

August 1, 2011

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: Chair Sidney E. Dunston, Donald C. Lancaster, Harry L. Foy, Jr., Penny McGhee, Robert L. Swanson and David T. Bunn. Vice-Chairman E. Shane Mitchell was absent.

Chairman Dunston called the meeting to order and asked the Board to consider approval of the consent agenda. Commissioner Swanson made the motion to approve the consent agenda, seconded by Commissioner McGhee. The motion duly carried with all present voting "AYE."

The items approved are as follows.

1. CONSENT AGENDA

- A. June 14, 2011 Minutes
- B. July 11, 2011 Minutes
- C. CPT Rate (Environmental Health Fees)
- D. Consider the re-appointment of Bobbie Gravitt, Franklin County Deputy Tax Collector (four-year term)

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.

Roger Lytle, 571 Williams White Road, Zebulon, NC

- Mr. Lytle offered comments relative to the Franklin County Economic Development Commission (EDC) and Franklinton's Water and Sewer System. He asked for a full report from the EDC detailing all expenditure, new and/or expanded businesses and the number of new jobs created in the 2010-2011 budget year. He also stated taxpayers deserve a complete report on how the EDC plans to spend their 2011-2012 budget by publishing their plans, objectives and goals. Additionally, he recommended the County and the Town of Franklinton to drop their lawsuits and dismiss its lawyers with regards to the recent water dispute and said both are wasting tax dollars. He suggested a temporary commission be assembled to review the facts/data and develop a business plan that supports Franklinton, Franklin County and the customers. He volunteered to lead the commission to write the business plan to resolve the dispute in a manner beneficial to all.

3. MIRACLE LEAGUE OF FRANKLIN COUNTY

The Miracle League of Franklin County is a baseball league for children with physical and/or mental disabilities. The league requested \$145,000 from the Long Mill Elementary School District's Payment in Lieu for Recreational Dedication Funds in order to assist with the development of a field and accommodations at Long Mill Elementary School. The approval and disbursement of County funds is contingent upon sufficient alternative revenue sources being secured to complete Phase 1 of the project. A lease agreement between the league and Franklin County Schools has already been executed.

Donna Wade, Executive Director of the Franklin County Miracle League provided the following PowerPoint presentation (below) along with a brief video that presented the mission of the league, the children that stand to benefit from the project and details of the three-phase phase plan.



The Miracle League of Franklin County

"Every Child Deserves a Chance to Play Baseball"

History & Facts about Miracle League?

- ▶ The first Miracle League field opened in Conyers, Georgia in April 2000
- ▶ The Miracle League has spread throughout **45** states, Puerto Rico, and Canada
- ▶ There are **250+** **Miracle League Organizations**
- ▶ Miracle League is presently serving **200,000+** children and young adults.

What is the Miracle League?

The Miracle League field is the size of a standard T-Ball field.

The Miracle League teams play on a custom-designed, rubberized Turf field that accommodates wheelchairs and other assertive devices while helping to prevent injuries.



Where we were...
Where we are...
Where we hope to be...



The Miracle League Video

www.MiracleLeague.com



They have the determination,

They have the drive,

They have the heart,

Now all they need is a field!

Franklin County 110 families
Warren County 64 families
Granville County 494 families
Vance County 310 families

Total: 978 families

**Pictures of The Miracle League
of High Point**





Tommy Piper, Franklin County Schools Assistant Superintendent for Auxiliary Services, was also in attendance along with Architect Jon Long representing MBAJ Architecture. Mr. Piper asked the Board to consider approval of \$145,000 from the Long Mill Elementary School District's Payment in Lieu for Recreational Dedication Funds to assist with the project. He said plans have already been reviewed and endorsed unanimously by the County's Parks and Recreation Advisory Board. He stated the proposed field is "just as important as anything we have ever built and maybe even more important."

Mr. Piper stated the project is divided into three phases with Phase 1 totaling \$373,450. He said the project would be supervised by County Finance Director Charles Murray with assistance from Franklin County Schools and MBAJ Architecture. Franklin County Schools will manage construction and administration.

Mr. Piper stated often special needs children and their families are overlooked and said they should not be. He stated construction would begin after the funding is received to complete the project and suggested the architect be "brought on board soon."

Commissioner Lancaster commented he is a supporter of recreation and stated he would be glad to fully fund the project if he had the personal finances to do so. He stated he would assist with a donation.

Commissioner McGhee then made a motion to approve the use of \$145,000 Payment in Lieu for Recreational Dedication Funds from the Long Mill Elementary School District in order to assist with the development of a field and accommodations for the Miracle League of Franklin County. County funding to remain contingent upon sufficient alternative revenue sources being secured to complete Phase 1 of the project. The motion was seconded by Commissioner Foy and duly carried approval with all present voting "AYE."

Mrs. Wade thanked the Board for its support and added there are no wheel chair accessible playgrounds available to children in the Franklin, Vance, Warren County areas. She stated the closest is located in Cary. On behalf of Miracle League she stated the group is thankful.

4. UTILITY ALLOCATION REQUEST – FOREST CITY SUBDIVISION

Forest City requested their existing phasing plan be modified to extend it approximately one year from its original approval granted in 2009 to serve 250 lots with County water and sewer. The developer has cited current economic conditions as the reason for not

meeting phasing plan milestones. The request has been reviewed and recommend for approval by the Public Utilities Advisory Committee.

Scott Hammerbacher, Planning and Inspections Director, offered a summary of the request and stated the subdivision was located adjacent to the new Franklinton High School.

Commissioner Lancaster made the motion to approve the modified phasing plan and associated utilities for Forest City Subdivision, seconded by Commissioner McGhee. The motion duly carried approval with all present voting "AYE."

5. WINSTON RIDGE SUBDIVISION IMPROVEMENTS

The previous developer of Winston Ridge Subdivision defaulted on improvement agreements for Phase 1 of the subdivision. The roadways within the initial phase of development need repairs prior to their inclusion into the North Carolina Department of Transportation's road maintenance program. The letter of credit provided by the developer will cover the cost of the work without utilization of County funds. Bids have been received ranging from \$296,549 to \$209,007 for completion of the necessary work and certified by the engineer for the project. The apparent low bidder, Raleigh Paving, at a cost of \$209,007 has been selected to perform the work subject to the Board's approval.

Scott Hammerbacher, Planning and Inspections Director, stated the funding will not be provided by County tax dollars. He also stated a contract is in place with an engineer to develop the bid documents and scope of work with the North Carolina Department of Transportation. He stated homeowners would be informed well in advance and said they would have an opportunity to provide feedback.

Commissioner Lancaster made a motion to award a paving contract to Raleigh Paving in the amount of \$209,007 for improvements within Phase 1 of Winston Ridge Subdivision. The motion was seconded by Commissioner McGhee and duly carried approval with all present voting "AYE."

6. OTHER BUSINESS

No additional business items were discussed.

7. APPOINTMENTS

A. Agriculture Board

The Board was asked to consider the appointment/reappointment of the following citizens to the Agriculture Board for three-year terms.

Bob Sykes, Youngsville Township (appointment)
Steve Mobley, Louisburg Township (appointment)
Brent Strickland, Harris Township (reappointment)

Commissioner Lancaster asked if Steve Mobley was the spouse of Martha Mobley, Franklin County Cooperative Extension Agriculture Agent. Mrs. Mobley also serves as an advisor to the Agriculture Board. County Manager Angela Harris stated she did not believe the Board's bylaws addressed kinship. Charles Mitchell, Cooperative Extension Director, stated there are no bylaws for the Board, but stated the ordinance does not address kinship. He stated, he personally, did not see a conflict of interest if Mr. Mobley was appointed to serve.

Commissioner Swanson asked if appointing Mr. Mobley would present a conflict of interest. Mr. Mitchell stated the Board of Commissioners makes the ultimate decision regarding membership. County Attorney Darnell Batton stated even though appointing Mr. Mobley may not be a legal conflict of interest, he stated to the extent the advisor to the Advisory Board has a role and the Board members have roles, and to the extent the advisor to that Board has any influence over that board member, then there is potential the board member may make motions and direct action in response to the special wishes of the advisor of that board. He said if there were no others available to serve in that capacity he may advise differently, but said if there are others willing to serve it may not be appropriate that an advisor has that type of relationship to one of the board members.

Mr. Mitchell stated that all agriculture agents will soon be serving as advisors to the Agriculture Board including himself. He said the role of an advisor is not to direct the board but ultimately to support the Voluntary Agriculture Program and any other issues as they see fit regarding the agricultural community.

Commissioner Foy asked if the issue would be resolved if Mrs. Mobley "stepped down" as an advisor. Mr. Mitchell stated that as employee, it is vital that Mrs. Mobley act as an advisor. He reminded Commissioners that Mrs. Mobley is not an appointed member that serves on the Agriculture Board.

Commissioner Dunston asked if there was another board that Mr. Mobley could serve on. Mr. Mitchell stated Mr. Mobley could serve on the Cooperative Extension Advisory Leadership Council. Commissioner Dunston stated he felt it more appropriate that Mr. Mobley served on a board that his spouse did not advise.

Commissioner McGhee stated she did not see how appointing Mr. Mobley to serve could not create a conflict especially if the actions of the Agriculture Board came into question.

Commissioner Lancaster then made a motion to appoint Bob Sykes and Brent Strickland to serve three-year terms on the Agriculture Board, seconded by Commissioner Bunn. The motion was approved 5 to 1 with Commissioner Foy voting "NO."

B. Juvenile Crime Prevention Council

The Board was asked to consider the appointment of the following citizens to the Juvenile Crime Prevention Council for two-year terms.

Renale Giles (at-large position)

Jennifer Short (Chief Court Counselor or designee)

Commissioner Lancaster made a motion to appoint Renale Giles and Jennifer Short to the Juvenile Crime Prevention Council, seconded by Commissioner McGhee. The motion duly carried with all present voting "AYE."

8. 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.

Clerk to the Board Kristen G. King: Mrs. King mentioned there are vacancies listed on the County's website to boards and commissions and asked that interested citizens apply if they wish to volunteer. She also mentioned the grand opening celebration of the new Franklinton High School is scheduled for August 18, 2011 at 5:30 P.M.

Commissioner Foy: Commissioner Foy informed fellow board members that the Franklin County Library summer reading program would have two celebrations planned for August 9 and 10, 2011 at 5:30 P.M. in Franklinton and Youngsville respectively. He

invited citizens to attend. Commissioner Foy then asked if any results had been released with regard to the SBI (State Bureau of Investigation) investigation of former Franklin County Sheriff Pat Green. County Attorney Darnell Batton stated earlier in the day he learned from a telephone call from NBC 17 News that the SBI has completed their investigation and has turned it over to a special prosecutor in the Attorney General's office. He stated his understanding that Mr. Green made incriminating statements in an interview he participated in on June 14, 2011. He said he was not aware of any additional information regarding the investigation at this time.

Commissioner David Bunn: No comments were offered.

Commissioner Lancaster: In reference to recent allegations of embezzlement by staff of the Town of Youngsville, Commissioner Lancaster asked Planning and Inspections Director Scott Hammerbacher if his office could provide support in relation to the town's planning needs. Mr. Hammerbacher responded positively. The town is currently without a Town Manager.

Commissioner McGhee: Commissioner McGhee provided an update following a NCACC Legislative briefing she received recently with regards to misdemeanants and involuntary annexation. She also provided an update from a recent meeting of the Board of Health. She said the Health Department received a Medicaid cost settlement for 2009-2010 in the amount of approximately \$871,500. She said the settlement is \$340,000 more than received the previous fiscal year which decreased the percentage of appropriated money to that part of the Health Department budget from 13 percent to 6 percent.

Commissioner Swanson: No comments were offered.

Commissioner Dunston: No comments were offered.

Commissioner Mitchell: Commissioner Mitchell was absent.

County Manager Angela L. Harris: Mrs. Harris noted the following.

- October is Disability Awareness Month.
- Mrs. Harris commended Mrs. Donna Wade, Executive Director of the Franklin County Miracle League, and others on a great deal of work that has been completed in order to get their project to where they are today. She stated several county departments were involved in planning for the project including Finance, Planning, Parks and Recreation as well as the County Attorney.

9. CLOSED SESSION

The Board was asked to consider entering 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.

Commissioner Swanson made the 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 McGhee and carried 6 to 1, with Commissioner Foy voting "NO."

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

Chairman Dunston announced that no action was taken as a result of the closed session.

Commissioner Lancaster then made a motion to recess until August 15, 2011 at 6:00 P.M. for the purpose of a revaluation discussion. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting "AYE." (The Board's regular meeting will follow at 7:00 P.M. on August 15, 2011.

Sidney E. Dunston, Chair

Kristen G. King, Clerk to the Board