

SEPTEMBER 8, 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 meeting of August 17, 1998, approved.

Proper notice having been given this is the time and place set for a public hearing to receive comment on the awarding of a franchise to cable television providers in the County authorized under the Cable Communications Policy Act.

Chairman Hardy declared the public hearing open and stated that Time Warner Entertainment and FrontierVision were providing cable service in the unincorporated areas of the County. The proposed ordinances granting the franchises include a provision that the franchise shall continue for fifteen years and authorizes the imposition of a 5% franchise fee to be collected by the provider and remitted to the County. County Attorney Batton advised that franchise ordinances require two readings prior to final adoption.

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

Mr. Brad Phillips, Time Warner Entertainment, Raleigh, NC reported that Time Warner is upgrading via fiber optic; plans expansion in the unincorporated areas, need to have 20 homes per mile and there may be customer participation

Chairman Hardy called for further 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 approve the adoption upon first reading of Cable Television Franchise Agreement Ordinances awarding a franchise to Time Warner Entertainment and FrontierVision effective October 1, 1998.

Commissioner Wynne stated that the issuance of a franchise by the County to cable television providers in the unincorporated areas will have a negative impact on the revenues which have previously been available to the municipalities of Youngsville, Bunn and Franklinton, and upon motion by Commissioner Wynne, seconded by Commissioner Swanson with all present voting "AYE" duly carried approve Budget Amendment Number Three (3) appropriating \$15,000 as a contribution to Youngsville, \$15,000 as a contribution to Bunn and \$3,000 as a contribution to Franklinton during 1998-1999 and that subsequent budgets in the next four fiscal years contain a similar contribution reduced by 20% of the original amount each year to afford these municipalities an opportunity to adjust to the elimination of these revenues; copy of Budget Amendment found in the Budget Ordinance Book.

Mr. Ronnie Goswick, Economic Development Director, was in attendance and reported to the Board on the initiatives and programs being undertaken by his office and on activities associated with his economic development efforts.

Proper notice having been given this is the time and place set for a public hearing to receive comments of the citizens with regard to the accomplishments of the County FY 1996 Community Development "Scattered Site" project prior to grant close out.

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MINUTES OF MEETING OF SEPTEMBER 8, 1998 --- continued

Chairman Hardy declared the public hearing open and recognized County Manager Leary who reviewed the activities that were completed using the Community Development Block Grant funds. He reported that two structures were acquired; two structures were demolished; two homeowners were relocated and eleven homes were rehabilitated. The total cost of the project was \$523,031 and of this cost \$500,000.00 were CDBG funds and \$23,031 were owner funds.

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

Upon motion by Commissioner Moss, seconded by Commissioner Swanson with all present voting "AYE" duly carried the following appointments made to the Franklin County Planning Board:

Henry Nelms
Mary Solomon
Willie F. Bartholomew

Three-Year Term, September, 1998 - September, 2001

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried the following appointments made to the Watershed Review Board:

Henry Nelms
Mary Solomon
Willie F. Bartholomew

Three-Year Term, September, 1998- September, 2001

Upon motion by Commissioner Moss, seconded by Commissioner Swanson with all present voting "AYE" duly carried Dan Bennett appointed to fill an unexpired term as a regular member of the Franklin County Board of Adjustment in lieu of his appointment as an alternate; term to expire in July, 1999.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried accept the Tax Collection Report for the month of August, 1998.

Upon motion by Commissioner Wynne, seconded by Commissioner Moss with all present voting "AYE" duly carried approve the releases and refunds for the month of August, 1998.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried adopt a proclamation declaring Saturday, September 26, 1998, as HUNTING AND FISHING DAY.

Upon motion by Commissioner Moss, seconded by Commissioner Wynne with all present voting "AYE" duly carried approve road petitions for Addition to State System for Loblolly Circle and Bridgewater Drive located in the Ferrells Bridge Subdivision off SR 1001 and forward to the North Carolina Board of Transportation for its consideration.

Upon motion by Commissioner Moss, seconded by Commissioner Swanson with all present voting "AYE" duly carried approve and authorize the Chairman to execute on behalf of the County a formal agreement between the County and the State for providing forestry services in Franklin County.

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MINUTES OF THE MEETING OF SEPTEMBER 8, 1998 --- continued

Upon motion by Commissioner Moss, seconded by Commissioner Swanson with all present voting "AYE" duly carried approve amendment to Article 1-4. D. of the Animal Control Ordinance effective immediately; a copy of the amendment found in the Franklin County Ordinance Book.

Upon motion by Commissioner Moss, seconded by Commissioner Wynne with all present voting "AYE" duly carried approve amendment to Article III. Section 16.A. of the Franklin County Personnel Policy effective immediately; a copy of the amendment found in the Board of Commissioners Policy Book.

Pursuant to a recommendation from County Attorney Batton, upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried authorize the County Manager to execute on behalf of the County a General Release which releases all claims against Brain Shawcroft and H. Clay Taylor, d/b/a Shawcroft-Taylor Architects and C. T. Wilson Construction Company now existing or which may hereafter arise out of the design and construction of the Gold Sand (Laurel Mill) School and the Youngsville School which were or could have been included in the civil actions entitled Franklin County Board of Education, et al. v. C. T. Wilson Construction Company, Inc., et al., 95 CVS 757 and Franklin County Board of Education, et al. v. Bordeaux Construction Company, Inc. et al., 95 CVS 758 upon the sole consideration of \$40,000.00 paid to the County Board of Education and the County of Franklin by both Brian and H. Clay Taylor, d/b/a Shawcroft-Taylor Architects and C. T. Wilson Construction Company, Inc.

There being no further business to come before the Board, adjournment recorded at 8:30 P. M.