

NOVEMBER 20, 1989

The Board of Commissioners of Franklin County, North Carolina met in regular session at 7:30 P. M. in the Superior Courtroom of the Franklin County Courthouse with the following Commissioners present: Chairman James B. Alford, Vice Chairman Tommy Wynne, Commissioner Ronald W. Goswick, Commissioner John O. Sledge and Commissioner Robert L. Swanson.

Proper notice having been given, this is the time and place set for a public hearing to receive comments concerning amendments to the Franklin County Zoning Ordinance.

Chairman Alford declared public hearing open at 7:35 P. M. and recognized County Planner Bob Heuts.

Mr. Heuts made comments pertaining to a petition to rezone, a 6-acre tract on SR1737, Dunn Township, from Light Industry to Highway Business.

Chairman Alford called for public comments and no one spoke.

Mr. Heuts made comments pertaining to petition to rezone a 21.61 acre tract on N. C. 39, Dunn Township, from R-40 to Highway Business.

Chairman Alford called for public comments and no one spoke.

Mr. Heuts made comments pertaining to an ordinance amending the Franklin County Zoning Ordinance by adding conditional uses to the Agricultural-Residential District.

Chairman Alford called for public comments and no one spoke.

Chairman Alford declared public hearing closed at 7:45 P. M.

Upon motion by Commissioner Goswick, seconded by Commissioner Sledge with all present voting "AYE" duly carried the following resolution amending the Franklin County Zoning Ordinance adopted:

AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (MAP) TO REZONE A SIX (6) ACRE TRACT OF LAND LOCATED ON STATE ROAD 17375 1/2 MILE NORTH OF U. S. 64 IN DUNN TOWNSHIP FROM LIGHT INDUSTRIAL TO HIGHWAY BUSINESS

WHEREAS, the Franklin County Planning Board has reviewed said petition and favorably recommends amendment per the requirements of the Franklin County Zoning Ordinance; and,

WHEREAS, a public hearing of the Board of County Commissioners has been scheduled, duly advertised per the requirements of G. S. 153A and conducted on November 20, 1989 at 7:30 P. M.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners has acted favorably on the petition and provides for the following ordinance:

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SECTION 1 That the six (6) acre tract of land located in Dunn Township, on State Road 1737, 1/2 mile north of U. S. 64, be rezoned from Light Industrial (LI) to Highway Business (HB), and more particularly described as follows: Beginning at a point, 2924.33' N 90 32'45" W of a railroad spike at the intersection

of U. S. 64 and State Road 1737, then along the centerline of State Road 1737, N 200 02W 289.321 to a corner, then a new line 750', N 790 08' 50" E to corner, then a new line 350, S30 30, 00" W to a corner, then a new line 670' S 840 29' 00" W to the point of beginning.

SECTION 11 That this ordinance shall become effective upon its adoption.
Adopted this the 20th day of November, 1989.

upon motion by Commissioner Swanson, seconded by Commissioner Sledge with all present voting "AYE" duly carried the following resolution amending the Franklin County Zoning Ordinance adopted:

**AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (MAP) TO REZONE A
21.61 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF N. C. 39, NORTH OF
U. S. 64 IN DUNN TOWNSHIP FROM R-40 TO HIGHWAY BUSINESS**

WHEREAS, the Franklin County Planning Board has reviewed said petition and favorably recommends amendment per the requirements of the Franklin County Zoning Ordinance; and,

WHEREAS, a public hearing of the Board of County Commissioners has been scheduled, duly advertised per the requirements of G. S. 153A and conducted on November 20, 1989 at 7:30 P. M.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners has acted favorably on the petition and provides for the following ordinance:

SECTION I That the 21.61 acre tract of land located on the east side of N. C. 39, north of U. S. 64 in Dunn Township, be rezoned from R-40 to Highway Business, and more particularly described as follows: Beginning at a point approximately 400 feet north. of U. S. 64 on N. C. 39, then north along N. C. 39, 750 feet, then leaving N. C. 39, perpendicular, east 2, 475 feet to a corner, then south and west along the right-of-way of U. S. 64, 1,980 feet to a corner, then leaving the right-of-way of U. S. 64 west 800 feet to the point of beginning, containing 21.61 acres.

SECTION 11 That this ordinance shall become effective upon its adoption.
Adopted this the 20th day of November, 1989.'

Upon motion by Commissioner Wynne, seconded by Commissioner Swanson with all present voting "AYE" duly carried the following resolution amending the Franklin County Zoning Ordinance adopted:

**AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (TEXT) IN
REFERENCE TO THE
ADDITION OF CONDITIONAL USES TO THE AGRICULTURAL-RESIDENTIAL DISTRICT**

WHEREAS, the Franklin County Board of Commissioners duly adopted the Franklin County Zoning Ordinance on January 5, 1989; and,

WHEREAS, the Franklin County Planning Board has provided a recommendation per the requirements of the Franklin County Zoning Ordinance; and,

WHEREAS, a public hearing of the Board of Commissioners has been scheduled, duly advertised, per the requirements of G. s. 153A, and conducted on November 20, 1989;and

NOW, THEREFORE, BE IT ORDAINED that the Board of Commissioners has acted favorably on the Planning Board recommendation, and provides the following amending ordinance.

SECTION 1 That the text of the Franklin County Zoning Ordinance be amended to include in Article 11, Section 11-1 Agricultural-Residential District, C., the following as conditional uses:

13. Beauty and barber shops
14. Craft and gift shop, florist
15. Convenience and grocery stores
16. Restaurants and grills
17. Small, low-impact offices
18. Agricultural Supply Sales
19. Indoor Recreation Facility

The above uses to include the following minimum conditions:

1. Minimum lot area: Minimum lot area shall be the same as required for non-residential uses in the district
2. Parking: Shall conform to Article III, Off-Street Parking and Loading Requirements
3. Screening: Shall conform to Article 1-11, Buffer Strips
4. Lighting: Lighting shall be such that it is not directed onto any adjacent residential lot
5. Outdoor Storage: Shall conform to Article 11-5, Standards for Outdoor Storage

Adopted this the 20th day of November, 1989.

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Upon motion by Commissioner Goswick, seconded by Commissioner Wynne with all present voting "AYE" duly carried the following resolution pertaining to interstate sales tax collections be adopted and copies forwarded to Senator Terry Sanford, Senator Jesse Helms, and Congressman David Price, with copy to Ronald Aycock, Executive Director, North Carolina Association of County Commissioners:

RESOLUTION IN SUPPORT OF INTERSTATE SALES TAX COLLECTIONS

WHEREAS, out-of-state, direct-market and border sales are effectively exempt from sales and use tax collections due to the 1967 Supreme Court decision, National Bellas Hess v. Illinois Department of Revenue, that ended the obligation of out-of-state, direct-marketers and border sellers to collect "use" taxes from consumers; and,

WHEREAS, mail order share of the retail market is expected to reach 20 percent within four years; and,

WHEREAS, counties have increasingly relied on sales taxes as a portion of their general fund;and,

WHEREAS, 25 percent of the Franklin County General Fund is financed through sales taxes; and,

WHEREAS, state and local governments across the country lost as much as \$1.5 Billion in uncollected taxes in 1985 through the sales of direct-marketers and border sellers; and,

WHEREAS, the North Carolina General Assembly has extended state and local sales taxes to cover mailorder sales and the out-of-state mail order companies have refused to comply in collecting the tax,

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Commissioners supports federal legislation that would require out-of-state businesses to collect and remit state and local taxes to their customers' states.

FRANKLIN COUNTY BOARD OF COMMISSIONERS

Upon motion by Commissioner Swanson, seconded by Commissioner Sledge with all present voting "AYE" duly carried the following resolution pertaining to tax exempt bonds for state and local governments by adopted and copies forwarded to President George Bush, Senator Terry Sanford, Senator Jesse Helms and Congress David Price, with copy to Ronald Aycock, Executive Director, North Carolina Association of County Commissioners:

RESOLUTION SUPPORTING PRESERVATION OF TAX-EXEMPT BONDS FOR STATE AND LOCAL GOVERNMENTS

WHEREAS, the federal, state and local governments all share in the responsibility of building and maintaining the nation's physical and institutional infrastructure and in providing essential services needed to promote the general welfare; and,

WHEREAS, the federal government has steadily reduced its responsibility for infrastructure requirements, and has shifted more and more financial responsibility to states and units of local government; and,

WHEREAS, shifting the tax burden from the national level to state and local governments is an illusory savings for taxpayers and provides no net tax relief; and,

WHEREAS, financing state and local government projects through the issuance of bonds the interest on which is not taxed by the federal government is critical to allow states and local governments to exercise the responsibilities entrusted to and expected of them, and,

WHEREAS, in recent years, the United States Congress has both limited the use of tax-exempt bonds by states and local governments and made municipal bonds less attractive to significant groups of purchasers, thereby driving up the cost of financing public service project; and,

WHEREAS, in 1988 the United States Supreme Court overturned a 100-year old precedent, ruling for the first time that the Constitution does not prohibit the federal government from taxing the interest on state and local government bonds;and,

WHEREAS, the United States Supreme Court decision places in jeopardy the use of tax-exempt bonds by the more than 85,000 units of state and local governments as Congress seeks new sources of revenue to reduce the federal deficit; and,

WHEREAS, state and local borrowing costs will increase by an estimated 20 to 30 percent if the interest on tax-exempt bonds is subject to federal income tax and this added burden will be reflected in reductions in public services or by increased state and local taxes; and,

WHEREAS, further restrictions on the use of tax-exempt bonds will seriously impair the ability of state and local governments to finance essential services and facilities, including schools, roads, water, sewer, gas, electricity, transportation and other basic functions, to the detriment of all citizens,

NOW, THEREFORE, BE IT RESOLVED that the Franklin County Board of Commissioners calls upon Congress and the President to recognize that the state and local burden of maintaining the expanding the national infrastructure and providing citizens with needed basic governmental services cannot be met without taxexempt bonds, and to resist all further efforts to reduce the use of such bonds to finance governmental projects.

ADOPTED this the 20th day of November, 1989.

Mr. Bill Chappell, representing the residents of the Westwoods Subdivision, Youngsville, NC, made a presentation to the Board concerning model airplane activities in their neighborhood.

Upon motion by Commissioner Goswick, seconded by Commissioner Wynne with all present voting "AYE" duly carried that this matter be taken under advisement and the county manager and county attorney requested to investigate the situation and report back to the Board of Commissioners.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried that a public hearing be held during the meeting of the Board of Commissioners, which begins at 7:30 P. M., on Monday, December 18, 1989 for close out of the Community Development Block Grant for Economic Development Grant No. 87-C-7509.

Upon motion by Commissioner Goswick, seconded by Commissioner Swanson with all present voting "AYE" duly carried Mr. J. Thurman Griffin and Ms. Brenda Baldwin reappointed to serve a three-year term, January, 1990 January, 1993, on the Kerr-Tar Aging Advisory Council.

Upon motion by Commissioner Goswick, seconded by Commissioner Wynne with all present voting "AYE" duly carried Ms. Emma Davis reappointed to serve a three-year term, November, 1989 - November, 1992 on the Region K Certified Development Company.

Upon motion by Commissioner Wynne, seconded by Commissioner Sledge, with all present voting "AYE" duly carried approve the Master Agreement & Work Authorizations between Franklin County and the LPA Group for the Franklin County Airport and Land Acquisition Project.

County Manager Boutwell advised the Board that the resolution adopted by the Franklinton Town Council pertaining to the aging project was delivered to his office too late for him to review and have recommendation at this meeting. He stated he would have a recommendation pertaining to this matter at the next meeting.

Upon motion by Commissioner Sledge, seconded by Commissioner Wynne with all present voting "AYE" duly carried that a public hearing be held during the meeting of the Board of Commissioners, which begins at 7:30 P. M., on Monday, December 4, 1989 for close out of the Community Development Block Grant for the 1988 Tornado Assistance Grant.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried that a public hearing be held during the meeting of the Board of Commissioners, which begins at 7:30 P. M., on Monday, December 18, 1989 to receive public comments pertaining to amendment to the Franklin County Subdivision Regulations.

Upon motion by Commissioner Sledge, seconded by Commissioner Goswick with all present voting "AYE" duly carried notify the Kerr-Tar Regional Council of Governments that Franklin County is interested in further consideration of a regional landfill system.

Upon motion by Commissioner Sledge, seconded by Commissioner Wynne with all present voting "AYE" duly carried approve a part-time position at the Franklin County Library.

Upon motion by Commissioner Sledge, seconded by Commissioner Goswick with all present voting "AYE" duly carried the following budget amendments approved:

BUDGET AMENDMENT NO. 8

ACCOUNT NO. AMOUNT

10-596-0020 \$ 12,322

10-596-0060 1,562

10-596-0050 912

10-596-0070 1,146
10-349-0032 15,942

The above is to account for funding of social worker III position in Home Health Agency of Health Department approved by the Board of Commissioners on November 6, 1989.

10-630-1001 120

10-335-0040 120

The library has received additional funds designated by donors for the Ijcomes memorial for purchase of books.

Pursuant to and in accordance with G. S. 143-318.11 and upon motion by Commissioner Goswick, seconded by Commissioner Swanson with all present voting "AYE" duly carried the Board went into executive session to discuss land acquisition.

The Board reconvened into regular session and the chairman stated no action to be taken as a result of the executive session.

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There being no further business to come before the Board, adjournment recorded at 9:45 P. M.