

November 21, 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, Vice-Chairman E. Shane Mitchell, Penny McGhee, Donald C. Lancaster, Harry L. Foy, Jr., Robert L. Swanson and David T. Bunn.

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 Mitchell. The motion duly carried with all present voting "AYE."

The items approved are as follows.

1. CONSENT AGENDA

- A. Releases, Adjustments, Refunds, and Tax Collection Report
- B. Budget Ordinance Amendment #1 (Pursuant to North Carolina General Statute 159-15, the County Finance Officer is requesting a budget ordinance amendment in the amount of \$1,468,868 for the fiscal year ending June 30, 2012 to amend the General Fund to appropriate the expenditures and revenues for the Franklin County Health Department and Social Services Department for additional monies received and to transfer E911 dollars to the E911 Capital Project Fund.)

Chairman Dunston then asked the Board to consider the addition of three items to the agenda including the following:

- November 3, 2011 Minutes
- November 15, 2011 Minutes
- Closed Session pursuant to NCGS 143-318.11 (a)(3)

Commissioner McGhee made the motion to add the three items, seconded by Commissioner Swanson. The motion duly carried with all present voting "AYE."

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.

Sandra Woodland, 375 Timberlands Drive, Louisburg, NC

- Mrs. Woodland stated she serves as the Secretary to the Franklin County Board of Elections. She said she spoke, however, as a resident of the Youngsville Township. Mrs. Woodland asked why the Youngsville Township has less voting rights than the rest of the County. She also stated six of seven maps offered for public review removes the Town of Youngsville from its Township and gives it to the Franklinton Township. Mrs. Woodland stated the Franklin County Board of Education must be redistricted because of the 2010 census and said the Board of Commissioners took over that responsibility without input from the School Board. (After exceeding the five minute time limit, Commissioner Foy made a motion to extend time for Mrs. Woodland, seconded by Commissioner Lancaster. The motion duly carried with all present voting "AYE.")

Simeo Smith, 123 Mitchiner's Grove, Franklinton, NC

- Mr. Smith stated he was a 2003 graduate of Louisburg High School and recent graduate of Savannah State University. He commented that he had employment opportunities in other areas, but desired to return to Franklin County with the hope of bettering his hometown. Mr. Smith noted several business ideas with regard to improving the local economy as well as opportunities for youth to decrease delinquency. (After exceeding the five minute time limit, Commissioner Foy made a motion to extend time for Mr. Smith, seconded by Commissioner Lancaster. The motion duly carried with all present voting "AYE.") Mr. Smith asked for the County's support in his ideas. Chairman Dunston instructed Mr. Smith to further communicate his ideas with the County Manager.

Jeremy Neal, 2859 White Level Road, Castalia, NC

- Mr. Neal commented on his dissatisfaction with the redistricting process. He stated he felt the process in which the law firm, Mel Black and Associates, was chosen was unfair. He also expressed displeasure with the timeframe in which the proposed maps were placed online and available to the public. He stated it was obvious to him that members of the School Board were not properly communicated with. He commended Commissioner Lancaster for holding an informational meeting in his district in order for the public to ask questions about the proposals and said his representative did not offer the same. (After exceeding the five minute time limit, Commissioner Foy made a motion to extend time for Mr. Neal, seconded by Commissioner Bunn. The motion duly carried with all present voting "AYE.") Regarding redistricting, Mr. Neal asked the entire Board to do "what is right." He stated that on two occasions, the public has asked to be included in the process for selecting a Sheriff and said it also wanted involvement in the construction of the telecommunications tower in White Level. Mr. Neal stated he plans to campaign for Commissioner in 2012, but stated his only interest in redistricting is to ensure the Board draws a map that is fair to every citizen in the County and for the Board to be able to justify and explain its decision.

Robert Henderson, 631 Strickland Road, Louisburg, NC

- Mr. Henderson provided the Clerk with confidential information to be given to the Board following the meeting. He said the information included a petition from citizens in the New Hope community with regard to safety concerns with deer hunting. The concerns stem from a hunting club near Mr. Henderson's property. Mr. Henderson said he has spoken with Sheriff Jerry Jones about his concerns. (After exceeding the five minute time limit, Commissioner Foy made a motion to extend time for Mr. Henderson, seconded by Commissioner Lancaster. The motion duly carried with all present voting "AYE.") Mr. Henderson asked the Board to help him in seeking relief and asked the Board not to allow hunters to control the "good people that live in this area." In response, Commissioner Mitchell informed Mr. Henderson of the Landowner's Protection Law.

Danny Pearce, 24 Lake Royale, Louisburg, NC

- Mr. Pearce commended Simeo Smith on the comments made earlier in the meeting and said local activities for youth are needed in the community. He then stated if the commissioners vote to approve any redistricting map that removes Lake Royale from District Three he feels commissioners will have announced their bias politics to all citizens of the County.

At this time the Board was asked to approve the minutes of the November 3, 2011 and November 15, 2011 Board meetings. Commissioner Foy made the motion to approve

the minutes of November 3, 2011 and November 15, 2011, seconded by Commissioner Mitchell. The motion duly carried with all present voting "AYE."

3. REDISTRICTING

The Board resumed discussions of the various redistricting maps with Attorney Chris Heagarty and considered adopting a plan to be submitted for Justice Department preclearance.

On November 7, 2011, Mr. Heagarty provided detail on several redistricting proposals including Map 1A, 1B, 2, 3 and 4. Since that time, two additional map proposals have been created and are referenced as Map 5 and 6. Mr. Heagarty explained the newest proposals with the following PowerPoint presentation.

Franklin County
Board of Commissioners
& Board of Education
2011 Proposed Redistricting Plans

Chris Heagarty
Mel Black & Associates
November 21, 2011

Presentation

- Brief Review
- Public hearing updates
- New plans requested by commissioners
 - Alternative Plan 5
 - Alternative Plan 6
- Legal analysis of new plans
 - Alternative Plan 5
 - Alternative Plan 6
 - Review of previous plans
- Expedited Consideration

Legal Requirements for Redistricting

Core Constitutional Principles

- Equal Population by District
- No Erosion of Minority Voting Strength
- Must be Compact, Contiguous, and Continual

2010 Census Results

District	Current Population	Ideal Population	Total Deviation	Percentage Deviation
1	9825	12,124	-2,299	- 18.96%
2	10385	12,124	-1,739	- 14.34%
3	11541	12,124	- 583	- 4.81%
4	12100	12,124	- 24	- 0.20%
5	16768	12,124	+ 4644	+ 38.3%
TOTAL	60,619		County-wide Deviation	37.26%

Minority Voting Strength

Current Plan

District	Caucasian VAP %	African American VAP %	Minority Seats on Commission	Minority Seats on Board of Ed.
1	45.40%	47.64%	1 Elected	1 Elected
2	51.41%	41.17%	0	1 Elected
3	66.56%	27.97%	0	1 Appointed
4	78.65%	13.96%	0	1 Appointed
5	77.07%	14.84%	0	0
COUNTY	65.49%	27.36%	0 At-Large	1 At-Large

Public Hearings

◦ ◦ ◦
November 7th
November 16th

Public Concerns

AGREEMENT:

- Alternatives to division of Youngsville & District 5
- No "packing" of African-American voters to dilute voting strength in other districts
- Make as few changes to current plan as possible – move as few voters as necessary

DEBATE:

- Importance of precinct lines: important or arbitrary?
- Location of Lake Royale: District 3 or District 4?

Alternative Plans

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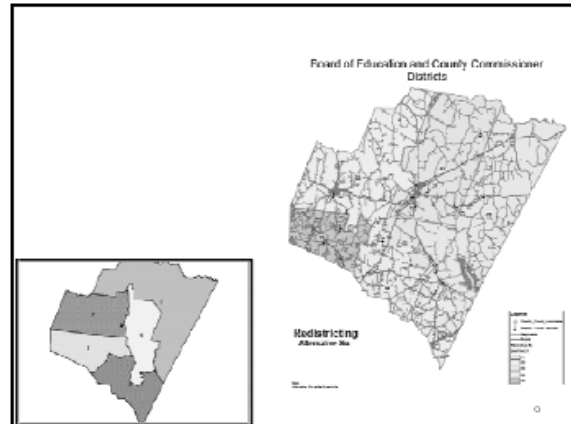


New Population Alternative 5

District	New Population	Ideal Population	Percentage Deviation
1	11,647	12,124	-3.93%
2	12,101	12,124	-0.19%
3	11,659	12,124	-3.84%
4	12,607	12,124	3.98%
5	12,605	12,124	3.97%
TOTAL	60,619		7.91%

New Minority Voting Strength Alternative 5

District	New Caucasian VAP	Old Caucasian VAP %	New African American VAP	Old African American VAP %
1	47.88%	45.40%	44.44%	47.64%
2	55.57%	51.41%	37.14%	41.17%
3	62.10%	66.56%	32.07%	27.97%
4	80.20%	78.65%	12.57%	13.96%
5	81.03%	77.07%	11.35%	14.84%



New Population Alternative 6

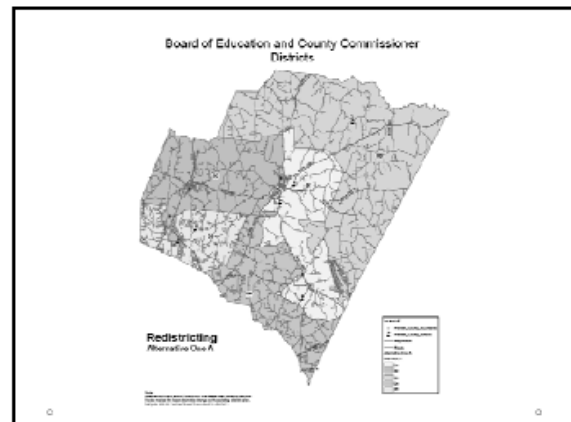
District	New Population	Ideal Population	Percentage Deviation
1	11,827	12,124	-2.45%
2	11,641	12,124	-3.98%
3	12,136	12,124	0.10%
4	12,515	12,124	3.23%
5	12,500	12,124	3.10%
TOTAL	60,619		7.24%

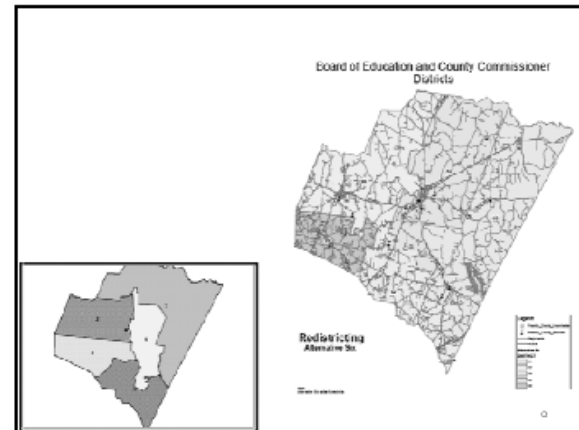
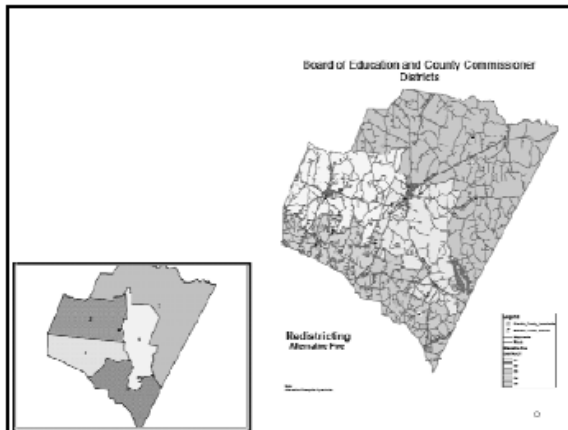
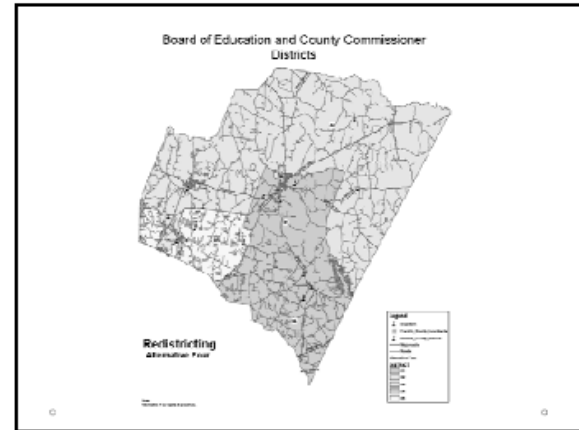
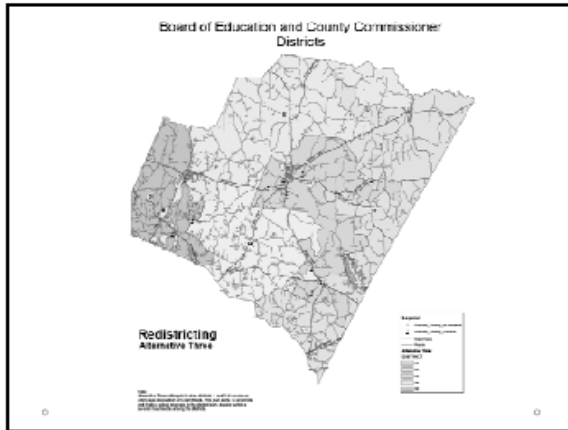
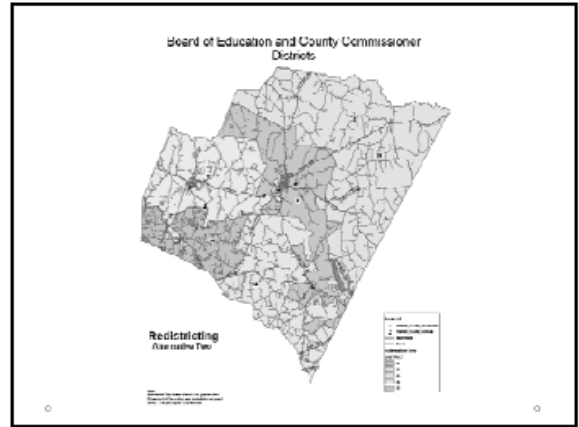
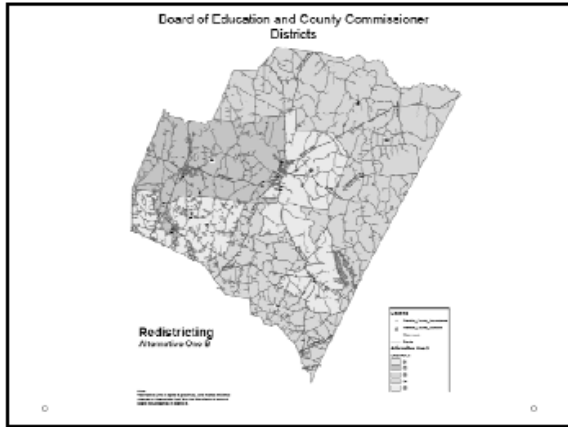
New Minority Voting Strength Alternative 6

District	New Caucasian VAP	Old Caucasian VAP %	New African American VAP	Old African American VAP %
1	50.73%	45.40%	42.81%	47.64%
2	55.61%	51.41%	38.43%	41.17%
3	61.87%	66.56%	30.28%	27.97%
4	80.86%	78.65%	11.57%	13.96%
5	78.44%	77.07%	13.78%	14.84%

Analysis of District Plans

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Alternative 5 – Alternative 6
Review of previous plans





Alternative 5 vs. Alternative 6

Redistricting Criteria	Alternative 5	Alternative 6	Evaluation
Equal Population	7.94% pop. deviation	7.24% pop. deviation	Push
African American Voting Strength	Three seats over electable threshold	Three seats over electable threshold	Push
Compact / Contiguous	Acceptable	Slight Gerrymander	Lean 5?
Non-Retrogression	Decreases to Districts 1 & 2 / Offset by Gains to District 3; Net difference: -2.13	Decreases to Districts 1 & 2 / Offset by Gains to District 3; Net difference: -5.26	Lean 5
Uses Census Blocks & Data	Yes	Yes	Push
School in Each District	Yes	Yes	Push
Avoid Splitting Precincts	Splits 9	Splits 6	Lean 6
Avoid Widespread Reassignment	17.89% of people change districts	25.17% of people change districts	Lean 5
No "double-bunking"	All incumbents remain in districts	All incumbents remain in districts	Push

Evaluation

- Did the plan meet the redistricting criteria?
- Is the plan likely to be "pre-cleared" by the U.S. Department of Justice?
- Is the plan likely to withstand a legal challenge?

Next Steps

- Adopt a plan
- Submit plan to U.S. Department of Justice
- Request expedited consideration of submission

ADDENDUM

- NORTH CAROLINA GENERAL STATUTE 115C-37(i) does set the general procedures for redistricting by boards of education in North Carolina.
- BUT.....

ADDENDUM

- North Carolina Session Law 1993 Chapter 341
- (Amended NC Session Law 2005 – 80)

The General Assembly of North Carolina enacts:

Sec. 6. Permanent Board of Education.

(d) The electoral districts for elections to be held in 1994 and thereafter shall be as follows: (description of each district)

"Any change in District configuration approved under G.S. 115C-37(i) must also be approved by the Franklin County Board of Commissioners."

In comparison, Mr. Heagarty commented he felt Map 5 is stronger than Map 6 with regard to obtaining approval by the U.S. Department of Justice. He commented that he felt Maps 2 and 6 could face opposition from U.S. Department of Justice.

Following the Board's selection of a redistricting plan, Mr. Heagarty stated two resolutions would be submitted to the U.S. Department of Justice including a resolution to redefine the electoral districts and approve similar districts for the Franklin County Board of Education. A second resolution would request that the United States Department of Justice give expedited consideration to the submission of the County's redistricting plan.

Addressing a public comment made by Sandra Woodland earlier in the meeting, Mr. Heagarty stated NCGS 115C-37 (i) generally addresses redistricting of school districts and further noted by a local session law, 1993 Chapter 341 specifically requires County approval for any change of district configuration for school districts.

Commissioner McGhee then commented her feelings that the Board of Commissioners took the considerations of the School Board and passed them onto the attorney from the beginning of the redistricting process. She stated she did not feel as though the School Board was left out of the redistricting process.

Commissioner Mitchell then made a motion to adopt a resolution in selection of Redistricting Plan 5 along with a second resolution asking for expedited consideration of approval by the U.S. Department of Justice. The motion was seconded by Commissioner McGhee. (See the resolutions below.)

Commissioner Mitchell stated Plan 5 would not split the Town of Youngsville as did four previous maps.

Commissioner McGhee commented that Plan 5 would allow all incumbents to stay in their current districts. She also stated the plan includes a school in each district and

does not split Youngsville. She stated the plan fulfills the requirements the Board set forth in the beginning of the process.

Commissioner Foy asked if Plan 5 takes Lake Royale out of District 3 and places it in District 4. He stated his understanding that the Board wanted to keep it where it was currently.

In reference to Commissioner Mitchell's earlier motion, the Board voted 5 to 2 to adopt Plan 5 with Commissioners Bunn and Foy voting "NO."

RESOLUTION by the Franklin County Board of Commissioners to Redefine the Franklin County Electoral Districts and Approve Similar Districts for the Franklin County Board of Education

WHEREAS, Franklin County is divided into five electoral districts for the purpose of nominating and electing persons to the board of commissioners and to the board of education; with one member elected from each electoral district and two members elected at-large; and,

WHEREAS, in accordance with North Carolina General Statute 153A-58(3)(b), the qualified voters of each district shall nominate candidates and elect members who reside in the district for seats apportioned to that district; and the qualified voters of the entire county shall nominate candidates and elect members apportioned to the county at large; and,

WHEREAS, the current boundaries of these electoral districts were approved pursuant to a referendum of Franklin County voters on November 4, 2003; and,

WHEREAS, pursuant to North Carolina General Statute 153A-22, the Franklin County Board of Commissioners is charged with making a finding of fact concerning the equality of population among the electoral districts; and

WHEREAS, analysis of data from the 2010 US Census reveals that the population changes within the current five election districts have created substantial inequality of the population among the districts; and,

WHEREAS, Franklin County is subject to Section V of the Federal Voting Rights Act and must submit any proposed electoral change to the United States Justice Department to ensure that any such changes comply with federal law; and,

WHEREAS, election data reveals that Franklin County voters have frequently elected African-American candidates to county offices in electoral districts with populations of voting age citizens that are less than 50% African-American and county-wide with a population of voting-age citizens less than 30% African-American; and,

WHEREAS, Franklin County has held two public hearings to collect public input regarding proposals for redefining the county's electoral districts; and,

WHEREAS, considerable public support has been expressed for adopting districts which do not rely on packing African-American citizens into districts where more than half of the voters of voting age are African-American if such changes mean significantly reducing the percentage of African-Americans of voting age in other districts; and,

WHEREAS, North Carolina Session Law 1993-341 mandates that any change in district configuration of Franklin County's Board of Education must also be approved by the Franklin County Board of Commissioners.

NOW THEREFORE BE IT RESOLVED, that the Franklin County Board of Commissioners hereby makes a finding of fact that the population totals among the Franklin County electoral districts are substantially unequal and the same shall be redrawn so that the quotients obtained by dividing the sum of the population of each district by the number of commissioners apportioned to the district are as nearly equal as practicable, that such a new configuration of districts shall comply with state and federal law, and that and each district shall be composed of territory within a continuous and reasonably contiguous boundary; and

BE IT FURTHER RESOLVED, that the Franklin County Board of Commissioners adopts as a new plan for district boundaries the configuration presented to the County in the attached document entitled "Board of Education and County Commission Districts Redistricting Alternative 5" for use in the election of members to the county board of commissioners.

The new configuration of the districts will be effective after adoption of this resolution, subject to notification by the United States Justice Department that the Attorney General does not object to these changes; and,

BE IT FURTHER RESOLVED, that the Franklin County Board of Commissioners approves this same plan of district configuration, as described above, for use in the elections for Franklin County Board of Education.

RESOLUTION by the Franklin County Board of Commissioners to Request that the United States Department of Justice Give Expedited Consideration to the Submission of the County's Redistricting Plan

WHEREAS, on November, 21, 2011, after a finding of fact that its current electoral districts are not substantially equal in population, the Board of Commissioners of Franklin County adopted a resolution to amend the county's electoral district boundaries, subject to preclearance of their redistricting plan by the United States Department of Justice in accordance with Section 5 of the Voting Rights Act;

WHEREAS, the primary elections for the county board of commissioners in Franklin County will be held, as per the schedule set by North Carolina General Statute and the North Carolina State Board of Elections, on May 8, 2012;

WHEREAS, the filing period for candidates to run in the elections to be held on May 8, 2012 opens on February 13, 2012;

WHEREAS, the Board of Commissioners of Franklin County does hereby determine that conducting the 2012 county elections in accordance with the regular schedule is in the best interest of Franklin County and its citizens; and

WHEREAS, Section 51.34 of Title 28 of the Code of Federal Regulations provides that a submission may be given expedited consideration by the United States Department of Justice when it is required or necessary under state law, local law or otherwise that the change be implemented within the sixty (60) day period following submission;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Franklin County that it does hereby respectfully request the United States Department of Justice give expedited consideration to the submission of the redistricting plan approved on November 21st, 2011, by the Resolution by the Franklin County Board of Commissioners to Redefine the Franklin County Electoral Districts and Approve Similar Districts for the Franklin County Board of Education, so that the 2012 county elections will be conducted in accordance with state statute and North Carolina Board of Election's regular schedule.

4. OTHER BUSINESS

County Manager Angela L. Harris requested that a 2004 Dodge Durango with mileage of 200,841 be declared surplus and to be transferred for the amount of \$1.00 to Pilot Volunteer Fire Department. The department plans to use the vehicle as a first responder vehicle. The vehicle identification number (VIN) for the vehicle is 1D4HB48D04F237654.

Commissioner Bunn made the motion to declare the 2004 Dodge Durango (VIN 1D4HB48D04F237654, mileage 200,841) surplus and to transfer the vehicle to Pilot Volunteer Fire Department for the amount of \$1.00. The motion was seconded by Commissioner Mitchell and duly carried approval with all present voting "AYE."

Mrs. Harris noted that additional information about other surplus vehicles would be brought forward in the near future.

5. BOARD, MEMBER 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 report offered.

Commissioner Foy: Commissioner Foy attended an information meeting held in Youngsville with regard to redistricting. He said the meeting was well attended by the public.

Commissioner Bunn: No report was offered.

Commissioner Mitchell: Commissioner Mitchell also attended the informational meeting about redistricting.

Commissioner Dunston: No report was offered.

Commissioner Lancaster: Commissioner Lancaster stated he attended the Veteran's Day ceremony on November 11, 2011 and commended Veteran's Services Director Victor Alston for his organizational efforts.

Commissioner McGhee: Commissioner McGhee stated she had the opportunity on Veteran's Day to speak to a group people who had experienced traumatic brain injuries. She further commented that Community Workforce Solutions provides services to developmentally disabled citizens in Franklin County and said the business has developed a program for those who have experienced traumatic brain injuries that will serve veterans in the area. Commissioner McGhee also attended an informational meeting in Youngsville scheduled by Commissioner Lancaster. The purpose of the meeting was to provide information to the public in redistricting proposals. Commissioner McGhee stated she attended a recent meeting of the Board of Health and said the Health Department is currently working towards reaccreditation. She said due to the mental health system moving toward the Medicaid waiver, the Health Department was under the impression it might lose the opportunity to provide addiction counseling to both pregnant mothers and to mothers who have recently given birth. She said the service is provided at the Health Department but paid through Five County Mental Health. She reported that after further research and discussions, those services will not be lost.

Commissioner Swanson: No report was offered.

County Manager Angela L. Harris:

- Mrs. Harris commented on the recent rededication (November 17, 2011) of the Franklin County Arts Council building and said the event was a success.
- Mrs. Harris said she previously reported to the Board that she had extended an offer of assistance to the Town of Youngsville during its period of transition and said she has been informed by the Town's Mayor that the it would be interested in discussing ways the County may be able to assist Youngsville specifically in reference to water and sewer services.
- Mrs. Harris also provided an update on activities of the Keep America Beautiful program.

6. CLOSED SESSION

The Board was asked to consider entering into a closed session pursuant to the following:

- A. North Carolina General Statute 143-318.11 (a)(6) in order for the Board to discuss a personnel matter.
- B. North Carolina General Statute 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 Mitchell made the motion to enter into closed session, seconded by Commissioner Swanson, pursuant to the following:

- North Carolina General Statute 143-318.11 (a)(6) in order for the Board to discuss a personnel matter.
- North Carolina General Statute 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 Board voted 6 to 1 to enter into closed session, 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 with all present voting “AYE.”

Chairman Dunston noted no action was taken.

Commissioner Lancaster then made a motion to adjourn, seconded by Commissioner McGhee. The motion duly carried with all present voting “AYE” and the meeting adjourned.

Sidney E. Dunston, Chair

Kristen G. King, Clerk to the Board