

OCTOBER 15, 1990

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 George T. Wynne, Vice Chairman Ronald W. Goswick, Commissioner James B. Alford, Commissioner Robert L. Swanson. Commissioner John O. Sledge, III was absent due to illness.

Mr. George Willard, Louisburg Rotary Club, presented a video and made comments on recycling efforts by the Rotary Club.

Ms. Pam Leonard, American Family Life, appeared before the Board with a presentation on the Franklin County Flexible Benefits Plan. Upon motion by Commissioner Alford, seconded by Commissioner Swanson with all present voting "AYE" duly carried the following resolution pertaining to tax sheltering benefits:

Minutes of the meeting of October 15, 1990 --- Continued

RESOLUTION ADOPTING FLEXIBLE BENEFITS PLAN

WHEREAS, the Board of Commissioners of Franklin County wish to adopt a Cafeteria Plan within the context of Section 125 of the Internal Revenue Code for the benefit of the county's eligible employees.

NOW, THEREFORE, BE IT RESOLVED that the Franklin County Board of Commissioners hereby adopt the Franklin County Flexible Benefits Plan (consisting of the Flexible Benefits Plan Document, the Adoption Agreement and component Benefit Plans and Policies) effective as of the date specified in the Adoption Agreement.

RESOLVED FURTHER that any officer of Franklin County authorized, without further board approval, to execute the Adoption Agreement and any related documents or amendments which may be necessary or appropriate to adopt the plan or maintain its compliance with applicable federal, state and local law.

ADOPTED this the 15th day of October, 1990.

Upon motion by Commissioner Swanson, seconded by Commissioner Goswick with all present voting "AYE" duly carried that the fee that Franklin County is now charging Ms. Pam Leonard for the administration of the American Family Life Insurance be rescinded.

Proper notice having been given, this is the time and place set for a public hearing to be held to receive public comments on the following amendments and recommendations of the Franklin County Planning Board.

Chairman Wynne declared public hearing open at 8:20 P. M. and recognized County Planner Richard Reid who made comments on the following requests:

I. Request for rezoning by Charles L. Toney (Tidewater Equipment Company) for 3.315 acres on N. C. 39, South of Louisburg from Agricultural-Residential to Light Industrial.

Chairman Wynne called for public comments and the following people spoke:

1. Leroy Hartsfield, Louisburg, NC

requested that environment in area be protected

2. Charles Toney, Louisburg, NC

requested approval of request in order to expand operation

Chairman Wynne recognized County Planner Richard Reid who made comments on the following request:

II. Special Use Permit for a demolition landfill by Allen Perry on 75 acres on U. S. 1 in the Heavy Industrial District in Youngsville Township.

Chairman Wynne called for public comments and no one spoke.

Chairman Wynne declared public hearing closed at 8:35 P. M.

Upon motion by Commissioner Goswick, seconded by Commissioner Swanson with all present voting "AYE" duly carried that upon the recommendation of the Franklin County Planning Board, the following ordinance amending the Franklin County Zoning Ordinance and Map to rezone a 3.315 acre tract on N. C. 39 from Agricultural Residential to Light Industrial:

AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (MAP) TO REZONE A

3.315 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF N. C. 39 IN LOUISBURG TOWNSHIP

FROM AGRICULTURAL-RESIDENTIAL TO LIGHT INDUSTRIAL (LI)

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 October 15, 1990 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 3.315 acre tract of land located on the east side of N. C. 39 in Louisburg Township, be rezoned from Agricultural-Residential (AR) to Light Industrial (LI), and more particularly described as follows:

Beginning a point marked by an existing nail set in the center line of N. C. Highway 39; said point of beginning being situated South 180 451 4611 W 744.66 feet from an existing PK nail set at that point where the center line of N. C. Highway 39 is intersected by the center line of State Road 1700; thence from said point of beginning and along the Carrie Jane Thomas Southern property line, South 850 13' E 567.29 feet to an existing iron in the Sauannah Crudup property line; thence along the Crudup line South 19' 131 16" E 40.01 feet to an existing iron marking a corner for Toney; thence along the northern line for Toney, South 870 491 W 616.32 feet to a PK nail set in the center line of N. C. Highway 39; thence

along the center line of N. C. Highway 39, North 190 E. 114.82 feet to the point and place of beginning and containing approximately .995 acres.

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Beginning at a point in the center of N. C. Highway 39, marked by an iron at the East edge of the right of way of said highway and 32.85 feet from the center thereof, said beginning point being corner of Tract #5 of the division of the David and Nettie Perry lands as shown on plat recorded in Map Book 3, on Page 103, in the Office of the Franklin County Register of Deeds; thence, running from the beginning point and leaving N. C. Highway 39 and along the line of said Tract #5, S. 89 deg. 48 min. 06 sec. E 266.85 feet to an iron, corner for Lot #2 of Elmo May Subdivision; thence leaving the line of said Tract #5, and long the line of said Lot #2, S. 13 deg. 56 min. W. 217.80 feet to an iron at the north edge of a 70 foot wide proposed road; thence, leaving the line of said Lot #2 and along the North edge of said proposed road, N. 70 deg. 48 min. 12 sec. W. 275.35 feet to a point in the center of N. C. Highway #39, marked by an iron at the east edge of the right of way of said highway and 30.35 feet from the center thereof; thence, along the center line of N. C. Highway #39, N. 20 deg. 32 min. 48 sec. E 130 feet to the point of beginning, containing approximately 1.06 acres.

Beginning at an iron stake in the northeast corner of Lot #1 in the line of Lot #5 and being the northwest corner of the lot hereinafter described, said beginning point being South 89 degrees 48 min. 06 sec. East 266.85 feet from a point in the center of N. C. Highway #39; thence running from the beginning point. South 89 degrees 48 minutes 06 seconds East 349.58 feet to an iron stake in the line of Elmo May property, cornering; thence South 00 degrees 33 minutes 54 seconds East 88.97 feet to an iron stake in the northern edge of a 70 foot proposed road; thence along the northern edge of said proposed road, South 73 degrees 15 minutes 24 seconds West 420.75 feet to an iron stake, corner of Lot #1 and Lot #2, said iron stake being in the northern edge of the proposed 70 foot road, corner for Lot #1; thence along the line of Lot #1, North 13

degrees 56 minutes 10 seconds West 217.80 feet to the point of beginning, containing approximately 1.26 acres, and containing a total of approximately 3.315 acres.

SECTION II That this ordinance shall become effective upon its adoption.

ADOPTED this the 15th day of October, 1990.

Upon motion by Commissioner Alford, seconded by Commissioner Swanson with all present voting "AYE" duly carried upon the recommendation of the Franklin County Planning Board and after consideration of the following conditions, that a special use permit be issued to Allen Perry for a demolition landfill on 75 acres on U. S. 1:

- 1) All applicable specific conditions pertaining to the proposed use have been or will be satisfied.

- 2) Access roads or entrance and exist drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic 'flow, and control and access in case of fire or other emergency.

- 3) Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency and to minimize economic, glare, oror, and other impacts on adjoining properties in the general neighborhood

- 4) Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.

- 5) The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impact.

- 6) The type, size, and intensity of the proposed use, including such consideration as hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impact on adjoining properties or the neighborhood.

Upon motion by Commissioner Swanson, seconded by Commissioner Goswick with all present voting "AYE" duly carried accept Small Cities Community Development Block Grant in the amount of \$600,000 for the Howard Harris Road project for community revitalization and installation of water and sewer facilities and authorize chairman to execute appropriate documents.

Upon motion by Commissioner Alford, seconded by Commissioner Goswick with all present voting "AYE" duly carried that the Administrative Services Contract for the Community Development Block Grant - Howard Harris Road Project be awarded to Holmes & Allred.

Upon motion by Commissioner Goswick, seconded by Commissioner Swanson with all present voting "AYE" duly carried the following resolution requesting release of state funds to the Kerr-Tar Regional Council of Governments adopted:

RESOLUTION BY COUNTY OF FRANKLIN

WHEREAS, in North Carolina the Lead Regional Organizations as voluntary organizations serving municipal and county governments, have established productive working relationships with the cities and counties across the state; and,

WHEREAS, the 1990 General Assembly recognized this need through the appropriation of \$960,000 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and other activities deemed appropriate by their local governments; and,

WHEREAS, these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and,

WHEREAS, in the event that a request is not made by the County of Franklin for release of these funds to our Regional Council, the available funds will revert to the state's General Fund; and,

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WHEREAS, in Region K, funds in the amount of \$53,350 will be used to:

*Provide staff and support assistance to the Region K Certified Development Company to package, process and service business loans through the Small Business Administration "504" program;

*Provide staff and necessary support services to package, process and service business loans for the Economic Development Administration's Revolving Loan Fund program;

*Assist in matching funds necessary for the Planning Grant from the Economic Development Administration;

*Provide financial support through the Region K Economic Developers for support of Perimeter North activities; and,

*Other activities as deemed appropriate by the Kerr-Tar Regional Council of Governments' Board of Directors that are in compliance with Chapter 1066, Senate Bill 1426, Section 42 of the 1990 Session Laws.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Commissioners requests the release of its share of these funds \$9,261.47, to the Kerr-Tar Regional Council of Governments at the earliest possible time in accordance with the provisions of Chapter 1066, Senate Bill 1426, Section 42 of the 1990 Session Laws.

WITNESSED this the 15th day of October, 1990.

Upon motion by Commissioner Goswick, seconded by Commissioner Swanson with all present voting "AYE" duly carried that the following resolution supporting the North Carolina Division of State Libraries' expansion budget request adopted:

RESOLUTION ENDORSING AND SUPPORTING THE NORTH CAROLINA DIVISION OF

STATE LIBRARY'S EXPANSION BUDGET REQUEST

WHEREAS, the North Carolina Division of State Library has a statutory commitment to support public libraries throughout the state; and,

WHEREAS, the North Carolina Division of State Library supports activities of public libraries to promote small business and local economic development, literacy, and the communication of ideas; and,

WHEREAS, the North Carolina Division of state Library is a fundamental resource for public libraries throughout the state,

NOW, THEREFORE, BE IT RESOLVED that the Franklin County Board of Commissioners does hereby endorse and fully support the North Carolina Division of State Library's expansion budget request for the 1991-93 biennium. ADOPTED this the 15th day of October, 1990.

Upon motion by Commissioner Alford, seconded by Commissioner Swanson with all present voting "AYE" duly carried the following resolution supporting the North Caorlina Library Directors Association's request for state aid to public libraries:

RESOLUTION ENDORSING AND SUPPORTING THE NORTH CAROLINA PUBLIC LIBRARY DIRECTORS

ASSOCIATION'S REQUEST FOR STATE AID TO PUBLIC LIBRARIES

WHEREAS, the Franklin County Library is the only public library facility to serve the county 36,000 residents; and,

WHEREAS, the purpose of the library is to promote the communication of ideas, to protect and nurture the right of the individual to seek and find information and to help citizens develop and enrich their personal lives; and,

WHEREAS, the library is a center of reliable information and is an arm of the county's education system; and,

WHEREAS, the library supports all educations, civic, and cultural activities of the community,

NOW, THEREFORE, BE IT RESOLVED.that the Franklin County Board of Commissioners does hereby endorse and fully support the North Carolina Public Library Director Association's request for an additional One Million Dollars (\$1,000,000) in state aid and One Million Dollars (\$1,000,000) for library construction for each year of the 1991-93 biennium.

ADOPTED this the 15th day of October, 1990.

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Upon motion by Commissioner Swanson, seconded by Commissioner Goswick with all present voting "AEY" duly carried the following resolution supporting state bond reference for prison construction adopted:

RESOLUTION SUPPORTING STATE BOND REFERENDUM FOR PRISON CONSTRUCTION

WHEREAS, the governing units of Kerr-Tar Regional Council of Governments, comprised of the counties of Franklin, Granville, Person, Vance, and Warren, and the municipalities therein, recognize the extensive drug problems facing our citizens; and,

WHEREAS, the governing units of Region K unanimously approved forming the Region K Narcotics Task Force; and,

WHEREAS, it is the Region K Narcotics Task Force's primary mission to investigate and prosecute those persons possessing, dealing, distributing, and/or using drugs illegally; and,

WHEREAS, Franklin County recognizes the need for available facilities for the incarceration of offenders for an appropriate period of time; and,

WHEREAS, a \$200 Million bond referendum will be submitted to the voters of the State of North Carolina this November for the construction of additional facilities for the incarceration of offenders,

NOW, THEREFORE, BE IT RESOLVED that the Franklin County Board of Commissioners hereby supports the \$200 Million bond referendum to be placed before the voters of the State of North Carolina in November for prison construction to insure adequate prison facilities for the incarceration of offenders.

ADOPTED this the 15th day of October, 1990.

Upon motion by Commissioner Alford, seconded by Commissioner Goswick with all present voting "AYE" duly carried the following appointments made to the Kerr-Tar Private Industry Council:

Bob Dove, Plant Manager

Wade Johnson, Plant Manager

Wheaton Plastic Containers

Americal

Youngsville, NC

Franklinton, NC

Two-year term - July 1, 1990 - June 30, 1992

Two-year term - July 1, 1990 - June 30,

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

BUDGET AMENDMENT NO. 90-91-02

Adult Health Budget

597-0320		\$ 4,400
597-0140		500
597-0110		500
597-0740	PC	1,000

Laser Printer 1,600

597-0460 96,000

30 patients, 20/hr week, \$8.05/hr. x 6 months = \$104,000 (per this revision: this is based on actual expected revenues of \$115,920 given experience to date)

REVENUE

335-0090 Medicaid Adult Health

County Manager Boutwell presented the following bids received for construction of the Bunn Branch Library Facility:

STEEL

Bobbitt & Associates, Inc.	\$ 147,988
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L. E. Parker Construction	141,600
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Peden General Contractors	152,429
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WOOD

Dickerson Builders	123,900
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L. E. Parker Construction	131,500
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R.J.W. Construction	112,000
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John D. Rock, Inc.	124,444
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County Manager Boutwell stated that after negotiations with RENEW. Construction, the lowest responsible bidder, the bid had been reduced to \$99,633.

Upon motion by Commissioner Alford, seconded by Commissioner Goswick with all present voting "AYE" duly award construction contract for the Bunn Branch Library facility in the amount of \$99,633 to RENEW. Construction, Burgaw, NC.

Upon motion Commissioner Alford, seconded by Commissioner Goswick 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 November 5, 1990 to receive public comment on road name change.

Upon motion by Commissioner Swanson, seconded by Commissioner Alford 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 November 19, 1990 to receive public comment on amendments and recommendations from the Franklin County Planning Board.

Upon motion by Commissioner Goswick, seconded by Commissioner Alford with all present voting "AYE" duly carried the following resolution establishing a verifiable percentage goal for participation by minority business adopted:

RESOLUTION TO ESTABLISH A VERIFIABLE PERCENTAGE GOAL FOR PARTICIPATION BY MINORITY

BUSINESS IN THE AWARDING OF BUILDING CONSTRUCTION CONTRACTS

AWARDED PURSUANT TO N. C. G. S. 143-128

WHEREAS, the North Carolina General Assembly enacted Chapter 480 and Section 74.17 of Chapter 770 of the 1989 Session Laws, thereby rewriting North Carolina General Statute 143-128; and,

WHEREAS, N. C. G. S. 143-128(c) requires each city, county or other public body to adopt, after notice and a public hearing, an appropriate verifiable percentage goal for participation by minority businesses (as defined in that statute) in the total value of work for building contracts the costs of which exceed one hundred thousand dollars (\$100,000) and which are awarded pursuant to N. C. G. S. 143-128; and,

WHEREAS, N.C.G.S. 143-128(c)(3) requires an authority awarding a building contract the cost of which exceeds one hundred thousand dollars (\$100,000) under a separate prime or separate specification contract system to adopt written guidelines specifying actions that will be taken by the awarding authority to ensure a good faith effort in the recruitment and selection of minority businesses for building contracts awarded under the separate prime or separate specification contract systems; and,

WHEREAS, N.C.G.S. 143-128(c)(4) requires an authority awarding a building contract the cost of which exceeds one hundred thousand dollars (\$100,000) under a single-prime contract system to adopt written guidelines specifying the action that the prime contractor must take to ensure a good faith effort in the recruitment and selection of minority businesses for building contracts awarded under the single prime contract system; and requires that action taken by the prime contractor must be documented in writing by the contractor to the appropriate awarding authority; and

WHEREAS, N. C. G. S. 143-128(b) requires that a public body choosing to use a single-prime contract system must also seek bids for a building contract the cost of which exceeds one hundred thousand dollars (\$100,000) under a separate prime or separate specification contract system and must award such building contract to the lowest responsible bidder or bidders for the total project; and,

WHEREAS, N.C.G.S. 43-128(d) requires the state and its political subdivisions to award public building contracts the costs of which exceeds one hundred thousand dollars (\$100,000) without regard to race, religion color, creed, national origin, sex, age or handicapping conditions; and,

WHEREAS, notice of the public hearing was duly published in THE FRANKLIN TIMES and the public hearing required by N.C.G.S. 143-128(c) was held October 1, 1990.

NOW, THEREFORE, BE IT RESOLVED by the Franklin County Board of Commissioners,

1. That the County of Franklin shall have a verifiable goal of ten percent (10%) for participation by minority businesses in building construction contracts awarded pursuant to N.C.G.S. 143-128.

2. That the official, employee or agent responsible for advertising such contracts shall compile a list of minority businesses within the bidding area, using information obtained from the North Carolina Department of Economic and Community Development, Minority Business Development Agency or from other institutions or agencies providing such information. This list shall be updated on an annual basis and shall be open for inspection and shall be available so that minority businesses will have the opportunity to add their names to the list. Copies of this resolution shall be transmitted to the businesses on the list as soon as practicable along with the name of the official, employee or agent who shall serve as the contact person for minority businesses and be responsible for answering project related questions posed by minority businesses.

3. That for each such building contract put out for bids under the separate specification or the single prime contract systems, notice of the contract shall be transmitted to minority businesses on the above list.

4. That for each building contract put out for bids under the separate specifications or single prime contract systems, documents related to the contract shall be available for inspection at a convenient and accessible location of which minority businesses shall receive notice.

5. That for each such building contract put out for bids under the separate specification or single prime contract system, the contact person designated pursuant to paragraph 3 above shall hold a pre-bid conference to orient contractors and subcontractors to the policy expressed in this resolution as well as bid procedures and regulations. Minority businesses on the list obtained and maintained as provided herein shall be notified of and invited to these pre-bid conferences.

6. That for each such building contract put out for bids under the separate specifications or single prime contract system, published notice of the contract shall include a summary of this resolution.

7. That for any such building contract put out for bids under the separate specification contract system, the contact person designated herein shall maintain records with respect to:

(a) those contractors or subcontractors notified of the project and the number of these contractors and subcontractors that are minority businesses as defined in G. S. 143-128 appearing on the list of minority businesses maintained pursuant to paragraph 2 herein,

(b) those contractors or subcontractors that bid or otherwise respond to notice of the project and the

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number of these that are on the maintained list of minority businesses,

(b) those contractors or subcontractors awarded contracts as part of the project and the number and identity of those that are on the list of minority businesses; and,

(c) (d) the percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this resolution. 8. That for any such building contract put out for bids under the single prime contract system, the single prime contractor shall:

(a) notify those minority businesses appearing on the list of minority businesses maintained pursuant to paragraph 2 of the portion of the project which will be subcontracted by the single contractor and solicit bids from those minority businesses.

(b) submit with his bids records with respect to:

1) those subcontractors notified of the project and of those elements of the project for which subcontracts will be let and the number of these subcontractors that are minority businesses as defined in G. S. 143-128 appearing on the list of minority businesses maintained pursuant to paragraph 2 herein,

2) those subcontractors that bid or otherwise respond to notice of the project and the number of those that are on the maintained list of minority businesses; and,

3) those subcontractors awarded contracts as part of the project and the number and identity of those that are on the maintained list of minority businesses; and,

4) the percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this resolution.

9. That these policies shall be a part of the request for proposals for any such contract, and noncompliance by an single prime bidder shall be grounds for declaring the bid non-responsive.

10. That this resolution shall become effective upon its adoption.

ADOPTED this the 15th day of October, 1990.

Upon motion by Commissioner Goswick, seconded by Commissioner Swanson with all present voting "AYE" duly carried in order to apply for 50% matching funds to assist in obtaining energy conservation measures in eligible buildings, that Franklin County employ The Wooten Company to provide services of an approved certified energy analyst at a cost of \$5,000; and that the following budget amendment be approved:

10-506-0041	\$5,000
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10-506-0590	(\$5,000)
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For Professional Services for Energy Assistance Grant

The Board of Commissioners discussed a request for a special use permit filed by Albert Height & Carolyn Ray for a Special Use Permit to locate open air games and sporting events on 49.84 acres on the northeast side of SR1711. This request was tabled by Chairman Wynne at the last meeting of the Board of Commissioners.

Upon motion by Commissioner Goswick, seconded by Commissioner Alford with all present voting "AYE" duly carried that upon the recommendation of the Franklin County Planning Board and upon evidence presented to the Board relating to the continuous use of this property, that a request for a Special Use Permit to locate open air games and sporting events on 49.84 acres on the northeast side of SR1711 by denied.

Pursuant to and in accordance with General Statute 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 pending litigation.

The Board reconvened into regular session and Chairman Wynne stated no action as a result of the executive session.

There being no further business to come before the Board, adjournment recorded at 10:30 P. M.