

MARCH 16, 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, Commissioner George T. Wynne.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried the minutes of the Commissioners' meeting held on March 2, 1998, approved.

Mr. Gene Allen, Superintendent, Franklin County Schools, appeared before the Board to request \$842,290 as start up money for the two new middle schools. Mr. Allen explained that these funds were not available through the state bond money and would be used to cover only nonrecurring expenses.

Upon motion by Commissioner Moss, seconded by Commissioner Wynne with all present voting "AYE" duly carried authorize the expenditure from the Capital Reserve Fund for Capital Outlay purposes in an amount not to exceed \$784,370 and authorize additional funding for Current Expenses in an amount not to exceed \$57,919 based on actual expenditures for both Capital Outlay and Current Expense items.

Proper notice having been given this is the time and place set for a public hearing to receive comments on a request for rezoning by Bryant & Janet Bobbitt for 2.2 acres on State Road 1239 in Hayesville Township from_ Agricultural-Residential (AR) to Conditional Light Industrial (CuLI) (WS IV Watershed).

Chairman Hardy declared the public hearing open and recognized Mr. Boyce Cheek, Planning Director, who made comments regarding this rezoning request.

Chairman Hardy then called for public comment- and hearing none declared the public hearing closed.

Upon motion by Commissioner Foy, seconded by Commissioner Swanson with all present voting "AYE" duly carried upon the re ' commendation of the Planning Board approve ordinance entitled "AN **ORDINANCE AMENDING THE FRANKLIN COUNTY UNIFIED DEVELOPMENT ORDINANCE (MAP) TO REZONE APPROXIMATELY 2.20 ACRES ON STATE ROAD 1239 IN HAYESVILLE TOWNSHIP FROM AGRICULTURAL RESIDENTIAL TO CONDITIONAL LIGHT INDUSTRIAL (CuLI)**"; copy of the amending ordinance found in the Unified Development Ordinance Book.

Proper notice having been given this is the time and place set for a public hearing to receive comments on a request for a Special Use Permit by S. T. Wooten Corporation for a Bituminous Products Mixing Plant (Asphalt Plant) on 11.50 acres off US 1 in Youngsville Township in the Heavy Industrial (HI) District.

Chairman Hardy recognized Mr. Boyce Cheek, Planning Director, who made comments regarding the request for a Special Use Permit.

Chairman Hardy then called for public comments and the following people spoke:

Mr. Ron Sutton, 1316 Weaverly Road, Wilson, NC
engineer with Green Engineering; stated that this company would be a
good corporate neighbor and a good investment for the County

Mr. George Strickland, P. O. Box 2408, Wilson, NC
stated that he is vice president of the S. T. Wooten Company and that
the company's intention is to have only one plant in the County

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

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne upon the recommendation of the Planning Board and based upon an affirmative finding on each item contained in the Special Use Permit Checklist approve the Special Use Permit by S. T. Wooten for a Bituminous Products Mixing Plant (Asphalt Plant) on 11.50 Acres off US 1 in Youngsville Township in the Heavy Industrial (HI) District.

Commissioner Moss requested that he be allowed to abstain from voting on this motion due to personal interest in neighboring property.

Upon motion by Commissioner Wynne, seconded by Commissioner Swanson with all present voting "AYE" duly carried that Commissioner Moss be allowed to abstain from voting on the Special Use Permit by S. T. Wooden for a Bituminous Products Mixing Plant.

Voting "AYE" on the Special Use Permit by S. T. Wooten for a Bituminous Products Mixing Plant (Asphalt Plant) on 11.50 Acres off US 1 in Youngsville Township in the Heavy Industrial (HI) District, Chairman Hardy, Commissioner Harry L. Foy, Jr., Commissioner Robert L. Swanson, Commissioner George T. Wynne; Commissioner Moss abstaining; copy of approval of Special Use Permit found in the Unified Development Ordinance Book.

Proper notice having been given this is the time and place set for a public hearing to receive comments on a Special Use Permit by George D. Davis, III/Katherine V. Crumley (Franklin Animal Clinic) for a Veterinary Clinic on 11 acres at the intersection of State Road 1100 & State Road 1105. in Youngsville Township in the Agricultural-Residential (AR) District (WS 11 Watershed).

Chairman Hardy recognized Mr. Boyce Cheek, Planning Director, who made comments regarding the request for a Special Use Permit.

Chairman Hardy then called for public comments and the following people spoke:

Dr. George D. Davis, 111, 677 Dyking Road, Louisburg, NC
stated that the location of the building further from Tarboro Road had been selected;

all dog runs would be inside - no noise or odors; has planned an 11 acre buffer;
presented
petition from property owners/residents on Dyking Road stating that they had not
experienced any adverse effects from the Animal Clinic and had not depreciated the
value
of their property; there would be no pollution - waste would go into septic tank; would not
use an incinerator

Mr. John Hill, 703 Tarboro Road, Youngsville, NC
concerns of the neighbors were noise and odor and the disposing of animals through
incinerator; best area for development in the County

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

Upon motion by Commissioner Wynne, seconded by Commissioner Foy upon the
recommendation of the Planning Board and based upon an affirmative finding for each item on
the Special Use Permit Checklist approve the Special Use Permit by George D. Davis,
III/Katherine V. Crumley (Franklin Animal Clinic) for a Veterinary Clinic on 11 acres at the
intersection of State Road 1100 & State Road 1105 in Youngsville Township in the Agricultural-
Residential (AR) District (WS II Watershed).

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Upon motion by Commissioner Moss, seconded by Commissioner Swanson amend motion to
include two additional conditions as follows: there will be no incineration of animals and that the
animals be housed inside. Voting "AYE" Chairman James G. Hardy, Vice Chairman James T.
Moss, Jr., Commissioner Harry L. Foy, Jr., Commissioner Robert L. Swanson, Commissioner
George T. Wynne; copy of approval of Special Use Permit found in the Unified Development
Ordinance Book.

Voting "AYE" Chairman James G. Hardy, Vice Chairman James T. Moss, Jr., Commissioner
Harry L. Foy, Jr., Commissioner Robert L. Swanson, Commissioner George T. Wynne on the
original motion to approve the Special Use Permit by George D. Davis, III/Katherine V. Crumley
(Franklin Animal Clinic) for a Veterinary Clinic on 11 acres at the intersection of State Road
1100 & State Road 1105 in Youngsville Township in the Agricultural-Residential (AR) District
(WS 11 Watershed).

Proper notice having been given this is the time set for a public hearing to receive comments on
a request for modification to an existing Special Use Permit by Hugh Williams on 19.52 acres on
State Road 1742 in Dunn Township in the Agricultural-Residential (AR) District to add to the
existing hours of operation a maximum of six (6) Sundays per year and to require mufflers on
two (2) cycle modified GoCarts only.

Chairman Hardy declared public hearing open and recognized Mr. Boyce Cheek, Planning
Director, who made comments regarding the modification to the existing Special Use Permit.

Chairman Hardy then called for public comments and the following people spoke:

Ms. Lizzie Williams, 206 Berry Williams Road, Zebulon, NC

do not need modified go carts; no Sunday racing; July 3, 4, 5, 1997 435 vehicles went past door; has been abused by Franklin County Government for two years; traffic, dust noise, gas fumes, burnt oil is unbearable; after race party over as late as 2:18 A. M. on Sunday morning; has been harassed, shot at, cursed at and more

Mr. Hugh Williams, 57 Berry Williams Road, Zebulon, NC

no one opposed the track when he started; DBA readings false as stated by Mr. Smitherman; fact is that it is not close to being noise pollution; less noise than farming with tractors, trucks, irrigations; other areas have track in residential districts; no more traffic and devaluation of land than caused by mini storage; Paul Emerson conducted sound level measurements at the race tract and at several neighboring localities and concluded that there is no danger of noise-induced hearing loss at any of the locations;

Mr. Kirk Smitherman, 192 Pilot-Riley Road, Zebulon, NC

since he started to oppose the race track he has received threatening phone calls; nails in driveway; questions the creditability of Mr. Williams because of violation of hours of operation; delinquent on taxes; should have mufflers on all the go carts; after running 15 hours on Saturday, Sundays are only thing left;

Mr. Lynn Williams, - 502 Flowers Avenue, Zebulon, NC

during tax revaluation, complained about racetrack and received 1015 % off because of the racetrack; there are two bullet holes in Lizzie Williams' porch; racetrack needs no more consideration; it is a nuisance; Commissioners need to consider other people who pay taxes; who monitors and enforces the ordinance

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

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Chairman Hardy tabled action on the request for modification to an existing Special Use Permit by Hugh Williams on 19.52 acres on State Road 1742 in Dunn Township in the Agricultural-Residential (AR) District to add to the existing hours of operation a maximum of six (6) Sundays per year and to require mufflers on two (2) cycle modified go carts until the Board members have an opportunity to go and observe the activity taking place at the go cart track; this request to be considered at the next meeting.

Mr. Ronnie Goswick, Economic Development Director, appeared before the Board to present a proposed Incentive Program that would be used as an additional tool in attracting companies to Franklin County and encouraging the expansion of existing companies. This incentive program would establish a threshold criteria which must be met before the benefits of the program may

be available to any business or industry and would be used in conjunction with the existing Infrastructure Extension Policy.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss, voting "AYE" Commissioner Swanson, Commissioner Moss, Commissioner Wynne, Commissioner Hardy; voting "NO" Commissioner Foy adopt the Incentive Program to be used in the recruitment of new businesses and the expansion of existing businesses.

Mr. Goswick further discussed with the Board a partnership effort with private enterprise to provide infrastructure in a portion of the Youngsville Commerce Center. The County has an obligation to provide utilities to a shell building which is nearly completed with the cost of said utilities to be approximately \$105,000 and would serve only one property. The property owner has proposed that the County participate in the construction of infrastructure which would serve more than one lot with the County's commitment being capped at \$100,000.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne authorize the partnering of Franklin County with private enterprise to construct infrastructure at the Youngsville Commerce Center in an amount not to exceed \$100,000.

Commissioner Moss requested that he be allowed to abstain from voting on this motion due to personal interest in the property.

Upon motion by Commissioner Wynne, seconded by Commissioner Swanson with all present voting "AYE" duly carried that Commissioner Moss be allowed to abstain from voting on authorizing the partnering of Franklin County with private enterprise to construct infrastructure at the Youngsville Commerce Center in an amount not to exceed \$100,000.

Voting "AYE" Commissioner Swanson, Commissioner Wynne, Commissioner Foy, Commissioner Hardy; Commissioner Moss abstaining authorize the partnering of Franklin County with private enterprise to construct infrastructure at the Youngsville Commerce Center in an amount not to exceed \$100,000.

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

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried that upon the recommendation of the Finance Director approve BUDGET ORDINANCE AMENDMENT NUMBER TWENTYFIVE (25); copy of amendment found in Budget Ordinance Book.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried that upon the recommendation of the Finance Director approved BUDGET ORDINANCE AMENDMENT NUMBER TWENTYSIX (26); copy of amendment found in Budget Ordinance Book.

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During the recent negotiating session with the City of Henderson officials regarding the proposed water sales agreement, the County advocated the exclusion of Section 14 regarding Sandy Creek. The Board discussed whether or not to consider some alternative language to be forwarded to the City of Henderson as a proposed substitute for Section 14.

Upon motion by Commissioner Wynne, seconded by Commissioner Foy with all present voting "AYE" duly carried that the City of Henderson officials be advised that Franklin County will not consider the discharge of any wastewater into Sandy Creek and that Section 14 regarding this matter be deleted from the proposed water sales agreement.

Mr. James Speed appeared before the Board with comments regarding the proposed water sales agreement between Franklin County and the City of Henderson in relation to the Sandy Creek issue.

Upon motion by Commissioner Foy, seconded by Commissioner Swanson with all present voting "AYE" duly carried adopt "**RESOLUTION HAPPY WHISTLERS WEEK**", declaring the week of April 13-18, 1998, as Happy Whistlers Week in Franklin County.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried approve the forwarding of the petition for roads in the Colony Ridge Subdivision off NC 96 to be added to the State Highway System to the State Board of Transportation for its consideration.

The County had received a request from Sprint for a- utility easement on County-owned property on NC 56. This easement will allow the telephone company to access cabinets and telephone equipment which are located on that property.

Upon motion by Commissioner Wynne, seconded by Commissioner Swanson with all present voting "AYE" duly carried approve the granting of the utility easement to Sprint and authorize the Chairman to execute the Agreement on behalf of the County.

County Manger Leary advised that the County had received formal notification from the Economic Development Administration that the County had been awarded funds in the amount of \$1,500,000 to be used in construction of water transmission lines along US 1. He further stated that the County must formally act to accept the grant offer.

Upon motion by Commissioner Moss, seconded by Commissioner Swanson with all present voting "AYE" duly carried accept the offer of \$1,500,000 in grant funds and authorize the Chairman to execute the appropriate documentation on behalf of the County.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss, voting "AYE" Commissioner Swanson, Commissioner Moss, Commissioner Wynne, Commissioner Hardy, voting "NO" Commissioner Foy the Board go into Closed Session pursuant to General Statute 143-318.11 (a) (5) in order that the Board may consider property acquisition.

Upon motion by Commissioner Wynne, seconded by Commissioner Moss with all present voting "AYE" duly carried the Board reconvene in regular session.

Chairman Hardy stated that no action necessary as a result of the Closed Session.

There being no further business to come before the Board, adjournment

recorded at 10:00 P. M.