

March 16, 2009

The Board of Commissioners of Franklin County, North Carolina, met at 5:30 P.M. at the Cooperative Extension Annex with the following Commissioners present: Chairman Robert L. Swanson, Vice-Chairman Penny McGhee-Young, Commissioners E. Shane Mitchell, Sidney E. Dunston and Bob Winters. Commissioners Donald C. Lancaster and Harry L. Foy, Jr. were absent.

The purpose of the meeting was Cooperative Extension's annual report/dinner. At the meeting, staff members were introduced to those in attendance and guests participated in a game that allowed the group to learn more about the services offered through Cooperative Extension.

This was an informal meeting and no action was taken.

The Board of Commissioners of Franklin County, North Carolina, met for its Regular Meeting at 7:00 P.M. in the Commissioner's Meeting Room located in the County Administration Building with the following Commissioners present: Chairman Robert L. Swanson, Vice-Chairman Penny McGhee-Young, Bob Winters, Sidney E. Dunston, Donald C. Lancaster, Harry L. Foy, Jr. and E. Shane Mitchell.

Chairman Swanson called the meeting to order and asked the Board to consider the addition of two resolutions to the agenda.

Commissioner Winters made the motion to include the **NORTH CAROLINA MARRIAGE AMENDMENT RESOLUTION** to the agenda, seconded by Commissioner Lancaster. The motion duly carried with all present voting "AYE."

Commissioner Young made the motion to include the **RESOLUTION SEEKING RESTORATION OF ADM AND LOTTERY FUNDS TO THE PUBLIC SCHOOL BUILDING CAPITAL FUNDS MAKING THEM AVAILABLE TO COUNTY GOVERNMENTS SO THEY CAN MEET THEIR DEBT OBLIGATIONS** to the agenda, seconded by Commissioner Lancaster. The motion duly carried with all present voting "AYE."

Chairman Swanson then asked the Board to consider approval of the consent agenda. Commissioner Dunston 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. January 20, 2009 minutes
- B. February 16, 2009 minutes
- C. March 2, 2009 minutes
- D. March 5, 2009 minutes
- E. Happy Whistler's Week Resolution
- F. Resolution on Continuation of the VWGF Resource Center
- G. TDA (Tourism Development Authority) request to fund a \$2,000 grant for advertising for the *Luther Perry Farm Antique Show*
- H. Releases, Adjustments, Refunds, and Tax Collection Report
- I. Inter Library Loan per item fee
- J. Project Ordinance for Bank Loan to make various expansions to the water/sewer system and updates to its E911 system
- K. Resolution by Governing Body for application of stimulus monies

ITEM 1-E

**RESOLUTION
HAPPY WHISTLERS WEEK**

WHEREAS, the Franklin County Arts Council has formed the International Whistlers Convention and the International Whistlers Museum with headquarters in Louisburg in the County of Franklin, North Carolina; and,

WHEREAS, these projects of the Arts Council have brought favorable national and international recognition to the county's government, community and people; and,

WHEREAS, this recognition has produced pride and honor to the county's citizens with an opportunity to participate and to observe others participating in these worthwhile projects; and,

WHEREAS, the ancient art of whistling is being preserved with public displays of talent and artifacts in the nation's only museum of its kind; and,

WHEREAS, the art of whistling is both a performing art and a healthy expression of happiness for the community.

NOW, THEREFORE, BE IT RESOLVED that the Franklin County Board of Commissioners, in appreciation for the Arts Council's efforts to provide an educational and artistic service to the county's citizens, declare the week of April 20-25, 2009 as

"HAPPY WHISTLERS WEEK"

and commend its observance to all of the citizens of Franklin County.

ITEM 1-F

**FRANKLIN COUNTY BOARD OF COMMISSIONERS'
RESOLUTION ON CONTINUATION OF THE
VWGF RESOURCE CENTER**

Upon a duly made and seconded motion, a majority of the commissioners seated on the Franklin County Board of Commissioners adopted the following resolutions at a public meeting on this the _____ day of _____, 2009.

RESOLVED, that the VWGF Resource Center is operating according to design and meeting identified criminal justice service needs throughout the local Judicial District; and it is

FURTHER RESOLVED, that the Franklin County Board of Commissioners is fully satisfied with the managerial configuration presently being employed and also approves of the Vance County Manager continuing to serve in FY 2009-2010 as the financial administrator of this very important regional project.

ITEM 1-K

RESOLUTION BY GOVERNING BODY OF FRANKLIN COUNTY

WHEREAS, The Federal Clean Water Act Amendments of 1987 and Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater or drinking water system improvements, and

WHEREAS, Franklin County has need for and intends to construct a wastewater or drinking water system project described as Cedar Creek Road Water Extension to service new Franklinton High School, and

WHEREAS, Franklin County intends to request state loan and grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY:

That Franklin County, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of Franklin County to make scheduled repayment of the loan, to withhold from Franklin County any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the Chairman the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

The County Manager recognized Human Resources Manager Kelly Faulkner and Emergency Communications Director Christy Shearin for recent educational achievements.

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.

Dave Welch, 510 Vick Road, Louisburg, NC

- Mr. Welch asked the Board to do the “right thing” when considering hunting regulations relating to the use of dogs. Mr. Welch said he doesn’t expect the Board to make hunting with dogs illegal, but he encouraged the Board to make it illegal to hunt on land unless written permission from both sides of the road are obtained by the hunter.

John Poli, 1247 Bethlehem Church Road, Louisburg, NC

- Mr. Poli stated his concern relative to the Raleigh/Durham Remote Control Club. He said the club involves activity with model airplanes and said noise has become unbearable. He also said the club violates the Franklin County Noise Ordinance and believes that property values will decrease because of the noise from the small aircraft. He asked the Board to enforce laws already in place and added that he had spoken with representatives of the club who were not helpful. The Board directed the Manager to address the issue at a later date.

3. RESOLUTION SEEKING RESTORATION OF ADM AND LOTTERY FUNDS TO THE PUBLIC SCHOOL BUILDING CAPITAL FUNDS MAKING THEM AVAILABLE TO COUNTY GOVERNMENTS SO THEY CAN MEET THEIR DEBT OBLIGATIONS

Commissioner Dunston made the motion to approve the resolution, seconded by Commissioner Foy.

Commissioner Young then asked to add a sentence to the resolution that reads ***“Whereas, the incentive money coming from the Federal Government is to help with the economy and job creation, this decision to withhold these funds will have the opposite effect of boosting the economy and will not help create jobs.”***

Commissioner Young made the motion to add the sentence, seconded by Commissioner Lancaster. The motion duly carried with all present voting “AYE.”

The original motion by Commissioner Winters to adopt the resolution, seconded by Commissioner Dunston duly carried with all present voting "AYE."

RESOLUTION SEEKING RETORATION OF ADM AND LOTTERY FUNDS TO THE PUBLIC SCHOOL BUILDING CAPITAL FUNDS MAKING THEM AVAILABLE TO COUNTY GOVERNMENTS SO THEY CAN MEET THEIR DEBT OBLIGATIONS

WHEREAS, Franklin County has learned that the State is withholding funds from counties in the Public School Capital Building Fund (PSCBF), specifically the money referred to as ADM funds and the lottery funds, both of which are specifically designated for school capital needs; and

WHEREAS, school construction is one of the largest needs in most counties across the State and some people at the State level may not understand the need for these funds and the reason it may appear that there is a large amount of money available for the taking; and

WHEREAS, Franklin County has used the ADM funds (and now the Lottery funds), as well as the designated sales tax funds, to finance school debt exclusively since the 1994 school bonds were sold; and

WHEREAS, the County has budgeted these revenues to service debt for the intended purpose; and

WHEREAS, all of this debt was incurred for school construction, new schools, as well as additions and renovations of existing buildings; and

WHEREAS, Franklin County depends on receiving the ADM and Lottery money to make these debt payments and if funds are left intact, we will have sufficient funds to pay this debt service and if not, we will be unable to meet our debt payments beginning in 2010 from these sources; and

WHEREAS, the incentive money coming from the Federal Government is to help with the economy and job creation, the decision to withhold these funds will have the opposite effect on the economy and will not help create jobs; and

WHEREAS, it appears the State Budget Office saw a large sum of money in the PSCBF account and thought it was available, however Franklin County and other counties draw their ADM and Lottery funds down once a year to meet debt service payments. The money is left in the fund until that time because it is earning more interest in the State Treasurer's Investment Fund (STIF) account than we could earn elsewhere. Other counties allow the money to accumulate for years for a specific project and then draw it down and fund pay-as-you-go projects. This money is very simply, not available. It is committed to the purpose for which it was designed to be spent, school construction. These funds were spent the day the bonds were sold and documents signed. They are committed and not available to be used for other purposes; and

WHEREAS, it is also very disappointing to learn that the ADM funds are not part of the Governor's budget for next year and further a bill was introduced in the Senate recently by Senator Clodfelter to "MAKE BEST USE OF CORPORATE TAX REVENUE" – "TO MAKE THE BEST USE OF STATE RESOURCES DURING THE CURRENT ECONOMIC DOWNTOWN BY TEMPORARILY RETAINING ALL STATE CORPORATE INCOME TAX REVENUE FOR SUPPORT OF GENERAL FUND OBLIGATIONS." This bill would not allow any ADM funds to come to counties in Fiscal 2010 or 2011; and

WHEREAS, this is an unacceptable solution to the problem;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby encourages you to look elsewhere for funds to balance the State budget and meet cash flow needs and restore the funds already withheld.

BE IT FURTHER RESOLVED, that the Board of Commissioners for Franklin County hereby asks that Senate Bill 386 not be approved.

4. NORTH CAROLINA MARRIAGE AMENDMENT RESOLUTION

Commissioner Winters read the resolution that he asked the Board to consider.

Commissioner Dunston stated he is in favor of the idea and supports that marriage is only between a man and a woman, but he said he is troubled by the Board becoming politically involved in this issue. He said there are laws in place that support marriage, but said changing the constitution creates a fiscal burden and addressed a "political fireball." He stated he would vote not to support the resolution.

Commissioner Winters said he was uncertain of fiscal implications and said the matter would be addressed and placed on the ballot at the next general election. He said he is asking the General Assembly to bring this matter to a vote of the people.

Commissioner Young questioned the resolution as well and asked that a sentence be removed that defines marriage. The sentence read as follows: *“Be it therefore resolved, that the Franklin County Board of Commissioners believe that it is in the best interest of the people of the County of Franklin and the State of North Carolina to define marriage in the North Carolina Constitution as the union of one man and one woman at one time.”* Commissioner Young said she felt she, nor the Board, had the authority to make that judgment.

Commissioner Winters made a motion to accept the resolution (omitting the paragraph defining marriage as suggested by Commissioner Young), seconded by Commissioner Lancaster. The motion carried 6 to 1, with Commissioner Dunston voting “NO.”

NORTH CAROLINA MARRIAGE AMENDMENT RESOLUTION

WHEREAS, marriage throughout human history has been the basic building block of society; and

WHEREAS, marriage is in fact the union of one man and one woman at one time, and it is the nature of this male/female relationship that defines marriage; and

WHEREAS, North Carolina law recognizes that, “A valid and sufficient marriage is created by the consent of a male and a female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other...” (N.C. Gen. Stat. 51-1); and

WHEREAS, the General Assembly of North Carolina passed a “Defense of Marriage Act” in 1996, which clarifies in statute that: “Marriage, whether created by common law, contracted, or performed outside of North Carolina, between individuals of the same gender are not valid in North Carolina.” (N.C. Gen. Sta. 51-1.2); and

WHEREAS, the United States Congress enacted a federal statute known as the “Defense of Marriage Act” which mandates that, the word ‘marriage’ means only a legal union between one man and one woman as husband and wife, and the word ‘spouse’ refers only to a person of the opposite sex who is a husband or a wife.” (1 U.S.C. § 7); and

WHEREAS, the Supreme Judicial Court of the State of Massachusetts declared in a 4-3 decision that the Massachusetts legislature must provide for same-sex marriages, and whereas the State of Massachusetts began issuing marriage licenses to same-sex couples on May 17, 2004, and whereas the Massachusetts legislature repealed a law that prohibited marriage in Massachusetts of couples whose home states would not recognize the marriage, so that same-sex couples from North Carolina can now legally “marry” in Massachusetts; and

WHEREAS, the California Supreme Court ruled in a 4-3 decision that limiting marriage to opposite-sex couples was a violation of the California Constitution, and whereas the State of California began issuing marriage licenses to same-sex couples on May 17, 2008, and continued that practice until November, 4, 2008, when voters in California overrode their Court’s redefinition of marriage by passing Proposition 8 protecting the traditional definition of marriage; and

WHEREAS, on October 10, 2008, the Supreme Court of Connecticut ruled by a 4-3 majority that, even though same-sex couples in Connecticut can form civil unions equal in rights and benefits to marriage, denying them the right to marry violates the State’s Constitution, and whereas, on November 12, 2008 the State began issuing marriage licenses to same-sex couples; and

WHEREAS, An unknown number of same-sex couples that reside in North Carolina have already obtained marriage licenses in Massachusetts, California (before Proposition 8 passed), or Connecticut, and at any time, one or more of these couples could file suit in a North Carolina court in an attempt to convince a judge to overturn our State’s marriage laws, arguing that they unconstitutionally prohibit “marriages” between same-sex couples; and

WHEREAS, without a provision in our State Constitution defining marriage as the union between only a man and a woman, any court in our State could redefine marriage by legalizing the union of same-sex couples, without a vote of the people of the State or our elected legislators; and

WHEREAS, to date, 30 states have passed Marriage Protection Amendments that place the traditional definition of marriage as the union of one man and one woman in their state constitutions and beyond the reach of a court; and

WHEREAS, North Carolina is the only state in the southern United States that has not protected marriage in its State Constitution by defining it as the union of one man and one woman, thus making it a target for same-sex “marriage;” and

WHEREAS, a Constitutional Amendment stating that “Marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this State” is the strongest means of protecting North Carolina’s statutory definition of marriage and of insuring that the definition of marriage will be determined by the people of the

State; and

WHEREAS, bills have been proposed in the last five sessions of the General Assembly to protect marriage by defining it in the North Carolina Constitution as the union of one man and one woman, but the leadership in the North Carolina House and Senate have denied lawmakers and the citizens of the State an opportunity to vote on these bills;

BE IT THEREFORE RESOLVED, that The Franklin County Board of County Commissioners hereby requests that the North Carolina General Assembly, in accordance with Article XIII, Section 4 of the North Carolina Constitution, approve legislation submitting a proposal to the qualified voters of this State, for their ratification or rejection, for the adoption of an amendment to the North Carolina Constitution stating:

**“Marriage between a man and a woman is the only domestic legal union
that shall be valid or recognized in this State”**

5. LEASE AGREEMENT WITH TOWN OF FRANKLINTON

The Board was asked to consider entering into a lease agreement with the Town of Franklinton for use of a building located at 9 Front Street in Franklinton at a cost to the county of \$600 per month. The building will provide office space for local magistrates.

County Manager Angela Harris explained that for a number of years the County has leased space for magistrates in the Franklinton area. She said space needs have been a recent topic of discussion and said that space has been identified on Front Street in Franklinton. Mrs. Harris stated the facility would need refurbishing, which the town is willing to do with a commitment by the Board of Commissioners. The goal is to have the space ready by July 1, 2009. The lease is for a five year period.

Commissioner Young commented the office space currently used for magistrates in Franklinton is in poor condition with mold on the walls. She stated her understanding that the owners of the building are not interested in making repairs.

Some revisions will be made to the draft lease that was provided in the agenda packet.

Commissioner Young made the motion to approve the lease agreement with the Town of Franklinton, seconded by Commissioner Lancaster. The motion duly carried with all present voting “AYE.”

6. PROFESSIONAL SERVICES CONTRACT WITH LPA GROUP, P.A.

On January 13, 2009, the Franklin County Airport Commission voted to proceed with the design, bidding and ultimately construction of a large Corporate Hangar at the Triangle North Executive Airport. The Board was asked to consider approval of an agreement for professional services between the County and the LPA Group of North Carolina, P.A.

Terry Bumpus, project manager, was in attendance to answer Board questions. He stated the Airport Commission decided grant funds would best be used to help attract additional aircraft. He said if the contract with the LPA Group was approved this evening, bids would be provided to the Airport Commission in June with the potential for hangars available for occupancy before the end of 2009.

When asked about grant funds by Commissioner Foy, Mr. Bumpus said a ten percent match would be required from the County. Commissioner Foy stated there is not enough money in the Airport budget to cover this project and said he would like to see the airport repay the costs.

Commissioner Young asked the County’s Finance Director Chuck Murray to provide information relative to revenues and expenses for the Airport. Mr. Murray stated that information has already been provided to the Board and said \$16,667 (county funds) per year would be paid toward this project.

Commissioner Winters made the motion to approve the professional services contract with the LPA Group, P.A., seconded by Commissioner Lancaster. The motion carried 6 to 1 with Commissioner Foy voting "NO."

7. CONTRACT WITH TRIANGLE SKYDIVING CENTER

An agreement was reached between Franklin County and Triangle Skydiving Center in the matter of skydiving operations at Triangle North Executive Airport (TNE). The Board was asked to approve the five-year lease to allow this new tenant to commence jump operations.

Rob Southerland, Airport Director, was present to answer Board questions as well as Attorney David Guin who presented the five-year contract. Mr. Guin stated rent would be \$1500 per month for Corporate Hangar A and said TNE will pay the County \$1 per jump.

Commissioners discussed potential safety concerns and heard from Phil Goodson, a citizen who owns property near the airport. He said he is frustrated because he hadn't been contacted about the skydiving center and commented he was concerned that skydivers would land in his cattle pasture. Mr. Southerland stated he had not contacted neighboring landowners.

Commissioner Mitchell made the motion to delay a formal decision on the contract until a public hearing can be held and neighboring property owners have been contacted. The motion was seconded by Commissioner Foy. The motion carried 4 to 3, with Commissioners Dunston, Swanson and Winters voting "NO." The public hearing will be held on Wednesday, March 25, 2009 at 7:00 P.M. in the Commissioner's Meeting Room.

Mr. Southerland was directed to notify property owners by letter.

8. ADDENDUM TO EXISTING LEASE WITH C-N-C MECHANICAL

In order to provide needed space for Triangle Skydiving Center in Corporate Hangar A, Robert Szelc of C-N-C Mechanical has agreed to locate in Corporate Hangar B. The Board was asked to consider an addendum to the existing lease with C-N-C Mechanical.

Rob Southerland, Airport Director, stated this matter would need to be delayed until the March 25, 2009 meeting following the public hearing regarding the skydiving center.

9. 911 ADVISORY BOARD BY-LAWS AMENDMENTS

The 911 Advisory Board met on February 19, 2009 to discuss expanding the membership as discussed by the Commissioners on February 16, 2009. Emergency Communications Director Christy Shearin presented the recommendation of the 911 Advisory Board.

Mrs. Shearin stated the Board currently has six members represented by of law enforcement (2), fire (2) and rescue/EMS (2). Mrs. Shearin serves as Secretary to the Board. She said the 911 Board met to discuss the membership and offered the following recommendation:

Voting Members:

- Sheriff
- Local Police Chief

- President of Firefighters' Association
- Chairman of Fire Chief's Association
- Rescue Squad Chief appointed by EMSAC (Emergency Services Advisory Committee)
- President of Rescue Association

Non-Voting Members:

- Communications Director
- Emergency Services Director
- County Commissioner
- GIS Representative

Mrs. Shearin followed up by stating the proposed changes would combine the old Communications Committee with the 911 Advisory Board rather than having two boards.

Following the review by the 911 Board, staff reviewed the membership and recommended the following:

Membership:

- Add the following members
 - Representative from Rescue Association
 - GIS Representative
 - County Commissioner
- All members will have voting privileges
- Add the following items:
 - Members of this Board shall not be related by blood or marriage to an employee of the Franklin County Emergency Communications Center.
 - Any member of this Board that may have a personal or financial interest of any item presented shall inform the Board prior to the item being presented and excuse themselves from any vote associated with that item.

Commissioner Winters then made the motion to accept, seconded by Commissioner Foy. County Attorney Darnell Batton explained the motion must clarify which recommendation was being suggested, that of the 911 Board or that of staff.

Commissioner Winters then restated his motion to accept the staff recommendation. The motion was seconded by Commissioner Foy.

Commissioner Young then asked why the recommendation of the 911 Board did not match the recommendation of staff concerning voting privileges. Mrs. Shearin stated the 911 Board wanted an equal number from each discipline including law enforcement, fire and rescue/EMS. The way the by-laws are currently written, Mrs. Shearin as Communications Director, would have to break any tie vote. In any other circumstance she holds no voting privileges.

Darrell Chalk, Chairman of the 911 Board, stated the reason the Board decided not to have county employees vote was because they didn't want them to feel they had to go along with any particular recommendation. He said the decision was not made because they felt a staff member would manipulate a vote. He said staff input is certainly needed.

Commissioner Winters motion to approve the staff recommendation was approved with all present voting "AYE."

Mrs. Shearin's PowerPoint presentation is as follows:

911 Advisory Board

est. August 21, 2006

March 16, 2009

Purpose of the Board

- Act as a policy board
- Coordinate the dispatch needs and requirements for all agencies serviced by the Center
- Review policies for the efficient and effective operation of the Center

Responsibilities of the Board

- Responsible for reviewing candidates for Communications Director and making a recommendation to the Manager; May participate in the interview process
- Responsible for reviewing Standard Operating Guidelines
- May be asked for input related to dispatcher performance
- Will be informed of expansions/improvements that affect the Center.

Members of the Board(Current)

- Board consists of 6 members
 - 2 Law Enforcement Representatives
 - Franklin County Sheriff
 - 1 Local Police Chief
 - 2 Fire Representatives
 - President of the Fire Association
 - Chairman of the Fire Chiefs Association
 - 2 Rescue/EMS Representatives
 - EMS Director
 - 1 Rescue Chief

911 Board Recommendation

- Voting Members:
 - Sheriff
 - Local Police Chief
 - President of Firefighters' Association
 - Chairman of Fire Chiefs' Association
 - Rescue Squad Chief appointed by EMSAC
 - President of Rescue Association

911 Board Recommendation (cont)

- Non-Voting Members
 - Communications Director
 - Emergency Services Director
 - County Commissioner
 - GIS Representative
- Combine Communications Committee & 911 Advisory Board

Staff Recommendation

- Membership:
 - Add the following members
 - Representative from Rescue Association
 - GIS Representative
 - County Commissioner
 - All Members will have voting privileges

Staff Recommendation

- Add the following items:
 - Members of this Board shall not be related by blood or marriage to an employee of the Franklin County Emergency Communications Center.
 - Any member of this Board that may have a personal or financial interest of any item presented shall inform the Board prior to the item being presented and excuse themselves from any vote associated with that item.

10. RADIO PROJECT

The 911 Advisory Board met on February 19, 2009 to discuss the Radio Upgrade Project and make a recommendation to the Board as to how to proceed with this project. Christy Shearin, Emergency Communications Director, presented recommendations of the 911 Advisory Board and the County's options on how to proceed with this project. She offered the following PowerPoint presentation:

VHF Radio Upgrade Project

March 16, 2009

Where we are.....

- October 20, 2008 – Contract Awarded to Piedmont Communications which required performance bond to ensure 95%-95% coverage and negotiations started.
- December 29, 2008 – Draft of Contract received
- January 21, 2009 – Piedmont Communications notified Staff that Piedmont was experiencing difficulty in securing a performance bond due to economic (market) conditions

Where we are...

- January 26, 2009 – Piedmont Communications notified Staff they would not be able to secure a performance bond
- January 27, 2009 – Kimball offered possible solutions (i.e. Letter of Credit, Retainage Clause for Contract)
- January 30, 2009 – Piedmont Communications notified Staff they were unable to secure a Letter of Credit and offered alternative solutions

Where we are...

- February 3, 2009 – 911 Advisory Board recommended to rebid the project, remove the performance bond requirement and to implement a retainage clause in the contract for a substantial amount (Labor & Profit). County Attorney tasked to research this option.

Where we are...

- February 12, 2009 – Staff met with the 911 Advisory Board to advise them of the attorney's findings regarding their recommendation.
- Piedmont could not offer assurance all three tower sites could be constructed within 18 months but committed to tower construction with free tower space for the County's use.
- 911 Advisory Board scheduled a meeting on February 19, 2009 to discuss further and formulate a recommendation.

911 Board Recommendation

- Rebid Project as soon as possible
- Develop separate RFP for Epsom and Pilot Tower Sites
- Investigate recouping additional costs from Piedmont Communications' Bid Bond

911 Board Recommendation

- Additional Costs:
 - Consultant Fees
 - Approx. \$15,000 – this depends on any changes that may be required to the RFP document (i.e. performance bond requirement)
 - Approx. \$10,000 - to develop a new RFP for Epsom and Pilot site development and tower construction

County's Options

- Delay this project until economic conditions improve
- Rebid the project to include locating and/or construction of towers to include 95/95 coverage, bid bond and performance bond

County's Options

- Due to additional delays use funds to make improvements in the interim to possibly include:
 - Change Fire Channel to a repeater channel
 - Standardize field personnel equipment
 - Move equipment from US1 water tank to WCMC tower, install transmitter for this site
 - Investigate option of renting space on available towers in problem areas
 - Continue efforts to collect on bid bond

Mrs. Shearin stated the 911 Board recommends rebidding the project as soon as possible; developing a separate RFP for Epsom and Pilot Tower Sites and investigating how costs can be recouped from Piedmont Communications' Bid Bond. Additional costs

could include approximately \$15,000 depending on any changes that may be required to the RFP document and approximately \$10,000 to develop a new RFP for Epsom and Pilot site development and tower construction.

At this time, Mrs. Shearin stated the County's options included delaying the project until economic conditions improve or rebidding the project to include locating and/or construction of towers to include 95/95 coverage, bid bond and performance bond. She also said due to additional delays, the County could use funds to make improvements in the interim to possibly include the following:

- Change Fire Channel to repeater channel
- Standardize field personnel equipment
- Move equipment from US1 water tank to WCMC tower, install transmitter for this site
- Investigate option of renting space on available towers in problem areas
- Continue efforts to collect on bid bond

County Attorney Darnell Batton said there is a lot of support in moving forward with the project. He said most fireman in attendance would agree the project has gone on long enough and said the problem is if the rebid process is not successful the project will "drag out" even further. Therefore, in the event the rebid process was unsuccessful, the County needed to move forward rapidly with implementing the interim measures outlined above to make some improvements in the system immediately.

Erin Wall, Piedmont Communications, said his company never said it would not give 95% coverage to the County. He said it was guaranteed. He also said Piedmont would own the system until firefighters and the 911 Board signed off on it. However, Mr. Wall said when the RFP went out, as designed by local firefighters and Kimball & Associates, his company was the only one that presented a bid. Other companies did not bid due to the stringent requests. He said Piedmont bid a second time because there were some items missing from the first bid submitted and said Piedmont has now done everything that was asked of them. In reference to not being able to secure the performance bond, Mr. Wall stated he had no control of the current economic conditions. Mr. Wall said he wanted to help the community, but suggested in the event the project is rebid, the County must change some of its requirements or it won't receive bidders. He said the County could save money by renting towers as well, but he had understood the County wanted to own the towers instead. He suggested a reevaluation of what the County wants to spend and what its expectations are.

Mr. Batton said this discussion wouldn't be held tonight if the performance bond had been completed.

Commissioner Mitchell said arguing with Mr. Wall is a mute point. He said the Board has a responsibility to every citizen in the County and it must move on. He said radio coverage has been a topic of discussion since 1962 and said it's time to fix the problem rather than placing a "Band-Aid" on it.

Commissioner Young asked where the funds will come from in making the needed repairs. Mrs. Shearin said there is \$700,000 of E911 money that no longer has restrictions and can be used.

Commissioner Mitchell made the motion to move ahead with rebidding the radio project to include the towers and any tweaking to the RFP in conjunction with the 911 Advisory Committee and any short term fixes that need to be completed. To clarify, Mr. Batton stated to the point the RFP bid process is successful; the County will be slow to make

any short term fixes. He said short term fixes would only be considered if the project was not put out for bid again. He again reminded the Board that the law requires a bid bond and a performance bond for the project. He asked also to clarify that the people bidding are responsible for the location of the towers. Commissioner Mitchell accepted the clarification and added it to his motion which was then seconded by Commissioner Lancaster. The motion duly carried with all present voting "AYE."

11. REPORT: HUNTING REGULATIONS RELATING TO THE USE OF DOGS

On January 26, 2009, the Board was asked by citizens to consider measures to address issues arising with hunting deer with dogs. County Attorney Darnell Batton provided a report to the Board on the current regulations in place as related to dog hunting.

Mr. Batton provided a map that outlined hunting regulations. He explained the law does not prohibit dogs from running across posted land, but stated the law does prohibit a person from trespassing and hunting on posted land. A hunter has a right to hunt on land if it is not posted. He mentioned laws that could be enforced if citizens continue to experience problems with hunters.

Mr. Batton also mentioned that the Wildlife Commission cannot become involved in what should be part of local laws of Franklin County that affect hunting. However, he also stated the Board of Commissioners cannot pass an ordinance regulating hunting with dogs because it does not have the authority. He said if the Board wishes to further address concerns with this issue, it must go to the General Assembly and ask that a local law be enacted that is solely relative to Franklin County.

12. APPOINTMENTS

A. Bunn Planning & Zoning Board - ETJ

The Board is asked to reappoint Patrick Denton to the Bunn Planning & Zoning ETJ board by recommendation from the Town of Bunn.

Commissioner Lancaster made the motion to reappoint Patrick Denton to the Bunn Planning & Zoning ETJ board, seconded by Commissioner Dunston. The motion duly carried with all present voting "AYE."

13. 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.

Commissioner Foy: No report.

Commissioner Winters: No report.

Commissioner Young: Commissioner Young reported that James "Jim" Amos Jones has been selected to serve as the Interim Health Director left vacant by Eric Ireland. Commissioner Young also stated that Valerie Hennike will serve as the Interim Executive Director for Five County Mental Health.

Commissioner Swanson: No report.

Commissioner Lancaster: No report.

Commissioner Mitchell: Commissioner Mitchell stated he and County Manager Angela Harris had successfully completed the *Essentials of County Government* course.

Commissioner Dunston: No report.

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

- Budget meetings with departments have begun with a high level of cooperation by department heads. Twenty-one meetings are scheduled for this week.
- Twenty-two applications have been received for the Tax Administrator position.
- Space needs continue to be examined for Board of Elections. Available space is being considered at the Health and Human Services Building, however Mrs. Harris stated she would like to make sure the Wellness Center, currently located in the area considered, is not eliminated. She stated from a financial standpoint and health standpoint, the wellness site is needed.
- She mentioned an educational blitz on flex spending has increased participation in the program this year. She said the program is saving money both for employees and for the county.
- Mrs. Harris mentioned a recent meeting with the President of Louisburg College. She stated collaborative opportunities are being discussed.
- Mrs. Harris stated following the discussion relative to the skydiving center, the safety day planned at the airport on March 21, 2009 may be cancelled due to the Board's decision to delay consideration of a contract with Triangle Skydiving Center.

County Clerk Kristen King: No report.

Commissioner Winters then made the motion to recess until March 25 at 7:00 P.M. (relative to Items 5 and 6 on tonight's agenda), seconded by Commissioner Lancaster. The motion duly carried with all present voting "AYE."

Robert L. Swanson, Chairman

Kristen G. King, Clerk to the Board