

**JANUARY 5, 1998**

The Board of Commissioners of Franklin County, North Carolina met in regular session at 7:30 P. M. in the Judge Hamilton H. Hobgood Courthouse Annex with the following Commissioners present: Chairman James G. Hardy, Vice Chairman James T. Moss, Jr., Commissioner Harry L. Foy, Jr., Commissioner Robert L. Swanson and Commissioner George T. Wynne.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried the minutes of the meeting held on December 1, 1997, approved.

Mr. John R. Davis, recently retired as the Director of the Farm Service Agency/USDA, was in attendance in order that the Board could present him with a plaque expressing appreciation for his service to the agriculture community and the citizens of Franklin County.

The Chairman stated that this was the time provided in the agenda to review the status of an appointed official, the Tax Collector. The purpose of this review is to determine whether Mr. Donnie Rudd should be removed from office for failure to follow the proper procedures in carrying out the duties and responsibilities of his office. The Chairman recognized the County Attorney and asked Mr. Batton to recite the specifics. Mr. Batton stated that Mr. Rudd had failed to deposit all cash received in his office, failed to provide a report to the Board of Commissioners at each regular meeting of the amount collected on each year's taxes and failed to adhere to proper procedures for in rem foreclosures. As part of the procedure that would allow the Board to remove Mr. Donnie Rudd, Tax Collector, from office for failing to adhere to proper procedures in carrying out the duties and responsibilities of his office, Mr. Rudd was given the opportunity to be in attendance to exercise his statutory right to be heard on this matter.

Mr. Rudd stated that he had not done anything wrong or illegal in his office, and if anything had been done incorrectly, it would have been done through incorrect interpretation of the law and no criminal intent.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried that Tax Collector Donnie Rudd be removed from office for failing to adhere to proper procedures in carrying out the duties and responsibilities of his office.

Proper notice having been given this is the time and place set for a public hearing to receive public comments on a rezoning request by Evelyne S. Horton for 2 acres on State Road 1737 in Dunn Township from Light Industrial (LI) to Agricultural Residential (AR).

Chairman Hardy declared public hearing open and recognized Mr. Boyce Cheek, Planning Director, who made comments and advised that Board that the Planning Board had recommended approval of this rezoning request.

Chairman Hardy called for public comments and hearing none declared the public hearing closed.

Upon motion by Commissioner Wynne, seconded by Commissioner Swanson with all present voting "AYE" duly carried upon the recommendation of the Planning Board approve **"AN ORDINANCE AMENDING THE FRANKLIN COUNTY UNIFIED DEVELOPMENT ORDINANCE**

**(MAP) TO REZONE APPROXIMATELY 2 ACRES ON STATE ROAD 1737 IN DUNN TOWNSHIP FROM LIGHT INDUSTRIAL (LI) TO AGRICULTURAL RESIDENTIAL (AR);** copy of ordinance found in Ordinance Book.

Proper notice having been given this is the time and place set for a public hearing to receive public comments on a proposed Television Regulatory Ordinance.

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Chairman Hardy declared public hearing open and recognized County Manager Leary who made comments on the proposed ordinance. Mr. Leary stated that no ordinance of this nature had been adopted by the County and an ordinance of this nature was a prerequisite to issuing a franchise to cable television service providers. The ordinance was developed pursuant to legislation approved by Congress in regulating the cable communication industry. This ordinance should be considered the enabling legislation to allow the Board to consider the subsequent adoption of franchise ordinances granting franchises to specific providers.

Chairman Hardy called for public comments and the following person spoke:

- 1) James E. Underwood, Mayor, Town of Youngsville, NC  
advised that the Town of Youngsville was presently receiving franchise fees from part of the unincorporated area of the County and that some of this revenue was being used for recreation and approximately 300 kids are served; requested that these funds not be eliminated from the Town's revenue stream

Chairman Hardy called for further comments and hearing none declared public hearing closed.

Upon motion by Commissioner Wynne, seconded by Commissioner Moss with all present voting "AYE" duly carried adopt the Cable Television Regulatory Ordinance effective immediately; copy of ordinance found in Ordinance Book.

Proper notice having been given this is the time and place set for a public hearing to receive public comments on the possible submission of an application for a Community Development Block Grant for economic development administered by the North Carolina Department of Commerce.

Chairman Hardy declared public hearing open and recognized Mr. Bill Lester, Hobbs, Upchurch, Consulting Engineers, who explained that the funds may be used for constructing infrastructure to serve industries which may be locating or expanding in the County which location or expansion will result in the creation of additional job opportunities. The County can apply for \$1 million in grant funds to assist in the construction of additional water lines which will result in increased economic development activities.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried authorize county staff and its consultants to proceed with the

preparation of an application for Community Development Block Grant Economic Development grant funds.

Mr. Buzzy Gardner, Chairman of the Work First Planning Committee, and Ms. Angela Harris, Social Services Director, were in attendance to present the Work First Plan for Franklin County for the next two years. This plan was developed subsequent to the County's having opted to remain a Standard County under the welfare reform legislation ratified by the General Assembly.

Upon motion by Commissioner Moss, seconded by Commissioner Wynne with all present voting "AYE" duly carried endorse the Work First Plan for 1998-2000 as developed by the Work First Planning Committee and authorize its submission to the State of North Carolina for review.

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Ms. Angie Callihan, Emergency Management Coordinator, was in attendance to review with the Board an Agreement for Statewide Emergency Management Mutual Aid and Assistance. This agreement was developed by the Association of County Commissioners and the League of Municipalities in conjunction with the Governor's Task Force on Emergency Preparedness. The Agreement clarifies the procedures to be followed when a county finds it necessary to request assistance as a result of any disaster which may have occurred.

Upon motion by Commissioner Moss, seconded by Commissioner Swanson with all present voting "AYE" duly carried approve the Agreement for Statewide Emergency Management Mutual Aid and Assistance and authorize the Chairman to sign it on behalf of the County.

Mr. Randy Likens, County Safety Officer, was in attendance to discuss a proposed Substance Abuse Policy that was developed pursuant to regulations requiring a drugfree workplace. The policy sets forth the County's expectations of employees and provides for remedies when the use of drugs or alcohol is evident or suspected. The policy has been reviewed by the Regional Office of State Personnel and determined to satisfy all the requirements for a drug-free work place. The previous Substance Abuse Policy that was adopted in October, 1992, needs to be rescinded and the revised policy adopted.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne, voting "AYE" Commissioner Swanson, Commissioner Wynne, Commissioner Moss, Commissioner Hardy; voting "NO" Commissioner Foy, rescind the Substance Abuse Policy approved in October, 1992, and approve the revised Substance Abuse Policy effective immediately; copy of Substance Abuse Policy found in Franklin County Commissioners Policy Book.

Mr. Chuck Murray, Finance Director, appeared before the Board to request approval of budget ordinance amendments Number 12 & 13.

Upon motion by Commissioner Wynne, seconded by Commissioner Moss with all present voting "AYE" duly carried approve **BUDGET ORDINANCE AMENDMENT NUMBER TWELVE (12)**; copy of amendment found in Budget Ordinance Book.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried approve **BUDGET ORDINANCE AMENDMENT NUMBER THIRTEEN** (13); copy of amendment found in Budget Ordinance Book.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried the following appointments made to the Youth Services Advisory Committee:

Ruth Murphy - Mental Health  
Nicki Griffin - Social Services  
Masa Reeves - Health Department  
Marla Peoples - Public Schools  
Chuck Murray - County Government  
Bennie Franklin - Juvenile Court  
Harriett Sturges - Religious' Community  
Alice Fay Hunter - Parent  
Tammy Kelly Elliott - Agricultural Extension Service  
Allison Finch - Law Enforcement

Mary Hill - Citizen  
Celia Hall - Citizen  
Nancy Hall - Citizen  
Ruby Elmore - Citizen  
Stacy Grove - Citizen  
Susan Whitten - Advisory  
Alex Fonvielle - Advisory  
Judy Earnhardt - Advisory  
Nathan Taylor - Advisory  
Shirley Dent - Advisory

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Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried the following people reappointed to the Council of Governments Aging Committee:

Inez Foster  
Christine Forsythe

Three-Year Term - January, 1998 - January, 2001

Upon motion by Commissioner Moss, seconded by Commissioner Swanson with all present voting "AYE" duly carried the following reappointments made to the EMS Advisory Council:

Government - George T. Wynne  
Paid Provider - Angie Callihan  
Volunteer Provider - Randy Likens  
Hospital - Helen Gilliam  
Medical - Cecila Boone  
Consumer - Harry Bullock

One-Year Term - January, 1998 - January, 1999

Upon motion by Commissioner Moss, seconded by Commissioner Wynne with all present voting "AYE" duly carried the following reappointment made to the Nursing Home Community Advisory Committee:

Peggy Kearney

Three-Year Term - January, 1998 - January, 2001

Upon motion by Commissioner Wynne, seconded by Commissioner Swanson with all present voting "AYE" duly carried the following reappointment made to the Adult Care Home Community Advisory Committee:

Carolyn Newell

Three-Year Term - January, 1998 - January, 2001

County Manager Leary advised the Board of the need to appoint a delegate to represent Franklin County at the Governor's Summit on Volunteerism scheduled for January 21-22, 1998, in Greensboro, NC. The purpose of the summit will be to celebrate North Carolina's volunteer achievements and to concentrate on providing local communities with technical assistance, hands-on-training and community networking to enhance the local volunteer efforts.

Upon motion by Commissioner Swanson, seconded by Commissioner Foy with all present voting "AYE" duly carried Commissioner Moss nominated to serve as the Franklin County delegate at the Governor's Summit on Volunteerism scheduled for January 21-22, 1998, in Greensboro, NC.

County Manager Leary advised the Board that at the Board meeting in December, 1997, the Board had approved public officials' bonds for certain County employees and had discussed the possible need for an adjustment in the amount of the bonds for certain employees. He stated that a recommendation for revised bond limits was included in the agenda for their consideration.

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Upon motion by Commissioner Swanson, seconded by Commissioner Moss, voting "AYE" Commissioner Swanson, Commissioner Moss, Commissioner Wynne, Commissioner Hardy; voting "NO" Commissioner Foy, that the following bond amounts for individual public officials be approved:

	<u>Current</u>	<u>New</u>
Finance Director	\$50,000	\$250,000
Tax Collector	\$25,000	\$ 50,000
Deputy Tax Collector	\$10,000	\$ 25,000
Register of Deeds	\$10,000	\$ 10,000
Sheriff	\$25,000	\$ 25,000
Tax Clerk	\$10,000	Cancel
Tax Clerk	\$10,000	Cancel

County Manager Leary discussed with the Board the proposal, presented by Mr. Tommy Piper, Chairman of the Emergency Medical Services Advisory Committee, at the last meeting, for

implementing a system of billing for patients who are transported by EMS providers in the County. He stated that the proposal was intended to generate a stable source of revenue to primarily assist the volunteer units in acquiring equipment and additional funds in an effort to relieve the burden on the property tax for the support of EMS providers in the future.

Upon motion by Commissioner Moss, seconded by Commissioner Wynne, voting "AYE" Commissioner Moss, Commissioner Wynne, Commissioner Swanson, Commissioner Hardy; voting "NO" Commissioner Foy authorize the implementation of a system of billing for patients transported by EMS providers effective April 1, 1998.

Upon motion by Commissioner Moss, seconded by Commissioner Wynne with all present voting "AYE" duly carried approve the forwarding of road petitions for addition to state system for Delano Court in Stallings Crossing and Wilders Lane off NC 39 to the North Carolina Board of Transportation for evaluation and review.

County Manager Leary discussed the need to adopt resolutions providing for the issuance and sale of bonds to finance the improvements to educational facilities and for approval of the official statement and continuing disclosure. He advised that the amount of bonds to be sold was \$9.5 million and the sale date is January 20, 1998.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried adopt resolution entitled "**RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$9,500,000 FRANKLIN COUNTY PUBLIC IMPROVEMENT BONDS AS PREVIOUSLY AUTHORIZED**"; copy of resolution attached and made a part of these minutes.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried adopt resolution entitled "**RESOLUTION APPROVING FRANKLIN COUNTY'S INITIAL AND CONTINUING DISCLOSURE WITH RESPECT TO ITS PROPOSED \$9,500,000 PUBLIC IMPROVEMENT BONDS**"; copy of resolution is attached and made a part of these minutes.

County Manager Leary informed the Board that a 1991 S10 Chevrolet truck assigned for use by the Health Department was involved in an accident and had been determined to be irreparable and should be declared surplus property.

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MINUTES OF MEETING OF JANUARY 5, 1998 --- continued

Upon motion by Commissioner Moss, seconded by Commissioner Wynne with all present voting "AYE" duly carried declare a 1991 Chevrolet S10 truck as surplus property and authorize its disposition as salvage.

County Manager Leary informed the Board that a condition of a loan secured from First Citizens Bank by the Franklinton Fire Department for the purchase of a fire truck was that the County acknowledge that there is an existing agreement between the County and the fire department to provide fire fighting services and for the County to approve the department's securing a loan in the amount of \$216,500. Mr. Leary further stated that the approval was only to satisfy the

requirement for tax exempt financing and did not obligate the County in any way for the repayment of the debt.

Upon motion by Commissioner Wynne, seconded by Commissioner Swanson with all present voting "AYE" duly carried acknowledge the agreement for fire fighting services, adopt a resolution approving the department's obtaining a loan for the purchase of a fire truck and authorize the County Manager to execute on behalf of the County.

County Manager Leary discussed an amendment to an agreement with Sprint for maintaining Automated Number Identification (ANI) and Automated Location Identification (ALI) of telephone subscribers throughout the County as part of the Enhanced 911 whereby Bell South's rates for the portion of the Zebulon telephone exchange which is within Franklin County would be included.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried approve the amendment to the agreement between Franklin County and Sprint for maintaining the Automated Number Identification (ANI) and Automated Location Identification (ALI) to include Bell South's rates for the Zebulon telephone exchange and authorize the Chairman to execute it on behalf of the County.

Upon motion by Commissioner Wynne, seconded by Commissioner Moss with all present voting "AYE" duly carried approve the list of tax releases through November 30, 1997.

Upon motion by Commissioner Moss, seconded by Commissioner Wynne with all present voting "AYE" duly carried pursuant to North Carolina General Statute accept the tax collections report for the month of December, 1997.

Upon motion by Commissioner Wynne, seconded by Commissioner Moss with all present voting "AYE" duly carried that the second regularly scheduled meeting of the Board of Commissioners be held on Tuesday, January 20, 1998, in lieu of Monday, January 19, 1998, due to the Martin Luther King, Jr. Holiday.

County Manager Leary & County Attorney Batton discussed with the Board a claim by Mr. Raymond Strickland that he double paid his 1996 taxes. Mr. Strickland has stated that he paid cash in the amount of \$858.80 on December 2, 1996; received a delinquent tax notice and on January 14, 1997, paid taxes in the amount of \$875.96. Mr. Strickland requested that the Board refund his overpayment of his 1996 taxes. County Attorney Batton stated that the Board could not legally refund Mr. Strickland's money without proper receipts evidencing that he had double paid. He further stated that if Mr. Strickland could provide documentation later that the County could refund the money. There is no record in the tax office of these taxes having been paid more than once, and Mr. Batton stated that the Tax Clerk had offered to take a polygraph examination in order to resolve the matter. Mr. Batton stated that if Mr. Strickland was also willing to take a polygraph examination that might resolve the matter.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried Mr. Raymond Strickland be requested to indicate his willingness to submit to a polygraph examination regarding his claim that he double paid his 1996 taxes.

Upon motion by Commissioner Foy, seconded by Commissioner Moss with all present voting "AYE" duly carried that the Board of Commissioners conduct a public hearing at the Commissioners' meeting scheduled for Monday, February 2, 1998, to receive comments from citizens regarding the revaluation of property.

There being no further business to come before the Board, adjournment recorded at 9:30 P.M.