

September 6, 2016

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 Cedric K. Jones, Commissioners Harry L. Foy, Jr., E. Shane Mitchell and David T. Bunn. Commissioners Don Lancaster and John M. May were absent.

Chairman Dunston called the meeting to order and asked the Board to consider approval of the consent agenda.

Commissioner Foy made a motion to remove Item I-E for further discussion. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting "AYE."

Commissioner Foy then made a motion to approve the remainder of the consent agenda, seconded by Commissioner Bunn. The motion duly carried approval with all present voting "AYE."

The following items were approved.

I. CONSENT AGENDA

- A. August 15, 2016 Minutes
- B. Resolution to apply for Water Infrastructure funding
- C. Resolution changing the Board's regular monthly meetings in October 2016
- D. 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 \$45,000 for the fiscal year ending June 30, 2017 to amend the General Fund for expenditures and revenues for a Hazard Mitigation Plan Grant.)
- ~~E. Interlocal Contract for Cooperative Purchasing~~

Commissioner Foy asked Finance Director Mitchell Robinson to provide an explanation of Item I-E (Interlocal Contract for Cooperative Purchasing). Mr. Robinson stated the intent of approving an Interlocal Contract for Cooperative Purchasing is to save the county money when purchasing specialty vehicles such as ambulances. He said the association is a nationwide organization that utilizes bulk buying.

Commissioner Foy made a motion to approve the Interlocal Contract for Cooperative Purchasing, seconded by Commissioner Bunn. The motion duly carried approval with all present voting "AYE."

Item I-B

RESOLUTION BY GOVERNING BODY OF APPLICANT	
WHEREAS,	The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of a wastewater collection system and pumping system improvement, and
WHEREAS,	The <u>County of Franklin</u> has need for and intends to construct a wastewater collection system, project described as replacement of the existing Youngsville Regional Pump Station, Force Main and sewer service rehabilitation and replacement in the Town of Youngsville, and
WHEREAS,	The <u>County of Franklin</u> intends to request state (loan or grant) assistance for the project,
NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF FRANKLIN:	
	That <u>County of Franklin</u> , the Applicant, will arrange financing for all remaining costs of the project, if approved for a State (loan or grant) award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the County of Franklin to make scheduled repayment of the loan, to withhold from the County of Franklin any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Sidney E. Dunston, Chair, Franklin County Board of Commissioners, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Item 1-C

RESOLUTION CHANGING THE BOARD OF COMMISSIONERS REGULAR MONTHLY MEETINGS IN OCTOBER 2016

WHEREAS, the Franklin County Board of Commissioners typically conducts its regular meetings on the first and third Monday of each month except as outlined in its schedule published annually; and

WHEREAS, the Franklin County Board of Commissioners may change the date of its monthly meetings provided a sufficient amount of advance notice is provided the media and the public and publicized and posted in the appropriate County locations; and

WHEREAS, the Franklin County Board of Commissioners is scheduled to conduct its regular meetings on October 3, 2016 and October 17, 2016; and

WHEREAS, there is a need to cancel the Board's October 17, 2016 meeting and conduct a regular meeting on October 24, 2016;

NOW, THEREFORE, BE IT RESOLVED that the Franklin County Board of Commissioners does hereby agree to hold its regular monthly meetings for the month of October 2016 on October 3, 2016 and October 24, 2016 at the Franklin County Administration Building at 113 Market Street, Louisburg, North Carolina, and said meetings will be held at 7 p.m.

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. No comments were offered.

3. PUBLIC HEARING

A. Franklin Medical Center

The Board was scheduled to receive public input on a resolution of intent to lease or sell all or part of Franklin Medical Center. The resolution was approved by the Board on August 15, 2016.

Chairman Dunston opened and closed the public hearing at 7:08 P.M. with no public comments offered.

B. Franklinton CDBG Water System Improvements Project Closeout

The Board conducted a public hearing in order to review the budget and activities that have been accomplished through the CDBG grant. All activities are complete and the County is in the process of closing out the grant.

Chairman Dunston opened and closed the public hearing at 7:10 P.M. with no public comment offered.

Commissioner Mitchell made a motion to approve the closeout of the CDBG grant, seconded by Commissioner Foy. The motion duly carried approval with all present voting "AYE."

4. WATER AND SEWER ALLOCATION STUDY FINDINGS

On August 16, 2016 the Utility Advisory Committee (UAC) received the results of the water/sewer allocation study as prepared by LKC Engineering. Bryce Mendenhall, Public Utilities Director, presented the findings of the study and asked for support of the recommendations generated from the Committee. The recommendations are as follows:

1. Establish a meeting with City of Henderson and Town of Louisburg representatives to discuss additional water allocation. County Manager, Utilities Director and elected officials from the Utility Advisory Committee would represent Franklin County.
2. Reserve a total of 250,000 gpd of water/sewer allocation for Economic Development. Currently 133,426 gpd is earmarked for the Triangle North pump station and an additional 116,574 would be reserved for use outside of this area.
3. Seek an engineering estimate from LKC Engineering for a bathymetric study of the upper reservoir in Franklinton to determine the extent of sedimentation deposits.
4. 352,000 gpd of remaining water/sewer allocation would be reserved for development within the ETJ of the Towns of Youngsville and Franklinton.

Chairman Dunston called on the following individuals to make comments relative to the study.

Rusty Ange, 103 Hiclere Lane, Cary, NC

- Mr. Ange is a builder/developer currently working on the second phase of the Hidden Lake Community. Despite the findings of the study, he asked the Board to consider approving allocation for the first phase of the Clearwater Creek neighborhood. He said two years of work had been put into the development and denial of allocation would discontinue the project altogether. He also asked the Board to consider tabling Mr. Mendenhall's recommendations in order to consider other development projects that have already received preliminary approval through the county planning office. It was noted by county staff and commissioners that developers are made aware upfront initial approval does not guarantee allocation.

Dan Tingen, 1600 Clifford Road, Garner, NC

- Mr. Tingen is also involved in the process of obtaining allocation for a property he is working to develop on Cedar Creek Road. He stated he was informed upfront by staff that allocation was not guaranteed but said he did not understand the implications the study might bring. He said his plans were to be considered in approximately one week by the Planning Board and commented on the financial impact he would recognize if the allocation cannot be obtained. At this time, he said he has spent approximately \$50,000 on the development that would be lost without allocation.

James Compton, 5121 Kingdom Way, Raleigh

- Mr. Compton spoke regarding Mr. Ange's development (Clearwater Creek) as well as other developments already in the stages of receiving preliminary plat approval or about the receive preliminary plat approval before moving forward with allocation restrictions.

Commissioner Mitchell made a motion to move forward with the Utility Advisory Committee's recommendations 1 and 3 (underlined and repeated below) and to table recommendations 2 and

4 (to be referred back to staff at the UAC's October 3, 2016 meeting. He asked that consideration be given to all projects already approved by the Planning Board including those projects to be considered on the Planning Board's upcoming agenda. His motion included consideration of recouping unused allocations granted prior to 2009. The motion was seconded by Commissioner Jones and duly carried approval with all present voting "AYE."

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3. Seek an engineering estimate from LKC Engineering for a bathymetric study of the upper reservoir in Franklinton to determine the extent of sedimentation deposits.
4. 352,000 gpd of remaining water/sewer allocation would be reserved for development within the ETJ of the Towns of Youngsville and Franklinton.

5. FALLS CREEK SUBDIVISION

On May 16, 2016, the Board of Commissioners approved water allocation to the Falls Creek Subdivision based on a phasing plan that suggested 35 lots to be recorded by November 30, 2016 and 22 lots to be recorded by November 30, 2017. Due to issues with permit approvals and weather conditions, the developer has asked that the original phasing plans be amended to allow for one phase only with official recording to take place on or before June 1, 2017. There was no increase in the original number of lots (57) nor the total allocation needed (14,250 gpd). Fees associated with the original 35 lots were submitted within a timely fashion and the developer is aware that further deposit is needed for the additional 22 lots that were not represented in the initial approval. The Utility Advisory Committee approved this request on August 16, 2016.

Commissioner Foy made a motion to approve changes to the phasing plan for Falls Creek Subdivision, seconded by Commissioner Bunn. The motion duly carried approval with all present voting "AYE."

6. CONYERS PROPERTY SUBDIVISION

On August 16, 2016, the Utility Advisory Committee approved water/sewer allocation to the Conyers Property Subdivision (located on Cedar Creek Road) based on a phasing plan that suggested 76 lots to be recorded by December 31, 2017 (19,000 gpd). If approved by the Board, the developer will be required to submit a 25% non-refundable deposit for fees as detailed in the Franklin County UDO Section 29-7.

Commissioner Foy made a motion to approve water/sewer allocation for Conyers Property Subdivision, seconded by Commissioner Bunn. The motion duly carried approval with all present voting "AYE."

7. ASHBERRY VILLAGE SUBDIVISION

On August 16, 2016, the Utility Advisory Committee approved water/sewer allocation to the Ashberry Village Subdivision Phase II (located on Long Mill Road) based 38 lots to be recorded by March 1, 2017 (9,500 gpd). If approved by the Board, the developer will be required to submit a 25% non-refundable deposit for fees as detailed in the Franklin County UDO Section 29-7. As a condition of approval, the developer must also have a registered engineer fully certify the construction in Phase I and provide as-built drawings as well.

Commissioner Foy made a motion to approve water/sewer allocation for Ashberry Village Subdivision, seconded by Commissioner Bunn. The motion duly carried approval with all present voting "AYE."

8. OTHER BUSINESS

No additional business was discussed.

9. 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: Mrs. King reminded the Board it will conduct three meetings in the month of October 2016. Regular meetings will be held October 3, 2016 and October 24, 2016. A special called meeting will be held October 6, 2016 relative to Franklin Medical Center.

Commissioner Foy: No comments were offered.

Commissioner Bunn: No comments were offered.

Commissioner May: Commissioner May was absent.

Commissioner Jones: No comments were offered.

Commissioner Mitchell: No comments were offered.

Commissioner Dunston: No comments were offered.

Commissioner Lancaster: Commissioner Lancaster was absent.

County Manager Angela L. Harris: Mrs. Harris recognized Assistant Manager Elton Daniels and Human Resources Manager Kelly Faulkner for recent achievements. Mr. Daniels has been selected to serve on the North Carolina City and County Managers Executive Committee. Mrs. Faulkner has been selected to participate in the Local Government Federal Credit Union Fellows Program.

10. CLOSED SESSION

This Board was asked to enter into closed session pursuant to North Carolina General Statute 143-318.11 (a)(4) regarding industry/economic development.

Commissioner Bunn made a motion to enter into closed session pursuant to NCGS 143-318.11 (a)(4) regarding industry/economic development. The motion was seconded by Commissioner Jones and was approved 4 to 1, with Commissioner Foy voting "NO."

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

No action was taken following closed session.

At approximately 9:06 P.M., Commissioner Bunn made a motion to adjourn, seconded by Commissioner Jones. The motion duly carried approval with all present voting "AYE."

Sidney E. Dunston, Chair

Kristen G. King, Clerk to the Board

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