineer Jerry Jennings was not feeling well and did not attend.

Current Projects

Project	Distance	Bid amount	Projected Completion Date	Completion Date
R-3826: NC 125	2.29 miles	\$9.47 million	04/13/2019	Summer 2018
SR 1182 (East College Rd) to NC 125 West of Williamston-Most New Location				

Upcoming Project

Project	Distance	Bid amount	Projected Completion Date
SR 1142: Prison Camp Road From NC 903 to SR 1182 (East College Road)	9.6 miles	\$25.9 million	Let: Fall 2020
R-2511: US17 From Washington Bypass North of NC 171 to Multi-lanes South of Williamston	10 miles	\$74.1 million	Let: Summer 2020
R-5810 US 17 Access Management From SR 1119 (Ralph Taylor Road) to SR 1205 (Holly Creek Road) Riverside Middle School	2.4 Miles	\$9.2 million	August 2018
Replace Bridge over Flat Swamp on SR 1159 (Flat Swamp Road)		\$960,000	Let: Winter 2019
Replace Bridge over Collie Swamp on SR 1142 (Prison Camp Rd)		\$1.65 million	Let: Fall 2018

Maintenance Operations

Mr. Bridgers explained the Highway Maintenance Improvement Program (HMIP) was a 5-year plan that allows NC DOT to maintain the road system in good physical condition and maintain the structural integrity and longevity of the system. This would include Resurfacing (\$18.2 million planned for next 5 years [109 Miles] and Pavement Preservation (\$2.87 million planned for next 5 years [102 Miles]).

The Future I-87 feasibility study from US 64 from SR 1003 in Wendell to US 17 Williamston was now available.

Mr. Bridgers stated the Road Maintenance Improvement Program (RMIP) was a strategy to develop a plan to maintain and/or improve the functional condition of the existing roadway system to increase planned (proactive) maintenance vs. reactive maintenance.

The Goal of the Program was to allocate 50% of Maintenance Allocations for Planned Maintenance. The areas of focus would be the following:

- Drainage Ditch Maintenance
- Shoulder Maintenance
- Pipe Replacements
- Pavement Markings

The Board thanked NC DOT Division I staff for the interest shown regarding projects affecting Martin County citizens. The NC DOT thanked the Board for its support through the years.

March NCACC Video Update

The NC Association of County Commissioners typically produces a monthly NCACC update video for county boards of commissioners. Staff had not received the March NCACC video update at the time of the monthly board meeting.

OLD BUSINESS – None

NEW BUSINESS

Construction Bids for New 911 Center

The NC 911 Board awarded a grant of \$4,315,437 to Martin County to fund the construction of a new Martin County 9-1-1 Communications Center (also referred to as PSAP or “Public Safety Answering Point”) building, which will also serve as a back-up and training facility for Bertie County Communications and Pasquotank County (which also provides service to Camden County). The Martin County Board of Commissioners approved the acceptance of the grant on September 14, 2016. The Board of Commissioners approved the grant agreement with the NC 911 Board on November 16, 2016.

The original grant involved the center serving as a back-up and training center for Bertie County. The Board of Commissioners approved the addition of Pasquotank County to the project on January 18, 2017. Pasquotank County was awarded a 911 grant for \$1,010,779. Only a portion of Pasquotank’s grant would be used to pay for part of the Martin County building project.

The current Martin County 9-1-1 Communications Center would be maintained as a back-up facility for Martin County.

The project would involve the relocation of the Martin County 9-1-1 Communications Center to a county-owned site at 1560 Prison Camp Road. The grant also would provide funding for the

procurement and installation of Next Generation 9-1-1 technologies that would ensure 9-1-1 met the needs of all its citizens.

On April 12, 2017, the Board of Commissioners approved a contract with the Schrader Group / Lyall Design Architects.

The bid opening was scheduled for February 27, 2018 but only one company (A.R. Chesson) presented a bid submittal. A minimum of three bids was required for the first bid opening. The bid was returned to the company unopened. The project was re-advertised, and the new bid day was scheduled for Tuesday, March 13, 2018 at 3:00 p.m. With the re-advertisement, the County could open bids, even if less than 3 bids were received.

Vice Chairman Bowen made the MOTION to reject all construction bids for the new 911 Center and to direct the County Manager to re-advertise for bids, with a SECOND by Commissioner Bond. The Board APPROVED the motion unanimously.

Approval of 2017 Community Development Block Grant (CDBG)-Disaster Recovery (DR) Program Plans & Policies

Project Manager Mike Barnette, of McDavid Associates explained Martin County received notification in November 2017 of a \$1 million grant from the CDBG-Disaster Recovery grant program, which was part of the Hurricane Matthew recovery effort. The County submitted an application for \$1,000,000 (the maximum amount) for housing, community facilities, and public infrastructure. The CDBG-DR application included the following direct housing benefit activities:

- Single family homeowner rehabilitation
- Single family homeowner reconstruction
- Mobile home rehabilitation
- Mobile home replacement
- Temporary rental assistance
- House repair cost reimbursement
- Flood insurance assistance

Martin County's CDBG-DR application also included the following activities:

- Community Recovery activities
- Infrastructure in support of Housing and/or Community Recovery activities

All activities must benefit low-moderate income people or address an urgent need as the qualifying National Objective. The program will make every effort to minimize displacement and will provide displacement assistance if needed. The program does not involve involuntary displacement. The program would be a 100% grant to the County and would not require the County to commit any local funds.

The CDBG-DR Grant Agreement was approved at the February 16, 2018 Board of Commissioners meeting.

Certain Plans and Policies must be in place as a result of the program being funded with HUD funds via the CDBG program. McDavid associates provided suggested Program Compliance Plans and Policies, which were required for the CDBG-DR program. The Board needed to adopt the Plans and Policies in the presented form, or any other desired form, to submit to NC Division of Emergency Management.

Commissioner Bond made the MOTION to approve the CDBG grant Program Plans and Policies (entered into these minutes by title reference and date "*Martin County Program Compliance Plans & Policies 2017 CDBG-DR [also effective for any other funded CDBG program]* adopted March 14, 2018) as presented, with a SECOND by Commissioner Ayers. The Board APPROVED the motion unanimously.

Equalization & Review Board - Appointment/Reappointments & Chair & Vice Chair Appointments

In 2009, Martin County adopted a Resolution appointing a special Board of Equalization and Review to review tax lists and to hear taxpayer appeals. The resolution states the County's Board of Commissioners are to approve and appoint board members for a one (1) year term.

The Chairman position on the Equalization and Review Board had been vacant, since the passing of Chairman Kay Pittman, in April of 2017.

In accordance to NC General Statute 105-322 (e), Tax Assessor Elisha Hardison would like to start the Board of Equalization and Review this year on Monday, April 2, 2018 and adjourn on Monday April 16, 2018. She also planned to hold an additional session on April 9, 2018, to be available to meet citizens' needs, in light of the re-evaluations last year. The E & R Board would hold meetings in the Martin County Commissioner's boardroom at 5:00 p.m.

The following five (5) Martin County taxpayers were contacted and agreed to serve, if appointed: Jennie Rawls, Hugh Kennedy, Anita Whitehurst, Donald White and Tracy Gurganus.

Tax Assessor Hardison asked the Board of Commissioners to appoint/reappoint the above-listed individuals to the Board of Equalization and Review to serve for the 2018 tax year.

Furthermore, Tax Assessor Hardison recommended appointing Mr. Hugh Kennedy to serve as Chairman and Mr. Donald White to serve as Vice Chairman for the 2018 tax year.

Tax Assessor Hardison informed the Board that the state E & R Board would be providing training for the newly appointed local E & R board members on March 26, 2018.

Vice Chairman Bowen made the MOTION to approve the five taxpayers listed above for a one-year term as recommended by Tax Assessor Hardison, and to appoint Mr. Hugh Kennedy to serve as Chairman and Mr. Donald White to serve as Vice Chairman for the 2018 tax year. Commissioner Ayers SECONDED the motion. The Board APPROVED the motion unanimously.

Approval of Bids for Airport Drainage Improvements

County Manager Bone stated the Airport needed the Drainage Improvements project to correct a drainage problem near the large hangar and aircraft apron at the airport. The flushing of the new hydrant, which occurs every two weeks to maintain water quality, magnified this problem. The project would consist of the installation of three-yard inlets, 285 feet of 12-inch PVC pipe, adjustment to an existing water line, grading to improve drainage, seeding and mulching.

Bids for the Drainage Improvements project were due on February 20, 2018. The Contractor received four (4) informal bids. NCDOT/Division of Aviation had not prequalified Roberson Contracting at the time the bids were due. Thus, NCDOT deemed the bid for Roberson Contracting unresponsive. The lowest, responsive bidder was determined to be Baxley Corporation, LLC, with a bid amount of \$30,750.

The Airport Commission reviewed the bids at its February 20, 2018 meeting, and voted to make a recommendation to the Board of Commissioners to award the drainage work to Baxley Corporation, LLC.

Commissioner Ayers made the MOTION to approve/accept the bid of \$30,750 and to award the drainage project work to Baxley Corporation, LLC, with a SECOND by Commissioner Bond. The Board unanimously APPROVED the motion.

Approval Airport Contract for Professional Services – Work Authorization #4- Automated Weather Observation System (AWOS) Clearing & Site Preparation

County Manager Bone stated work authorization #4 would authorize the County's airport consultant, W. K. Dickson, to proceed with the final design, bidding, and construction of the Automated Weather Observing System (AWOS) Clearing and Site Preparation project. The preliminary design phase for this project was recently completed. The preliminary design phase consisted of wetland delineation and coordination to complete a Jurisdictional Determination of any wetlands or "Waters of the US" present within the project area.

This project would prepare the recently purchased property for the installation of an AWOS, which would be installed by the NCDOT, Division of Aviation, as part of its AWOS program. An AWOS provides weather data for pilots, which increases safety and makes the airport more reliable and attractive to pilots.

The airport having an AWOS can help attract pilots to the County, or to stop at the airport to purchase fuel. Often, when a pilot maps out a flight plan or decides where to go, they will look for weather information. If the airport does not have weather information being reported, the pilot is likely to go to another airport instead. An AWOS also provides more accurate weather information to the general community by weather being reported directly from the airport to many different sources the community goes to look for weather information, such as the Weather Channel. As a bonus, having "Martin County Airport" show up on weather maps on television, online, etc., promotes the airport and helps make more people aware of the Martin County Airport.

The project would clear and grub approximately 20 acres of upland area and would clear approximately 4 acres of wetland area without ground disturbance. The project would also construct an access road, provide power and data cables to the site, and construct a fence around the AWOS site, which is located northeast of the terminal area. This project was included on the airport's Airport Layout Plan (ALP) and Transportation Improvement Plan (TIP) project request list.

The Division of Aviation was reviewing W.K. Dickson's work authorization and would perform an Independent Fee Analysis (IFA). Conditional approval of the work authorization, pending approval by the Division of Aviation, would help keep the project moving forward and avoid a delay until the following month's meeting.

Commissioner Ayers made the MOTION to approve the work authorization for W. K. Dickson for the AWOS Clearing and Site Preparation Design, Bidding, and Construction project, contingent upon the approval of Work Authorization #4(*entered into these minutes by reference, dated May 4, 2016*) by the Division of Aviation, with a SECOND by Vice Chairman Bowen. The Board APPROVED the motion unanimously.

Approval of Pre-Application – NC Rural ReadySites Program

President/CEO Jason Semple, of Economic Development Corporation stated on February 7, 2018, Governor Roy Cooper announced a new grant program, Rural ReadySites, which would help local communities prepare potential industrial sites for development. The initiative received \$12 million in funding. Eighty (80) counties would be competing for the grant funds. Briefly, the criteria are:

- Applicant must be a government entity in a Tier 1 or 2 county;
- The site must be publicly owned or controlled;
- The site must be a minimum of 50 contiguous acres;
- Funds would only be used to construct public infrastructure, with priority given to water, sewer, and industrial access improvements; and
- Additional consideration would be given to sites locate in counties with the greatest economic distress.

The Wooten Company supplied preliminary cost estimates (\$1,126,600) for expansion of the gravity sewer system and the rehabilitation of the existing elevated storage tank at the Martin County Regional Industrial Park in Everetts. The work on the water storage tank would be to the benefit of all tenants in the park, including future ones, while the additional sewer infrastructure would be necessary to serve the western parcels in the industrial park, including the lot adjacent to Weitron (former shell building).

President/CEO Semple stated the grant pre-applications would be due to the North Carolina Department of Commerce by April 13, 2018. No local match would be required but competition would be very high. A local match would strength the application. This could also provide a potential to rebrand/rename the industrial park.

County Manager Bone suggested a local match of 10% (\$112,000) would make the application more appealing to those awarding the grant. Repairs to the elevated tank would be necessary anyway, and would cost a lot more than the 10% match.

Vice Chairman Bowen made the MOTION to approve the submission of a Rural ReadySites pre-application to the North Carolina Department of Commerce for \$1,126,600.00 for the expansion of the gravity sewer system and the rehabilitation of the existing elevated storage tank at the Martin County Regional Business Park, with the inclusion of a 10% match, with a SECOND by Commissioner Bond. The Board APPROVED the motion unanimously.

Fiber Connection to Buildings Approval

County Manager Bone explained with today's world being technologically centric, greater and faster internet connectivity and capacity is needed to move and share data. Local government being no exception.

County Manager Bone commented the urgency to enhance the county's network fiber infrastructure to three county buildings – the “Old Agriculture Building”, the DSS Office Building and the Ray Street Building (for Transit) has become more apparent. The quotes provided, if approved, would authorize an improvement project to upgrade the fiber network to these three buildings to a 1,000mb connection. The Old Ag Building currently runs on a 35mb connection. Staff in the Old Agriculture Building experiences problems with internet connectivity on an increasingly frequent basis, which creates problems with efficiency and productivity.

Additionally, the move of the Emergency Operations Center (EOC) from the Magistrate's Courtroom to the Old Agriculture Building has added to the urgency for this investment. The North East portion of the state looks upon Martin County a central staging point, so strong connectivity would be extremely advantageous for the Martin County EOC during an event.

Fiber improvements for the DSS Office Building are needed, due to the implementation of NC Fast, which relies on data sharing over computer networks.

For the Transit building connection, \$11,910 was included for fiber connection in the 2019 grant proposal; however, this proposal had not been accepted yet.

Staff provided four quotes for running a fiber connection to the Old Agriculture Building/EOC Building, the DSS Office Building (across the street) and the Ray Street Building, totaling almost \$70,000. Quotes were for each individual building, with the assumption that the boring contractor would complete all the work at one time. The costs would likely increase, if the fiber enhancements were split into individual projects with different timelines.

Additionally, the quotes included running the copper wire to prepare for an expected future upgrade in the telephone system to voice over IP in the future.

Commissioner Bond made the MOTION to approve the Fiber Connection capital project for the quoted amount of approximately \$70,000, with a SECOND by Vice Chairman Bowen. The Board APPROVED the motion unanimously.

Approval of Martin County Audit Contract YE 6/30/2018

Finance Director Ange stated the proposed audit contract with Carr, Riggs & Ingram, LLC, was for auditing Martin County accounts for the year ending June 30, 2018. This contract would be for \$37,000, which would be \$2,800 more than last year's amount. The contract would be subject to the approval of the Local Government Commission, if approved by the Board.

Finance Director Ange added according to the NC State Treasurer, Martin County had the 7th lowest audit fee for a county in the state for 2017, due in part because Finance staff writes Martin County's Comprehensive Annual Financial Report (CAFR) in house.

Additionally, several Counties have received contracts with a 30% to 40% increase this year, due to changes in the Governmental Accounting Standards Board (GASB) regulations for this year concerning Other Post-Employment Benefits (OPEB), new and additional requirements concerning compliance testing for federal programs, and continued concern from the NC State Treasurers office in regards to timely filing.

Commissioner Ayers made the MOTION to approve the Carr, Riggs & Ingram, LLC, audit contract, with Martin County for year ending June 30, 2018, with a SECOND by Commissioner Bond. The Board APPROVED the motion unanimously.

Resolution Declaring March 2018 National Social Work Month

Department of Social Service/Transit Director Letecia Loadholt asked the Board of Commissioners to adopted a Resolution Declaring March 2018 National Social Work Month. Director Loadholt commended the many individuals in the social work profession for making a profound difference in the lives of others every day.

Vice Chairman Bowen made the MOTION to approve the Resolution Declaring March 2018 National Social Work Month as presented, with a SECOND by Commissioner Bond. The Board APPROVED the motion unanimously.

RESOLUTION DECLARING MARCH 2018 SOCIAL WORK MONTH

WHEREAS, the Social Work Profession is dedicated to enhancing the well-being of others and meeting the basic needs of all people, especially the most vulnerable in our society; and

WHEREAS, Social Workers embody this year's Social Work Month theme, "Social Workers: Leaders. Advocates. Champions."; and

WHEREAS, the Social Work profession is expected to grow faster than average over the next seven years, with more than 649,000 people expected to be employed as social workers by 2024; and

WHEREAS, Social Workers are present throughout our society, including the government, schools, universities, social service agencies, communities, the military and in health care and mental health organizations; and

WHEREAS, Social Workers are the largest group of suppliers of mental health services in the United States and the U.S. Department of Veterans Affairs is one of the largest employers of social workers holding advanced degrees; and

WHEREAS, Social Workers are present in times of crisis, helping people overcome issues such as death and grief and helping people and communities recover from natural disasters such as floods and hurricanes; and

WHEREAS, Social Workers have pushed for decades to ensure rights for all, including women, African Americans, Latinos, people who are LGBTQ and various ethnic, cultural and religious groups; and

WHEREAS, the Social Work Profession has helped bring about some of the most profound, positive changes in our society over the past century, including voting rights, improved workplace safety, minimum wage and social safety net programs that help prevent poverty and hunger; and

WHEREAS, Social Workers continue to engage and bring together individuals, communities, agencies, and government to help society solve some of the most pressing issues of the day, including immigration reform, equal rights for all, affordable and good health care and mental health care for all; and protecting the environment.

NOW THEREFORE, in recognition of the numerous contributions made by America's Social Workers, the Martin County Board of Commissioners proclaim the month of March 2018 as National Social Work Month and call upon all citizens to join the National Association of Social Workers and Martin County in celebration and support of the Social Work Profession.

Adopted the 14th day of March 2018.

Elmo "Butch" Lilley, Chairman

Attest:

Marion B. Thompson NCCCC
Clerk to the Board

Budget Amendments

Budget Amendment # 30

Finance Director Ange stated the Francis M. Barnes Charitable Trust awarded the Martin County Farmers Market Association a \$1,500 grant. The Association would use the funds to purchase tables and carts for the farmers market.

BUDGET ORDINANCE AMENDMENT-30

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, 2018.

Section 1. To amend the 4-H Fund, the expenditures are to be changed as follows.

	Increase	Decrease
Economic & Physical Development Cooperative Extension	\$1,500	

This will result in an increase of \$1,500 in the expenditures of the 4-HI Fund. To provide an increase in the revenues for the above, the following revenues will be changed.

Restricted Revenue	\$1,500
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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 Ayers to adopt the above budget ordinance amendment this 14th day of March 2018. The Board APPROVED the motion unanimously.

Budget Amendment # 31

Finance Director stated Budget Amendment #31 would provide funds for the Fiber Connection project previously listed on the agenda. It has become more urgent to enhance the county's network fiber infrastructure to three county buildings –the “Old Agriculture Building”, the DSS Office Building and the Ray Street Building (for Transit). Budget Amendment #31 would provide \$70,000 so Martin County can move forward with this crucial project in the current fiscal year.

BUDGET ORDINANCE AMENDMENT-31

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, 2018.

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

	Increase	Decrease
General Government Data Processing	\$70,000	

This will result in an increase of \$70,000 in the expenditures of the General Fund. To provide an increase in the revenues for the above, the following revenues will be changed.

Appropriated Fund Balance	\$70,000
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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 Commissioner Bond and SECONDED by Vice Chairman Bowen to adopt the above budget ordinance amendment this 14th day of March 2018. The Board APPROVED the motion unanimously.

BOARD REPORTS / COMMISSIONERS' COMMENTS – None

CLOSED SESSIONS

Economic Development N C G. S. §143-318.11(a)(4)
Contract Negotiations N C G. S. §143-318.11(a)(5)
Attorney-Client Privilege N C G. S. §143-318.11(a)(3)

Around 8:20 p.m., Commissioner Bond made the MOTION to enter Closed Sessions in pursuant of N C G. S. §143-318.11(a)(4) Economic Development, NC G.S. §143-318.11(a)(5) Contract Negotiations and NC G.S.§143-318.11(a)(3), Attorney/Client Privilege, with a SECOND by Vice Chairman Bond . The Board APPROVED the motion unanimously.

Around 9:07 p.m., Vice Chairman Bowen made the MOTION to end Closed Sessions in pursuant of N C G. S. §143-318.11(a)(4) Economic Development, NC G.S. §143-318.11(a)(5) Contract Negotiations and NC G.S.§143-318.11(a)(3), Attorney/ Client Privilege, with a SECOND by Commissioner Bond. The Board APPROVED the motion unanimously.

OPEN SESSION

Commissioner Ayers made the MOTION to proceed with the civil lawsuit against those legally responsible for the wrongful distribution of prescription opiates and damages caused thereby, and to retain the law firm McHugh Fuller Law Group, PLLC,(Michael Jay Fuller, Jr., Esq. as lead counsel, of said firm) and local counsel Ward and Smith, P.A. as the contact firm, on a contingent fee basis; and to authorize the County Manager and County Attorney to negotiate the contract as deemed necessary, with a SECOND by Vice Chairman Bowen. The Board APPROVED the motion unanimously.

AUTHORITY TO REPRESENT

RE: Martin County, North Carolina civil suit against those legally responsible for the wrongful distribution of prescription opiates and damages caused thereby.

MARTIN COUNTY, NORTH CAROLINA (hereinafter “CLIENT”) hereby retains the law firm MCHUGH FULLER LAW GROUP, PLLC, pursuant to the North Carolina Rules of Professional Responsibility, on a contingent fee basis, to pursue all civil remedies against those in the chain of distribution of prescription opiates responsible for the opioid epidemic which is plaguing Martin County, North Carolina, including, but not limited to, filing a claim for public nuisance to abate the damages caused thereby. **Michael Jay Fuller, Jr., Esq.** of the law firm MCHUGH FULLER LAW GROUP, PLLC shall serve as LEAD COUNSEL. CLIENT authorizes lead counsel to employ and/or associate additional counsel, with consent of CLIENT, to assist LEAD COUNSEL in the just prosecution of the case. CLIENT consents to the participation of the following firms:

GREENE, KETCHUM, FARRELL, BAILEY & TWEEL, LLP
419 11th Street
Huntington, West Virginia

LEVIN, PAPANTONIO, THOMAS, MITCHELL, RAFFERTY & PROCTOR, PA
316 South Baylen Street
Pensacola, Florida

BARON & BUDD, PC
3102 Oak Lawn Avenue #1100
Dallas, Texas

HILL PETERSON CARPER BEE & DEITZLER PLLC
500 Tracy Way
Charleston, West Virginia

MCHUGH FULLER LAW GROUP
97 Elias Whiddon Rd
Hattiesburg, Mississippi

POWELL & MAJESTRO, PLLC
405 Capitol Street, Suite P-1200
Charleston, West Virginia

SEAGLE LAW
P.O. Box 15307
Asheville, North Carolina

WARD AND SMITH, P.A.
P.O. Box 8088
Greenville, North Carolina

In consideration, CLIENT agrees to pay twenty-five percent (25%) of the total recovery (gross) in favor of the CLIENT as an attorney fee whether the claim is resolved by compromise, settlement, or trial and verdict (and appeal). The gross recovery shall be calculated on the amount obtained before the deduction of costs and expenses. CLIENT grants Attorneys an interest in a fee based on the gross recovery. If a court awards attorneys' fees, Attorneys shall receive the "greater of" the gross recovery-based contingent fee or the attorneys' fees awarded. **There is no fee if there is no recovery.** Additionally, in no case will the attorney fee and expenses exceed fifty percent (50%) of the gross settlement.

MCHUGH FULLER LAW GROUP, PLLC and the other law firms, hereinafter referred to as the "Attorneys," agree to advance all litigation expenses necessary to prosecute these claims. All such litigation expenses, including the reasonable internal costs of electronically stored information (ESI) and electronic discovery generally or the direct costs incurred from any outside contractor for those services, will be deducted from any recovery after the contingent fee is calculated. **There is no reimbursement of litigation expenses if there is no recovery.**

The CLIENT acknowledges this fee is reasonable given the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly, the likelihood this employment will preclude other employment by the Attorneys, the fee customarily charged in the locality for similar legal services, the anticipated (contingent) litigation expenses and the anticipated results obtained, the experience, reputation, and ability of the lawyer or lawyers performing the services and the fact that the fee is contingent upon a successful recovery.

This litigation is intended to address a significant problem in the community. The litigation focuses on the manufacturers and wholesale distributors and their role in the diversion of millions of prescription opiates into the illicit market which has resulted in opioid addiction, abuse, morbidity and mortality. There is no easy solution and no precedent for such an action against this sector of the industry. Many of the facts of the case are locked behind closed doors. The billion dollar industry denies liability. The litigation will be very expensive and the litigation expenses will be advanced by the Attorneys with reimbursement contingent upon a successful recovery. The outcome is uncertain, like all civil litigation, with compensation contingent upon a successful recovery. Consequently, there must be a clear understanding between the CLIENT and the Attorneys regarding the definition of a “successful recovery.”

The Attorneys intend to present a damage model designed to abate the public health and safety crisis. This damage model may take the form of money damages or equitable remedies (e.g., abatement fund). The purpose of the lawsuit is to seek reimbursement of the costs incurred in the past fighting the opioid epidemic and/or to recover the funds necessary to abate the health and safety crisis caused by the unlawful conduct of the manufacturers and wholesale distributors. The CLIENT agrees to compensate the Attorneys, contingent upon prevailing, by paying 30% of any settlement/resolution/judgment, in favor of the CLIENT, whether it takes the form of monetary damages or equitable relief. For instance, if the remedy is in the form of monetary damages, CLIENT agrees to pay 30% of the gross amount to Attorneys as compensation and then reimburse the reasonable litigation expenses. If the remedy is in the form of equitable relief (e.g., abatement fund), CLIENT agrees to pay 30% of the gross value of the equitable relief to the Attorneys as compensation and then reimburse the reasonable litigation expenses. To be clear, Attorneys shall not be paid nor receive reimbursement from public funds. However, any judgment arising from successful prosecution of the case, or any consideration arising from a settlement of the matter, whether monetary or equitable, shall not be considered public funds for purposes of calculating the contingent fee. Under no circumstances shall the CLIENT be obligated to pay any Attorneys fee or any litigation expenses except from moneys expended by defendant(s) pursuant to the resolution of the CLIENT’s claims. If the defendant(s) expend their own resources to abate the public health and safety crisis in exchange for a release of liability, then the Attorneys will be paid the designated contingent fee from the resources expended by the defendant(s). CLIENT acknowledges this is a necessary condition required by the Attorneys to dedicate their time and invest their resources on a contingent basis to this enormous project. If the defendant(s) negotiate a release of liability, then the Attorneys should be compensated based upon the consideration offered to induce the dismissal of the lawsuit.

The division of fees, expenses and labor between the Attorneys will be decided by private agreement between the law firms and subject to approval by the CLIENT. Any division of fees will be governed by the North Carolina Rules of Professional Conduct including: (1) the division of fees is in proportion to the services performed by each lawyer or each lawyer assumes joint

responsibility for the representation and agrees to be available for consultation with the CLIENT; (2) the CLIENT agrees to the arrangement, including the share each lawyer will receive, and the agreement is confirmed in this writing; and (3) the total fee is *reasonable*.

LEAD COUNSEL shall appoint a contact person to keep the CLIENT reasonably informed about the status of the matter in a manner deemed appropriate by the CLIENT. The CLIENT at all times shall retain the authority to decide the disposition of the case and maintain absolute control of the litigation.

Upon conclusion of this matter, LEAD COUNSEL shall provide the CLIENT with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination. The closing statement shall specify the manner in which the compensation was determined under the agreement, any costs and expenses deducted by the lawyer from the judgment or settlement involved, and, if applicable, the actual division of the lawyers' fees with a lawyer not in the same firm, as required in Rule 1.05 (e)(3) of the North Carolina Rules of Professional Conduct. The closing statement shall be signed by the CLIENT and each attorney among whom the fee is being divided.

Nothing in this Agreement and nothing in the Attorneys' statement to the CLIENT may be construed as a promise or guarantee about the outcome of this matter. The Attorneys make no such promises or guarantees. Attorneys' comments about the outcome of this matter are expressions of opinion only and the Attorneys make no guarantee as to the outcome of any litigation, settlement or trial proceedings.

SIGNED, this _____ day of _____, 2018.

Martin County Board of Commissioners

Elmo "Butch" Lilley, Chair

Tommy Bowen, Vice-Chair

Ronnie Smith

Dempsey Bond, Jr.

Joe R. Ayers

Accepted:

MCHUGH FULLER LAW GROUP, PLLC
97 Elias Whiddon Rd
Hattiesburg, MS 39402
(601) 261-2220

By _____ Date _____
Michael J. Fuller, Jr., Esq.
Lead Counsel

ADJOURNMENT

With no further business to discuss, Vice Chairman Bowen made the MOTION to adjourn at 9:05 p.m., with a SECOND by Commissioner Ayers. The Board APPROVED the motion unanimously.

The Martin County Board of Commissioners' next regular meeting would be Wednesday, April 11, 2018 at 7:00 p.m. in the Commissioners' 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