

Special Meeting Discussion on Eastern Carolina Broadband
May 3, 2022
7:00 PM

The Town of Pink Hill council held a special meeting to discuss the Eastern Carolina Broadband contract that would be between The Town of Pink Hill and Eastern Carolina Broadband, to place an antenna on the water towers in town, was held on May 3, 2022 in the town hall board room.

Present for this meeting were Mayor Mike Hill, Commissioner Penny Murphy, Commissioner James Quinn, Commissioner Pete Fantini, Town Attorney George Jenkins, and Town Clerk Crystal Heath.

Visitors present are; Cierra Dunham, Josh Dunham, Debbie Heath, Paige Marshburn, Maranda Heath, Rodney Scott, Carolyn Whitfield, Sheree Casis, Brandon and Rhiley Marshburn.

Mayor Mike Hill said I would like to call this meeting to order and I welcome everyone to the special meeting for ECB May 3, 2022 meeting. I would like to ask everyone to please turn your cell phones off. Mayor Mike Hill asked Town Clerk Crystal Heath if she would call the roll, each members name was called. Mayor Mike Hill says okay all is present we have quorum. Commissioner James Quinn said excuse me for interrupting but I would like to recuse myself from this meeting because of possible conflict with my job with CenturyLink. Mayor Mike Hill, says okay. Commissioner James states I don't need to be in here to discuss or here the happenings so I am leaving. Mayor Mike Hill says I need a motion to approve the special meeting agenda. Commissioner Pete Fantini says I make a motion to accept this agenda. Commissioner Penny Murphy says and I will second that motion. Mayor Hill says any discussion? All in favor state "aye". Motion was carried unanimously.

Mayor Mike Hill says we have this contract to discuss. Please come forward Rodney, I met with Rodney last Friday to go over this contract, he says Rodney lets go over the items we discussed for everyone. Most of the contract is pretty good we just have a couple of points to discuss. Rodney Scott says, after you and I met, and thank you for meeting with me and understanding some of the concerns and changes. What I sent to you after we met is the changes and everyone should have a copy of it. So what I am looking at is the page that states proposed changes to the lease agreement, all of the changes that Attorney George Jenkins presented to me were great and they are presented in this sheet. So the first one is 5b, and that is speaking of the changes or any subsequent changes of our equipment on the tower. The way it was originally worded was we could not increase the load on the tower after we originally put stuff up, my initial concern with that is that our stuff may be really lite and that we may eventually want to put heavier stuff up so I just asked that we change that if we are going to increase the load on the tower that the load on the tower would be checked out by the town's tank service people to make sure it doesn't exceed the load capacity of the railing. Rodney asks the mayor do you want me to go through all of the points. Mayor Hill says yes please go through all of the changes. Next is #11 which we substantially agreed to with the exception of the concern that the base rent may be

renegotiated in 3 years, I asked that be changed to five years at the same time as the lease agreement, so that would be a five year lease and five year contract with rent agreement. Mayor Hill says but can be reviewed yearly. Rodney says okay help me understand that. Mayor Hill says we will look at the contract yearly to make sure that ECB is meeting obligations agreed upon. Rodney states "yes sir", George Jenkins replies that needs to be done to make sure all is compliant. Rodney says I am completely good with that but on a side note I want to say don't wait a year if at any point during the year we are not meeting the obligations go ahead and come to us. If I could I had this in my notes to say but we jumped right in to this and I didn't get to say what I wanted to, the last meeting with me standing here and the point of me not having the contract delivered, so for the record this envelop was on my desk delivered to my insurance company, it was there I didn't know it was there, just wanted to be clear Timmy did deliver the contract. Next on our list is #16, based on our conversation we agreed this was a typo, because contract stated that service would not be less than 10 gigabits, which is a ridiculously amount of gigabits, there is not a total of 10 gigabits coming into the whole town of Pink Hill or through the box here, of course James left so. Based on our conversation I changed it to where it couldn't be less than a constant 10 megabytes, and if the service was less we will pay the town \$300 a month. Next is 17i, basically it just states that we are to maintain our office here in the Town of Pink Hill, for the entirety of our time of the lease, nobody else that we have partnered with is requiring this of us but we want to be in Pink Hill so that isn't an issue. So basically I am done with the changes. With the understanding that we are still going to discuss the actual lease amounts. It is separate than the lease changes. Commissioner Pete states you are referring to the second page. Rodney says yes, not actually the contract per say. Mayor Mike says we are talking about the \$250 a year payment? Rodney says yes I have listed several options of what we are willing to give to the town in exchange for space on your towers. On this page I gave a list of three options but I am not married to any of the options, they are just to give you some ideas. Commissioner Pete asks Rodney, which one of these options are you giving to all the other towns that have your equipment on their tower. The middle one? Rodney says the middle one is the closest its just a little than what the other towns are getting but option 2 will be the closest to what we are going to anyone else. Pete states because of your offer for free internet to multiple places right. Yes Rodney states. Josh Dunham asks, what is option 2? Commissioner Pete says it states \$250 per tower per year, service to Brewer Park, service at the gymnasium for the police to monitor activity and the properties in the town, security system and responsibilities. Rodney says and higher speed here (at town hall). Pete says the conversation that you can't provide a 100 here that is wrong you can provide the same speed the town already is paying for correct sir? Rodney says yes sir and we are willing to guarantee that if we can't then we will pay the town \$300 a month. Commissioner Penny asks have you talked to anyone about how much the fencing is going to cost. Rodney says yes I have. Penny says can I get a ball park figure for that. Rodney says so the quote I got for a 50, using the measurements in the contract, which was a 6ft fence with barbed wire on top, it didn't mention this but I put in the quote for a double swing gate door, which Timmy isn't here tonight but that is what is used the most with fencing around water towers and that is going to run about \$5500 per site. Mayor Mike says so that \$11,000. Yes sir, but that is a quote for right now with the constant rise of prices we would need to go ahead and take care of that. George Jenkins, attorney, say I should have been more careful about drafting

this part, I didn't put how far out the fence would go from the base of the water towers. Based on your other water towers how far from the bases do you have between water tower and fence? Rodney says it depends on the water tower because of well heads. George says there is this one site in Kinston it is probably $\frac{3}{4}$ of an acre fenced in, I don't see that would be necessary. Rodney says right. Mayor Mike says especially the one on Broadway St. there is not much room because the town owns what the tank sits on, Rodney says yes that area is going to be tight. But Mike says the tower at the rural park is a bigger area and more space for fencing, they could actually drive up to the gate and drive in, Broadway it would be like it is now you'd drive up to the fence and have to walk in to the tank. Rodney says yes so real quick I went by the size of 50x50 which I thought was good I used google maps to go by, so I didn't price a teeny weeny fence but I also didn't price fence for half the town. I tried to be careful in how I worded the second page because you know I want to give the town substantially the same benefits that we give to our other towns, im going to tell you option 3 to me would benefit the town the most, I will tell you as an owner of Eastern Carolina Broadband option 3 is the most expensive to us. But again it doesn't have to be either of these options, I am willing to negotiate, I just cannot give yall three times more than what we do our other towns. Mayor Mike asks does anyone have any questions or concerns. Commissioner Pete says I would like to just clarify a few things, he says so the liability falls on who. Say your people climb the tower and damage some of your equipment or falls, damages the tower, where will the liability fall? Rodney says so if we are on the tower damage equipment, tower, or anyone falls/gets hurt all of the liability will be ECB. We are liable in every case not only that if Timmy or someone climbs up the tower and damages our equipment or the tower it is on us. And we have had this happen in Duplin County, equipment was damaged we cussed a little bit and fixed what needed to be fixed. Pete says when we are talking about the internet availability to those place, gymnasium, park the speed will be good enough that whatever system they decide to use the footage can be pulled up on a phone for monitoring, there is a program out there zmode, you can get that and the town can watch those things and police department can get that on their phones so they can pull that right up? Yes Rodney says, so again option 3 will be more beneficial to the town because there is different speeds with different options. Again trying to be consistent with value. The 25 by 3 and option 2 that would allow for security connections at the Brewer Park and gymnasium, again the town would be able to utilize that more at its discretion too, it's just not going to support 50 people on cellphones hitting it at one time. Where option 3 would were your talking about the Jones gymnasium and the ballfield. Mayor Mike asks Commissioner Penny does she have any concerns. Commissioner Penny say I think our top priority should be the fences, because after talking to Timmy he said that was something he would really really like to have. I am not happy with any of the 3 options in and of themselves. Last meeting you listed some of the towns and cities that you are on the water tower and so and so forth some of the cities that you are basically not on aren't mentioned along with Pink Hill, Deep Run, LaGrange, Kinston and you may be noticing a bit of a pattern here I mean I don't know all those cities happen to be in Lenoir County, and there is bound to be a reason that you're not on any of these that are in Lenoir County and there is bound to be a reason why any of these cities in Lenoir County that you know you have not be able to work this out with. I know you're basically saying these are pretty much offering the folks where you are and you have to be in line with but I think um that since those

folks are willing to let you down there towers for not a whole lot of compensation because those folks that you are already with are in dire need of internet. Pink Hill does not have that issue, as Mike mentioned in the meeting earlier in the year, you guys on the towers and so on and so forth you know the research he done about pretty much the going rate to rent space on the water tower was anywhere from \$220-\$500 a month. I'm just sitting here doing a little bit of math to compromise with what I can live with. The fences are what I think we really really need in addition to part of option #2, I mean my math isn't very good since I taught English or whatever but basically with the price you quoted with the fences and the 250 per tower per year, that will basically come out to the town benefiting around \$228 per year, which is pretty much at the low end of the going rate to put your equipment on the water tower, yeah that's compromise I can live with. Commissioner Pete says again those other towns are not receiving the taxes or the water bills from the benefit of this company with in its town. Commissioner Penny says yea uhm, you asked me what I thought that's my thoughts. Pete says yeah. Rodney say so uhm my response to Lenoir County and its towns, I met with Town of LaGrange and they had actually signed up with infinity link, to provide internet to their town. Kinston is a much larger town and we really haven't done anything with them and Lenoir County doesn't own a single water tower, where Duplin and Jones Counties do. I was just making a statement Commissioner Penny says. I know, I know, Rodney says. You know we were here way back and we are here again and you are absolutely right, Pink Hill does not need Eastern Carolina Broadband internet per say. Commissioner Penny says and I do realize there are a lot of folks nearby and around our town that needs access to internet. Rodney says there is a lot of people needing it. You know Pink Hill is drying up, we are losing the bank and you simple cannot just live off of who's is within the town. So helping support the greater community that comes and shops everyday with the town is big. So let's just respond, responding to the next issues, you stated you could live with, I think that was your wording, Yes Commissioner Penny say, Rodney goes on you can live with the fences plus \$250 per tower per year, okay. She nodes her head yes. One of the things I had mentioned to Mayor Mike that I will mention again is that my research of the Corona virus state and its fiscal fund, was brought up to give ECB \$5,000. I sent you, I mean Mike I should've sent to you all, there is no provision in the terms of the COVID money that specifies fiber is mentioned. Commissioner Penny says here is the information we were provided to base our decisions on spending the money given to us from Mike, it is stated in here. Ok Rodney says last mile program ok so the town had Corona Virus physical and state local recovery fund? See there is so much money floating around. Commissioner Penny says so one has nothing to do with the other correct? Rodney says yes. Mayor Mike says you see this is money, last mile, the town had to apply for. Rodney says that just the federal government. Mike says the money you're talking about was just awarded to the counties and towns, ARP money. That money automatically went to towns for water infrastructures and loss revenue, etc. I am sorry that's how we used the money and that's all the town has. Rodney says oh no, no I was talking about different money there is just so much different money out there. So my question is, is that there is so much money out there that the town can potentially apply for and the rules just were finalized April 1st. Mayor Mike says one round of money has been awarded and the second round will go out in July. Rodney says I guess my negative answer is that \$11,000 potentially more depending on how long it takes to get the fences up, is my with no \$250, no free internet up anywhere no nothing

but fences is our best offer. But now if the town is going to help me get some federal grant money that I can then invest back into the town, Jones County hasn't done that, Duplin County has not done that. Any of our partners haven't done that. So I could sleep very good at night knowing that the town has done something for me and I have put the money back into the town that none of my other partners have done and I can look them in the eye and tell them that and I would be very comfortable because again all I am doing is spending the money you give me in the town. Mayor says you're talking about two different pots of money. Commissioner Pete said so we applied for that grant here. Mayor Mike says no we didn't we didn't know anything about it. Rodney states and they just finalized that grant. Commissioner Penny says here is another compromise I'd be willing to consider, hum when we discussed in that same ARP meeting, Commissioner Fantini made a comment he had an issue within the contract, with you guys basically being exclusive on our towers because what that did was, Mayor Hill says that was taken out of the contract, Commissioner Pete says we addressed the exclusive part that ECB would be only exclusive on the ban that they run, Penny says that is the same thing, Pete says they would have to be because it wouldn't work if someone else went up on the tower and used the same ban, it's kind of like your radios for the fire department and anywhere else, each has a channel. That's what ECB is talking about they don't want exclusive rights to our towers just to the ban they use, right right that is in our contract too Rodney says. Rodney also says in Penny's defense when we came her 5 years ago we were asking for exclusive right to the towers but we have since edited that. In working with Duplin County we did obtain exclusive rights to their towers they had some concerns and we really had to work on that and narrow that down to the very least we had to have to be able to work for example part of that exclusivity or maybe its interference but threes a section on that that states if you have the 900 megahertz, for the election of the automatic water reading we promise we are not going to interfere with that. And of course if it does we will fix because the town and tanks come first. So it's the same stuff that if any cell company wants to come this does not absolutely prevent that in any way. Penny asks but if any other small company similar to yours wanted to come and get on our towers in addition to you, Rodney says as long as they aren't using my frequencies that would be fine. But the chances of another wireless internet company coming if we were here is extremely small but I don't want to sugarcoat it but no other company has come since 5 years ago when we asked and in the history no other company has come to Pink Hill, Penny says in the history of the town? Rodney says I mean no one else has come and asked to have space on your tank to the best of my knowledge, she says what about open broad brand? Rodney says open broadband came as a contractor of ours we had invited them to come in and do a study so we paid them to come here to do a study a couple of thousands of dollars to come do a study. No one is just coming to pink hill outta the blue. Commissioner Pete asks so if a smaller company came to town they can use the tower also they just cannot use your frequencies, correct? Right, right Rodney says and again I want to be as transparent as possible and honest we have rented every water tower in like a 200 arc around Pink Hill. We have also rented or leased space on all the farmers around grain elevators and again nobody around is going to want to come unless they go straight to Deep Run and get on their water towers, it just isn't a business case for them, again I want to be clear they can they just can't use our frequencies. Commissioner Penny says I have another question, since this is basically line of sight internet and we know that that's an issue when there are a lot of trees and

obviously the taller the apparatus that you have your signal coming from the less issues you will have but with the hundreds and thousands of dollars in grant money you guys have already gotten why have you not considered building your own towers? Oh yea Rodney says we have actually built two or three and we have a couple more in the plans so uhm we have built some. They are just really expensive to build and all of the grant money we have already received, I am trying to remember what we have left, is a 1/3 ratio to 2/3 ratio, so we spend a dollar and the government gives us two we spend with it so it's a 33/35 down, and at a 1/3 of the price they are still really expensive. I think I made the comment to Mayor Mike, and I didn't mean it ugly but sincerely, we don't need Pink Hill and the financial return of Pink Hill is good, I mean we would make money but we don't need Pink Hill but I want Pink Hill. I mean this is where I live, where our business is based. It just doesn't make any sense we have ran numbers several times to get a return on our investment just to build a tower somewhere here in Pink Hill, you know I have relatives and stuff right here, and it just doesn't make any sense to build right here even with grant money. Commissioner Pete Fantini says I am good with either options, I think #3 or 2 is going to benefit the town more than any of them just because there is options for security for our town for our police department, they can monitor activities and such without actually having to be there/here. They don't want to use Brewer Park because there is so much drug activity going on and the kids don't want to go there. We could monitor that activity. Rodney so me being sincere, I wasn't trying to limit yall. Example say 1 fence, \$250 a year, and internet at the park and the gym to allow for security cameras. No internet at town hall but one fence whichever tower site you chose, \$250 a year per tower, and internet for security essentially its whatever the town wants but its 25 by three, the park and gymnasium would be okay with us. Mayor Mike Hill says so your saying one fence, yes sir at whichever tower you decided stated Rodney, Mike says and \$250 per year per tower and security cameras for the park. Rodney says internet for capabilities of security cameras, you need security cameras outside gym not inside so for the perimeter, just to be clear I would provide the internet and the town would essentially provide their own system, I say that I mean we may would be willing to help you buy them or put them in but we are not maintaining them because we don't know how to. See that is just another option. Again I would really love to find a way we can make this work out. Commissioner Penny says well I told you the compromise I would be willing to live with and it's not that I am not sympathetic to the people needing internet outside of town needing internet contrary to what some may think because of any sort of grudge or so forth, for starters I think your situation is temporary I mean I don't know if you have noticed all the Spectrum trucks all around Pink Hill lately, Cierra Dunham spoke up and said Spectrum has confirmed they will not go down our road. I spoke to them myself or commit to. Mayor Mike says I need the audience to be quiet now isn't the time to speak, Cierra says well she was looking at me. Commissioner Penny says well I know they are going down Murphy Rd and Pleasant Hill Rd, there is other internet service. Internet is going places. You know I have to look at my neighbors everyday complain about their water bills going or this happening or this happening in the town that is going to cost them more money and we have to explain to all we aren't doing this by trying to be hard to get along with but yeah it takes a lot to operate this town and so forth, budget balancing and what not. That why I am looking out for the town and trying to make sure we can make some revenue too. Rodney says ok, Penny says that is my take my perspective on this. Well the really good news is is that if

Commented [TC1]:

we are short lived the fence will stay, we want take it down. Penny says I realize that. Attorney George Jenkins says if there is a fence around every site, would that also be in your best interest to protect your equipment? Rodney said oh we talked about that and ideally we would just put in the heavier more protected box you know padlock to protect our stuff. I mean every tower we are on already had there fence around them and none of the grain elevators have fences around them. The towers we have built have no fences. We go out and install light poles to protect our equipment. Commissioner Penny says I feel strongly about fences around each tower because that is something I know my water people want, that's their top priority in this deal, that's what they want. Commissioner Pete says to Penny so you willing to do two fences and sacrifice everything else? Commissioner Penny says no I told you what I am will to deal with. Mayor Mike Hill says she is willing to do the fences around each tower and \$250 per tower per year over the next five years. Commissioner Pete says but no internet service to any of the areas for security or anything else? Commissioner Penny says that contract that was on your desk and you didn't see for all those days or whatever, there was basically three things we asked for. And as far as I am concerned we made concession on one of those taken care of, free internet and I am not willing to give up the other two items asked for. Rodney says I understand, but real quick if you don't mind out of curiosity, we started off with the proposed, and of I didn't want to vote or to get passed this, but the proposed changes to the lease agreement does anyone have any concern with those changes? I am trying to figure out how big of a stumbling block we have got here. Mayor Mike says the only stumbling block we have now is what Commissioner Penny is requesting the \$250 per tower per year. Rodney says so I sat down with the other owners and hashed out all that I could for this deal how much of a leash do I got how far I can go or what can I do, I cannot do that tonight what is requested. Commissioner Pete says so in our meeting when we closed that meeting we said that doing the fences was the agreement, am I wrong on that? That putting the fences us and that it is was the agreement. That we wouldn't charge them the yearly fee. Commissioner Penny says no I don't remember that. Pete says are the minutes in here for that one? George says last month's hasn't been approved yet. Pete says that was October meeting I am talking about. You're referring to closed meeting we had and minutes are not recorded for closed session George says. Commissioner Penny says if that's not what we agreed on did we not do the contract that we think Pete? (Silence) Rodney says I really don't want to say it and you really don't want to hear it but I am willing to go back and ask and talk to the other owners and see what we can do but I cannot agree to do it tonight. I don't know that they may agree to it later because I mean \$11-12,000 in fence is a bunch but I will tell you if we go and the fence at Broadway is a 30x30 I mean may be cheaper, Mayor Hill says that what needs to be done, need to go to the sight and measure not go by google maps. Rodney says what I suggest then is that Timmy and I or someone go and measure the sight but I mean we need to have an agreement because I don't need to go measure and then someone change their mind on what they want. So what we need to do is go with a town representative and measure, I mean I will go tonight. Rodney says ok here ya go I am willing to go 12 grand, a guarantee expenditure of \$12,000 to go towards fence and or rent. So say the fence only cost \$9,000 town will keep the rest. That will be the yearly rent but that's it no other payments. So if we get a smaller fence and only spend \$6,000 then you will have \$6,000 left in rent. But I am willing to go \$12,000 towards fencing and rent. George says this price is over a 5 year span, Yes Mayor Hill says, Penny says

but you just stood right there and said you expect fence price to go up did you not? Rodney says yes but as Mayor Mike says the fence may not be the size I priced for so that will be the cost difference. Penny says if you are so sure of this why couldn't you have started this off by saying the price of the fence plus \$250 per year per tower? Rodney says because I don't know what the fence is going to cost but I am willing to go \$12,000. Commissioner Pete says his cap is 12 so if fence is 6 then, Penny says Pete I understand that no need to explain. George says why you all don't table this until he can get with Timmy to measure. Commissioner Pete says what I think is the man is here and willing to make a deal now and you've been dealing with this for how long?? Mayor Mike says 5 years, but since November this time Rodney says, 6 months. (Long Silence) Penny spoke up Mike I told you before meeting what I was willing to do my mind hasn't changed. Mike says I know you did. I am not changing my mind Commissioner Penny says. Mayor Mike Hill says Rodney will you go back to your people and renegotiate and come back to the next meeting. Rodney says so can I have this I will go back but what I need is to have someone go with me to measure the area, so I can get the correct quote for fencing and see where we go it may be we don't go anywhere. Mayor Mike Hill says are you in town tomorrow? Rodney says yes I will be, Mike says okay so get with Timmy to do the measuring and come back to the May 17th meeting to finalize this. Commissioner Penny said if everyone has to agree on the decision why didn't they come with you tonight. Rodney says because we discussed this and I was given perimeter of negotiating and that was it. I thought with the option presented that we were covered but obviously not with the measuring needing to be done and correct price on fence. Mayor Mike Hill says does anyone have anything else to discuss. Rodney says if I may what I really wanted to say before we started was the first and most important thing I wanted to discuss tonight was improved communication between us and the town. And I want this weather we can reach an agreement or not. I propose to do better, for example I should of touched base with Mike and sent email asked about contract or something. I propose to do better. Also the meeting years back with the public comment it was a poor decision and a poorly choice to handle it the way it was. I want to apologize to Penny for how things have been. Mayor Mike says if there is nothing further to discuss we will see you back at our next meeting Rodney and we are all dismissed. Meeting was adjourned.

Typed by Crystal Heath