

NORTH CAROLINA

WAYNE COUNTY

The Wayne County Board of Commissioners met in special session on Wednesday, September 8, 2021 at 9:02 a.m. in the Commissioners Meeting Room, 4th floor of the Wayne County Courthouse Annex, 224 E. Walnut Street, Goldsboro, North Carolina. The purpose of the meeting was to discuss and possibly take action on the Fremont Elementary School.

Members present: George Wayne Aycock, Jr., Chairman; Freeman Hardison, Jr., Vice-Chairman; Barbara Aycock; Joe Daughtery; Bevan Foster; Chris Gurley; and Antonio Williams

Members absent: None

Others present: County Manager Craig Honeycutt; Assistant County Manager Chip Crumpler; County Attorney E. B. Borden Parker; Staff Attorney Andrew Neal; Finance Director Allison Speight; Fremont Mayor Darron Flowers; Wayne Community College Business Manager Craig Foucht; Board of Education Chairman Chris West; Wayne County Public Schools Superintendent Dr. David Lewis; Assistant Superintendent Dr. Timmy Harrell; Wayne County Public Schools Public Information Officer Ken Derksen; members of the media and general public; and Clerk to the Board Carol Bowden.

Call to Order

Chairman George Wayne Aycock, Jr. called the meeting to order.

Invocation

Commissioner Bevan Foster gave the invocation.

Pledge of Allegiance

Commissioner Antonio Williams led the Board of Commissioners in the Pledge of Allegiance to the Flag of the United States of America.

Discussion of the Proposed Fremont Elementary School

Chairman George Wayne Aycock, Jr. discussed a meeting held by a working group consisting of members from the Board of Education, the Board of Commissioners, and staff from both the County of Wayne and the Wayne County Public Schools. He then introduced Superintendent Dr. David Lewis, who presented a PowerPoint, attached hereto as Attachment A.

Following the presentation, the Commissioners discussed the information and asked questions regarding logistics and costs, as well as sewer being on location, for the proposed school. Mayor Darron Flowers stated sewer is currently being provided to the current school and residential areas located nearby. Mayor Flowers said the new school would be connected through the force-main from Fremont to Goldsboro.

Commissioner Antonio Williams made a motion to approve the amended agreement between the County of Wayne and the Wayne County Public Schools for Fremont Elementary School in the amount of \$23 million. Commissioner Joe Daughtery asked Commissioner Williams to wait on the motion and spoke to the representatives of the school system and the Board of Education. He stated he would not want to retain the school board to negotiate any agreement, and added the agreement was for \$20,000,000 to establish a dollar amount on the lower end. Commissioner Daughtery stated that was to create budget constraints, which should be adhered to, and the original agreement states if the project exceeds \$20 million, the Board of Commissioners would cover those costs.

Commissioner Daughtery said by agreeing to the higher amount, that is not controlling the costs and the original agreement always contained a provision to resolve any costs exceeding \$20 million. He said the General Assembly put a burden on the Board of

Commissioners by saying the Board must fund the facilities but the school system has control over the type of building and the quality of work. He said that is why it was hoped the two boards could work together. He said things got off track and the main issue is over \$3 million, which has now been sent to the general public and prevents the Board of Commissioners from trying to control costs by setting the amount at \$20 million.

Commissioner Chris Gurley said he understands construction costs are ‘through the roof’ but hoped to encourage the contractor to keep the cost of construction closer to \$20 million.

Dr. Timmy Harrell said with a Construction Manager At Risk (CMAR), a pre-construction contract has been drafted and is ready to go to Daniels and Daniels, the CMAR. He said they will have to give a pre-construction guaranteed price, which allows for discussion upfront.

Commissioner Bevan Foster said if the County set a price at \$20 million and he does not understand the \$23 million cost. He used an analogy of building a house for \$200,000, saying he would not just add \$30,000 to the project. He said the \$3 million could be used for other projects in his and other districts and there was not an extra \$3 million for each of the other districts.

Dr. Lewis said the grant was for \$23 million and the joint agreement was for \$23 million, and he questioned what caused it to be reduced. Commissioner Daughtery spoke of the needs-based application sent in by the Wayne County Public Schools and said the amount on the application was irrelevant because the maximum grant amount was \$15 million, and with the County’s \$5 million, \$20 million was the max. He added that the school system wanted to withdraw from applying but the Board of Commissioners insisted. Dr. Lewis said \$23 million was not pulled out of the air.

County Manager Craig Honeycutt said the signed agreement between the County of Wayne and the Department of Public Instruction is for \$20 million and reiterated the maximum grant was for \$15 million, and the match from the County was irrelevant.

Commissioner Gurley asked when the civil work could be completed and Dr. Harrell said in two to three months.

Commissioner Williams said he understood the strong feelings and the facts presented, and then stated he was making a formal motion to approve the amended agreement for \$23 million.

Chairman George Wayne Aycock, Jr. asked County Attorney E. B. Borden Parker if the Board needed to discuss the matter in closed session.

Vice-Chairman Freeman Hardison, Jr. made a motion to amend the agreement based on the advice of the County attorneys.

Commissioner Daughtery asked to go into closed session to discuss with legal counsel the requirements of whether or not the Board needs an agreement with the school system.

Commissioner Antonio Williams stated his concern is it now appears the County is dragging its feet in regards to building Fremont Elementary School.

Commissioner Daughtery withdrew his request to go into closed session. He asked Mr. Parker and Staff Attorney Andrew Neal who has the responsibility to determine how capital projects are funded for schools. Mr. Parker stated the Board of Commissioners determines how the capital projects are funded, and if the money is borrowed, the Local Government Commission must approve. He said neither the Board of Education nor the Wayne County Public Schools have a say-so in the funding decisions.

Commissioner Chris Gurley stated the two boards needed to move forward and get the school built.

Commissioner Foster said the Board of Commissioners needed to discuss the matter with the attorneys and 45 minutes would not make a difference on getting the school built. He then asked for a closed session.

Commissioner Barbara Aycock said the working group met and reported being satisfied with the results, yet it still comes back to the Board of Commissioners rehashing the matter. She said the school needs to be built instead of more discussion, as it has been discussed since she became a Commissioner.

Chairman George Wayne Aycock, Jr. said the figures today are not numbers that matter, rather what CMAR Daniels and Daniels presents will be the numbers the two Boards will need to work with, and he was ready to make a decision.

Commissioner Antonio Williams made a motion to go into closed session to consult with counsel, and the motion failed 5 to 2. Voting against the motion were Chairman George Wayne Aycock, Jr., Vice-Chairman Freeman Hardison, Jr., Commissioner Barbara Aycock, Commissioner Bevan Foster, and Commissioner Chris Gurley. Voting for the motion were Commissioner Antonio Williams and Commissioner Joe Daughtery.

Commissioner Antonio Williams made a motion to approve the Fremont School funding agreement for \$23 million.

Vice-Chairman Freeman Hardison, Jr. made a motion to amend Commissioner Williams' motion to include language approved the County Attorneys.

Commissioner Antonio Williams withdrew his previous motion and made a motion to approve the Fremont School funding agreement for \$23 million with language approved by the County Attorneys.

Commissioner Joe Daughtery made a motion to amend Commissioner Antonio Williams' motion by changing the funding to \$20 million, with language added in the event bids come in higher than \$20 million, the Board of Education and Board of Commissioners will address the matter. The motion failed by a vote of 2 to 5. Voting for the motion were Commissioner Joe Daughtery and Commissioner Bevan Foster. Voting against the motion were Chairman George Wayne Aycock, Jr., Vice-Chairman Freeman Hardison, Jr., Commissioner Barbara Aycock, Commissioner Chris Gurley, and Commissioner Antonio Williams.

Following the vote on Commissioner Daughtery's motion, a vote was taken on Commissioner Williams' motion. The motion passed by a vote of 5 to 2. Voting for the motion were Chairman George Wayne Aycock, Jr., Vice-Chairman Freeman Hardison, Jr., Commissioner Barbara Aycock, Commissioner Chris Gurley, and Commissioner Antonio Williams. Voting against the motion were Commissioner Joe Daughtery and Commissioner Bevan Foster.

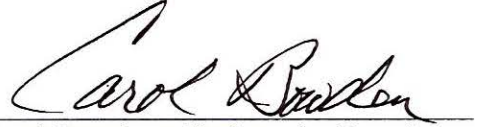
Closed Session

At 10:02 a.m., upon motion of Commissioner Antonio Williams, the Board of Commissioners unanimously declared itself in closed session to consult with attorneys employed or retained by the public body in order to preserve the attorney-client privilege between the attorneys and the public body, which privilege is hereby acknowledged, and to consider the performance of an individual public officer or employee.

At 11:54 a.m., upon motion of Commissioner Barbara Aycock, the Board of Commissioners unanimously declared itself in regular session.

Adjournment

At 11:55 a.m., Chairman George Wayne Aycock, Jr. adjourned the special meeting of the Wayne County Board of Commissioners and the Wayne County General Assembly Delegation.

A handwritten signature in black ink, appearing to read "Carol Bowden", written over a horizontal line.

Carol Bowden, Clerk to the Board
Wayne County Board of Commissioners

Fremont Elementary School Project Update

Presented to the Wayne County Board of Commissioners

September 8, 2021



Project Overview

This project is intended to replace a small, outdated elementary school with a larger and more modern facility. The current facility dates back to 1923 and has a core capacity of 402 students. By replacing this school with a larger, more modern facility in the same general area of the county, we will provide a better learning environment for existing students and be able to ease overcrowding in two neighboring attendance zones.



ARCHITECTURAL RENDERING OF SCHOOL
FREMONT ELEMENTARY SCHOOL
FREMONT, NC



Actions Taken to Date

- Needs-Based Public School Grant
 - \$15 million in state funds (requires forfeiture of lottery funds for five years)
 - \$5 million minimum local match (grant application includes \$8 million in local funds)
- Joint Resolution – BOC & BOE
 - Approved September 14, 2020 (BOE) and September 15, 2020 (BOC)

Actions Taken to Date, continued

- Land Acquisition
 - 20.8 acres near the intersection of Interstate 795 and U.S. Highway 222
 - Less than ½ mile from existing school
- Architect Selection
 - Pinnacle Architecture selected to facilitate replication of Meadow Lane Elementary

Actions Taken to Date, continued

- Construction Contracting Method Determination
 - Two working group meetings with input from members of both Boards
 - Comparison and discussion of available methods
 - Design-build
 - Construction Manager at Risk (CMAR)
 - Based on input from the working group, BOE selected CMAR as the method
- CMAR Selection
 - RFQ posted and interviews conducted by BOE
 - Daniels & Daniels Construction Co., Inc. approved by BOE as CMAR



Meadow Lane Elementary Project Cost

- Initial Estimate in Grant Application & Joint Resolution - \$23 million
- Meadow Lane Elementary (May 2017)
 - \$18,145,629
 - Building Costs - \$16,069,329
 - Site Work - \$2,076,300

NOTE: This did NOT include furniture (\$844,785.92).

Recent Comparable Projects – Onslow County

- Coastal Sound Elementary (October 2019)
 - \$27,895,000
 - Building Costs - \$20,737,570
 - Site Work - \$7,157,430
- Clear View Elementary (December 2019)
 - \$26,151,000
 - Building Costs - \$21,506,628
 - Site Work - \$4,644,372

NOTE: These do NOT include furniture.



Based on the estimated project cost in the Needs-Based Public School Grant, and considering the actual costs of recent comparable projects in Onslow County, Wayne County Public Schools requests the Wayne County Board of Commissioners to amend the Summary Funding Agreement approved by the BOC on June 1, 2021 to include the full \$23 million as originally written in the grant and approved by both Boards in September of 2020.





NORTH CAROLINA
DEPARTMENT OF STATE TREASURER

STATE TREASURER OF NORTH CAROLINA
DALE R. FOLWELL, CPA

Dale R. Folwell, CPA

STATE AND LOCAL GOVERNMENT FINANCE DIVISION
AND THE LOCAL GOVERNMENT COMMISSION

SHARON EDMUNDSON
DEPUTY TREASURER

September 7, 2021

The Honorable Wayne Aycock, Chairman
Wayne County NC Board of Commissioners
224 E Walnut St.
Goldsboro, NC 27530

Dear Chairman Aycock:

I am writing to share a concern with you about the July 2021 reporting and transfers required from the Wayne County Register of Deeds.

As you know, NC GS 161-11.5 requires that six dollars and twenty cents (\$6.20) of each fee collected by the register of deeds under G.S. 161-10(a)(1) and (a)(1a) should be remitted by the register of deeds to the county finance officer, who shall then remit the funds to the State Treasurer on a monthly basis to be credited as follows:

- (1) Fifty-five percent (55%) to the Floodplain Mapping Fund;
- (2) Twenty percent (20%) to the General Fund as nontax revenue; and
- (3) Twenty-five percent (25%) to the Department of Natural and Cultural Resources, which is now the Department of Environmental Quality.

As of the date of this letter, we have not yet received the required report or the transfer of funds for July 2021, which according to our published procedure we should have received by the 10th of the following month. Both my staff and I have talked with the County's Finance Officer so she is also aware of this concern. With the deadline for the August payments coming up on September 10 of next week, I wanted to make sure you also are aware of the delay.

Please feel free to contact me if you have any questions or need any additional assistance. I can be reached at susan.mccullen@nctreasurer.com or at (919) 814-4302.

Sincerely,

Susan McCullen

Susan McCullen, CPA
Director, Fiscal Management Section
State and Local Government Finance Division

cc: Chairman, Board of Commissioners – Wayne Aycock, wayne.aycock@waynegov.com
County Manager – Craig Honeycutt, craig.honeycutt@waynegov.com
Allison Speight, Finance Officer, Allison.Speight@waynegov.com
County Attorney – Borden Parker, bparker@goldsborolawyers.com
Staff Attorney – Andrew Neal, Andrew.neal@waynegov.com
Register of Deeds – Constance Coram, constance.coram@waynegov.com
Danna Lane, Nunn Brashear, DLayne@NBCO.com

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