

**March 19, 2012**

The Board of Commissioners of Franklin County, North Carolina, met for its Regular Meeting at 7:00 P.M. in the Hamilton Hobgood Courthouse Annex in Louisburg with the following Commissioners present: Chairman E. Shane Mitchell, Vice-Chairman Robert L. Swanson, Sidney E. Dunston, Donald C. Lancaster, Harry L. Foy, Jr. and David T. Bunn.

*Approximately 175 individuals were in attendance.*

Chairman Mitchell announced that Levoie Senter passed away this evening. Ms. Senter was the mother of Franklinton Mayor Elic Senter, Chris Senter and wife of retired District Court Judge J. Larry Senter.

Chairman Mitchell called the meeting to order and asked the Board to consider addendums to the consent agenda by adding Item 1-H (Polling Places Usage Agreement between Franklin County and the Seven Paths Community Center) and removing Item 1-G (Resolution regarding requests for additions to the State Maintained Secondary Road System).

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

Chairman Mitchell also asked the Board to consider removal of Item 3-A (Incentive Request for Custom Dynamics). Commissioner Swanson made the motion to remove the item from the agenda, seconded by Commissioner Dunston. The motion duly carried with all present voting "AYE."

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

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

The items approved are as follows.

**1. CONSENT AGENDA**

- A. February 20, 2012 Minutes
- B. March 5, 2012 Minutes
- C. Releases, Adjustments, Refunds, and Tax Collection Report
- D. Audit Contract for FYE 2012
- E. Resolution for Grant Agreement for funding of Airport Aid Project 36244.43.8.1 (Land Acquisition of Gordon Property)
- F. CPT Rate Codes
- ~~G. Resolution regarding requests for additions to the State Maintained Secondary Road System~~
- H. Polling Places Usage Agreement (Seven Paths Community Center)

**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.

**Faye Griffin, 132 Rex Place, Louisburg**

- Ms. Griffin questioned the revaluation process and wanted to know if the County had until December, 2012 to have the revaluation model corrected. Mr. Jimmy

Tanner, Tax Administrator, confirmed Ms. Griffin's understanding and stated no citizen would be denied the right to appeal their assessed value.

**Debbie Ogilvie, 78 Hayes Way, Franklinton**

- Ms. Ogilvie stated her parents received property tax relief in Scotland County, North Carolina after they filed an AV-9 form. She said she wanted to make sure eligible citizens are aware relief exists.

**Barbara Burnette, Greys Mill Road, Louisburg**

- Ms. Burnette signed up to comment but stated her questions had already been answered through those of other citizens.

**June Wheeler, 833 Johnstontown Road, Zebulon**

- Ms. Wheeler commented on manufactured housing she understood had not been assessed and wanted to know if there are other properties that have been similarly overlooked.

**Jasper Tharrington, 32 NC 98 Highway East, Bunn**

- Mr. Tharrington stated he was unaware until recently that his residence was zoned as commercial property for residential use by the Town of Bunn. Mr. Tharrington stated he had no problem marketing the property as commercial but stated he did not want to pay commercial property rates if it was being used as residential. Mr. Tharrington said citizens should be better protected at the State level. Mr. Jimmy Tanner, Tax Administrator, stated he had spoken with Mr. Tharrington a few weeks prior and felt he may have received incorrect information from Bunn officials regarding "grandfathering." He said grandfathering is allowed in planning and zoning but it is not allowed in taxing.

**Jeremy Neal, 2859 White Level Road, Castalia**

- Mr. Neal stated his concerns with the Polling Places Usage Agreement (Seven Paths Community Center) approved earlier in the evening. He commented the property owner was not listed on the agreement. He also stated opposition to the site and said the parking lot was a hazard for some. He stated all residents of the Lake Royale Community vote at the Seven Paths Site and said the center was not adequate for space needs. Secondly, Mr. Neal commented the Board of Commissioners had received a bad reputation over the recent revaluation that was unfair. He commented that Mr. Tim Cain (Assessment Solutions, Inc.) is the problem and wanted to know where Mr. Cain retrieved his data. He said in parts of the County, land is rarely sold but rather passed from generation to generation. Mr. Neal said he could never justify Mr. Cain's work product or the tax dollars paid for the project.

**Peggy Zaebst, 107 Cedarwood Drive, Louisburg**

- Ms. Zaebst commented her questions were addressed by Mr. Neal's previous comments.

**Tom Penny, 20 Totten Court, Youngsville**

- Mr. Penny thanked Ms. Debbie Ogilvie for her earlier comments regarding the AV-9 form for tax relief. Mr. Penny then asked how much money the County had spent on incentives in the last three to five years. Mrs. Angela L. Harris, County Manager, stated a meeting was already scheduled for the following week with Economic Development to create such a report. Upon completion, she said the information would be formally presented at a meeting of the Board of Commissioners. Mr. Penny then asked who managed Mr. Cain (reappraisal

contractor/Assessment Solutions, Inc.) during the revaluation process and if the Board needed to make a motion to remove former Commissioner McGhee following the announcement of her recent resignation. Mr. Penny was informed no action was needed by the Board.

### 3. PUBLIC HEARINGS

#### A. Incentive Request – Custom Dynamics

~~On February 6, 2012 the Board scheduled a public hearing for March 19, 2012 regarding an incentive request for Custom Dynamics. Staff has asked that this item be delayed until the Board's April 2, 2012 meeting.~~

The hearing for the incentive requested was delayed until April 2, 2012.

#### B. Unified Development Ordinance (UDO) Text Amendment

Mr. Scott Hammerbacher, Planning and Inspections Director, asked the Board to conduct a public hearing and consider adoption of a text amendment to the Franklin County Unified Development Ordinance (UDO) to amend Section 2-2 (Definition of Basic Terms), Section 6-1 (Table of Permitted Uses) to provide consistency with NC State Law regarding Bona Fide Farms.

He said North Carolina General Statute 105-277.2 through 105-277.7 provides the criteria for the qualification and regulations for bona fide farms throughout North Carolina. He said staff feels the changes will provide necessary consistency with current North Carolina State Law.

The Planning Board unanimously recommended approval of the proposed text amendment.

At 7:50 P.M., Chairman Mitchell opened the public hearing.

No comments were offered.

At 7:51 P.M., Chairman Mitchell closed the public hearing.

The Chairman did not ask for action on the item and requested that formal action be taken at a later date.

#### C. Unified Development Ordinance (UDO) Text Amendment

Mr. Scott Hammerbacher, Planning and Inspections Director, asked the Board to conduct a public hearing and consider adoption of a text amendment to the Franklin County Unified Development Ordinance (UDO) to amend Section 2-2 (Definition of Basic Terms), Section 6-1 (Table of Permitted Uses), Section 6-2 (Notes to the Table of Permitted Uses) & Section 7-3 (Table of Regulations for Conditional Uses) to allow for Solar Energy Farms.

Mr. Hammerbacher stated the Planning Board proposed to amend the UDO to allow for Solar Energy Farms as a Conditional Use within the Agricultural Residential (AR), Residential-1 (R-1), Residential-8 (R-8), Residential-15 (R-15), Residential-30 (R-30), Residential-40 (R-40), and Residential-80 (R-80)

zoning districts and as a Permitted Use within the Light Industrial (LI) and Heavy Industrial (HI) zoning districts.

According to Mr. Hammerbacher, Solar Energy Farms have been gaining popularity across the state and planners have been trying to establish regulations and development standards for these. Planning Staff has researched several ordinances across the state in order to establish regulations that it feels would fit within the UDO.

Mr. Hammerbacher said the proposed amendment will provide criteria to regulate the size and location of Solar Energy Farms.

The Planning Board unanimously recommended approval of the proposed text amendment.

At 7:58 P.M., Chairman Mitchell opened the public hearing.

**William Jackson, Youngsville**

- Mr. Jackson asked if land was cleared for the project and if the suggested fence height should be higher at 10 or 12 feet. Mr. Jackson was informed the action proposed this evening was not in reference to any specific project.

**Vi McCane, Steeple Chase Run, Franklinton**

- Ms. McCane stated she has seen solar energy farms and suggested citizens examine these types of farms before they are allowed in the community.

**Chris Killenberg, Chapel Hill**

- Mr. Killenberg stated he works for the company that is exploring the use of a solar farm in Franklin County. He said the company is in keeping with regulations within other jurisdictions and said the solar farm the company is contemplating would be on a 12-acre piece of property. He said solar panels are approximately 8-feet high and stated they are not structures that would be seen from a great distance. He said the solar panels are simple structures that simply produce electricity. He said his company would sell the energy to Progress Energy.

**Bruce Allen, 992 Mays Crossroads Road, Franklinton**

- Mr. Allen expressed his concerns with solar farms.

**Peggy Zaebst, 107 Cedarwood Drive, Louisburg**

- Ms. Zaebst asked Mr. Killenberg, who spoke previously during the hearing, if there are solar farms in Chapel Hill where he lives. Mr. Killenberg stated there are solar farms in Chapel Hill as well as in Roxboro and Charlotte, North Carolina. He expects many more solar farms will be coming soon.

At 8:17 P.M., Chairman Mitchell closed the public hearing.

Based on concerns mentioned during the public hearing, Commissioner Foy said he felt no need to rush into approval of the text amendment and asked for further investigation.

Commissioner Foy then made a motion to table the item, seconded by Commissioner Lancaster. The motion duly carried with all present voting "AYE."

Commissioner Mitchell stated he did not see (in the information packet provided) any information regarding who would be responsible for maintenance of solar farms once they are created. Mr. Hammerbacher stated maintenance discussions would be discussed with each company who proposes to locate a solar farm in Franklin.

D. Community Development Block Grant (CDBG), Scattered Sites Grant Application

The Board was asked to conduct a public hearing to solicit input on an upcoming CDBG Scattered Sites Grant application.

Scott Hammerbacher, Planning and Inspections Director, stated this second CDBG public hearing is required to allow citizens an opportunity to comment on the grant application going forward to NC Commerce. The County is considering the submittal of a \$400,000 Scattered Site Housing (SSH) application to assist low income (50% or less of area median income) homeowners with major home repairs including reconstruction/replacement of homes beyond repair.

The County advertised the housing assistance program and received 52 applications. Applications had to include proof of income and proof of ownership. Applications were ranked for assistance based on several rating factors including income, elderly, physically handicapped, minor children, and single parent status.

The highest ranked households were interviewed at their homes, a housing needs assessment was completed, photos were taken, and an estimated construction cost was developed by a rehabilitation specialist. SSH funds will be sufficient to complete from four to six houses depending on severity of housing need and rehabilitation costs.

At the public hearing a list of applicants (including alternates) were presented for consideration. Alternates are necessary in the event a household elects at a later date not to participate or is determined to not be eligible.

Mr. Hammerbacher stated the project does not require a County match.

At 8:21 P.M., Chairman Mitchell opened the public hearing.

No comments were offered.

At 8:22 P.M., Chairman Mitchell closed the public hearing.

Commissioner Swanson made the motion to approve the list of applicants and alternates eligible for the program, seconded by Commissioner Dunston. The motion duly carried with all present voting "AYE."

*Chairman Mitchell called for a brief recess before moving on to the next agenda item.*

#### **4. DISCUSSION: REVALUATION**

Mr. Tim Cain, reappraisal contractor, Assessment Solutions, Inc., provided an update to the Board regarding progress of the reappraisal process.

Mr. Cain stated he remains a firm believer that his models for reappraisal are good models, but said they are only as good as the location of property sales. Regarding property owner's complaints about assessed values, Mr. Cain said his company would not stop working until all values are correct. He said the statistical information he used was good as well as his model and commented he had met with Commissioners (in open meetings) on several occasions to keep the Board informed of the revaluation process. He stated there were, in fact, inconsistencies along US Highway #1 that are being changed.

With regard to informal appeals, Mr. Cain said ten percent of the total number of parcels within the County had been appealed. He said he would personally continue to hear informal appeals until Friday, March 23, 2012. He anticipates a second set of revaluation notices will be mailed within 10 to 20 days.

Commissioner Lancaster asked Mr. Cain to confirm he is revisiting values along US Highway #1 as a whole, looking at rural acreage tracts and commercial properties whether or not they are located within municipalities. Mr. Cain confirmed he would be.

Mr. Cain then stated his wish that language regarding the 20-day timeframe for informal appeals (on the assessed value notice) had been worded better or differently.

Mr. Cain also stated his feeling there were a lot of inconsistencies before the recent revaluation project and said the values are now being brought to a level where they should have been previously.

Commissioner Mitchell addressed Mr. Cain's comment about many inconsistencies along US Highway #1, but noted those are not the only areas of concerns in the County. He asked that Mr. Cain look at all areas closely because they had not been closely examined up until this time. Commissioner Mitchell then asked for an update on an advisory committee the Board asked for at its previous Special Called Meeting on March 5, 2012. The group is intended to assist the Board of Commissioners as it sits as the Board of Equalization and Review and considers formal citizen appeals.

Mr. Jimmy Tanner, Tax Administrator, stated he had already formed and met with the committee and said the group had already isolated some areas of concern. He said a lot of helpful information was share among the committee in an informal roundtable discussion. According to Mr. Tanner, the committee is comprised of Franklin County citizens who are farmers, real estate representatives, bankers and others.

No action was requested or taken.

#### **5. DISCUSSION: SCHEDULING BOARD OF EQUALIZATION AND REVIEW**

Mr. Jimmy Tanner, Tax Administrator, discussed the scheduling of meeting dates for the Board of Commissioners as it sits as the Board of Equalization and Review.

He suggested the Board hold its initial Board of Equalization and Review meeting during its regular board meeting on May 7, 2012. Adjournment of the Board of Equalization and Review will be advertised as June 11, 2012.

Mr. Tanner indicated the information would be posted on the Tax Department's website as soon as possible.

## 6. APPOINTMENTS

### Adult Care Home Community Advisory Committee

The Board was asked to consider the reappointment of Ms. Mary Murphy (3 year term) and the appointment of The Board is asked to consider the reappointment of Ms. Mary Murphy (3 year term) and the appointment of Ms. Geraldine Watson and Mr. Wilbert Wilkins (1 year terms). This request was supported by the Regional Ombudsman Kimberly Hawkins.

Commissioner Dunston made a motion to reappoint Ms. Mary Murphy and to appoint Ms. Geraldine Watson and Mr. Wilbert Wilkins to the Adult Care Home Community Advisory Committee. The motion was seconded by Commissioner Swanson and duly carried approval with all present voting "AYE."

## 7. OTHER BUSINESS

No new business was discussed.

## 8. 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 report was offered.

**Commissioner Lancaster:** Commissioner Lancaster noted his attendance at recent meetings of the Airport Commission and Parks and Recreation Advisory Board. He stated the Parks and Recreation Advisory Board is again in search of property for the V.E. and Lydia H. Owens Park. He encouraged the public to provide input.

**Commissioner Dunston:** No report was offered.

**Commissioner Foy:** No report was offered.

**Commissioner Bunn:** No report was offered.

**Commissioner Mitchell:** Commissioner Mitchell attended a recent public meeting in Franklinton regarding a study of the US#1 Corridor. He also attended a recent meeting of the Franklin County Firemen's Association. He commented citizens may soon receive letters from the North Carolina Department of Insurance regarding increases in their Homeowner's Insurance. He stated increases were legal but encouraged citizens to examine their rates as insurance companies are beginning to utilize imperfect GIS (geographic information systems) systems to establish rates.

**Commissioner Swanson:** No report was offered.

**County Manager Angela L. Harris:**

- Mrs. Harris stated the North Carolina State Board of Elections recently appointment Mr. Thomas Bregger to serve on the Franklin County Board of Elections. Mr. Bregger replaces Mrs. Sandra Woodland.
- Mrs. Harris stated she emailed the Board regarding a hearing regarding the Town of Franklinton versus Franklin County (water dispute). The hearing is set for March 23, 2012 regarding the pre-audit certificate, unpaid sewer and to dismiss Franklinton's claims.

- Mrs. Harris reminded the Board that Mr. Graham Stallings will be stepping down as Animal Control Director at the end of March, 2012. Sheriff Jerry Jones has been asked to step in and assist.
- Mrs. Harris stated staff is evaluating ways the County can work collaboratively with the Town of Youngsville as it pertains to the town's public utilities.
- Mrs. Harris stated she recently attended a Special Olympics Event held at Bunn High School where 54 athletes participated in activities. Franklin County Parks and Recreation also participates in the event.

At 9:44 P.M., Commissioner Dunston made a motion to adjourn, seconded by Commissioner Swanson. The motion duly carried with all present voting "AYE."

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E. Shane Mitchell, Chair

Kristen G. King, Clerk to the Board