

December 5, 2011

The Board of Commissioners of Franklin County, North Carolina, met for its Regular Meeting at 7:00 P.M. in the Commissioner's Conference Room located in the County Administration Building with the following Commissioners present: Chairman Sidney E. Dunston, Vice-Chairman E. Shane Mitchell, Penny McGhee, Donald C. Lancaster, Harry L. Foy, Jr., Robert L. Swanson and David T. Bunn.

Chairman Dunston called the meeting to order and asked the Board to consider a resolution of commendation for County Attorney Darnell Batton who will no longer serve as County Attorney on January 1, 2012.

**RESOLUTION OF THE BOARD OF COMMISSIONERS
FRANKLIN COUNTY, NORTH CAROLINA
COMMENDING DARNELL A. BATTON**

WHEREAS, Darnell A. Batton has served Franklin County, North Carolina as County Attorney since December 7, 1992; and

WHEREAS, it is the desire of this Board of County Commissioners to commend Mr. Darnell A. Batton upon a job well done, bringing credit to this County and its citizens for which this Board appreciates his hard work and dedication to Franklin County; and

WHEREAS, for 19 years, Mr. Batton has served the citizens of Franklin County, the Board of Commissioners, its management and staff in an exemplary manner; and

WHEREAS, Mr. Batton has participated in a number of County projects by providing legal counsel through the years including, but not limited to, major school renovations, a water and sewer infrastructure system to promote economic development and improved tax collection services; and

WHEREAS, Mr. Batton also played a vital role in the merger of the Franklinton School System with the Franklin County School System and participated in notable construction projects including, but not limited to, the Franklin County Detention Center, the Franklin County Airport now recognized as Triangle North Executive Airport and the Triangle North Franklin business park;

NOW, THEREFORE BE IT RESOLVED by the Franklin County Board of Commissioners that Darnell A. Batton be recognized for all of his outstanding achievements while serving as County Attorney. May Darnell A. Batton move forward with future endeavors knowing of the Board's appreciation for his dedication and hard work;

AND, that a copy of this commendation be spread upon the minutes of this meeting, be made available to the news media, and be given to Mr. Batton for future reference.

Chairman Dunston read the resolution and asked the Board to consider its approval. Commissioner McGhee made the motion to approve the resolution, seconded by Commissioner Swanson. The motion duly carried with all present voting "AYE."

Chairman Dunston presented Mr. Batton a plaque in recognition of his dedicated service.

1. ELECTION OF OFFICERS

At this time, Mr. Batton presided over the meeting and asked the Board to make nominations for Chairman of the Franklin County Board of Commissioners.

Commissioner McGhee nominated Commissioner Mitchell to serve as Chairman. No other nominations were submitted. Commissioner Mitchell was elected unanimously by acclamation to serve as Chairman.

Mr. Batton then asked the Board to submit nominations for Vice-Chair.

Commissioner Dunston nominated Commissioner Swanson to serve as Vice-Chair. No other nominations were submitted. Commissioner Swanson was elected unanimously by acclamation to serve as Vice-Chair.

Chairman Mitchell asked the Board to make an addendum to the agenda by adding the minutes of November 7, 2011 to the consent agenda as Item 2-F. Commissioner McGhee made the motion to add the minutes to the consent agenda, seconded by Commissioner Dunston. The motion duly carried with all present voting "AYE."

Chairman Mitchell asked the Board to consider approval of the consent agenda.

Commissioner McGhee made the motion to approve the consent agenda, seconded by Commissioner Dunston. The motion duly carried with all present voting "AYE."

The items approved are as follows.

2. CONSENT AGENDA

- A. November 21, 2011 Minutes
- B. Public Officials and Employee Bonds
- C. Releases, Adjustments, Refunds, and Tax Collection Report
- D. Resolution approving bank financing documents for the E911 project
- E. Project Ordinance for Industrial Development Fund Grant for infrastructure improvements at Triangle North Hub Site
- F. November 7, 2011 Minutes

3. 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.

Roger Lytle, 571 Williams White Road, Zebulon, NC

- Mr. Lytle stated he wanted to see someone new serve in the role of Chair of the Board. He also stated he would like to see supporting data of the redistricting map recently endorsed by the Board of Commissioners.

Harry Barrick, 60 Flat Rock Church Road, Louisburg, NC

- Mr. Barrick asked that Commissioner Foy request a regular agenda item to include a monthly budget report to be given at the first Board meeting of each month. He asked for the report to reflect the amount of money taken in and spent by department as well as how much is borrowed, etc.

4. PUBLIC HEARINGS

A. Rezoning Request – Neal Sherrod

The Board was asked to consider adoption of a zoning map amendment to rezone approximately 25.45 acres of a 247 acre parcel from Light Industrial (LI) to R-30 Residential on Peach Orchard Road (State Road 1114) in Franklinton Township. Following the public hearing, it was recommended that the Board of Commissioners utilize the attached rezoning checklist to assist in its decision.

Scott Hammerbacher, Planning and Zoning Director, stated his understanding that the reason for the request is to construct a residence on the property, however he said approximately five to twenty homes could be built there.

Chairman Mitchell opened the public hearing at approximately 7:12 P.M.

Shelton E. Peoples, Jr., 7326 NC Hwy 56, Franklinton, NC

- Mr. Peoples lives near the property subject to rezoning. He stated his property is zoned Light Industrial and wanted to know if his home were to be destroyed (by fire) would he be able to rebuild based on the current zoning. Mr. Hammerbacher stated a nonconformity could not be rebuilt, but stated the determining factor lies within the amount of damage to the structure. Mr. Peoples then asked Mr. Hammerbacher to describe the steps he must take in order to have his land rezoned. Mr. Hammerbacher provided his contact information to Mr. Peoples in order to obtain the information he seeks. Commissioner Foy then asked Mr. Peoples if his land was zone Light Industrial when it was purchased. Mr. Peoples stated it was zoned Light Industrial and said a home was already located on the property at purchase.

Chairman Mitchell closed the public hearing at approximately 7:15 P.M.

The Board then utilized the provided rezoning guide/checklist to assist in its decision.

Commissioner Foy made a motion to approve the zoning map amendment, seconded by Commissioner Bunn. The motion duly carried with all present voting "AYE."

5. TRIANGLE NORTH FRANKLIN PHASE I UTILITIES

On Tuesday, November 1, 2011, bids were received by Franklin County for the installation of the Phase I Utilities for the Triangle North Development. Five responsive bids were received and opened ranging from \$683,190 to the low bid submitted by HG Reynolds Company, Inc. in the amount of \$458,308. These bid prices included the base bid and an add alternate for additional pipeline. Based upon the bids received and references confirmed, Bryce Mendenhall, Public Utilities Director, recommended the base bid and add alternate be awarded to HG Reynolds Company, Inc. for the project as listed.

Commissioner Dunston made the motion to award a bid to HG Reynolds Company, Inc. of Henderson in the amount of \$458,308. The motion was seconded and duly carried approval with all present voting "AYE."

6. NOVOZYMES UPDATE

Novozymes North American President Adam Monroe provided an overview and update on Novozymes both globally and locally. The presentation featured some of the latest developments in bioinnovation. Among some of the highlights was work Novozymes has done with local schools as well as an update on employment and business developments.

Mr. Monroe's PowerPoint presentation is attached to the minutes and entitled "Exhibit 120511A."

Following the presentation, Chairman Mitchell thanked Novozymes for its community support and said he looks forward to working together in the future.

7. OTHER BUSINESS

Commissioner Mitchell provided a draft resolution to the Board entitled "Resolution Opposing State Regulations that Restrict Local Government Use of 911 Funds." He asked that the Board review the resolution and consider its approval on January 3, 2012. He stated the new disbursement of 911 funds is conducted in such a way that Franklin County will not receive the money that is collected within Franklin. He added that Dare County has already taken action by approving a similar resolution.

8. BOARD, MEMBER AND CLERK'S COMMENTS

This was the time set aside for the Board of County Commissioners, the County Manager, and the Clerk to the Board to report on various activities. The Board may also discuss other items of interest.

County Clerk Kristen G. King: Mrs. King commented on a ceremony and reception held earlier in the day honoring Franklin County Government employees who had achieved milestones in years of service. She stated that over 115 employee and retirees were recognized and thanked them for their dedication to the County.

Commissioner Foy: No report was offered.

Commissioner Bunn: No report was offered.

Commissioner Mitchell: Commissioner Mitchell stated he attended a function on December 3, 2011 at the Louisburg Armory. At that time, he said Commissioner Lancaster's spouse was honored. Mrs. Terry Lancaster's father was killed during the Korean War when she was an infant. He said the event was significant because it highlighted the daily sacrifices of our military. He commended Franklin County citizen and retired Marine Steve Trubilla for his coordination of the event. Commissioner Mitchell stated he attended the Louisburg Christmas Parade on December 4, 2011 as well as the employee service pin reception held earlier in the day.

Commissioner Dunston: No report was offered.

Commissioner Lancaster: No report was offered.

Commissioner McGhee: Commissioner McGhee stated she volunteered to assist in the organization of the Franklinton Christmas Parade on December 1, 2011.

Commissioner Swanson: Commissioner Swanson stated he participated in the Louisburg Christmas Parade on December 4, 2011.

County Manager Angela L. Harris:

- Mrs. Harris distributed a document from Franklin Community Health Services highlighting its recent accomplishments.
- She mentioned that Victor Alston, Veteran's Services Officer, has been asked by the Assistant Director for Veterans of North Carolina to serve on a committee that would rewrite the benefits training manual. She commented that doing so would give Franklin County a great opportunity to be represented and provide input.
- Mrs. Harris announced that EMS (Emergency Medical Services) Station Four must soon be relocated. Proper written notification has been received and Mrs. Harris stated an alternative location must be in place by the first of 2012. She said the Board would like be presented with a lease arrangement at its first meeting in January, 2012. Options are currently being explored for viability.
- Mrs. Harris also commented on the employee service ceremony and reception held earlier in the day. She thanked employees for choosing to work for Franklin County.

9. CLOSED SESSION

The Board was asked to consider entering into a closed session pursuant to the following North Carolina General Statutes:

- A. North Carolina General Statute 143-318.11 (a)(6), in order for the Board to discuss a personnel matter.
- B. North Carolina General Statute 143-318.11 (a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.
- C. North Carolina General Statute 143-318.11 (a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Commissioner Swanson made a motion to enter into closed session, seconded by Commissioner Dunston. The motion carried voted 6 to 1, with Commissioner Foy voting "NO."

Commissioner Lancaster asked how long closed session minutes must be sealed. County Attorney Darnell Batton responded by saying closed session minutes must be sealed until the purpose of the closed session can no longer be frustrated. Commissioner Lancaster said he would like to see closed session minutes released to the public when it is appropriate to do so. Mr. Batton stated the Clerk could begin posting unsealed closed session minutes on the County's web site. Commissioner Lancaster stated he would like to move in that direction.

The Board entered into closed session at approximately 8:00 P.M.

Following the closed session, Commissioner Dunston made a motion to enter back into open session, seconded by Commissioner Bunn. The motion duly carried with all present voting "AYE."

Commissioner Dunston made a motion to appoint Mr. David Guin to serve as interim County Attorney until such time a permanent appointment is made. The motion was seconded by Commissioner Swanson and duly carried approval with all present voting "AYE."

Chairman Mitchell stated the County will advertise immediately for the position of a contracted County Attorney. Interested persons must express interest by the December 16, 2011 deadline.

Chairman Mitchell then instructed the Clerk to the Board to research a policy regarding the release of closed session minutes and asked the Board to consider it at its first meeting in January, 2012.

At 9:46 P.M., Commissioner McGhee made a motion to recess until Tuesday, January 3, 2012 at 5:00 P.M., seconded by Commissioner Dunston. The motion duly carried with all present voting "AYE."

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