

February 4, 2013

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 E. Shane Mitchell, Vice-Chairman Sidney E. Dunston, Commissioners Cedric K. Jones, David T. Bunn, Harry L. Foy, Jr. and John M. May. Commissioner Don Lancaster arrived at 7:17 P.M.

Chairman Mitchell called the meeting to order and stated asked the Board to consider removing Item 6 (Discussion: Franklin Regional Medical Center) from the evening's agenda. He stated the request to be removed was made by Franklin Regional Medical Center. Commissioner Dunston made a motion to remove the item from the agenda, seconded by Commissioner Bunn. The motion duly carried approval with all present voting "AYE."

Chairman Mitchell then asked the Board to consider adding a closed session to the agenda pursuant to NCGS 143-318.11 (a)(3). Commissioner Dunston made the motion to add the closed session to the agenda, seconded by Commissioner May. The motion duly carried approval with all present voting "AYE."

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

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

The items approved follow.

1. **CONSENT AGENDA**

- A. January 22, 2013 Minutes
- B. Project Budget Ordinance (Vehicle Gate Project)
- C. Annual report of unpaid taxes that are liens on real property
- D. Consider TDA (Tourism Development Authority) request to fund a \$1,500 grant for the Fifth Annual Franklin County Historic Homes Tour (2013)
- E. Budget Amendment #2 (Pursuant to North Carolina General Statute 159-15, the County Finance Officer is requesting a budget ordinance amendment in the amount of \$258,762 for the fiscal year ending June 30, 2013 to amend the General Fund to additional appropriations and revenue received by the Social Services Department, Health Department and Library.)

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.

The following citizens addressed the Board seeking its approval of a resolution in support of the Second Amendment.

Mary Ella Hutchinson, 1490 Duke Valentine Road, Louisburg, NC

Roger Lytle, 571 Williams White Road, Zebulon, NC

Vi McCane, 90 Steeple Chase Road, Franklinton, NC

John Day, 391 Lake Royale, Louisburg, NC

Jeremy Neal, 2859 White Level Road, Castalia, NC

Scott Chabotte, 2074 West Green Street, Franklinton, NC

Dee Sams, 217 North Main Street, Franklinton, NC

Paul Paulumbo, 85 Wingate Way, Louisburg, NC

- Mr. Paulumbo provided his comments of support for the resolution during the time set aside for a public hearing regarding a Community Development Block Grant, Scattered Sites Grant (Item 3).

Commissioner Lancaster arrived during the course of comments offered by Mr. Day at approximately 7:17 P.M.

Alton Richardson, 942 Reed Road, Castalia, NC

- Mr. Richardson stated his concern with the theft of copper wire (owned by Duke Energy) along Collins Mill Road in Franklin County. He said the loss of power resulting from the theft caused many appliances to become defective in the home of a relative. Mr. Richardson said his family member had received correspondence from the power company stating it could not be held responsible for the theft. Mr. Richardson said other citizens had been affected similarly and said he is seeking assistance.

Christopher Neal, 822 Kenmore Avenue, Louisburg, NC

- Mr. Neal voiced a differing opinion from those who spoke in favor of the Board passing a resolution supporting and upholding Second Amendment rights. Mr. Neal said the Second Amendment is intact and has been intact for some time and has no fear the government will “take his guns.” He said government is simply asking the citizenry to be responsible and encouraged fellow citizens to “chill.”

3. PUBLIC HEARING – CDBG, SCATTERED SITES GRANT

The second Community Development Block Grant (CDBG) public hearing was required to allow citizens an opportunity to comment on the grant application going forward to North Carolina Commerce. The County is considering the submittal of a \$400,000 Scattered Site Housing (SSH) application to assist low income homeowners with major home repairs including reconstruction/replacement of homes beyond repair. The County advertised the housing assistance program and received 52 applications. SSH funds are sufficient to complete four to six homes depending on severity of housing need and rehabilitation costs. A list of eight applicants, including alternates, was presented for consideration.

At 7:38 P.M., Chairman Mitchell called the public hearing to order.

Mr. Paul Paulumbo provided comments irrelevant to the CDBG Scattered Sites Grant. His comments are referenced within the minutes of the public comment period (Item 2).

With no comments offered pertaining to the CDBG, Scattered Sites grant, Chairman Mitchell closed the public hearing at 7:41 P.M.

Commissioner Foy asked Scott Hammerbacher, Planning & Inspections Director, if any of the properties were rental properties. Mr. Hammerbacher stated all are owner occupied.

No action was needed or taken.

4. DISCUSSION: SECOND AMENDMENT RESOLUTION

At its previous meeting on January 22, 2013, the Board was asked to entertain a resolution to support the Second Amendment and to show opposition to any infringement on Second Amendment rights. At that time, a sample resolution entitled "A Resolution to Preserve and Defend the United States Constitution and North Carolina Constitution" was provided to the Board by Ms. Dee Sams. The Chairman asked staff to review the proposed resolution.

Upon staff review, a second resolution was created and provided to the Board for consideration.

A third resolution was submitted by Commissioner May for consideration. He read his proposal aloud for those in attendance. The resolution follows.

**RESOLUTION OF THE BOARD OF COMMISSIONERS
FRANKLIN COUNTY, NORTH CAROLINA
REAFFIRMING OATHS AND OBLIGATIONS TO UPHOLD AND DEFEND THE CONSTITUTIONS OF
THE UNITED STATES AND THE STATE OF NORTH CAROLINA**

WHEREAS, the Franklin County Board of Commissioners are the duly elected governing body of Franklin County, North Carolina; that upon each Commissioner's election he/she takes the following oath of office:

"I do solemnly swear that I will support the Constitution of the United States, so help me God"

"I do further solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God"

"I do further swear that I will well and truly execute the duties of the office of County Commissioner according to the best of my skill and ability, according to law, so help me God."

WHEREAS, it is the sworn duty of each Commissioner to uphold the entire Constitution of the United States and the Constitution of the State of North Carolina; that further it is our duty to uphold the laws of the United States and the laws of the State of North Carolina not inconsistent therewith; and

WHEREAS, the Second Amendment states "(a) well-regulated Militia, being necessary to the security of a Free State, the right of the people to keep and bear Arms, shall not be infringed;" and

WHEREAS, the United States Supreme Court in its decision District of Columbia v. Heller, held that the Second Amendment protects the right to possess a handgun in the home for the purpose of self-defense; and

WHEREAS, the United States Supreme Court in its decision McDonald v. City of Chicago held that the Due Process Clause of the Fourteenth Amendment incorporates the Second Amendment right recognized in Heller;

NOW THEREFORE BE IT RESOLVED, that the Franklin County Board of Commissioners does hereby affirm their opposition to any and all legislation, and/or Executive Orders that infringes upon the Second Amendment rights of the people as set forth in the Heller and McDonald decision;

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Franklin County Board of Commissioners does hereby reaffirm our solemn oaths and obligations to uphold and defend the Constitutions of the United States and the State of North Carolina so help us God.

Commissioner May made a motion to approve the resolution he proposed. The motion was seconded by Commissioner Lancaster.

Commissioner Foy said he was not familiar with the two cases mentioned within the resolution. He said individuals have the right to have firearms in their homes for protection and said that since the Sandy Hook shooting, he has heard much about the possible restriction of guns and gun magazines. Commissioner Foy said limiting the number of bullets one can have is wrong and said he opposes any and all further restrictions on rules and regulations regarding law abiding citizens' right to bear arms. He asked Commissioner May if he would be willing to amend his earlier motion.

Commissioner May said he stood by his motion.

Commissioner Lancaster said the Second Amendment already protects citizens' rights to bear arms and said if laws are properly enforced additional laws are unnecessary.

A vote was called for Commissioner May's motion to approve the resolution he proposed. The motion was seconded by Commissioner Lancaster and duly carried approval with all present voting "AYE."

The approved resolution is provided above.

5. TAX ADMINISTRATOR APPOINTMENT

Pursuant to North Carolina General Statute 105-349, the Board was expected to appoint a Franklin County Tax Administrator (Assessor/Collector) to fill the unexpired term of the former administrator which is set to expire June 30, 2013.

Commissioner Dunston made a motion to appoint Daniel Williams as Tax Administrator, to include assessor and collector, to fulfill the unexpired term of the former Tax Administrator which is set to expire June 30, 2013 with a starting salary of \$61,688. The motion was seconded by Commissioner Foy and duly carried approval with all present voting "AYE."

Chairman Mitchell recognized Mr. Williams and offered congratulations on behalf of the entire Board of Commissioners.

~~6. DISCUSSION: FRANKLIN REGIONAL MEDICAL CENTER (FRMC)~~

~~The Board has been asked to consider support of a CON (Certificate of Need) application to relocate one operating room license from an unused operating room at FRMC in Louisburg that will allow for operating an ambulatory surgery center in Youngsville.~~

~~**ACTION REQUESTED:** Consider support of CON (Certificate of Need) application.~~

7. CAPITAL AREA MPO'S NORTHEAST AREA STUDY

The Capital Area Metropolitan Planning Organization (CAMPO) is conducting a land use and transportation study of its northeastern planning area, including the portion of Franklin County within the MPO boundary. The study will examine future land use and transportation recommendations for highways, transit, bicycle and pedestrian modes of travel. The study is expected to last for approximately 18 months.


Ms. Shelby Powell, Senior Planner, CAMPO, presented an overview of the study's goals and objectives, and information about the project work plan, including how citizens and officials can be involved in the process. Ms. Powell's presentation follows.

Economic Vitality - Sustainability - Choices

NORTHEAST AREA STUDY

BOARD BRIEFING

Capital Area Metropolitan Planning Organization

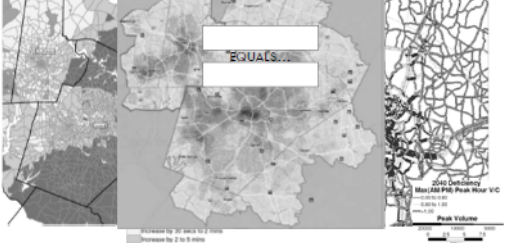


FRANKLIN COUNTY BOARD OF COMMISSIONERS
FEBRUARY 4, 2013

WHAT IS OUR DRIVER?

Change in Population (2040)


Change in T... **EQUALS...** ...ation... even with and" investment



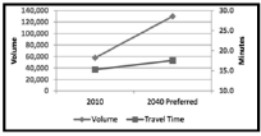
2040 Changing Met/AMPO Peak Hour VC
5:00 to 6:00
Peak Volume

Released by 2013-02-01
Revised by 2 to 5 miles
Revised by 5 miles or more

METROPOLITAN TRANSPORTATION PLAN




The MTP Preferred Network in 2040 (left) and performance on US 64 East (below).




Year	Volume	Travel Time (minutes)
2010	~40,000	~15.0
2040 Preferred	~100,000	~20.0

N.E.A.S. PROJECT OVERVIEW

- Project Sponsor:**
 - The Capital Area Metropolitan Planning Organization (CAMPO)
 - WCDOT, Towns of Bunn, Franklinton, Youngsville, Zebulon, Wendell, Knightdale, Rolesville, Wake Forest, Wake County and Franklin County
- Project Consultant:**
 - Stantec Team – Alta, LandDesign, AMT, Eyde, Kostelec Planning
- Process:**
 - 18 month duration
 - Core Technical Team (planners and staff)
 - Stakeholder Oversight Team (decision-makers)
- Expected result:**
 - integrated approach that considers land use, development, environment, and transportation simultaneously.



PROCESS



- Flexible & responsive framework
- Close the Gap – “Donut Hole”
- Innovative Outreach to those traditionally not involved
- Explore the “what if’s” of region’s future (Scenario Planning)
- Consider the influence of land use in tandem with transportation analysis
- Progressive MOE’s – measure income, tax base, economic impacts
- Consider livability and economic competitiveness

OUTREACH STRATEGY

Timing is Everything

- Symposia
- Web Presence
- Interactive Media
- School-Based Outreach
- Traveling Road Show
- Meetings with Public Officials
- Core Technical Team / Study Oversight Team



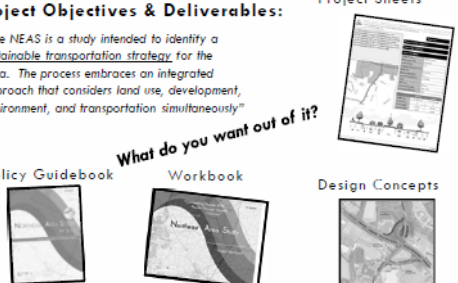
SO, WHAT'S IN IT FOR YOU?

Project Objectives & Deliverables:

“The NEAS is a study intended to identify a sustainable transportation strategy for the area. The process embraces an integrated approach that considers land use, development, environment, and transportation simultaneously”

What do you want out of it?

- Project Sheets
- Policy Guidebook
- Workbook
- Design Concepts



NORTHEAST AREA STUDY PROJECT WORK PLAN: THE BIG PICTURE

Symposium

2.2013 6.2013 12.2013 5.2014

PHASE I:

- data
- web presence
- surveys
- rail crossings
- hot spots

PHASE II:

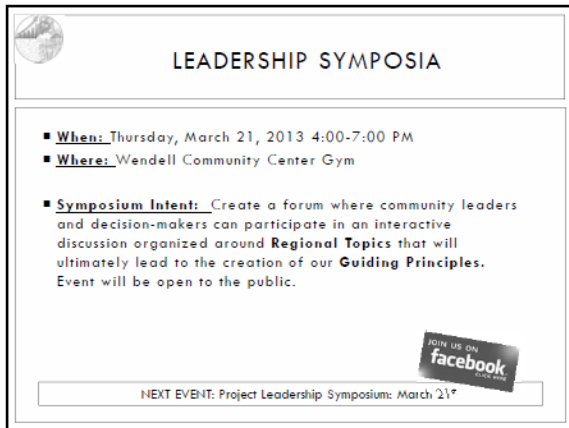
- market assessment
- COLA/mapping
- recommendations
- draft policy guide

PHASE III:

- revise recommendations
- revise best practice guidebook
- revise conceptual designs
- review and adopt final documents

PRODUCTS:

- land suitability
- public feedback
- health assessment
- hot spot recommendations
- policy guide
- bicycle-pedestrian transit
- auto/roadway



LEADERSHIP SYMPOSIA

- **When:** Thursday, March 21, 2013 4:00-7:00 PM
- **Where:** Wendell Community Center Gym
- **Symposium Intent:** Create a forum where community leaders and decision-makers can participate in an interactive discussion organized around **Regional Topics** that will ultimately lead to the creation of our **Guiding Principles**. Event will be open to the public.

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NEXT EVENT: Project Leadership Symposium: March 21*



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www.NEareastudy.com

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Commissioner Lancaster serves on the advisory committee of the MPO. He commented on the importance of expanding Highway 401 in Franklin County from a two-lane highway to a four-lane highway. He said doing so is a critical component of Franklin County's ability to grow and thrive.

Ms. Powell said the Highway 401 project has been near the top of the MPO's priorities for some time now. She said the study will examine some of the issues with Highway 401. She said the next segment of 401 expansion is scheduled to begin in 2016. Expansion of Highway 401 into Franklin County has yet to be approved for funding, but remains in the State's Transportation Improvement Program as an unfunded project.

No action was requested or taken.

8. US 1 CORRIDOR STUDY

The Board was asked to consider approval of the revised Memorandum of Understanding and By-Laws for the US 1 Council of Planning.

Commissioner May made a motion to approve the revised Memorandum of Understanding and By-Laws for the US 1 Council of Planning. The motion was seconded by Commissioner Dunston and duly carried approval with all present voting "AYE."

9. APPOINTMENTS

The Board was asked to consider the following appointments.

A. Airport Commission

An appointment was needed to the Airport Commission. (Commissioner Dunston)

Commissioner Dunston nominated John Allers for reappointment. The nomination carried unanimously.

B. Board of Adjustment

Two appointments were needed to the Board of Adjustment. (Commissioners Mitchell and Lancaster)

No appointments were made.

C. Department of Aging Advisory Board

Three appointments were needed to the Department of Aging Advisory Board. (Commissioners Mitchell, Lancaster and Dunston)

Commissioner Mitchell nominated Rosanell Eaton for reappointment. The nomination carried unanimously.

Commissioner Dunston nominated Eldora Perry for reappointment. The nomination carried unanimously.

Commissioner Lancaster nominated M. Rose Gill for appointment. The motion carried unanimously.

D. Emergency Medical Services Advisory Committee

Two appointments were needed to the Emergency Medical Services Advisory Committee. (Commissioners Mitchell and Lancaster)

No appointments were made.

E. Franklin-Vance-Warren Opportunity, Inc. Board of Directors

Commissioner David Bunn was asked to select an alternate (representing a County Commissioner) on the Franklin-Vance-Warren Opportunity, Inc. Board of Directors.

No appointment was made.

F. Library Board

An appointment was needed to the Library Board. (Commissioner Lancaster)

No appointment was made.

G. Parks and Recreation Advisory Board

Two appointments were needed to the Parks and Recreation Advisory Board. (Commissioners Mitchell and Lancaster)

No appointments were made.

H. Planning Board

Four appointments were needed to the Planning Board. (Commissioners Mitchell, Lancaster and May)

Commissioner Lancaster nominated Steven Beuscher for reappointment. The nomination carried unanimously.

Commissioner May appointed John O. Sledge, III for appointment. The nomination carried unanimously.

I. Solid Waste Education Task Force

An appointment was needed to the Solid Waste Education Task Force.
(Commissioner Dunston)

No appointment was made.

J. Tourism Development Authority

Two appointments were needed to the Tourism Development Authority.
(Commissioners Dunston and Bunn)

No appointments were made.

Regarding service on various boards and commissions, Chairman Mitchell encouraged citizens to express interest by submitting a citizen application form to the Clerk.

10. OTHER BUSINESS

No items were discussed.

11. 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.

County Clerk Kristen G. King: No comments were offered.

Commissioner Lancaster: No comments were offered.

Commissioner Jones: Commissioner Jones participated in an event where eighth grade students from Terrell Lane Middle School toured the Town of Louisburg and learned about its historical significance.

Commissioner May: Commissioner May commented on his attendance at the North Carolina Association of County Commissioners' Legislative Goals Conference. He commented on controversy at the conference regarding the Wake County Board of Commissioners' desire to control school construction.

Commissioner Mitchell: Commissioner Mitchell was the keynote speaker at Career and Technical Education Credential Night held at Louisburg High School.

Commissioner Dunston: In January, Commissioner Dunston attended North Carolina Association of County Commissioners Legislative Goals' Conference. He said the Board selected 58 goals to present to the Legislature this year with concentration on the top five goals listed below.

- Oppose shift of state transportation responsibilities to counties
- Reinstate ADM and lottery funds for school construction.
- Oppose unfunded mandates and shifts of state responsibilities to counties.
- Ensure adequate mental health funding.
- Preserve the existing local revenue base.

Commissioner Bunn: No comments were offered.

Commissioner Foy: No comments were offered.

County Manager Angela L. Harris: Mrs. Harris informed the Board it would be asked to reaffirm its support of the YouthBuild initiative at its meeting on February 18, 2013. First attempts for a grant were unsuccessful; however Mrs. Harris said a second grant cycle has opened.

12. CLOSED SESSION

Chairman Mitchell asked the Board to consider a closed session pursuant to 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.

At approximately 8:29 P.M., Commission Dunston made the motion to enter into closed session pursuant to NCGF 143-318.11 (a)(3), seconded by Commissioner Jones. The motion carried 6 to 1 with Commissioner Foy voting "NO."

At approximately 8:44 P.M., Commissioner Lancaster made a motion to enter back into open session, seconded by Commissioner Bunn. The motion duly carried approval with all present voting "AYE."

Chairman Mitchell announced that no action was taken.

At approximately 8:46P.M., Commissioner Lancaster made a motion to adjourn, seconded by Commissioner May. The motion duly carried approval with all present voting "AYE."

E. Shane Mitchell, Chair

Kristen G. King, Clerk to the Board

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