

Regular Meeting January 22, 2019

A regular meeting of the Nash County Board of Commissioners was held at 1:30 PM, January 22, 2019 in the Frederick B. Cooper, Jr. Commissioners' Room at the Claude Mayo, Jr. Administration Building in Nashville, NC.

Present were Chairman Robbie B. Davis and Commissioners Fred Belfield, Jr., Dan Cone, J. Wayne Outlaw, and Mary P. Wells.

Others present were Stacie Shatzer, Donna Wood, Nancy Nixon, Amanda Clark, Major Misty Strickland, Lindell Kay, Janice Evans, Zee B. Lamb, Vince Durham, Battle, Winslow, Scott and Wiley, PA., and other staff members and members of the public.

Chairman Davis called the meeting to order and provided a brief explanation regarding prayer and the Pledge of Allegiance in Nash County. He stated it is customary that Nash County starts each meeting with a prayer and Pledge of Allegiance and that anyone wishing to participate in the prayer, moment of silence, or a prayer of their own choice was welcomed.

Chairman Davis called on Ms. Mary P. Wells for the invocation and Mr. J. Wayne Outlaw to lead the Pledge of Allegiance.

Chairman Davis presented for the Board's consideration a Letter of Recommendation from the Nash County Republican Party Executive Committee to recommend appointment of Ms. Sue Leggett to serve in the vacant Nash County Board of Commissioners District 4 seat.

On motion of Mary P. Wells seconded by Fred Belfield, Jr. and duly passed that the Nash County Board of Commissioners approve the recommendation by the Nash County Republican Party Executive Committee to appoint Ms. Sue Leggett to the District 4 seat on the Nash County Board of Commissioners.

The Honorable Quentin T. Sumner, Resident Superior Court Judge, administered the oath of office to Ms. Sue Leggett.

Mr. Shaun Olsen, CEO, President, CloudWyze made a presentation on the Countywide Broadband Project with CloudWyze.

Ms. Patsy McGhee, Assistant to the County Manager/Grants & Intergovernmental Relations presented for the Board's consideration a request for approval "First Amendment" to the "Broadband Program Agreement" with CloudWyze Inc.

On motion of Dan Cone seconded by Fred Belfield, Jr. and duly passed that the Nash County Board of Commissioners approve the following First Amendment to the Broadband Program Agreement:

**FIRST AMENDMENT TO
BROADBAND PROGRAM AGREEMENT**

THIS FIRST AMENDMENT TO THE BROADBAND PROGRAM AGREEMENT (the "Amendment") is made and entered into effective as of the ~~22nd~~ day of January, 2019, by and between the County of Nash, North Carolina (the "County") and Olsen Enterprises, Inc. d/b/a CloudWyze, a North Carolina corporation (the "Company") Each of the foregoing may be referred to herein individually as a "Party" and collectively as the "Parties."

WHEREAS, the Parties previously entered into a Broadband Program Agreement (the "Agreement") dated September 17, 2018, through which Company agrees to provide certain Broadband service to unserved and underserved areas of the County; and

WHEREAS, the Parties desire to amend the Agreement as specifically set forth herein to modify the terms and conditions of the Agreement, including revising the number of towers provided by Company and the monthly fees paid by the County.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Section 1(b) of the Statement of Work attached as Exhibit B to the Agreement is hereby deleted in its entirety and replaced with the following:

(b) Install one (1) primary tower and two (2) secondary towers that will be connected via point-to-point wireless radios;

2. Item (iii) of Section 3 of the Statement of Work attached as Exhibit B to the Agreement is hereby deleted in its entirety and replaced with the following:

(iii) One Hundred Twenty-One Thousand and 00/100 Dollars (\$121,000.00) upon completion of construction of the NOC described in Section 1(a) of this SOW;

3. The following shall be added after Item (iv) in Section 3 of the Statement of Work attached as Exhibit B to the Agreement:

In addition, the County shall reimburse the Company up to One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) per month once the towers are turned up (due upon receipt of an invoice from the Company with the attached tower provider invoice).

4. Capitalized terms used but not otherwise defined in this Amendment shall have the meaning ascribed to them in the Agreement.

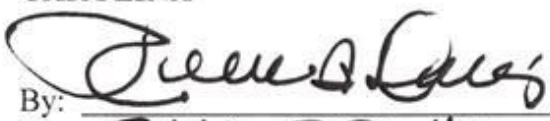
5. This Amendment together with any attachments or exhibits hereto sets forth the entire agreement of the Parties with respect to the specific subject matters hereof. All prior

contemporaneous or other oral or written statements, representations or agreements by or between the Parties with respect to the subject matter hereof are merged herein. Except as expressly modified herein, the Agreement shall continue in full force and effect in accordance with its terms. In the event of any conflict between the terms of the Agreement and the terms of this Amendment, the terms of this Amendment shall govern.

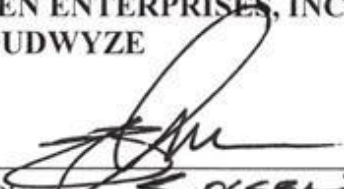
6. This Amendment may be executed in multiple counterpart originals, which as a group shall constitute one Amendment. The Parties agree that this Amendment may be executed by faxed, scanned or emailed signatures, which shall be as enforceable as an original.

IN WITNESS WHEREOF, the Parties hereby enter into this Amendment as of the day and year first written above.

COUNTY OF NASH, NORTH
CAROLINA

By: 
Name: Robbie B. Davis
Title: Chairman

OLSEN ENTERPRISES, INC. d/b/a
CLOUDWYZE

By: 
Name: S. OLSEN
Title: PRESIDENT / CFO

Vice-Chairman Outlaw introduced Ms. Rachel Evans, PE, North Carolina Department of Transportation (NCDOT).

Ms. Evans and Mr. Keith Lewis, VHB Engineering NC, P.C. made a presentation to the Board on the State Transportation Improvement Program in Nash County, which includes Eastern Avenue, N. Old Carriage Road, and Sunset Avenue.

Chairman Davis recognized Major Mistie Strickland, Nash County Sheriff's Office and congratulated her on her recent promotion to major and being the first female major in the Nash County Sheriff's Office history.

Chairman Davis called for a ten (10) minute recess.

Upon reconvening, Chairman Davis called on Vice Chairman Outlaw.

Vice Chairman Outlaw called on Board Members for reports on the following boards and committees.

- Commissioner Lou M. Richardson (District 1)
 - Community Caregiver Advisory Board

- Commissioner Fred Belfield, Jr. (District 2)
 - Farmers Market Advisory Board
 - Juvenile Crime Prevention Council (Lou Richardson)
 - Upper Coastal Plain COG (Mary Wells)
 - Tar River Transit

- Commissioner Dan Cone (District 3)
 - Human Services Board
 - Agricultural Advisory Board

- Commissioner J. Wayne Outlaw (District 5)
 - Nash Community College Board of Trustees (Mary Wells)
 - Upper Coastal Plain RPO
 - Broadband Committee (Dan Cone, Lisa Barnes)

- Commissioner Mary Wells (District 6)
 - Turning Point Work Force Development Board
 - STEP

- Commissioner Robbie B. Davis (District 7)
 - Tourism Development Authority
 - Rocky Mount MPO
 - MCC Shell Building (Dan Cone)
 - Gold Rock Improvements (Lou M. Richardson)
 - Joint School Board Committee (J. Wayne Outlaw & Fred Belfield, Jr.)

Chairman Davis temporarily appointed Vice-Chairman Outlaw to attend the Nash UNC Health Care Board of Directors meetings and Commissioner Dan Cone to attend the Trillium Health Resources – Central Regional Board meetings.

On motion of J. Wayne Outlaw seconded by Lou M. Richardson and duly passed that the meeting adjourn.

Janice Evans, Clerk
Nash County Board of Commissioners