

January 2, 2018

The Board of Commissioners of Franklin County, North Carolina, met for its Regular Meeting at 7:00 P.M. in the Hamilton Hobgood Courthouse Annex with the following Commissioners present: Chairman Cedric K. Jones, Vice-Chairman Sidney E. Dunston, Commissioners Michael S. Schriver, David T. Bunn, Mark Speed, Harry L. Foy, Jr. and Shelley L. Dickerson.

** The meeting was held in the Hamilton Hobgood Courthouse Annex in anticipation of additional seating needed for citizens wishing to speak during public comment. Approximately 150+ were in attendance.*

Chairman Jones called the meeting to order and asked the Board to consider an addendum to the agenda to include a closed session relative to North Carolina General Statute 143-318.11(a)(6) in order to discuss a personnel matter.

Commissioner Speed made a motion to add the closed session topic to the agenda. The motion was seconded by Commissioner Dunston and was approved 6 to 1. Commissioner Foy voted "NO."

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

The following item was approved.

I. CONSENT AGENDA

A. Resolution in Memory of Triangle North Executive Airport Director Stephen Merritt

**RESOLUTION IN MEMORY OF
TRIANGLE NORTH EXECUTIVE AIRPORT MANAGER STEPHEN MERRITT**

WHEREAS, the Board of Commissioners for the County of Franklin and citizens are saddened by the tragic passing of dedicated public servant Stephen Merritt, Triangle North Executive Airport Manager; and

WHEREAS, Stephen Merritt served as Airport Manager from January, 2010 to December, 2017; and

WHEREAS, under Stephen Merritt's leadership, the Franklin County Airport has grown to now house 131 fixed-wing aircraft, purchased additional land for expansion, received a \$11 million dollar North Carolina Department of Transportation, Division of Aviation grant for further expansion and served as liaison for the Triangle North Executive Airport Commission; and-

WHEREAS, Stephen Merritt also served as a flight instructor and head coach at Inner Flight from November, 2011 until the time of his passing; and

WHEREAS, Stephen Merritt was a known humanitarian, with a heart for serving others including countless lives transformed by Steve's humanitarian efforts in the Bahamas; and

WHEREAS, Stephen Merritt possessed many admirable qualities including his love for animals as evidenced by his recent birthday wish on December 14, 2017 to raise funds for the Caribbean Animal Rescue Effort; and

WHEREAS, Stephen Merritt exemplified a concern for the citizens of Franklin County and for the improvement in the quality of life for all citizens and carried out his responsibilities as a public servant with a zeal and optimism for which he will be remembered; and

WHEREAS, Franklin County and its people have benefited from Steve's knowledge, leadership and concern for his fellow citizens, and his contributions will forever serve as an example of untiring and dedicated public service.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners for the County of Franklin:

1. Hereby expresses on behalf of the citizens of Franklin County, deep appreciation and gratitude for the gifts of time, ability, and commitment given by Stephen Merritt in carrying out the duties of Triangle North Executive Airport Manager; and

2. Takes pride in honoring the service of Stephen Merritt and expresses its appreciation for his many contributions to Franklin County; and

3. Hereby expresses its sympathy to the members of the family of Stephen Merritt and its gratitude to those family members for having shared so much of his life with and for the benefit of the people of Franklin County.

FURTHER, BE IT RESOLVED that a copy of this Resolution be forwarded to the family of Stephen Merritt with the expressed sympathy of the members of this Board.

Chairman Dunston called for a moment of silence to honor Stephen Merritt who passed December 17, 2017 in a plane crash.

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.

County Manager Angela L. Harris referenced North Carolina General Statute 113 and offered an explanation with regard to hunting laws and that any authority to change laws resides with the State of North Carolina.

Sam Mccaskill, 508 Fishing Rock Road, Castalia, NC

- Mr. Mccaskill stated when he came before the Board at its December 4, 2017 meeting he was in full support of both dog and still hunting and that he suggested all sportsman stick together as laws were examined for the benefit of both hunters and landowners. He suggested a split of the hunting season so that still hunters could hunt during the first half of the rut and dog hunters hunt during the second half. Since that time, Mr. Mccaskill stated he had received threats from various hunters.
- *During Mr. Mccaskill's comments, Commissioner Foy made a motion to extend his time for comment. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting "AYE."*

Gary Faulkner, 287 Bob Richards Road, Youngsville, NC

- Mr. Faulkner offered a PowerPoint presentation regarding possible (proposed) county hunting regulation changes on behalf of the Franklin County Hunting Dog Community, representing over 15 formed dog hunting clubs and dog hunting enthusiasts. The presentation summarized the group's request that the hunting/hunting dog sport not be regulated further.

Tonya Powell, 128 East Hargett Street, Raleigh, NC

- Ms. Powell stated she is an attorney and Franklin native and landowner. She also spoke on behalf of the 15 hunting clubs known as the Franklin County Hunting Dog Community. Ms. Powell discussed the differences between legislation provided for Anson County versus Franklin County and feels mimicking its laws would not be suitable for Franklin.
- *During Ms. Powell's comments, Commissioner Foy made a motion to extend her time for comment. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting "AYE."*

Champ Blackwell, 100 Castlebury Lane, Franklinton, NC

- Mr. Blackwell provided a petition to the Board with the purpose of showing support of hunting and hunting with dogs and to oppose additional regulations that may be imposed to further reduce or eliminate dog hunting activities in the region. Mr. Blackwell stated the petition included approximately 1,100 signatures of Franklin County residents, business owners, landowners as well as signatures from a few who live outside of Franklin but hunt in Franklin. Mr. Blackwell stated he is a former hunter safety instructor and added the Franklin County Hunting Dog Community did not support any alleged threats as mentioned earlier by Sam Mccaskill.

Mike Loyd, 120 Riverbend Circle, Louisburg, NC

- Mr. Loyd completed the presentation offered by the Franklin County Hunting Dog Community. He is both a still hunter and hunts with dogs. He said he is a 40-year hunter

and feels the Landowner Protection Act is already accurate warranting no changes. He suggested better education for hunters and landowners as opposed to additional hunting regulations.

Ann Brown, 301 Edgewood Drive, Louisburg, NC

- Ms. Brown recounted an incident that occurred October 23, 2017 in a wooded area behind her home which is located in town near Louisburg High School. She said two hunters suddenly began firing guns which made her fear for her safety. She personally addressed the hunters but felt hunters should not be allowed to hunt in a residential area and felt many hunters fail to respect the general public. She urged the board to impose additional regulations to protect residents from unwanted and dangerous hunting in residential areas.
- *During Ms. Brown's comments, Commissioner Foy made a motion to extend his time for comment. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting "AYE."*

James Pearce, 884 Grey's Mill Road, Louisburg, NC

- Mr. Pearce stated approximately 90% of Grey's Mill Road is marked with purple paint. The purple paint is a way for landholders to post their lands to allow only hunters, trappers and anglers with written permission to legally enter their property. He said Grey's Mill is hunted heavily on the weekends (with dogs) and 50% of the time during the week on both sides of the road. Mr. Pearce stated he is a hunter and was not against either form of hunting if done properly, but he suggested there are some club members who are confrontational and do not abide by the law. He suggested the board take action to protect property, animals and citizens before someone is hurt. He noted his home had already been shot with a high powered rifle.
- *During Mr. Pearce's comments, Commissioner Foy made a motion to extend her time for comment. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting "AYE."*

Tony Stallings, 535 Rick Boone Road, Castalia, NC

- Mr. Stallings stated the Landowner Protection Act and the use of purple paint had helped but feels it does not solve some of the issues he has mentioned previously (December 4, 2017). He is not opposed to hunting if permission is given to do so. He said Warren County has formed a committee to examine current regulations and suggested Franklin do the same in order to create a compromise for both hunters and landowners. He stated he would like to serve on the committee and recommended Russell Bottoms serve as well in representation of the dog hunting community.

Dalton West, 1740 Highway 561, Louisburg, NC

- Mr. West noted he is a still hunter and long-time resident of Franklin County. He asked the board to consider additional regulations to help both hunters and landowners. He said the problem lies with dog hunting clubs/individuals who have no regard for the rights of others. He said additional laws are needed to assist officers in handling hunters that give all sportsman a bad reputation.
- *During Mr. West's comments, Commissioner Foy made a motion to extend his time for comment. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting "AYE."*

Mike Monkusky, 101 Castle Drive, Youngsville, NC

- Mr. Monkusky stated he is a 30-year Franklin County resident and member of the National Rifle Association. He stated hunting with dogs is dangerous because it places people with guns on the roadways. He also expressed concern with hunters who consume alcohol while hunting. He stated hunting with dogs does not mix well in certain areas of the county and suggested the board ban hunting with dogs south of Highway 56 and south of Highway 561.

Felix Allen, 408 North Main Street, Louisburg, NC

- Mr. Allen said he too is concerned about current hunting regulations and suggested a committee be formed with the purpose of making a recommendation to commissioners about possible steps to alleviate concerns before tragedy occurs.

Michael Gasiewicz, 122 Wood Road, Louisburg, NC

- Mr. Gasiewicz said he has no problem with dog hunting when appropriately conducted. He said he owns ten acres of land and holds lifetime hunting licenses. He said he cannot hunt his own property during gun season because of hunting with dogs.

William Rowley, 481 Moore Perkerson Road, Spring Hope, NC

- Mr. Rowley is a still hunter who stated he too takes issue with deer hunting with dogs. He asked that regulations be examined and suggested spotlighting should be addressed as well.

Chairman Jones thanked everyone for sharing their comments, concerns and ideas. He said the hunting matter may be discussed at a later date.

3. RECOGNITION: COMMISSIONER CEDRIC K. JONES

Vice Chairman Sidney Dunston presented Chairman Cedric Jones with a plaque in recognition for his service as 2017 Chair of the Franklin County Board of Commissioners.

4. CITIZEN BID ON PARCEL 002264

Victoriano Santos Hernandez (125 Ingle Drive, Louisburg) submitted a bid of \$8,000 on the county owned parcel 002264. This county-owned parcel is a 1.0 acre lot in Birchwood Subdivision, Lot #14, located at 127 Ingle Drive with a 2017 tax value of \$15,000. The lot is vacant land. The tax office, in conjunction with the County Manager, will be the responsible unit for developing and refining the real estate disposal process as outlined in NCGS 160A-269.

Commissioner Dunston made a motion to adopt a resolution authorizing staff to initiate the upset bid process for parcel 002264, pursuant to NCGS 160A-269. The motion was seconded by Commissioner Speed and duly carried approval with all present voting "AYE."

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, Franklin County owns certain property described as Parcel #002264, located at 127 Ingle Drive, Louisburg; and

WHEREAS, North Carolina General Statute § 160A-269 permits the county to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$8,000, submitted by Vicoriano Santos Hernandez of 125 Ingle Drive, Louisburg; and

WHEREAS, Vicoriano Santos Hernandez has paid the required five percent (5%) deposit on his offer;

THEREFORE, THE FRANKLIN COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board hereby authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.
2. The assessor's office shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Any person may submit an upset bid to the assessor's office within 10 days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.
4. If a qualifying higher bid is received, the assessor shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The county will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The county will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that
 - the Board of Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
 - the buyer must pay with cash at the time of closing.
8. The county reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate county officials are authorized to execute the instruments necessary to convey the property to Vicoriano Santos Hernandez.

5. LKC AGREEMENT FOR ENGINEERING SERVICES – FRANKLINTON & YOUNGSVILLE PS PROJECT

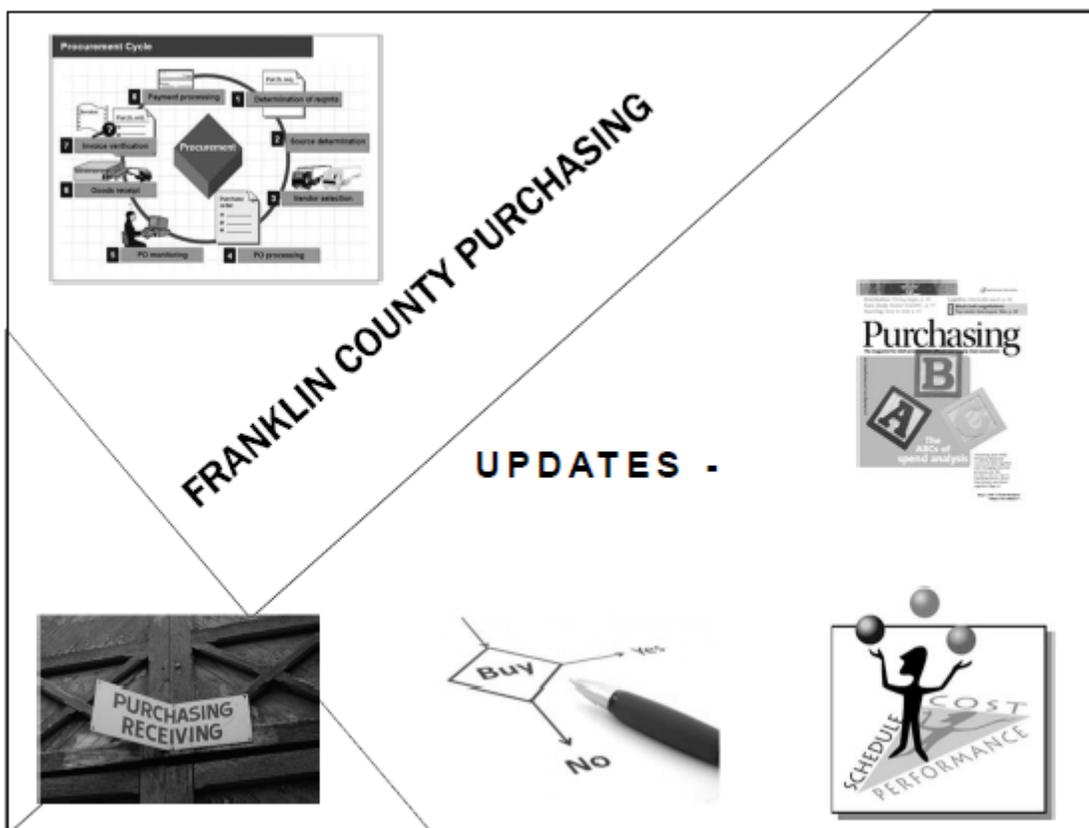
The Board was asked to consider approval of the agreement. Previously, the County and LKC contracted for design and permitting under a separate agreement. This agreement is for the construction phase of the project. The term of the agreement will be 240 days. The total cost will be \$121,000 and budgeted in the total project budget. Public Utilities Director Chris Doherty made a presentation.

Commissioner Dunston made a motion to approve the agreement with LKC Engineering. The motion was seconded by Commissioner Speed and duly carried approval with all present voting “AYE.”

6. PURCHASING POLICY UPDATE

The County’s purchasing policy has been revised and the Board was asked to consider adoption of the updated policy. The original policy was adopted by the Board of Commissioners in December, 2011.

Interim Finance Director Chuck Murray offered the following presentation.



UPDATE TO THE PURCHASING POLICY

1. The Sheriff's Office, Planning and Inspections, Library, Health, Finance, Social Services, and Maintenance Department all met to revise the County's purchasing policy.
2. The new and updated policy is a result of our meetings that went very well. Draft was presented to department heads.



BASIC GOALS

1. COMPLY WITH LEGAL REQUIREMENTS
2. ASSURE VENDORS GET EQUAL TREATMENT
3. COUNTY GETS BEST VALUE FOR EACH DOLLAR
4. PROMOTE GOOD AND EFFECTIVE VENDOR RELATIONS



PURCHASING POLICY

Departmental Staff Responsibilities

1. Complying with all County purchasing procedures and NCGS requirements.
2. Ensure all vendors get equal treatment
3. Use impartial judgement
4. Give local vendors an opportunity to quote
5. Encourage competition to get best price and product quality
6. Plan ahead to allow competitive bidding, ordering and delivery of materials
7. Department Heads are responsible for making sure employees are following county policy
8. Employees must comply with all the rules and regulations set in the policy

PURCHASING POLICY

Departmental Staff Responsibilities

9. Conflict of Interest – Make sure you have no personal gain from the purchase.
10. Gifts and Favors – It is a misdemeanor to give and receive gifts in the context of purchasing. No official or employee shall except a gift or thing of personal value.

LEGAL REQUIREMENTS

Preaudit Process

1. Performed when a local government incurs an obligation to pay money.
2. Finance Director must certify that there are sufficient funds available before the purchase. If Finance Director approves a purchase when no funds are available, he/she and their bond can be held personally liable.
3. Purchases made without meeting preaudit requirement are not valid.
4. UNC School of Government's states in order to meet preaudit requirement, all individuals are required to obtain a purchase order before ordering. – Not after.
5. Individuals incurring an obligation without the Finance Officer's preaudit certification can be held personally liable.

LEGAL REQUIREMENTS

Disbursement Process

1. Must be performed before a local government can pay an invoice or bill.
2. Finance Director or Deputy Finance Officer must check to see that the goods or services were delivered.
3. The Finance Officer must verify that the preaudit process was properly performed.
4. Make sure that there is still sufficient funds available.
5. If an Officer or Individual pays out or causes to be paid out any funds in violation, he and the sureties on his official bond are liable for any sums so disbursed.
6. The BOC cannot approve payment if there is not an appropriation. If BOARD approves payment in violation, any BOARD member voting yes to approve payment is jointly and severally liable for the full amount.

GENERAL PURCHASING PRACTICE

1. All purchases greater than \$250 will now require a purchase order.
2. Seek quotes on purchases of items over \$5,000
3. Purchase of goods cannot be split to avoid the policy

EMERGENCY PURCHASE ORDERS

1. When a purchase is needed for an emergency situation that occurs during non business hours (8-5), the department should notify the Finance Office by 9:00am the next business day and obtain the required purchase order.
2. An emergency is defined as a situation that occurs and if not immediately corrected would jeopardize; the health, safety, and/or property of citizens, the health and safety of county employees, and/or the property of the county.

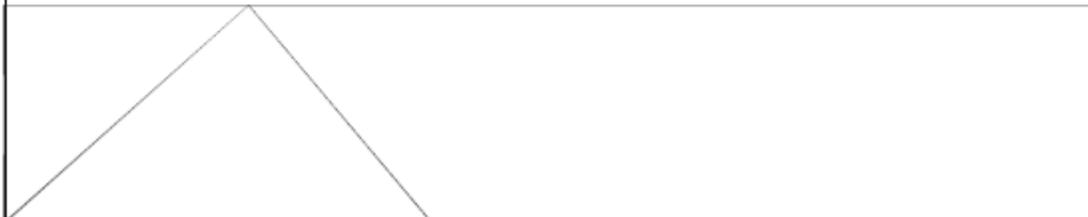
MAINTENANCE AGREEMENTS AND CONTRACTS

1. Maintenance agreements are a form of a contract and require a purchase order. They should be competitively bid when possible. The Finance Director must complete the Pre-audit process and stamp the pre-audit certificate on each agreement. If the document is not pre-audited, it is not a legal binding agreement of the county.
2. Contracts requiring pre-audit certificate must be vetted by the County Attorney and the County Manager before being pre-audited by the Finance Officer.



BIDDING – SEEKING QUOTES

1. Franklin County follows the statutory requirements identified as the “lowest responsible bidder; taking into consideration quality, performance and the time to perform the contract.



BIDDING – SEEKING QUOTES

1. **Informal quotes** – less than \$5,000
2. Departments are not required to submit quotes with the requisition but are encouraged to seek estimates to create competition to ensure the County gets the best price. Department should create and maintain a quote/bidding log and retain for an audited year.
3. **Informal Bidding** - \$5,000 to \$29,999
4. A. County requires staff to seek a minimum of three quotes. Quotes may be received by fax, email, or by phone. Quotes should be sent in with the requisition. Department should create and maintain a quote/bidding log and retain for an audited year.

BIDDING – SEEKING QUOTES

1. **Informal Bidding** - \$30,000 to \$89,999 on purchases or services
2. County may use informal bidding or formal bidding method
3. All quotes or bids must be submitted in writing from the vendors bidding. Copies must be submitted with the requisition
4. County may opt to advertise to increase competition
5. County is encouraged to use diligence in notifying local vendors and any known potential vendor that maybe interested
6. Standard award shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bid specs for the performance of the contract. County Manager must approve any construction contract over \$30,000 before PO

BIDDING – FORMAL BIDDING

1. Formal Bidding – Over \$90,000 for purchases
2. Specifications developed by the department should be submitted to the Finance Director. Finance staff will review the specifications
3. The County Manager or their designee shall solicit bids utilizing one of the authorized competitive methods
4. The County Manager or their designee shall ensure all state and local requirements are met, including advertising, bonding requirements, pre-bid conference if necessary, sealed bids, minimum number of bids received, maintain the records and conduct the public opening of the bids.

BIDDING – FORMAL BIDDING

1. Formal Bidding – For Construction
2. All construction contracts will be handled by the County Manager's Office or their designee
3. Specifications developed by the department should be submitted to the County Manager's Office
4. The County Manager or their designee shall solicit bids utilizing one of the authorized competitive methods
5. The County Manager or their designee shall ensure all state and local requirements are met, including advertising, bonding requirements, pre-bid conference if necessary, sealed bids, minimum number of bids received, maintain the records and conduct the public opening of the bids.

BIDDING – FORMAL BIDDING

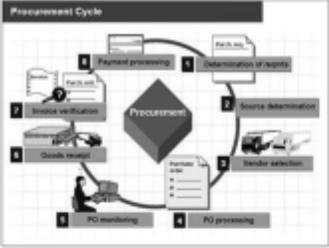
1. All purchases or contracts that will require formal bidding must be approved by the Board of County Commissioners
2. Any purchase or contract over \$100,000 must be approved by the Board of County Commissioners
3. **Change Orders** – All change orders must be approved in advance by the Board of county Commissioners
4. No change order will be allowed that would change the scope of the project.

REQUEST FOR PROPOSALS AND QUALIFICATIONS

1. Any department in need to prepare a Request for Proposals or a Request for Qualifications should coordinate with County Administration to ensure all legal requirements are being met and that adequate competition has been sought
2. Any department that receives only one RFP or RFQ must be re-bid.
3. Pursuant to NCGS 143-64.32, the County may in writing exempt particular projects where the professional fee is less than \$50,000. Must be approved by the Board of Commissioners

PURCHASING CARDS REPLACING CREDIT CARDS

1. All FCB credit cards and any other credit card obtained by a department will be replaced with the County's purchasing card
2. All department heads and employees authorized by the department head will be issued a purchasing card.
3. All department heads and employees authorized by the department head must sign Card holder's agreement
4. Finance department can revoke card privileges from any department at anytime. No questions asked



FRANKLIN COUNTY PURCHASING

UPDATES -






In order to provide additional time for a detailed review of the proposal, Commissioner Schriver made a motion to table the updated purchasing policy to the Board's January 16, 2018 meeting. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting "AYE."

7. OTHER BUSINESS

No additional business matters were addressed.

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.

County Clerk Kristen G. King: Ms. King reminded the Board its next meeting is scheduled for Tuesday, January 16, 2018.

Commissioner Foy: Relative to public comments about hunting concerns, Commissioner Foy said he hated to see laws changed or hunting banned because of a minority that refuse to follow laws already in place. He feels the current law is adequate.

Commissioner Bunn: No comments were offered.

Commissioner Jones: Commissioner Jones thanked staff for preparing the alternate location for the meeting. The meeting was relocated as over 150 were in attendance.

Commissioner Schriver: No comments were offered.

Commissioner Dunston: No comments were offered.

Commissioner Dickerson: No comments were offered.

Commissioner Speed: No comments were offered.

County Manager Angela L. Harris: No comments were offered.

9. CLOSED SESSION

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

- NCGS 143-318.11(a)(4) to discuss matters relating to the location and/or expansion of industries or other businesses in the area served by the County, including agreements on a tentative list of economic development incentives that may be offered by the public body in negotiations.
- NCGS 143-318.11(a)(6) in order to discuss a personnel matter.

At 8:48 P.M., Commissioner Dunston made a motion to enter into closed session pursuant to the statutes list above, seconded by Commissioner Schriver. The motion was approved 6 to 1, with Commissioner Foy voting "NO."

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

Commissioner Dunston made a motion to call for a public hearing on January 16, 2018 regarding a possible incentive for CaptiveAire. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting "AYE."

At approximately 9:43 P.M., Commissioner Dunston made a motion to adjourn, seconded by Commissioner Bunn. The motion duly carried approval with all present voting "AYE."

Cedric Jones, Chair

Kristen G. King, Clerk to the Board

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