

NOVEMBER 1, 1999

The Board of Commissioners of Franklin County, North Carolina, met in regular session at 7:30 P. M. in the Commissioners' Meeting Room located in the County Administration Building with the following Commissioners present: Chairman James T. Moss, Jr., Vice Chairman Robert L. Swanson, Commissioner Harry L. Foy, Jr., Commissioner Edward Strickland, Commissioner George T. Wynne.

Upon motion by Commissioner Wynne, seconded by Commissioner Swanson with all present voting "AYE" duly carried the following Consent Agenda items approved:

- A. Minutes of the meeting held October 18, 1999.
- B. Tax Collector's Report for the month of October, 1999.
- C. Releases and refunds for the month of October, 1999.

Mr. Charles McGougan, Consulting Engineer with Hobbs, Upchurch & Associates, was in attendance to provide the monthly report on the progress of the water system expansion project.

County Manager Leary advised the Board that he had received on this date the Water Sales Agreement between the County of Franklin and Johnson Properties, Inc. and Riviera Utilities of North Carolina that had been executed by the appropriate officials of Johnson Properties and Riviera Utilities of North Carolina. Mr. Leary further stated that it was necessary for the County to approve the sales agreement and authorize its execution by the Chairman. Upon approval of the Water Sales Agreement the County will solicit bids to extend its water distribution lines to provide water to Lake Royale.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried approve the Water Sale Agreement between the County of Franklin and Johnson Properties, Inc. and Riviera Utilities of North Carolina and authorize the Chairman to execute on behalf of the County.

Mr. Tommy Piper, Assistant Superintendent, Franklin County Schools, was in attendance to review the proposed Community Schools Agreement between the Board of Education and Franklin County for the County Recreation Department's utilization of school facilities. The Agreement had been approved by the Board of Education. Mr. Ralph Knott, Chairman of the Recreation Advisory Board and Mr. Dave Munden, Recreation Director, were in attendance and both recommended to the Board that this Agreement be approved.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried approve the Community Schools Agreement between the Franklin County Board of Education and the County of Franklin for utilization of school facilities for recreational purposes and authorize the Chairman to execute on behalf of the County.

Proper notice having been given this is the time and place set for a public hearing to receive comment on a rezoning petition filed by Peconic Properties, L.L.C. requesting that 7.02 acres in Franklinton Township be rezoned from Heavy Industrial to Highway Business.

Chairman Moss declared the public hearing open and recognized Ms. Donna Wood, who made comments regarding this rezoning petition.

Chairman Moss then called for public comments and the following person spoke:

Charles Davis, Louisburg, NC, attorney for Peconic Properties

has know petitioners for a long time and feels they will be an asset to the County; request that the rezoning request be approved

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Chairman Moss called for further comments 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 recommendation of the Planning Board approve amending ordinance entitled "AN ORDINANCE AMENDING THE FRANKLIN COUNTY UNIFIED DEVELOPMENT ORDINANCE (MAP) TO REZONE 7.02 ACRES ON US 1 IN FRANKLINTON TOWNSHIP FROM HEAVY INDUSTRIAL (HI) TO HIGHWAY BUSINESS (HB)"; copy of the 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 comment on a proposed amendment to the Unified Development Ordinance, Chapter 3, Article I, Section II-9 Exclusions and Exceptions, 1. Estate Exclusion.

Chairman Moss declared the public hearing open and recognized Ms. Donna Wood who made comments regarding the proposed amendment.

Chairman Moss then recognized County Attorney Batton who stated that he had prepared two drafts of the proposed amendments. Draft Number One would simply permit the settlement of an estate and require the establishment of an access road when improvement permits are sought. Draft Number Two was developed by the Planning Board and requires that all parcels included in the estate settlement be accessible by a completed street whenever an improvement permit is sought for any individually owned parcel of the estate property.

Chairman Moss then called for public comments and the following person spoke:

William Powell, 377 Lynbank Estates, Henderson, NC

request that the Board approve the amendment requiring the settlement of and estate and establishment of an access road when improvement permits are sought; he should not be required to establish a road to each parcel of land contained in the estate

Chairman Moss 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 amending ordinance containing Draft Number One entitled "AN ORDINANCE AMENDING THE FRANKLIN COUNTY UNIFIED DEVELOPMENT ORDINANCE, CHAPTER THREE, SUBDIVISION ORDINANCE, ARTICLE I, SECTION I-9 EXCLUSIONS AND EXCEPTIONS, L. ESTATE EXCLUSION (TEXT)"; copy of ordinance found in the Unified Development Ordinance Book.

Mr. Chuck Murray, Finance Director, was in attendance to review Budget Amendments Number Three, Four and Five with the Board and to request approval.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried approve BUDGET AMENDMENT NUMBER THREE, BUDGET AMENDMENT NUMBER FOUR AND BUDGET AMENDMENT NUMBER FIVE; copies of the budget amendments found in the Budget Ordinance Book.

The Board reviewed the design of a flag for possible adoption as the official Franklin County flag. The design of the flag was submitted by the Soil & Water Conservation Department and contributions to the refinement of the design and final recommendation were made by Ms. Bobbie Gravitt and Ms. Pat Goddard of the Franklin County Tax
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Department. Ms. Nikita Harris and Ms. Ashley Gorden, school students, also submitted designs to be considered.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried approve the recommended design and adopt as the official Franklin County flag.

Upon a request by Chairman Moss, the Board discussed the matter of additional compensation for employees who worked during the hours when Hurricane Floyd threatened the County. After discussion, it was the consensus of the Board that the County Manager, County Attorney and County Finance Director review the policy that covers this issue and establish a clearer policy, if necessary, for the future and review the compensation already paid to employees who worked during Hurricane Floyd.

Mr. Keith Patton, Health Director, was in attendance to recommend that the Board award the bid for the construction of the dental clinic at the Health Department to Modular Technologies, Inc., Kinston, NC. Mr. Patton stated that the base bid was in the amount of \$72,928. Mr. Patton further stated that because the facility was to be used as a dental clinic that negotiations were necessary making the total bid \$78,188 which was within the appropriated funds.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried upon the recommendation of the Health Director award the bid for the construction of the dental clinic at the Franklin County Health Department to Modular Technologies, Kinston, NC, at a total cost of \$78,188.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne, voting "AYE" Commissioner Swanson, Commissioner Wynne, Commissioner Strickland, Commissioner Moss, voting "NO" Commissioner Foy the Board went into Closed Session pursuant to General Statute 143-318.11 (a) (6) to consider the performance of a public employee and pursuant to General Statute 143-318.11 (a) (5) real property acquisition.

Upon motion by Commissioner Wynne, seconded by Commissioner Swanson with all present voting "AYE" duly carried the Board reconvened into regular session and Chairman Moss stated that the following action necessary as a result of the Closed Session.

Upon motion by Commissioner Swanson, seconded by Commissioner Strickland with all present voting "AYE" duly carried approve the acquisition of the following parcels of real property necessary for the water system expansion project:

- 1) Willie C. Perry, US 1, Franklinton Township, \$11,000, Booster Pump Station
- 2) Fred & Betty Mitchell, Youngsville Township, \$15,000, Water Tank
- 3) Margaret Layton Ball et al, Youngsville Township, \$4,475.61, Booster Station
- 4) Robert Andy McGhee, Youngsville Township, \$2,500, Booster Pump Station

Commissioner Strickland requested that County Attorney Batton review the Franklin County Zoning Ordinance in an attempt to clarify the issue of the establishment of landfills in the County.

There being no further business to come before the Board, adjournment recorded at 9:00 P. M.

JAMES T. MOSS, JR., CHAIRMAN JEAN GORDON, CLERK