

August 4, 2014

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 John M. May, Commissioners Cedric K. Jones, Harry L. Foy, Jr., Don Lancaster, E. Shane Mitchell and David T. Bunn.

Chairman Dunston called the meeting to order and asked the Board to consider approval of the consent agenda.

Commissioner Lancaster made the motion to approve the consent agenda, seconded by Commissioner Jones. The motion duly carried approval with all present voting "AYE."

The following items were approved.

1. **CONSENT AGENDA**

- A. June 12, 2014 Minutes
- B. June 16, 2014 Minutes
- C. June 23, 2014 Minutes
- D. July 7, 2014 Minutes

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.

Bruce Allen, 992 Mays Crossroads Road, Franklinton, NC

- Mr. Allen addressed the Board with a series of concerns regarding Triangle North Executive Airport. He was an employee of the airport until he recently chose to terminate his employment. Mr. Allen shared photographs of his concerns and encouraged the Board to take action.
- As Mr. Allen's comments exceeded five minutes, Commissioner Bunn made a motion to extend his time for public comment. The motion was seconded by Commissioner Foy and duly carried approval with all present voting "AYE."
- Mr. Allen's comments continued and a second motion was made by Commissioner Foy to extend time for Mr. Allen. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting "AYE."
- Mr. Allen's comments were halted by the Chairman Dunston after reaching approximately 30 minutes. Mr. Allen stated he would return to the Board with additional information relative to his concerns.

Pat Walker, 404 East Noble Street, Louisburg, NC

- Ms. Walker commented on rumors concerning the purchase of land for Owens Park. She said she is thankful there is a plan to purchase property but asked if any properties being considered had been appraised and if there was any money spent in consideration of property. Commissioner Lancaster stated property on Dyking Road was appraised and said the appraisal was paid for by money escrowed for the park. She asked if an appraisal had been done for the Bull Creek property. County Attorney Pete Tomlinson stated the Board was not at liberty to speak to the question at this time.

Mary Ella Hutchinson, 1490 Duke Valentine Wynne Road, Louisburg, NC

- Ms. Hutchinson addressed issues relative to the possible purchase of Bull Creek Golf Course for use as Owens Park. She said a committee of Commissioners (Commissioners Sidney Dunston and Don Lancaster and County Manager Angela L. Harris) selected to negotiate the purchase was a conflict of interest. She stated Commissioner Dunston was a member of the family that owns the golf course. She stated Commissioner Lancaster worked for both banks (First Citizens and Union Bank) that made first and second mortgages on the property. Commissioner Lancaster stated he had recused himself from voting. Commissioner Dunston stated he had no personal interest in the property whatsoever. She commented rumors about the potential purchase were strong enough that they must be addressed. Ms. Hutchinson said the property is under bankruptcy, was curious if an appraisal had been done and felt the value of the property is questionable. Ms. Hutchinson commented on rumors the golf course would be used partly as a golf course and that the remaining property would be sold off as individual lots for a housing community.

3. BID AWARD: LANDSCAPING

On July 7, 2014, the Board rejected two bids received for a three-year contract for landscaping. The bids ranged from \$34,000 to \$47,980 per year. The County requested proposals for a second time and again received only two proposals which were opened on July 24, 2014. A Ok Lawn Care and Landscaping LLC provided the lowest quote at \$34,000 annually. Wake and Franklin Grounds LLC quoted \$57,980, an increase of \$10,000 compared to their bid three weeks prior.

Commissioner Lancaster made a motion to award a three-year contract to A Ok Lawn Care and Landscaping LLC in the amount of \$34,000 annually for landscaping services for County facilities. The motion was seconded by Commissioner Mitchell and duly carried approval with all present voting "AYE."

4. OTHER BUSINESS

No additional business items were discussed.

5. 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: No comments were offered.

Commissioner Foy: No comments were offered.

Commissioner Bunn: No comments were offered.

Commissioner May: Mr. May commented on several events he attended including a meeting of the Economic Development Commission and Department of Social Services, the grand opening of Boondocks as well as the State of the County Address.

Commissioner Jones: Commissioner Jones commented on several events he attended including a meeting of the Mental Health Board and Franklinton Town Council. He also attended the recent State of the County Address and plans to attend National Night Out in Franklinton.

Commissioner Mitchell: Commissioner Mitchell attended a recent meeting of the Economic Development Commission and stated he planned to attend National Night Out in Franklinton. He updated the Board on a safety concern it had posed to the North Carolina Department of Transportation regarding landscaping/overgrown vegetation along the cable system of US#1 in Franklinton. He stated a formal response had been received and the vegetation is now being maintained.

Commissioner Dunston: No comments were offered.

Commissioner Lancaster: Commissioner Lancaster attended the recent grand opening of Boondocks as well as the State of the County Address.

County Manager Angela L. Harris: Mrs. Harris provided the Board with a copy of the 2013 Franklin County Health Department's State of the County Report.

County Attorney Pete Tomlinson stated an auction is scheduled for August 23, 2014 for the estate of Ann Lancaster which the County will benefit from. He stated all Commissioners may participate in the auction as it is not a conflict of interest.

6. CLOSED SESSION

The Board was asked to enter into closed session pursuant to the following North Carolina General Statutes:

- A. NCGS 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.
- B. 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.

At approximately 7:53 P.M., Commissioner Mitchell made a motion to enter into closed session pursuant to NCGS 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. The motion was seconded by Commissioner Lancaster and approved with a 6 to 1 vote with Commissioner Foy voting "NO."

Commissioner Jones 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 May and duly carried approval with all present voting "AYE."

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

7. PROPERTY ACQUISITION: OWENS PARK

The Board was expected to consider the acquisition of property for the Owens Park project.

Commissioner Mitchell made a motion relative to the County entering into a purchase agreement for 167.44 acres (Bull Creek Golf and Country Club) in the amount of \$700,000 to be executed within 90 days of acceptance by First Citizens Bank and based on a clear environmental study and satisfactory dam inspection. The purchase price includes three structures already located on the property. His motion also called for the project to be turned back over to the Parks and Recreation Advisory Board and Parks and Recreation Director in order to create a development plan for Owens Park. The motion was seconded by Commissioner May.

Commissioner Lancaster then asked to be recused from voting on the matter.

Commissioner Bunn made a motion to recuse Commissioner Lancaster. The motion was seconded by Commissioner Jones and duly carried approval with all present voting "AYE."

Commissioner Foy then stated his concern with purchasing the golf course. He said he felt the price was favorable but was fearful of the County operating a golf course.

Commissioner Mitchell then stated his intention of buying the property was not to operate it as a golf course. He felt the property was of great value and said the infrastructure already located on site would be beneficial for many recreational purposes other than golf. He again stated he was not in favor of the County operating a golf course.

The Chairman then asked the Board to vote on Commissioner Mitchell's earlier motion to enter into a purchase agreement for 167.44 acres (Bull Creek Golf and Country Club) in the amount of \$700,000 to be executed within 90 days of acceptance by First Citizens Bank and based on a clear environmental study and satisfactory dam inspection. The purchase price includes three structures already located on the property. His motion also called for the project to be turned back over to the Parks and Recreation Advisory Board and Parks and Recreation Director in order to create a development plan for Owens Park. The motion was seconded by Commissioner Lancaster and was approved with a 6 to 1 vote. Commissioner Foy cast the dissenting vote.

Commissioner Mitchell then made a motion to approve a Memorandum of Understanding (MOU) between Franklin County and the Town of Franklinton that includes the County's offer to purchase Franklinton's Water and Sewer System. The motion was seconded by Commissioner Jones and duly carried with all present voting "AYE."

Please see the approved MOU on the following page.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is subject to the approval of the Board of Commissioners of Franklin County (County) and the Council of the Town of Franklinton (Town). Once signed by County and Town, this MOU will be replaced by a comprehensive asset purchase agreement, binding on both of them, which sets forth the entirety of their agreement.

1. Town will convey, assign and/or dedicate to County the entire water and sewer infrastructure, water plant, contracts, property rights, territory and customers of Town (collectively, the "System").

2. In return for the System, County will:

a. be responsible for payment of the debt associated with the System (approximately \$2,548,822 @ 6/30/2014);

b. be responsible for payment of any Town obligations to customers for security deposits (approximately \$58,536);

c. pay the Town the amount its Utility Enterprise Fund owes its General Fund. (approximately \$140,861 @ 6/30/2013); and

d. charge Town customers inside and outside Town limits at County rates which as of today is approximately 42% less than existing Town rates based on consumption of 5000 gallons per billing cycle.

Collectively, a. through d. shall be the "Purchase Price" for the System.

3. County will release Town from any claims related to its use of the 16" line which is claimed to be owned by County.

4. Any obligation of County to pay the Purchase Price is contingent upon County obtaining the necessary funds.

5. The closing on this sale and acquisition will be within 120 days of the date of the last of County and Town to sign a comprehensive asset purchase agreement.

At 9:01 P.M., Commissioner May made a motion to adjourn the meeting, seconded by Commissioner Bunn. The motion duly carried with all present voting "AYE."

Sidney E. Dunston, Chair

Kristen G. King, Clerk to the Board

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