

August 8, 2018

The Martin County Board of Commissioners met in Regular Session on Wednesday, August 8, 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 (via teleconference), Commissioner Dempsey Bond, Jr., Commissioner Joe R. Ayers, 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.

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 Bear Grass Mayor Charlotte Griffin, Sheriff Tim Manning, and Chief Deputy Drew Robinson.

AGENDA APPROVAL

County Manager Bone requested the following revisions to the agenda:

- Approval of Request for NCDOT/Aviation Aid Application – AWOS Clearing & Site Preparation
- Budget Amendment #3

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 July 11, 2018 Regular Session
2. **Financial Report** for June 2018 included for informational purposes.
3. **Tax Assessor – Tax Relief Orders – July 2018**

Year Levy	Lname	Fname	Reason	Value	Total
2018	Benson	Jane Biggs	Error In Listing		4.35
2018	Gurkin	Elliot	Sold Vehicle		28.91
2018	Gurkin	Nancy Anne	Sold Mobile Home		54.97
2018	Haislip	Lee M	Error In Listing		130.56
2018	Kennedy	Ryan S	Error In Listing		8.82
2018	London	John M	Sold Vehicle		148.61
2018	Moore	Joe (Heirs)	Error In Landfill Fee		86.00
2018	Moore	Lena (Heirs)	Error In Landfill Fee		86.00
2018	Beach	Marion Clemmer	Mileage		5.56
2018	Bullock	Michael Ray	Milage		18.43
2018	Bullock	Ronnie Eugene	Over Assessment		96.14
				Total	\$668.35

4. Tax Collector's Report – July 2018

	Category	Jul-18	July-18 Y-T-D
Real Property	20	\$168,532.88	\$168,532.88
Personal Property	25	<u>6,481.79</u>	<u>6,481.79</u>
Total		\$175,014.67	\$175,014.67
Motor Vehicle	30	<u>273.58</u>	<u>273.58</u>
Total MV		\$273.58	\$273.58
All Total		\$175,288.25	\$175,288.25

5. Tax Collector – 2017-18 Annual Tax Settlement Report

Tax Collector Christy Blevins submitted the following Tax Settlement Report for 2017-2018:

State of North Carolina

County of Martin

Annual Settlement of Taxes for Fiscal Year Ending June 30, 2018

Taxes Receivable July 1, 2017	\$2,697,337.39
Fees Added (Returned Check, Advertising, Garnishment)	\$16,095.00
Net Beginning Balance, July 1, 2017	<u>\$2,713,432.39</u>
Tax Levy for 2017-2018	\$17,293,151.09

Total Taxes Charged to Tax Collector, Including years 2007-2017 \$20,006,583.48

Collection of Principal	-\$17,026,537.94
Write-off of 2007 Delinquents to Conform to Audit Report	-\$43,886.65

General Write-offs 2007-2018 (Over/Under Payments)	- \$79.44	
Releases	- \$59,920.66	
Adjustments	- \$233.14	
Refunds	\$58,433.17	
Discounts	- \$924.65	
Total Credits and Adjustments		- \$17,073,149.31
Total Receivable as of June 30,2018		<u>\$2,933,434.17</u>
Cash Collections Summary		
Principal amount of taxes	\$17,026,537.94	
Interest	\$203,777.90	
Over/Short Net Balance	- \$80.00	
Total Cash Deposit (Automated)		<u>\$17,230,235.84</u>

6. Martin County Southern Albemarle Association Annual Meeting Delegates

Each year the Southern Albemarle Association would submit a suggested list of delegates for the annual meeting for consideration by the Board. The 2018 meeting would be held in October 2018. The following list of delegates was approved, as part of the consent agenda.

Ms. Charlotte B. Griffin	Ms. Addie Lou Leggett
Mrs. Lula Council	Ms. Michelle Davis
Dr. Paul Hutchins	Mr. Joe Ayers
Ms. Libby Jenkins	Ms. Jamie Heath
Mr. & Mrs. Gene Powell	Mr. Walter Willet
Mr. & Mrs. Jerry Harrell	Ms. Doris Jackson
Mr. & Mrs. George Matthews	Mr. Vann Rogerson
Mr. Elmo "Butch" Lilley	Mr. John Chaffee
Mr. James Batchelor	Mr. Greg Shepherd
Ms. Beulah Bennett	Mr. David Whitley
Ms. & Mr. Don Grady	Mr. Jason Semple
Mr. & Mrs. Dempsey Bond, Jr.	Mr. Brent Kanipe
Mr. Tim Manning	Mr. Al Chesson
Ms. Tonya C. Leggett	Ms. Lucia Peele
Mr. Tommy Bowen	Ms. Carol Shields
Mr. Ronnie Smith	Ms. Kim Griffin
Mr. David Bone	Dr. Chris Mansfield
Mr. Ray Deans	Mr. Jerry McCleary
Mr. Milton Bennett, Jr.	Mrs. Joyce Brown
Mr. William Stalls	Mr. Ben Jones
Mr. Willis Williams	Mr. Gil Matthews
Ms. Jane Wolfe	David Jaynes
Cameron Braddy	Mr. Jerry Jennings
Ms. Gretchen Byrum	Rep. Shelly Willingham
Sen. Erica Smith-Ingram	Ms. Betty Jo Shephard
Mr. Reginald Speight	

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

INTRODUCTION OF NEW EMPLOYEE (S)

Sheriff Tim Manning introduced full-time Deputy Sheriff Hilliard R. Wilson with the Martin County Sheriff's Department.

The Board welcomed Mr. Wilson to the Martin County workforce family.

PRESENTATIONS

Resolution of Appreciation – Mr. Junious J. “JJ” Horton

As a part of his many years of public service, Mr. Junious J. Horton served nearly 3 decades on the Martin County Airport Commission. In addition, Mr. Horton served on various other Boards, displaying his dedication and compassion for the citizens of Martin County.

Some of the Boards that Mr. Horton served on include the Martin County Airport Height Restrictions Ordinance Board of Appeals, the Martin County Regional Water and Sewer Authority Board, and the Fireman's Relief Fund Trustee Board, along with many others.

To show gratitude for Mr. Horton's many years of service, a resolution of appreciation was prepared.

Commissioner Ayers made a MOTION to adopt the resolution as prepared, with a SECOND from Commissioner Bond. The motion was APPROVED unanimously.

The resolution was read aloud by Clerk to the Board Marion B. Thompson. Mr. Horton was presented with a framed resolution. Mr. Horton's family was present, including son Malcolm "Ronnie" Horton, great-grandson Kyle Cole, and his daughter Deborah Horton. Mr. Horton and his family were photographed with Chairman Lilley as the framed resolution was presented to Mr. Horton.

RESOLUTION OF APPRECIATION MR. JUNIOUS JOEL “J.J.” HORTON

WHEREAS, On this momentous occasion, the Martin County Board of Commissioners extends appreciation to Mr. Junious Joel “J.J.” Horton for serving nearly three decades (since 1991) on the Martin County Airport Commission, as well as various other boards; and

WHEREAS, Mr. Horton, a native of Zebulon, in Franklin County, North Carolina, chose to live in Martin County with his wife, Annie, shortly after an honorable discharge from active military duty in the Air Force; and

WHEREAS, Mr. Horton embraced his new community as home, and faithfully served Martin County in many leadership roles, not only as a husband, father and grandfather but also in his career as a teacher and principal in the Martin County Schools system in the Hamilton and Oak City areas, as well as an elected official in Williamston; and

WHEREAS, Using his knowledge gained in the military, along with education and training obtained from Elizabeth City State University, North Carolina Central University and the University of North Carolina at Chapel Hill, Mr. Horton served Martin County and its citizens well, both personally and professionally; and

WHEREAS, In addition to serving on the Airport Commission, Mr. Horton further displayed his dedication and professionalism by serving on the Martin County Airport Height Restrictions Ordinance Board of Appeals, the Martin County Regional Water and Sewer Authority Board, the Fireman's Relief Fund Trustee Board, and numerous other boards, all with the utmost dignity.

NOW, THEREFORE BE IT RESOLVED, that the Martin County Board of Commissioners hereby honors, recognizes, and extends gratitude to Mr. Junious Joel "J.J." Horton for his longevity, dedication, commitment and steadfast service to Martin County and its citizens throughout his years of service.

Adopted this 8th day of August 2018.

Elmo "Butch" Lilley, Chairman
Martin County Board of Commissioners

Marion B. Thompson, NCCCC, NCMC

Resolution of Congratulations – Statewide Athletic Committee (SWAC) – Williamston 8U All-Stars Softball Team – Statewide Athletic Committee (SWAC) State Champions

A Resolution of Congratulations was prepared for the Williamston 8U All-Star Girls Softball Team for being the Statewide Athletics Committee (SWAC) State Champions.

Vice Chairman Bowen made a MOTION to adopt the resolution as prepared, with a SECOND from Commissioner Bond. The motion was APPROVED unanimously.

The resolution was read aloud by Deputy Clerk Jessica Godard. Head Coach Keith Powell presented folders with individual copies of resolution to the team players as he introduced each player. Chairman Lilley presented the framed resolution to Head Coach Powell, and the team and coaches were photographed with the Board.

The Board extended their sincerest congratulations to the team, the coaches, the parents, grandparents and families present. Vice Chairman Bowen also recognized Ms. Cathy Price for her steadfast support of Williamston and Martin County sports.

RESOLUTION OF CONGRATULATIONS
2018 STATEWIDE ATHLETICS COMMITTEE (SWAC) 8U CHAMPIONS
THE WILLIAMSTON 8U ALL-STAR GIRLS SOFTBALL TEAM

WHEREAS, the Williamston 8U All-Star Girls Softball Team participated in the 2018 Statewide Athletics Committee Softball 8U Championship in Tarboro, NC on July 19-July 22, 2018; and

WHEREAS, the 2018 Williamston 8U All-Star Girls Softball Team progressed in the SWAC State Tournament with victories against formidable opponents Farmville (14-4); Onslow County (15-11), and Nash County (15-12) and had to face Nash County again and was defeated (11-10), forcing the teams to face off in an International Tie Breaker; and

WHEREAS, the 2018 Williamston 8U All-Star Girls Softball Team proceeded to overcome Nash County in the International Tie Breaker (5-4), winning the 2018 SWAC Softball 8U Championship for the second year in a row; and

WHEREAS, the youth of Martin County are a blessing and the foundation on which our community's future successes are built; and

WHEREAS, families and communities play vital roles in helping youth develop a positive self-image, sense of belonging and a sense of competence; and

WHEREAS, the legacy of promoting physical, emotional, as well as intellectual wellness, continued to be demonstrated throughout the duration of the Tournament; and

NOW, THEREFORE, BE IT RESOLVED THAT the Martin County Board of Commissioners publicly acknowledges, commends, and congratulates the 2018 Statewide Athletics Committee 8U Champions – the Williamston 8U All-Star Girls Softball Team – for their accomplishment and says “Thank you” for setting such a fine example for the youth in our community.

Players: Ava Manning, Raven Wiggins, Jillian Powell, Laura Smith,
Kati Beth Speller, Harmony Hoo, Julia Woods, Takyla Beach,
Kate Gibbs, Emery Tice, Harper Willoughby & Savannah Barber

Coaches: Keith Powell (HC), Leslie Speller, T.J. Ward, & Hank Tice

Adopted this 8th day of August, 2018.

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

Marion B. Thompson, NCCCC, NCMC

Resolution of Congratulations – Williamston 10U Tarheel Midget League Boys Baseball State Championship Runner-Ups

A Resolution of Congratulations was prepared for the Williamston 10U Boys All-Star Baseball team. The Williamston 10U All-Star Baseball team was the Tarheel Midget League State Championship Runner-ups.

Commissioner Ayers made a MOTION to adopt the resolution as prepared, with a SECOND from Commissioner Smith. The motion was APPROVED unanimously.

The resolution was read aloud by Clerk to the Board Marion B. Thompson. Head Coach Greg Johnson presented folders with individual copies of the resolution to the team players as well as introduced each player.

Commissioner Lilley expressed congratulations to the Boy's All-Star team for the hard work, dedication and perseverance through long days and hot practices. Chairman Lilley explained to this team how their accomplishment would be a part of Martin County history, and recorded in minutes forever. Chairman Lilley introduced Head Coach Greg Johnson, Assistant Coach Trey Warren, Assistant Coach Jason Brown, and Assistant Coach Cameron Price.

Chairman Lilley presented the framed resolution to Head Coach Johnson. The team and coaches were photographed with the Board.

RESOLUTION OF CONGRATULATIONS
2018 TARHEEL MIDGET LEAGUES STATE 10U CHAMPIONSHIP RUNNER-UPS
THE WILLIAMSTON 10U ALL-STAR BASEBALL TEAM

WHEREAS, the 2018 Williamston 10U All-Star Baseball Team participated in the 2018 Tarheel Midget League State Tournament on July 26-29, 2018 in Hickory, NC; and

WHEREAS, the players and coaches showed continued determination and perseverance throughout the Tournament, defeating Caldwell County (15-1), suffering a loss to Greene County (4-2), defeating Sandhills (11-6), South Edgecombe (12-7), and Cleveland (14-4); and

WHEREAS, the Williamston 10U All-Star Baseball team fought through the loser's bracket and into the championship game, but fell short to Greene County in the last game of the tournament (11-1); and

WHEREAS, the 2018 Williamston 10U All-Star Baseball Team concluded its season as State 10U Championship Runner-Ups with a 4-2 Tournament record; and

WHEREAS, the Martin County Board of Commissioners commends the players of the 2018 Williamston 10U All-Star Baseball Team for their hard work and determination; the coaches for their tireless efforts, and donation of time and energy toward the continued development of the individual talent of each ballplayer; and the parents, family, friends, and the community for their continued presence and support.

NOW, THEREFORE, BE IT RESOLVED THAT the Martin County Board of Commissioners take pride in congratulating the 2018 Tarheel Midget League State 10U Championship Runner-Ups, the Williamston 10U All-Star Baseball Team for their dedication, commitment and demonstration of what it takes to obtain a lifetime of successes.

Players: Beau Brown, Noah Congleton, Jackson Harrell, Macon Harrell,

Trent Mizelle, Jamison Moore, Jackson Ward, Easton Warren,
Brody Whitaker & Hayden Willoughby

Coaches: Greg Johnson (HC), Trey Warren, Jason Brown & Cameron Price

Adopted this 8th day of August, 2018.

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

Marion B. Thompson, NCCCC, NCMC

RECESS – Chairman Lilley called for a brief recess to allow the teams to fellowship with their families and guests.

OLD BUSINESS

Solid Waste Availability Fee Appeal – Solid Rock Lodge

County Manager Bone recalled this item was discussed at the July 11, 2018 Board of Commissioners meeting and tabled.

Mr. J. T. Fleming was requesting that the solid waste availability fee be released from the 2008 tax year to 2018 tax year, based on the reasoning that the improved property/dwelling does not have a trash can. Mr. Fleming had a previous issue with the solid waste availability fee during the year of 2009. At the May 9th, 2007 Martin County Board of Commissioners Meeting, 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. In those minutes from the meeting, it stated the address had been corrected, and the Lodge was responsible for the landfill availability fee, even though they were an exempt property.

County Manager Bone stated there was a May 4th, 2018 deadline for payment / payment plan with the Tax Collector’s Office, which was not met; therefore, the matter had already been turned over to the Irvine Law Firm for foreclosure back in May 2018 (prior to the July 11th, 2018 Board of Commissioners meeting). The Irvine Law Firm started the foreclosure process in May, and the foreclosure paperwork was recently filed. A foreclosure fee (approximately \$1,000 for filing fee and attorney fees) in addition to the approximate \$2,700 for the 11 years of solid waste availability fees, plus penalties was now imposed. The current approximate cost owed was \$3,700+.

Tax Assessor Elisha Hardison, Tax Collector Christie Blevins and County Manager Bone spoke with Mr. James Fleming, of the Solid Rock Lodge, on August 1st, 2018. They told Mr. Fleming it would be advisable to establish a payment plan. Mr. Fleming consulted with the other members of the lodge and made an appointment to meet with Tax Collector Christie Blevins on August 7th, 2018. Tax Collector Blevins and Tax Collector Hardison stated the meeting was unsuccessful.

Mr. Fleming spoke on behalf of the Solid Rock Lodge, and explained his continued belief that the Solid Rock Lodge should not be responsible for previous solid waste availability fees due to no trash can on the property after the last bill was “wiped clean”. Mr. Fleming was requesting at least a partial waiver on the total amount due if the organization he represented would be responsible for the current bill. In addition, Mr. Fleming requested an extension on paying the bill, as the Solid Rock Lodge would have a difficult time being able to come up with the total amount due in such a short amount of time. Mr. Fleming stated he hoped the Board would take the organization’s financial status into consideration before making a final decision.

When Mr. Fleming was questioned about when the bill was received, Mr. Fleming stated he received the letter in April 2018, and the letter also came with a foreclosure notice with a deadline of May 4th, 2018. Mr. Fleming stated he did not read the letter in its entirety, and that he spoke to the Tax Collector, and informed the Tax Collector about his desire to speak to the County Commissioners regarding the bill. Mr. Fleming assumed when he spoke to the Tax Collector the process would be placed on hold, preventing the foreclosure.

The current balance due covers 10 years, and the availability fee for Solid Rock Lodge had never really been paid by the organization, according to Tax Assessor Hardison. Tax Assessor Hardison’s research showed over 300 accounts in a tax exempt situation, with only a handful of those organizations having unpaid fees. Mr. Fleming insinuated other organizations in situations similar to theirs were not being made to pay.

Mr. Fleming stated the building that housed the Solid Rock Lodge did not belong to the local chapter; it was the property of the State Grand Lodge. Mr. Fleming stated he had been in contact with the Grand Lodge, and it was recommended that the local chapter work something out with the County regarding the past due amount. County Manager Bone stated the deed record indicated ownership of the building was with the Solid Rock Lodge chapter, not the Grand Lodge.

Commissioner Smith suggested giving the Solid Rock Lodge organization sufficient time to be able to come up with the money to be able to pay the full amount that was due, or table the item to give the grand lodge the opportunity to help the Solid Rock Lodge with the amount that was due, and pay the Solid Waste Availability Fee moving forward.

Chairman Lilley recommended giving the Solid Rock Lodge 90 days to get in contact with the Grand Lodge, to work out a payment plan to get the full amount due paid, and to not require payment from the Solid Rock for the entire fee tonight.

Vice Chairman Bowen made a MOTION to leave the Tax Assessor’s bill for the solid waste availability fee for 2008-present tax year with foreclosure fee as it was, with a 90 day extension to allow time to make a payment plan. Commissioner Ayers SECONDED. The motion was APPROVED unanimously.

NEW BUSINESS

Agreement with NCDOT Concerning Reimbursement for Engineering Services in Relation to Hwy 17 Utility Relocation Project

County Manager David Bone explained the N.C. Department of Transportation planned to widen US-17 from north of NC-171 to south of Williamston in Martin & Beaufort Counties. A public meeting about this project was to be held at the Macedonia Christian Church located at 7640 US-17 Highway on Thursday, August 9, 2018 from 4 to 7 p.m. The right-of-way acquisition would be scheduled for the current fiscal year. Completion of the project was scheduled for 2023.

Martin County has water utility infrastructure in the US-17 highway corridor. Some of this infrastructure would need to be relocated, due to the widening project. Engineering plans would be required. NCDOT provided the option of allowing their contract engineers to provide this service, or Martin County could have had its engineering consultants provide the service, and NCDOT would reimburse Martin County for the engineering services.

Martin County informed NCDOT it wanted The Wooten Company to perform this work. The Wooten Company had to prepare an estimated cost of preliminary engineering, overhead rate, job classification pay rate, indirect cost rates, cost of capital rate and estimated man-day hours all in sufficient detail to provide NCDOT a reasonable basis for analysis. NCDOT then had to approve The Wooten Company's estimate and scope of work, which it had.

Commissioner Ayers made a MOTION to approve the Utility Preliminary Agreement with NCDOT (*entered into these minutes by reference title "Utility Preliminary Engineering Agreement; WBS Element: 35494.1.1, Transportation Improvement Program No.: R-2511; County: Martin*), with a SECOND from Commissioner Bond. The motion was APPROVED unanimously.

Engineering Services Agreement with The Wooten Company for US-17 Utility Relocation Project

County Manager Bone explained the Engineering Services Agreement with The Wooten Company for US-17 Utility Relocation project was related to the previous item, the Agreement with NCDOT Concerning Reimbursement for Engineering Services in Relation to Hwy 17 Utility Relocation Project. The widening of US-17 would require the relocation of water utility infrastructure, which the Wooten Company would perform and reimbursement for the engineering services for the project would come from the NCDOT.

County Manager Bone stated the NCDOT did receive and accept the proposal from The Wooten Company for the US-17 Highway Utility Relocation Project.

The Board was asked to approve the Engineering Agreement with The Wooten Company for the US-17 Utility Relocation Project.

Vice Chairman Bowen made a MOTION to approve the Engineering Agreement with The Wooten Company (*Entered into these minutes by reference title "Short Form of Agreement between Martin County Water and Sewer District #2 and L.E. Wooten and Company dba The Wooten Company"*), with a SECOND from Commissioner Bond. The motion was APPROVED unanimously.

Resolution of Support – Joint Grant Application with the Town of Williamston to Seek Funding to Evaluate Water Utility Merger Opportunities

County Manger explained the concept and benefits of consolidating public water/sewer utilities discussed previously by various local governments in Martin County in 2016. A joint meeting on this subject was held on May 23, 2016.

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 focused on the Town of Williamston and Martin County rather than all the public utilities in Martin County, as was discussed in 2016.

There was an opportunity to submit a regionalization/merger grant application to the State (Division of Water Infrastructure) in the fall of 2018. The DWI grant funds available were for just that kind of purpose. DWI would accept applications in September and then would announce grant awards in January/February 2019.

The Martin County Board of Commissioners confirmed a desire to move forward with a grant application at the July 11th, 2018 meeting. The Board of Commissioners was asked to approve the attached resolution. The Williamston Board of Commissioners adopted this resolution at its August 6th, 2018 meeting. Should the Town of Williamston and Martin County agree to move forward with a grant application, McGill Associates would begin working on the grant application.

County Manager Bone stated if a grant award was received and a feasibility study conducted, the Town of Williamston and Martin County would have NO commitment / requirement 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.

Commissioner Ayers made a MOTION to adopt the Resolution of Support for a Joint Martin County – Williamston Grant Application, with a SECOND from Commissioner Bond. The motion was APPROVED unanimously.

RESOLUTION BY THE BOARD OF COMMISSIONERS FOR MARTIN COUNTY

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of projects related to wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other “green” project, and

WHEREAS, Martin County has interest in and intends to evaluate the potential consolidation of two or more water systems into one water system and the potential physical interconnection with other system(s) for regional water treatment and distribution, and

WHEREAS, Martin County intends to request state grant assistance for the Merger/Regionalization Feasibility Grant Program,

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

That David Bone, County Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the evaluation of the project described above.

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

That the Applicant commits to cooperate to the extent necessary to perform the evaluation study for the purposes of ensuring the viability of all systems involved.

That the Applicant's submission of an application and collaboration in this study does not bind the Applicant to act on the recommendations of the study.

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

Adopted this the 8th of August, 2018 at Martin County, North Carolina.

(Signature of Chief Executive Officer)

Resolution to Establish an “Other Post-Employment Benefits” (OPEB) Trust

County Manager David Bone recalled from the budget process for the current fiscal year (2018-19), establishing an “Other Post-Employment Benefits” (OPEB) Trust was one of the priorities for the budget for the 2018-19 fiscal year.

County Manager Bone explained Martin County had historically paid-out Other Post-Employment Benefits (i.e., retiree health care) on a “pay-as-you-go” basis. The NC Treasurer's Office had been making Other Post-Employment Benefits more of a priority in its review of local government finances. The County would have more flexibility to pursue investments with higher returns with an OPEB trust. The higher rate of return would help fund the future liability of retiree benefits. The 2018-19 Martin County Budget dedicated \$1 million from the Hospital Fund to establish an OPEB trust in 2018-19.

The Board was asked to approve the resolution to establish an OPEB trust, appoint County Manager David Bone, Sheriff Tim Manning and DSS Director Letecia Loadholt as OPEB Trustees, appoint Finance Director Cindy Ange as Trust Fund Administrator and Assistant Finance Director Janice Young as an authorized agent, approve the Deposit Agreement, and adopt the Trust Fund Agreement.

Vice Chairman Bowen made a MOTION to approve the resolution, appoint the Trustees, Trust Fund Administrator and Authorized agent, approve the Deposit Agreement (*entered into these minutes by reference title "Deposit Agreement"*), and adopt the Trust Fund Agreement (*entered into these minutes by reference title "AGREEMENT ESTABLISHING LOCAL GOVERNMENT OTHER POST-EMPLOYMENT BENEFITS TRUST"*), with a SECOND from Commissioner Bond. The motion was APPROVED unanimously.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
COUNTY OF MARTIN , NORTH CAROLINA, AUTHORIZING
AN OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST
FUND AND RELATED TRUST AGREEMENT; APPOINTMENT
OF TRUSTEES FOR AND A CONTRIBUTION TO OPEB TRUST
FUND.**

WHEREAS, the County of Martin, North Carolina (the "*County*") provides certain benefits for its eligible retirees that constitute what are known as other post-employment benefits ("*OPEB*");

WHEREAS, the County is required to account for OPEB pursuant to the Governmental Accounting Standards Board Statement No. 45;

WHEREAS, in furtherance of the County's funding of its OPEB and the required accounting therefore, the County has been participating in a trust fund set up by the North Carolina State Treasurer's office (the "*State Treasurer's Trust Fund*") in which the County has deposited funds for its OPEB obligations;

WHEREAS, the State Treasurer's office has notified the County that the State Treasurer will no longer be able to provide the State Treasurer's Trust Fund and that the County is advised to create its own trust fund;

WHEREAS, the County desires to create a trust fund (the "*OPEB Trust Fund*") into which it will transfer the money that has been on deposit in the State Treasurer's Trust Fund and in which it will deposit regular contributions by the County in order to further fund the County's OPEB obligations;

WHEREAS, such deposits into the OPEB Trust Fund will be irrevocable, not subject to the claims of creditors and may only be withdrawn by the County to provide other post-employment benefits to individuals who are former employees or beneficiaries of former employees of the County and who are entitled to other post-employment benefits payable by the County; and

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF MARTIN, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

Section 1. *Creation of OPEB Trust Fund; Execution of Trust Agreement.* The County Manager and the Finance Director of the County are each hereby authorized and directed to take such

action as may be necessary to create an Other Post-Employment Benefits Trust Fund into which the money on deposit in the State Treasurer's Trust Fund will be transferred and to which regular contributions can be made by the County to fund the County's OPEB obligation. The County Manager and the Finance Director of the County are each hereby authorized, empowered, and directed to execute and deliver a Trust Agreement substantially in the form attached hereto, but with such changes, modifications, additions or deletions as to them seem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein. The County Manager and the Finance Director of the County are each also hereby authorized to take any other actions deemed necessary or appropriate to consummate the transactions provided for in the Trust Agreement and to take all such other actions as they may deem necessary or appropriate to give effect to the Trust Agreement.

Section 2. *Transfer from State Treasurer's Trust Fund.* The County Manager and the Finance Director of the County are each hereby authorized and directed to cause the money on deposit in the State Treasurer's Trust Fund held to fund the County's OPEB obligations to be transferred to the OPEB Trust Fund and that such amount will be the County's initial contribution to the OPEB Trust Fund.

Section 3. *Appointment of Trustees.* The Board of Commissioners hereby appoints David Bone, County Manager, Cindy Ange, Finance Director of the County and Janice Young, Assistant Finance Director of the County, to serve as initial trustee of the OPEB Trust Fund and grants each the authority necessary to perform all duties and obligations thereof.

Section 4. *Other Actions.* That all actions heretofore taken by the County Manager and the Finance Director of the County acting on behalf of the County with respect to the creation of the OPEB Trust Fund are hereby ratified, adopted, approved and confirmed in all respects. The County Manager and the Finance Director of the County are authorized to execute and deliver for and on behalf of the County any and all documents or other papers and perform all other acts as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 5. *Effective Date.* This Resolution is effective on the date of its adoption.

Update to the Uniform Guidance Procurement Policy

County Manager Bone recalled on June 13, 2018, the Martin County Board of Commissioners approved the Uniform Guidance Procurement Policy in order to be compliant with the Federal Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements, commonly referred to as Uniform Guidance (UG). Local Governments and public authorities that expend federal assistance, including USDA loans and grants, CDBG funds, FEMA Public Assistance disaster relief grants, and other programs, either directly funded or reimbursement driven, must have complied with the new requirements for all fiscal years beginning on or after December 26, 2017. For Martin County, this meant the fiscal year beginning on July 1, 2018.

These requirements were complex and had a much wider applicability than most State procurement laws, mostly because these laws applied to the procurement of goods and services, and the dollar thresholds at which documentation requirements apply were much lower than current State requirements.

Many of the requirements required related to documentation, including written policies and procedures for units of government expending federal financial assistance.

One of the required policies was a procurement policy, which would help to ensure that all eligible procurements were made in such a way that certain goals would be achieved. There were key elements of the UG procurement standards which would have to be followed, regardless of the method of procurement.

On June 20, 2018 the Office of Management and Budget (OMB) issued a memorandum increasing the bid thresholds under the Uniform Guidance. OMB Memorandum M-18-18 increased the micro-purchase threshold from \$3,500 to \$10,000, and increased the simplified acquisition threshold from \$150,000 to \$250,000. These thresholds were effective immediately and applied to all categories of federal financial assistance subject to the Uniform Guidance requirements.

In order for Martin County to be able to take advantage of and operate under the higher thresholds, the current policy would have to be updated to reflect the changes. Staff recommended approval of the updates to the Martin County Uniform Guidance Procurement Policy.

Commissioner Bond made a MOTION to approve the updates to the Martin County Uniform Guidance Procurement Policy, with a SECOND from Commissioner Smith. The motion was APPROVED unanimously.

MARTIN COUNTY Uniform Guidance Procurement Policy

I. Purpose

The purpose of this Policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract.

II. Policy

- A. Application of Policy. This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

- B. Compliance with Federal Law. All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200-326 unless otherwise directed in writing by

the federal agency or state pass-through agency that awarded the funds. The County of Martin will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the County of Martin have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.

- C. Contract Award. All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.
- D. No Evasion. No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- E. Contract Requirements. All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II.
- F. Contractors' Conflict of Interest. Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.
- G. Approval and Modification. The administrative procedures contained in this Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

III. General Procurement Standards and Procedures:

Either the Purchasing Department or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

- A. Necessity. Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. The Requesting Department should check with the state/federal surplus property agency prior to buying new items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.
- B. Clear Specifications. All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.

- C. Notice of Federal Funding. All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- D. Compliance by Contractors. All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- E. Fixed Price. Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are prohibited. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a "Not to Exceed" amount. A time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.
- F. Use of Brand Names. When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and "or equal" must be included in the description.
- G. Lease versus Purchase. Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- H. Dividing Contract for M/WBE Participation. If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.
- I. Documentation. Documentation must be maintained by the Requesting Department detailing the history of all procurements. The documentation should include the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor's responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.

- J. Cost Estimate. For all procurements costing \$150,000 or more, the Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.
- K. Contract Requirements. The Requesting Department must prepare a written contract incorporating the provisions referenced in Section II.C of this Policy.
- L. Debarment. No contract shall be awarded to a contractor included on the federally debarred bidder's list.
- M. Contractor Oversight. The Requesting Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.
- N. Open Competition. Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for "or equal" products, or other unnecessary requirements that have the effect of restricting competition.
- O. Geographic Preference. No contract shall be awarded on the basis of a geographic preference.

IV. Specific Procurement Procedures

The Requesting Department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

- A. Service Contracts (except for A/E professional services) and Purchase Contracts costing less than \$10,000 shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. § 200.320(a)) as follows:
 - 1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
 - 2. To the extent practicable, purchases must be distributed among qualified suppliers.
- B. Service Contracts (except for A/E professional services) and Purchase Contracts costing \$10,000 up to \$90,000 shall be procured using the Uniform Guidance "small purchase" procedure (2 C.F.R. § 200.320(b)) as follows:
 - 1. Obtain price or rate quotes from an "adequate number" of qualified sources (a federal grantor agency might issue guidance interpreting "adequate number," so

the Requesting Department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).

2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
 3. Cost or price analysis is not required prior to soliciting bids.
 4. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
 5. Award the contract to the lowest responsive, responsible bidder.
- C. Service Contracts (except for A/E professional services) and Purchase Contracts costing \$90,000 and above shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:
1. Cost or price analysis is required prior to soliciting bids.
 2. Complete specifications or purchase description must be made available to all bidders.
 3. The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
 4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
 5. Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
 6. Award the contract to the lowest responsive, responsible bidder on a fixed-price basis. Governing board approval is required for purchase contracts unless the governing board has delegated award authority to an individual official or employee. Any and all bids may be rejected only for “sound documented reasons.”
- D. Service Contracts (except for A/E professional services) costing \$250,000 and above may be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)) when the “sealed bid” procedure is not appropriate for the particular type of service being sought. The procedures are as follows:
1. A Request for Proposals (RFP) must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an “adequate number” of qualified firms.
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
 3. Identify evaluation criteria and relative importance of each criteria (criteria weight) in the RFP.

4. Consider all responses to the publicized RFP to the maximum extent practical.
 5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
 6. Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP. Governing board approval is not required.
 7. Award the contract on a fixed-price or cost-reimbursement basis.
- E. Construction and repair contracts costing less than \$10,000 shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:
1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
 2. To the extent practicable, contracts must be distributed among qualified suppliers.
- F. Construction and repair contracts costing \$10,000 up to \$250,000 shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:
1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the requesting department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
 3. Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer.
 4. Award the contract on a fixed-price or not-to-exceed basis.
 5. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required.
- G. Construction and repair contracts costing \$250,000 up to \$500,000 shall be procured using the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) as follows:
1. Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
 2. Complete specifications must be made available to all bidders.
 3. Publically advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
 4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.

5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
 6. A 5% bid bond is required of all bidders. Performance and payment bonds of 100% of the contract price is required of the winning bidder.
 7. Award the contract on a firm fixed-price basis.
 8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required. Any and all bids may be rejected only for “sound documented reasons.”
- H. Construction and repair contracts costing \$500,000 and above shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:
1. Cost or price analysis is required prior to soliciting bids (this cost estimate should be provided by the project designer).
 2. Complete specifications must be made available to all bidders.
 3. Formally advertise the bid in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
 4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
 5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed and in paper form. A minimum of 3 bids must be received in order to open all bids.
 6. A 5% bid bond is required of all bidders (a bid that does not include a bid bond cannot be counted toward the 3-bid minimum requirement). Performance and payment bonds of 100% of the contract price is required of the winning bidder.
 7. Award the contract on a firm fixed-price basis.
 8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is required and cannot be delegated. The governing board may reject and all bids only for “sound documented reasons.”
- I. Construction or repair contracts involving a building costing \$300,000 and above must comply with the following additional requirements under state law:
1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
 2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).

3. The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).
- J. Contracts for Architectural and Engineering Services costing under \$250,000 shall be procured using the state "Mini-Brooks Act" requirements (G.S. 143-64.31) as follows:
1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321.
 3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department.
 4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
 5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
 6. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.
- K. Contracts for Architectural and Engineering Services costing \$250,000 or more shall be procured using the Uniform Guidance "competitive proposal" procedure (2 C.F.R. § 200.320(d)(5)) as follows:
1. Publically advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
 3. Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ.
 4. Proposals must be solicited from an "adequate number of qualified sources" (an individual federal grantor agency may issue guidance interpreting "adequate number").
 5. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
 6. Consider all responses to the publicized RFQ to the maximum extent practical.
 7. Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.
 8. Price cannot be a factor in the initial selection of the most qualified firm.

9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.
10. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

V. Exceptions

Non-competitive contracts are allowed *only* under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

- A. Sole Source. A contract may be awarded without competitive bidding when the item is available from only one source. The Requesting Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.
- B. Public Exigency. A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
- C. Inadequate Competition. A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.
- D. Federal Contract. A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.
- E. Awarding Agency Approval. A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

Engagement Letter with Carr, Riggs, and Ingram for the Medical Assistance Eligibility Audit

County Manager David Bone explained the Office of the State Auditor (OSA) was requiring all 100 counties to have an auditor apply agreed-upon procedures that were specified by the OSA to determine eligibility for medical assistance or Medicaid for the fiscal year ending June 30, 2018. The objective of the explained initiative was to confirm participants included in the sample were correctly determined to be eligible for benefits for the certification period.

County Manager Bone further explained this engagement required a separate engagement letter from the County's annual audit and would be billed based on standard rates from the auditor. Chris Burton, of Carr, Riggs and Ingram, Martin County Auditor had estimated the cost to be \$5,000 and would notify the County if the engagement would exceed that amount.

This was the first year the OSA had required this additional testing and it was expected to continue annually. Staff recommended approval of the engagement letter with Carr, Riggs and Ingram for the medical assistance eligibility audit.

Finance Director Cindy Ange explained this would actually be the third audit done this year. Finance Director Ange stated there was an engagement letter for the audit on the retirement system approved last year. Now there was an engagement letter for an audit of the Medicaid program. The process was becoming very costly, and complicated for auditors per County Manager David Bone. Chairman Lilley stated the audit also may help to discover any problems and address as needed changes to help make work more efficient.

Vice Chairman Bowen made a MOTION to approve the engagement letter with Carr, Riggs and Ingram (*entered into these minutes by reference title "Carr, Riggs and Ingram Medical Assistance Eligibility Letter"*), with a SECOND from Commissioner Ayers. The motion was APPROVED unanimously.

Various Items Concerning the Animal Control Board of Appeals

County Manager David Bone stated there had been issues in the past being able to reach a quorum at some Animal Control Board of Appeals hearings, which are time-sensitive. In addition, potential conflicts of interest for business owners who are Animal Control Board Members had been a concern.

County Manager Bone further stated in order to provide the proper number of Animal Control Board Members needed for a quorum and to avoid potential conflicts of interest, the Board of Commissioners was asked to approve the Revised Animal Control Board of Appeals Ordinance Section IX-2, which would allow the appointment of Alternate Board members: one Alternate for the Commissioner position, one Alternate for the Veterinarian position, and one Alternate for the At-Large position. Commissioner Bond had already been appointed as the alternate Commissioner Representative.

County Manager Bone stated a public hearing was not needed to adopt the ordinance. However, N.C.G.S. 153A-45 states the ordinance must be approved unanimously in the first meeting in which it was addressed, or a second reading would be required at the next regular meeting, with a majority to approve.

The Board of Commissioners was asked to adopt Section IX-2 Amendment to the Section IX of the Animal Control Ordinance, along with the Martin County Animal Control Board of Appeals By-laws, and the Procedures for the Legally Sufficient Conduct of Quasi-Judicial Hearings. Additionally, with the approval of the amendment, staff was requesting the appointment of Dr. Gordon Rahmes as the Alternate for the Veterinarian Board member, and Mr. Wayne Peel as the At-large alternate Board Member.

Commissioner Smith made a MOTION to approve the Section IX-2 Amendment to Section IX of the Animal Control Ordinance, the Martin County Animal Control Board of Appeals By-laws, the Procedures for the Legally Sufficient Conduct of Quasi-Judicial Hearings (*entered into these minutes by reference title "Procedures for the Legally Sufficient Conduct of Quasi-Judicial Hearings"*), and the appointments of alternate members Dr. Gordon Rahmes and Mr. Wayne Peel; Commissioner Ayers SECONDED. The motion was approved UNANIMOUSLY.

SECTION IX. – ANIMAL CONTROL BOARD OF APPEALS

1. There is hereby created a Board of Appeals to have an exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Enforcement Officer in the enforcement of this Ordinance; (2) to hear and decide special exceptions to the terms of this Ordinance upon which such Board of Appeals under such regulations may be required to pass; and (3) to hear and decide specific variances.
2. The Board of Appeals shall consist of five (5) members (one – Commissioner, one Veterinarian, and three At-large) appointed by the Martin County Commissioners, and 3 alternate members – one Commissioner alternate, one Veterinarian alternate, and one At-large alternate member appointed by the Martin County Commissioners. Each shall serve for a term of three (3) years until a successor is duly appointed and qualified. Of the members first, appointed, one (1) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, and two (2) for a term of three (3) years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
3. The Board of Appeals shall adopt rules for its governance in harmony with the provisions of this Ordinance. Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board of Appeals may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Appeals shall be public. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Enforcement Officer and on due cause shown.
4. The Board of Appeals shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirements, decision, or determination which comes before it under the provisions of this Ordinance.
5. The concurring vote of a majority of the members of the Board of Appeals shall be sufficient to reverse any order, requirement, decision, or determination of the Enforcement Officer or decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variation to this Ordinance.

The Board of County Commissioners shall adopt a policy, which may be amended from time to time, governing the appointment of Animal Control Board of Appeals members and any additional processes necessary to carry out appeals in a fair and equitable manner.

(Ord. of 10-8-2014(1))

Adopted this 8th day of August, 2018.

Elmo “Butch” Lilley, Chairman

Marion B. Thompson, Clerk to the Board

MARTIN COUNTY
ANIMAL CONTROL BOARD OF APPEALS
BY-LAWS

SECTION I: SCOPE

A. Purpose

1. For the Martin County Board of Commissioners to establish the specific policies and procedures governing the Animal Control Board of Appeals.

B. Authority

1. North Carolina General Statute § 153A-76 grants boards of county commissioners the authority to establish boards and commissions.

C. Charge

The charge of the Animal Control Board of Appeals is as follows:

1. To hear appeals from violations of the Martin County Code of Ordinances, Chapter 4, Article II, Sec. 4-54. (NC G. S. § 67-4.1)

SECTION II: GOALS AND OBJECTIVES

A. Goals

1. To protect the health, safety and welfare of Martin County residents and the animals residing in Martin County.

B. Objectives

1. Conduct fair and impartial hearings of appeals of dangerous, potentially dangerous, or vicious dog declaration as required by the Animal Control Ordinance.

SECTION III: MEMBERSHIP

A. Authority

1. North Carolina General Statute § 153A-76 grants boards of county commissioners the authority to establish advisory boards and to appoint members to and remove members from those advisory boards. In acting on this authority the Martin County Board of Commissioners hereby establishes certain general conditions to which applicants and members of advisory boards should conform.
2. Martin County Code of Ordinances, Chapter 4, Article II, Sec. 4-54 provides for an appeal board appointed by the Martin County Board of Commissioners.

B. Composition

1. The Animal Control Board of Appeals is composed of five (5) members, and three (3) alternate members.
2. Regular members shall represent:
 - a. One (1) County Commissioner;
 - b. One (1) Veterinarian; and
 - c. Three (3) Citizens at large
3. Alternate members shall represent/serve only in the absence of a regular member in those positions:
 - a. One Commissioner alternate;
 - b. One Veterinarian alternate; and
 - c. One Citizen at large alternate

SECTION IV. HEARING PANELS

1. Animal Control Board of Appeals. The Martin County Animal Control Board of Appeals shall consist of five individuals appointed by the Martin County Commissioners. This Board shall hear appeals from Chapter 4: Section 4-54 of the Animal Control Ordinance – Determination That a Dog Is Dangerous, Potentially Dangerous Dog or Vicious.
 - a. The Board of Appeals shall adopt rules for its governance in harmony with the provisions of the Animal Control Ordinance.
 - b. One (1) member of the Board shall serve as Chairperson of the Board of Appeals.
 - c. Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board of Appeals may determine. The Chairperson or,

in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses.

- d. The hearing of the Board of Appeals shall be subject to the Open Meetings Law, and the notice required thereunder shall be posted and given as applicable.
- e. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Animal Control Director and on due cause shown.
- f. The responsibility of this Board is to determine whether or not a dangerous, potentially dangerous, or vicious dog declaration is warranted based upon the definition(s) set out by the Martin County Animal Control Ordinance.
- g. The Board of Appeals shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirements, decision, or determination which comes before it under the provisions of this Ordinance.
- h. The concurring vote of a majority of the members of the Board of Appeals shall be sufficient to reverse any order, requirement, decision, or determination of the Enforcement Officer or decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variation to this Ordinance.
- i. The Chairperson shall be responsible for coordinating with the Martin County Sheriff to ensure that any such appeal is conducted in a timely manner.

SECTION V. TRAINING

- A. Upon appointment each member of the Animal Control Board of Appeals shall be advised on the quasi-judicial procedures as it pertains to the Animal Control Ordinance and their responsibilities in the administrative appeal process.

SECTION VI. RULES

- A. The Animal Control Board of Appeals shall be governed by Martin County Code of Ordinances Chapter 4, Article II, Section: 4-51 through 4-54.
- B. The Animal Control Board of Appeals may petition the Board of County Commissioners should they determine modifications to policies and procedures are necessary.

Adopted this 8th day of August, 2018.

Elmo “Butch” Lilley, Chairman

Marion B. Thompson, Clerk to the Board

Martin County Regional Grant Participation in Golden LEAF’s Community-Based Grants-making Initiative

President/CEO Jason Semple from Martin County Economic Development Corporation (EDC) presented the following information to the Board of Commissioners, stating on December 8, 2017, the Golden LEAF Foundation held a meeting in Edenton with various county staff from the Northeast Prosperity Region and announced the next round of Community-Based Grants-making Initiative (CBGI) would begin with the Northeast Prosperity Zone in the next fiscal year.

President/CEO Semple highlighted some of the key aspects of the program, including grants not directly connected to immediate job creation, but building the foundation for that result; bigger grants than other Golden LEAF programs; targeted at this region only in the coming fiscal year for the ready-to-go projects that would “move the needle”; Tier 1 and Tier 2 counties were eligible; Regional, collaborative (multi-county) project emphasis; approximately \$12 million allocated for the 17 county region; and projects were competitive with regional emphasis, so not all counties would be guaranteed funding.

President/CEO Semple further explained in advance of this next round, Golden LEAF engaged the NC Rural Center and the Friday Institute to both coach counties and solicit ideas for regional economic development projects. The first step in this process was the identification of a core team of four individuals from each county to be assigned by the County Manager. This core team, which met January 22-23 with the other Northeast teams, as well as Golden LEAF, Rural Center, and Friday Institute staff, consisted of Martin County EDC President Jason Semple, Committee of 100 Vice-Chair Dean McCall, Social Services Director Letecia Loadholt, and MCC Small Business Center Director Callie Northern-Herring.

From this meeting, four potential projects were identified: Those four potential projects identified were Entrepreneurship/Downtown Redevelopment, Technical Career Pathways promotion, Support for the Career and Technical Education Center, and Support for the Northeast Regional School of Biotechnology and Agriscience (NERSBA).

President/CEO Semple stated over the first two quarters of 2018, the core group expanded its working group to include input from Martin County Schools, Martin Community College, the Committee of 100, and Martin County EDC. President/CEO Semple stated the process was an “arduous process” getting all of the counties together and focus on what would make the most sense regarding the Golden LEAF grant prospective. President/CEO Semple stated based on feedback from Rural Center and Golden LEAF staff, the two strongest regional projects that gave Martin County the best chance of being funded in the CBGI program would be Entrepreneurial Promotion and Downtown Redevelopment, and Technical Career Pathways Promotion.

Entrepreneurial Promotion and Downtown Redevelopment

This was a partnership of Martin, Pitt, Beaufort and Hyde Counties and East Carolina University's Economic Development Office. Counties would identify opportunities from existing industries and potential entrepreneurs. ECU would identify potential entrepreneurs from its students. (ECU would begin to offer a degree in entrepreneurship starting fall 2018.) ECU would provide in-depth research and resources to help identify data-driven business opportunities in each county, as well as identify physical buildings/infrastructure needed to attract these types of companies. ECU was the lead applicant for this grant. Jason Semple and Callie Northern-Herring were members of this working group. President/CEO Semple stated a project budget for this was being developed for this initiative.

Technical Career Pathways Promotion

This was a partnership of Martin, Beaufort, and Pitt Counties. These counties share the same labor pool and voiced concerns about not having enough young people choosing technical/career pathways. Students would pick their pathways in middle school; therefore, the emphasis of this project was to market to students, parents, teachers, and local industries. Deliverables would include increased enrollment in technical and career pathways, joint job fairs, a regional website, and various audio-visual marketing materials. The Mid East Commission had agreed to assist with the grant application and management.

President/CEO Semple stated letters of intent would be due September 7, 2018; in October 2018, Golden Leaf would review the letters of intent, prioritize, and selected applicants would be invited to submit a full application in October 2018, and most likely rewards would be announced in February 2019.

The Board of Commissioners was asked to approve pursuit of these two regional projects for Golden LEAF's Community-Based Grants-making Initiative.

Vice Chairman Bowen made a MOTION to approve pursuit of the two projects for Golden LEAF's Community-Based Grants-making Initiative, with a SECOND from Commissioner Ayers. The motion was APPROVED unanimously.

Approval of Request for NCDOT/Aviation Aid Application – AWOS Clearing & Site Preparation

On July 30th, 2018, The North Carolina Department of Transportation (NCDOT) – Division of Aviation confirmed it had completed its final review of the Martin County Airport's Request for Aid form for the Automated Weather Observing System (AWOS) Clearing & Site Preparation project. Martin County had been approved to proceed to the next stage of the funding process.

An AWOS would provide weather data for pilots, which would increase safety and make the airport more reliable and attractive to pilots. In addition, an AWOS would provide more accurate local weather information to the general community via media outlets, such as local television stations, the Weather Channel and various websites.

County Manager Bone explained the timber at the airport was recently harvested, and the next step for the the AWOS Clearing & Site Preparation project would involve clearing and grubbing of approximately 20 acres of upland area and clearing of approximately 4 acres of wetland area without ground disturbance.

The total estimated cost of the project was stated to be \$94,096. Ninety percent (90%) of the funds would be coming from the State Block Grant / NPE Program (formerly known as the VISION 100 funding), and ten percent (10%) of the project funds would come from the State Aid to Airports Program, due to Martin County's Tier 1 status. No local funds would be needed.

The State Block Grant / NPE Program is a funding source that helps pay for improvements at airports such as the Martin County Airport. These funds, which are distributed in accordance with federal standards, would be the primary funding sources for airport improvement projects nationwide and also fund important noise mitigation issues.

The next step of the funding process would be the Acceptance of Assurances and "pinning" the Request for Aid (Application) form by the County Manager through the online Grant Management System.

The Board of Commissioners voted unanimously to approve the following resolution authorizing the County Manager to enter in the grant agreement "State Aid to Airports Block Grant Between The N.C. Department of Transportation, An Agency of the State of North Carolina and Martin County"

RESOLUTION

A motion was made by Commissioner Ayers and seconded by Vice Chairman Bowen for the adoption of the following resolution and upon being put to a vote was duly accepted:

WHEREAS, a Grant in the amount of \$94,096 has been approved by the Department based on total estimated cost of \$94,096; and

WHEREAS, an amount equal to or greater than zero percent (0%) of the total estimated project cost has been appropriated by the Sponsor for this Project.

NOW THEREFORE, BE AND IT IS RESOLVED THAT THE County Manager of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

Budget Amendment(s)

Budget Amendment #1

Finance Director Cindy Ange explained to the Board that last spring the NC Department of Transportation (NCDOT) installed some valves to turn off the water while working on a culvert on Roy Beach Rd. During that construction, a bored pipe was broken, which would have to be replaced. NCDOT would be reimbursing Martin County for the full cost of this directional bore

and the connection to existing water lines in the amount of \$64,200. Herring-Rivenbark, Inc. would be the contractor.

BUDGET ORDINANCE AMENDMENT-1

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, 2019.

Section 1. To amend Water District #1, the expenditures are to be changed as follows.

	Increase	Decrease
Operations		
Maintenance	\$ 64,200	

This will result in an increase of \$64,200 in the expenditures of Water District #1. To provide an increase in the revenues for the above, the following revenues will be changed.

Reimbursement from DOT	\$ 64,200
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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 Bond to adopt the above budget ordinance amendment this 8th day of August 2018. The Board unanimously APPROVED the motion.

Budget Amendment #2

Finance Director Cindy Ange stated The Martin County Co-operative Extension office had received a \$500 grant from the NC 4-H Development Fund. Support from the Universal Leaf Foundation would provide the resources for the local NC 4-H programs.

The Co-operative Extension office would plan to use the funds for a community garden that would be located next to the office building.

BUDGET ORDINANCE AMENDMENT-2

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, 2019.

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

	Increase	Decrease
Economic & Physical Development		

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, 2019.

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

	Increase	Decrease
Public Safety		
Sheriff	\$384,172	

This will result in an increase of \$384,172 in the expenditures of the General Fund. To provide an increase in the revenues for the above, the following revenues will be changed.

Fund Balance	\$183,172
Restricted Intergovernmental	\$201,000

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board and to the Finance Officer for their direction.

MOTION by Vice Chairman Bowen and SECONDED by Commissioner Bond to adopt the above budget ordinance amendment this 16th day of August 2017. The Board unanimously APPROVED the motion.

BOARD REPORTS / COMMISSIONERS' COMMENTS - None

CLOSED SESSION - N C G. S. §143-318.11(a) (6) Personnel

Around 8:49 p.m., Vice Chairman Bowen made a MOTION to enter Closed Session in pursuant of NC G.S. §143-318.11(a) (6) Personnel, with a SECOND from Commissioner Bond. The motion was APPROVED unanimously.

Around 8:51 p.m., Commissioner Bond made the MOTION to end Closed Session in pursuant of N C G. S. §143-318.11(a) (6) Personnel, with a SECOND from Commissioner Ayers. The motion was APPROVED unanimously.

OPEN SESSION

In Open Session, Chairman Lilley reported action would be taken regarding a merit increase for Register of Deeds Kimberly Griffin.

Vice Chairman Bowen made a MOTION to approve the 2% merit increase for Register of Deeds Kimberly Griffin, with a SECOND by Commissioner Bond. The motion was APPROVED unanimously.

ADJOURNMENT

With no further business to discuss, Commissioner Bond made the MOTION to adjourn at 8:52 p.m., with a SECOND by Vice Chairman Bowen. The Board APPROVED the motion unanimously.

The Martin County Board of Commissioners' next regular meeting would be Wednesday, September 12, 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, NCMCC
Clerk to the Board