

## August 15, 2016

The Board of Commissioners of Franklin County, North Carolina, met for its Regular Meeting at 7:00 P.M. in the Commissioner's Conference Room located in the County Administration Building with the following Commissioners present: Chairman Sidney E. Dunston, Vice-Chairman Cedric K. Jones, Commissioners John M. May, Harry L. Foy, Jr. and Don Lancaster. Commissioners E. Shane Mitchell and David T. Bunn were absent.

Chairman Dunston called the meeting to order and recognized Boy Scout Troop 555 and troop leader Ed Strickland who were in attendance.

Chairman Dunston asked the Board to consider approval of the consent agenda.

Commissioner Foy made a motion to remove Item 1-D from the consent agenda for further discussion. The motion was seconded by Commissioner May and duly carried approval with all present voting "AYE."

Chairman Dunston asked the Board to consider approving the remainder of the consent agenda. Commissioner Lancaster made the motion to approve the remainder of the agenda, seconded by Commissioner Jones. The motion duly carried approval with all present voting "AYE."

The following items were approved.

### 1. CONSENT AGENDA

- A. August 1, 2016 Minutes
- B. Releases, Adjustments, Refunds, and Tax Collection Report
- C. Approval of new CPT Codes
- ~~D. Approval of implementation of Engineered Option Septic Permit Fee~~

Commissioner Foy inquired about the implementation of the Engineered Option Septic Permit Fee. The fee is to add 30% of the cumulative total of the fees normally assessed for the issuance of an onsite wastewater (septic) permit.

Commissioner Lancaster made a motion to approve Item 1-D (Approval of implementation of Engineered Option Septic Permit Fee), seconded by Commissioner Foy. The motion was unanimously approved.

### 2. COMMENTS FROM THE PUBLIC

This was the time set aside by the Board of Commissioners to allow individuals five minutes to address the Board on issues concerning the county. No comments were offered.

### 3. PUBLIC HEARING

#### Rezoning Request – John R. Hill Jr. (16-REZ-05)

The Board was asked to consider approval of a rezoning request by John R. Hill Jr. to rezone 23.25 acres at 703 Tarboro Road in Youngsville Township from Residential-1 (R-1) to Highway Business (HB).

Planning and Inspections Director Scott Hammerbacher gave a brief description and indicated the Planning Board, by unanimous vote, recommended approval of the rezoning request.

At approximately 7:11 P.M., Chairman Dunston opened the public hearing.

Discussion ensued with questions/concerns about the project. Citizens who live near Hill Ridge Farms asked questions about future plans for the business, spoke about traffic concerns and ease of accessibility into and out of nearby subdivisions for emergency response vehicles during peak season at Hill Ridge Farms. Citizens also expressed concern over rumors that recreational vehicles would be allowed to set up on the property.

The following individuals participated in the public hearing.

Serena Wester, Kingswood Subdivision, Youngsville, NC  
 Jimmy Goin, 109 Timberlake Drive, Youngsville, NC  
 Jack Rivers, 105 Hunters Lane, Youngsville, NC  
 Jennifer Dunn, Glen Oaks Subdivision, Youngsville, NC  
 John Hill, 703 Tarboro Road, Youngsville, NC  
 Sharon Bright, 103 Hunters Lane, Youngsville, NC  
 Paul Banks, 116 Timberlake Drive, Youngsville, NC  
 Brenda Washington, 109 Old Farm Road, Youngsville, NC  
 Michael Hurt, 110 Timberlake Drive, Youngsville, NC

Hill Ridge Farms owner John Hill and his daughter Jennifer Dunn spoke in reference to the project. They indicated emergency response vehicles respond to numerous calls each year on the property and said there had never been an access problem on even the busiest of days. It was noted a new driveway was installed to alleviate traffic and that over 30 parking attendants have been hired to help traffic move in and out as quickly as possible. Ms. Dunn said there are no plans for a campground on the site and said she is uncertain how rumor began about such plans. She indicated light poles had recently been installed on the property to simply provide better lighting in parking areas.

Chairman Dunston closed the hearing at 7:51 P.M.

Commissioner Foy made a motion to approve the rezoning request, seconded by Commissioner Lancaster. The motion duly carried with all present voting "AYE."

**4. STATE OF THE COLLEGE OVERVIEW: VANCE GRANVILLE COMMUNITY COLLEGE (VGCC)**

Dr. Stelfanie Williams, President and Bobbie Jo May, Dean of VGCC's Franklin Campus, provided an update on college activities and achievements for the 2015-2016 academic year. No action was requested or taken.

**5. CONVENIENCE FEE FOR ONLINE BILL PAY**

Public Utilities plans to implement online bill pay as an option for customers effective September 1, 2016. This has been a repeated request by customers. In an attempt to cover anticipated maintenance, hosting, and credit card fees associated with this payment option, Director Bryce Mendenhall suggested a \$2.50 convenience fee to be added to each online transaction.

Commissioner Lancaster made a motion to approve the convenience fee, seconded by Commissioner May. The motion duly carried with all present voting "AYE."

**6. RESOLUTION OF INTENT TO LEASE OR SELL ALL OR PART OF FRANKLIN MEDICAL CENTER**

Pursuant to North Carolina General Statute 131E-13(d), the Board was asked to consider adopting a Resolution of Intent to Lease or Sell All or Part of Franklin Medical Center. The Board will solicit interested lessees and purchasers, and all known and additional lessees and purchasers will be invited to submit proposals for the lease or sale of the hospital facility, or a portion thereof. The Board intends to negotiate the terms of such lease or sale with the organization that submits the proposal accepted by the County.

The County's legal counsel Boyd Sturges and Frank Kirschbaum provided a timeline of upcoming events required by North Carolina General Statute 131E-13(d) for the sale of Franklin Medical Center.

Franklin Medical Center Sale – 27439.2 Timeline of NCGS 131E-13(d) Requirements					
Task	Date Due	Due Date Trigger	Statute Reference	Completed Date	Doc #/Location
Give public notice of intent to lease, known potentials lessees, solicitation of interest, and intent to negotiate terms of lease.	8/4/16	10 days prior to Meeting of County Commissioners	131E-13(d)(1)	8/4/16	State Agencies letter – 928136
Give specific notice to state-supported programs that have made capital expenditure in hospital facility, DHHS, OSBM.					Notice – 925380. Published in Franklin Times
Adopt resolution of intent at regular meeting	8/15/16	Meeting of County Commissioners	131E-13(d)(2)		Cover Letter re RFPs – 928509
Solicit Proposals directly from 5 prospective lessees					Resolution – 927928
Notice of public hearing on resolution of intent	8/18/16	At least 15 days before hearing	131E-13(d)(3)		
Hold public hearing on resolution of intent adopted	9/6/16	Not less than 15 days after adoption at Meeting of County Commissioners	131E-13(d)(3)		
RFP Due Date	9/19/16				
Publish notice of public hearing, make copies of proposals available to public	9/22/16	At least 10 days before hearing	131E-13(d)(5) and (6)		
Hold public hearing on proposals for lease or purchase	10/6/16	Not less than 45 days after adopting resolution of intent, not less than 30 days after conducting Public Hearing on Notice on resolution of intent	131E-13(d)(5)		
Publish public notice of meeting, make copy of lease available to public	10/13/16	At least 10 days before meeting	131E-13(d)(7) and (8)		
Approve lease by resolution at regular meeting	10/24/16	Not less than 60 days after adopting resolution of intent	131E-13(d)(7)		

1

Commissioner Foy then made a motion to approve the RESOLUTION DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY NORTH CAROLINA TO LEASE OR SELL ALL OR PART OF FRANKLIN MEDICAL CENTER, seconded by Commissioner Lancaster. The motion duly carried approval with all present voting “AYE.”

**RESOLUTION DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, NORTH CAROLINA TO LEASE OR SELL ALL OR PART OF FRANKLIN MEDICAL CENTER**

**WHEREAS**, Franklin Medical Center (“FMC” or the “Hospital”) consists of a non-operational hospital building and related buildings located on land owned by the County of Franklin, North Carolina (“Franklin County”) at 100 Hospital Drive, Louisburg, North Carolina; and

**WHEREAS**, the Hospital was formerly operated by Louisburg/Novant, LLC (affiliated with the Novant system of hospitals and health care providers) for Franklin County as a community general hospital;

**WHEREAS**, citing declining patient volumes, Louisburg/Novant, LLC decided to cease operations at FMC on October 16, 2015, and FMC is therefore no longer operating;

**WHEREAS**, pursuant to N.C. Gen. Stat. § 131E-13(a), all ownership and other rights in the FMC hospital facility, including the building, land and equipment associated with the hospital, have reverted to Franklin County;

**WHEREAS**, The Franklin County Board of Commissioners (the “Board of Commissioners”), acting on behalf of Franklin County, is interested in receiving proposals for the lease or sale of all or a part of the Hospital, such that the citizens of Franklin County may again have access to much needed healthcare services, and the County intends to negotiate a contract to sell or lease all or part of the Hospital;

**WHEREAS**, Board of Commissioners believes it is required to comply with the procedures set out in N.C. Gen. Stat. § 131E-13(d) (the “Statute”) before leasing or selling all or part of the Hospital;

**WHEREAS**, in compliance with the Statute, the Board of Commissioners has given notice by publication of its intent to lease or sell all or part of the Hospital and has given notice by certified mail to certain agencies of the State of North Carolina; and

**WHEREAS**, the Board of Commissioners has developed a Request For Proposals (the “RFP”) for the lease or sale of all or part of the Hospital.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR FRANKLIN COUNTY RESOLVES AS FOLLOWS:**

(1). The Board of Commissioners hereby declares its intent to lease or sell all or part of the Hospital, pursuant to terms and conditions negotiated by the Board of Commissioners.

(2). The Board of Commissioners hereby approves the form and content of the RFP and hereby authorizes the County Manager of Franklin County (the “County Manager”) to provide a copy of the RFP to any person who requests a copy.

(3). The County Manager shall directly solicit proposals for the lease or sale of the Hospital from (1) Duke Lifepoint Healthcare, (2) WakeMed Health & Hospitals, (3) Ferncreek Cardiology, PA, (4) Dr. Robert McLaurin, and (5) UNC Rex Healthcare. Each such solicitation shall include a copy of the RFP and a copy of the Statute. In order to be considered by the Board of Commissioners, all proposals for the lease or sale of all or part of the Hospital must be received by a date to be determined by the Board, in compliance with the Statute.

(4). Any party interested in leasing or purchasing all or part of the Hospital shall provide to the County Manager information as to charges, services and indigent care at similar facilities owned or operated by the proposed lessee or purchaser.

(5). The Board of Commissioners reserves the right to reject any and all proposals and to accept the proposal that it determines, in its sole and absolute discretion, is in the best interests of Franklin County and its citizens.

(6). The Board of Commissioners intends to negotiate a contract for the lease or sale of all or part of the Hospital with the organization that submits the proposal accepted by the Board of Commissioners.

(7). A public hearing on this Resolution of Intent shall be held on September 6, 2016 at 7:00 p.m. in the Franklin County Administration Building, located at 113 Market Street, Louisburg, North Carolina 27549.

Commissioner May made a motion to direct staff to solicit proposals for the lease or sale of the hospital from at least five lessees/owners. The motion was seconded by Commissioner Jones and duly carried approval with all present voting “AYE.”

Commissioner Lancaster made a motion to alter the Board’s meeting schedule in October 2016 by moving its October 17, 2016 meeting to October 24, 2016 at 7:00 P.M. The motion was seconded by Commissioner May and duly carried approval with all present voting “AYE.”

## 7. CONSTRUCTION CHANGE ORDER FOR INDUSTRIAL AREA DEVELOPMENT

Rifenburg Construction is nearing completion of the alternate bid for construction of Industrial Area Development at the airport. Additional funds have been committed by NCDOT which allows this change order to complete the project as previously bid. The alternate bid was \$642,885 which was previously accepted by the Board. The additional funds required to complete the base bid is \$436,948. Funding for this agreement comes from FAA Non Primary Entitlement Funds. The funding ratio is 90% Federal and a 10% local match. The local match

funding amounts to \$43,695 to complete this bid. This item was originally discussed and subsequently tabled at the Board's meeting on August 1, 2016 based upon the Board's desire to obtain additional detail about mobilization fees.

Engineer Jim Farthing, Michael Baker Engineering, indicated the mobilization fee not only covers moving, but also covers setting up staging areas, survey costs, bonds, insurance certificates, office trailers and barricades, etc.

Commissioner Lancaster made a motion to approve Construction Change Order #1 for Industrial Area Development at Triangle North Executive Airport. The motion was seconded by Commissioner May and approved 4 to 1 with Commissioner Foy voting "NO."

#### 8. UPDATE: BACK-UP PUBLIC SAFETY ACCESS POINT

Emergency Communications Director Christy Shearin provided an update regarding the Backup PSAP/Plan requirement and progress.

Since the last update she said several properties had been vetted. The Commissioner's Meeting Room (Franklin County Administration Building in Louisburg, NC) remains one of the top two locations for the Backup PSAP. A second viable option that has now been identified is the Wiley F. Mitchell Media Center in Louisburg. Exact costs to retrofit the buildings have not been fully identified. Mrs. Shearin was directed to continue gathering information including cost analysis.

#### 9. OTHER BUSINESS

No additional business was discussed.

#### 10. BOARD, MANAGER, AND CLERK'S COMMENTS

This was the time set aside for the Board of County Commissioners, the County Manager, and the Clerk to the Board to report on various activities. The Board may also discuss other items of interest.

**County Clerk Kristen G. King:** Referring to action taken earlier in the meeting to alter the Board's regular meeting schedule in October 2016, Ms. King reminded the Board to alter its calendar to reflect the Board will not meet October 17, 2016 but rather conduct its meeting on October 24, 2016.

**Commissioner Foy:** No comments were offered.

**Commissioner Bunn:** Commissioner Bunn was absent.

**Commissioner May:** No comments were offered.

**Commissioner Jones:** Commissioner Jones attended the recent annual conference of the North Carolina Association of County Commissioners.

**Commissioner Mitchell:** Commissioner Mitchell was absent.

**Commissioner Dunston:** Commissioner Dunston attended the recent annual conference of the North Carolina Association of County Commissioners. He noted he represented the Board as a voting delegate voting in favor of Davidson County Commissioner Fred McClure to serve as the association's president.

**Commissioner Lancaster:** Commissioner Lancaster attended a recent meeting of the Airport Commission. He said the airport is operating well and come a long way since the county took over operation of the airport.

**County Manager Angela L. Harris:** Mrs. Harris indicated approval has been granted to S.L. Nusbaum Realty Co., in order to move forward with the Sterling Cotton Mill Project in Franklinton. The project has received an award of tax credits and is diligently moving forward.

## II. CLOSED SESSION

This Board was asked to enter into closed session pursuant to North Carolina General Statute 143-318.11 (a)(4) regarding industry/economic development.

Commissioner Jones made a motion to enter into closed session pursuant to NCGS 143-318.11 (a)(4) regarding industry/economic development. The motion was seconded by Commissioner Lancaster and was approved 4 to 1, with Commissioner Foy voting "NO."

Following closed session, Commissioner Lancaster made a motion to enter back into open session, seconded by Commissioner Jones. The motion duly carried with all present voting "AYE."

No action was taken following closed session.

At approximately 8:58 P.M., Commissioner May made a motion to adjourn, seconded by Commissioner Jones. The motion duly carried approval with all present voting "AYE."

---

Sidney E. Dunston, Chair

Kristen G. King, Clerk to the Board