

**April 20, 2011**

The Board of Commissioners of Franklin County, North Carolina, met for a Special Called Meeting at 7:00 P.M. at the Franklinton High School Auditorium with the following Commissioners present: Chair Sidney E. Dunston, Vice-Chairman E. Shane Mitchell, Penny McGhee, Harry L. Foy, Jr., David T. Bunn, Robert L. Swanson and Donald C. Lancaster. Also present were Franklinton Town Council members John Allers, Al Barbour, Joseph Cutchins, Jr., Anita Fuller and Art Wright.

*Also in attendance were Franklin County Manager Angela Harris, Franklin County Attorney Darnell Batton, Attorneys Jim Sheedy and Susan Driscoll as well as Franklinton Mayor Elic Senter and Interim Manager Tammy Ray.*

The purpose of the joint session was to discuss a water dispute among the County of Franklin and the Town of Franklinton.

*A copy of the guidelines governing the joint session to discuss the settlement were distributed to those in attendance. Both the Town and the County were allotted 30 minutes to present its position.*

Franklinton Mayor Elic Senter welcomed those in attendance and conceded the Town's 30 minutes and stated the Town has no new information to share.

Franklin County Commissioner Shane Mitchell then thanked Franklin County Schools and Franklinton High School for utilization of the high school. Commissioner Mitchell commented that sewer service is the only utility service provided the County to the Town of Franklinton at \$6.38 per one thousand gallons. He stated the rate differs from the \$15.78 per thousand rate that Franklinton citizens see reflected on their monthly bill, the rate established by the Town. Commissioner Mitchell stressed the importance of transparency and challenged both Boards to set aside frustrations and seek a solution (regarding water rates) with urgency. He also stated mounting legal costs are not in the best interest of the Town or the County.

County Board Chairman Sidney Dunston stated the County's offer to acquire the Town's infrastructure (water plant) addresses concerns that remain unaddressed. He stated his hope that a compromised would be reached (tonight) for the betterment of all constituents.

Attorney Jim Sheedy stated he was in attendance to speak about the dispute from the perspective of the County of Franklin. He said the goal of the County should be the same as the Town in this unfortunate dispute. He said both entities should be seeking high quality and sewer service, services that are ultimately for the public. He commented that rate payers should pay the cost of water and sewer, but said it is unfortunate for taxpayers to subsidize the utility enterprise. He stated the County does not need to purchase 350,000 gallons of water per day if it does not possess the demand. He also noted the County pays a higher price for water from the Town of Franklinton compared to other providers. Mr. Sheedy stated the rate payers and the taxpayers are suffering from the ongoing dispute and said the Town should allow for termination of the contract now. He said his hope was to find an acceptable solution and asked that both Board adjourn to proceed with settlement discussions.

Chairman Dunston read the General Statute suggested for closed session.

Commissioner Dunston then made a motion to enter into closed session pursuant to NCGS 143-318.11 (a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. The motion was seconded by Commissioner Swanson and carried 6 to 1, with Commissioner Foy voted "NO."

The Town of Franklinton voted unanimously to enter into closed session as well at approximately 7:35 P.M.

At the conclusion of the closed session, Commissioner McGhee made the motion to enter back into open session, seconded by Commissioner Mitchell. The motion duly carried with all present voting "AYE."

The Town of Franklinton also voted unanimously to enter back into open session.

Chairman Dunston stated both Boards agreed to continue negotiations following an appraisal of the water plant.

Commissioner Lancaster made a motion to approve an infrastructure appraisal acceptable to the Town. The motion was seconded by Commissioner Mitchell and duly carried with all present voting "AYE." The Town of Franklinton agreed to share in the cost of the appraisal up to \$7500 in the event the asset transfer does not take place.

The Town agreed unanimously with the same motion to share in the cost of the appraisal.

Both Boards are expected to reconvene at the conclusion of the appraisal process which was estimated at approximately five weeks. The meeting was tentatively set for 7:00 P.M. at a location to be determined.

At approximately 11:45 P.M., Commissioner Lancaster made a motion to adjourn, seconded by Commissioner Mitchell. The motion duly carried with all present voting "AYE."

The Town also voted unanimously to adjourn the meeting.

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Sidney E. Dunston, Chair

Kristen G. King, Clerk to the Board