

MARCH 19, 2001

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 Robert L. Swanson, Vice Chairman George T. Wynne, Commissioner John R. Ball, Commissioner Harry L. Foy, Jr., Commissioner Edward Strickland.

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

- A. Minutes of meetings held on March 5, 2001 and March 8, 2001.
- B. Adopted resolution proclaiming the week of April 16-21 as Happy Whistlers Week.
- C. Approve the forwarding of a road petition to the Department of Transportation requesting that Beaver Dam Drive be added to the State Highway System.

Upon motion by Commissioner Ball, seconded by Commissioner Wynne, voting "AYE" Commissioner Ball, Commissioner Wynne, Commissioner Strickland, Commissioner Swanson, voting "NO" Commissioner Foy, the Board went into Closed Session pursuant to General Statute 143-318.11 (a) (3) in order that the Board may consult with the County Attorney.

Upon motion by Commissioner Wynne, seconded by Commissioner Ball with all present voting "AYE" duly carried the Board reconvened into regular session.

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

Proper notice having been given this is the time and place set for a public hearing to receive comment on a certain installment financing agreement proposed for the financing, pursuant to North Carolina General Statute 160A-20, of (i) the construction, equipping and installation of improvements to serve the South Central Elementary School and (ii) the securing thereof by a deed of trust on such facilities and the sites thereof.

Chairman Swanson declared the public hearing open and called for comments and the following people spoke:

Grady Macon, 1825 Tarboro Road, Youngsville, NC

what capital improvements will the \$4,000,000 be used for; was the 15-20 year term of financing correct; stated that he knew the construction of a new school was needed because the population of the county was ever increasing; was very concerned that at least a 2 cents tax increase would be necessary for the financing when the county already had such a high tax rate; feels the elderly population living on Social Security are looking for tax relief

Bob Winters, 211 Lake Royale

questioned requirements for the construction of new schools - should be plain simple and not so expensive; some of the schools are like palaces; stated that the Board of Education selects the design and then requires the Board of Commissioners to pay for it; request from Board of Education for this new construction allowed the Board of Commissioners only 45 days to act

Chairman Swanson 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 that pursuant to Section 160A-20 of the North Carolina General Statute adopt

resolution entitled "RESOLUTION APPROVING, IN PRINCIPLE, THE FINANCING OF AN AMOUNT NOT TO EXCEED \$4,000,000

MINUTES OF MEETING OF MARCH 19, 2001---continued

FOR CAPITAL IMPROVEMENTS FOR COUNTY SCHOOLS"; copy of resolution is attached and made a part of these minutes.

The Chairman stated that it was necessary for the resolution reappointing directors to the Public Facilities Corporation to be updated in order for Ms. Angela L. Harris to be appointed to replace Mr. R. G. Leary for the remainder of this term expiring January 1, 2002.

Upon motion by Commissioner Wynne, seconded by Commissioner Ball with all present voting "AYE" duly carried adopt resolution entitled 'RESOLUTION REAPPOINTING DIRECTORS TO THE FRANKLIN COUNTY PUBLIC FACILITIES CORPORATION'; copy of resolution attached and made a part of these minutes.

Mr. Tony King, Assistant Administrator for the Town of Louisburg, appeared before the Board to explain action the Town is seeking in the General Assembly for the ratification of a local bill to exempt the Town of Louisburg from specific limitation placed on the Town when annexing non-contiguous satellite areas. Mr. King explained that the law now restricts the total area of satellite annexation to ten percent. Mr. King further stated that satellite areas could only be annexed when the property owner petitioned to come into the Town. Mr. King requested that the County provide a letter of support in their efforts for the ratification of this local bill.

Upon motion by Commissioner Ball, seconded by Commissioner Wynne with all present voting "AYE" duly carried provide a letter of support to the Town of Louisburg in their efforts for the ratification of a local bill in the General Assembly to exempt the Town from specific limitations placed on the Town when annexing non-contiguous satellite areas.

Proper notice having been given this is the time and place set for a public hearing to receive comment on a request by Materials Recovery, LLC, F. Norbert Hector and Juan Carroll, Principals, for a Special Use Permit for a Construction and Demolition Landfill on US 1 in Franklinton Township in the Heavy Industrial District.

Chairman Swanson called the meeting to order and recognized Mr. Matt Livingston, Planning Director, who stated that Materials Recovery, LLC, had addressed the six required conditions necessary for the issuance of a Special Use Permit for a Construction and Demolition Landfill. He further stated that the Planning Board recommended approval for the Special Use Permit with an additional seven conditions required. The Planning Board did not recommend approval based upon the best interest of the County but based upon the fact that all required conditions were met.

Chairman Swanson then called for public comments and the following persons spoke:

Leonard E. Joyce, President, Joyce Engineering, Inc., Henderson Building, Suite 203, 2301 W. Meadowview Road, Greensboro, NC 27407

Made a slide presentation addressing all the details on the proposal Construction & Demolition Landfill. Stated the 278 acre tract would be used for the development of an industrial park and a construction and demolition material reclamation facility and a disposal area for construction and demolition residue. Approximately 107 acres (has an option 18 acres of Senter property) will be developed for an industrial park and 189 acres will be used for construction and demolition material reclamation. Two areas-Phase

I, 62 acres and Phase 2, 54 acres designated for residue disposal. Mr. Al Stallings will operate a wood reclamation activity on a ten acre tract on the back side - will have mulching area and produce top soil. Will be a construction & demolition landfill only - no household garbage. Will be brought in by 30 yard roll off trucks dumped on concrete pad and bulky items such as rocks, metals, cardboard sorted first for recycling. Through screens and residue coming out will go in the disposal area.

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Two entrances to the property - same roads will serve the landfill and the industrial park. Will install large pump station in industrial park and will tie in to county sewer system near Bert Winston Road. Will be built in cells - cells will be approximately 10-15 acres at a time depends on volume. Will be a fifty foot buffer around the entire tract of land and will honor the 100 foot set back for buildings and structures. Stormwater management and erosion control measures will be in place - two ponds will be undisturbed. Required groundwater monitoring wells will be installed around the site. Waste comes in, deposited in cells, machinery compacts and then is covered with soil. Would plant evergreens along property line to screen from US 1 Highway. After closure, would be used for recreational purposes. One condition of Planning Board was the establishment of a host fee - propose 0-50,000 tons disposed per year \$0.75/ton; 50,5001-150,000 tons disposed per year \$1.25/ton; 150,001 and greater disposed per year \$2.25/ton. Host fee based on the residue material - not gate fee. The host fee could increase/decrease by an amount equal to 33 percent of the total change in tons disposed from the previous year. Host fee never will be less than the original host fee schedule. Could expect approximately \$117,200 host fee per year. The host fee to begin the third year in operation and continue annually. Other condition of Planning Board was that the waste disposal at this facility be from materials processed on site only - proposed that on an emergency basis materials pre-processed at C& D Landfills outside the county be disposed at the Franklin County facility for a special host fee of \$2.50/ton - this fee not ever change. Big investment - purchase property, sewer line, median crossover, construction, develop & construct industrial park - approximately \$7-\$8 million. Will be more tax revenue due to change from farm property to industrial property - approximately \$400,000 additional. Will create approximately 30 jobs. Advantage for potential growth having processing center close by.

Ralph Edward, Chairman, Franklin County Planning Board.

One of the additional conditions set by the Planning Board was that no materials processed off-site would be accepted at the Franklin County facility and that in his opinion, the Planning Board would not have recommended approval of the Construction & Demolition Landfill has this condition not been accepted by Material Recovery, LLC.

Bob Winters, 211 Lake Royale

does Wake County have the same restrictions that you are requesting for Franklin County (yes, materials accepted by this type of facility is regulated by the state); would you take bituminous products (not intentionally, some may be mixed in); will the products be sold wholesale or retail (will be sold wholesale, will be stockpiled then taken out)

Fred Coats, Commissioner, Town of Franklinton, NC

after landfill closure, could it be used for anything other than recreational purposes (not our intentions, foundation system would be too expensive to build upon); two roads into site - what effect will the truck traffic going to landfill have on the industrial park (speculate that the same type of truck traffic would serve both the landfill and the industrial park); this landfill is in Franklinton's backyard and don't particularly like it and don't think citizens in that area want it there - frankly, we are against it.

Commissioner Strickland - discuss performance bond

the State of North Carolina does not require that this type of facility provide financial assurance but do require for a municipal solid waste facility; Material Recovery is willing to provide "financial assurance" that may be a line of credit/letter of credit/insurance certificate to insure the state and the local government that there is sufficient financial resources for both the closure and post closure of these facilities - there is a five-year post closure care period.

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Upon motion by Commissioner Strickland, seconded by Commissioner Ball with all present voting "AYE" duly carried that the Board conduct a work session on Tuesday, March 27, 2001, at 7:30 P. M. in the Commissioners' Meeting Room located in the County Administration Building, to discuss unresolved issues involved in the request by Material Recovery for a Special Use Permit for a Construction and Demolition Landfill on US Highway 1 in Franklinton Township in the Heavy Industrial District.

Commissioner Ball stated that the information regarding this request for the Special Use Permit was contained in several documents and that the Board had received information at this meeting that was not contained in any documents. Commissioner Ball requested that administrative staff bring all pertinent information regarding this matter into one draft document for review by the Board at the work session on March 27.

Chairman Swanson recessed the Public Hearing for the purpose of receiving comment on the request for a Special Use Permit by F. Norbert Hector & Juan Carroll for a Construction & Demolition Landfill on US Highway 1 in Franklinton Township in the Heavy Industrial District until Tuesday, March 27, 2001, at 7:30 P. M.

The Board reviewed a request from Warren County requesting that three applicants from that County be added to Franklin County's application for Housing Crisis funds for individuals whose homes were damaged during Hurricane Floyd. The application is being prepared by Holland Consulting Planners, Inc. Previously, the Board approved applicants from Durham, Granville and Person Counties.

Upon motion by Commissioner Ball, seconded by Commissioner Strickland with all present voting "AYE" duly carried approve the inclusion of three eligible applicants from Warren County in Franklin County's application for Housing Crisis Assistance Funds.

Upon motion by Commissioner Ball, seconded by Commissioner Wynne with all present voting "AYE" duly carried approve the audit contract and the engagement letter from the CPA firm of Holden, Moss, Knott, Clark and Taylor for the annual audit for the fiscal year ended June 30, 2000, at a cost of \$36,000.

Mr. Keith Patton, Health Director, advised the Board that the Health Department had received grant funds to undertake specific health promotion projects and he requested that an additional Public Health Educator be added to the current clinical budget. Funds for this position have been identified through June 30, 2001. Mr. Patton further stated that he was aware that the continuation of this position was contingent upon the County receiving additional grant funds.

Upon motion by Commissioner Ball, seconded by Commissioner Strickland with all present voting "AYE" duly carried approve the hiring of an additional Public Health Educator for the Health Department through June 30, 2001, using grant funds received.

Mr. Chuck Murray, Finance Director, was in attendance and requested approval of Budget Ordinance Amendment Numbers Ten and Eleven.

Upon motion by Commissioner Wynne, seconded by Commissioner Ball with all present voting "AYE" duly carried upon the recommendation of the Finance Director approve BUDGET ORDINANCE AMENDMENT NUMBER TEN (10); copy of the amendment found the Budget Ordinance Book.

Upon motion by Commissioner Wynne, seconded by Commissioner Ball with all present voting "AYE" duly carried upon the recommendation of the Finance Director approve BUDGET ORDINANCE AMENDMENT NUMBER ELEVEN (11); copy of the amendment found the Budget Ordinance Book.

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Franklin County annually receives funding allocation under the Home and Community Care Block Grant for Older Adults program. The grant is designed to improve the planning and coordination of in-home and community based services provided to older adults. The County must adopt a resolution designating a lead agency and appointing members of the Block Grant Advisory Committee who will make recommendations on the use of the funds.

Upon motion by Commissioner Ball, seconded by Commissioner Foy with all present voting "AYE" duly carried adopt resolution "HOME AND COMMUNITY CARE BLOCK GRANT FOR OLDER ADULTS"; a copy of the resolution is attached and made a part of these minutes.

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

Upon motion by Commissioner Wynne, seconded by Commissioner Ball with all present voting "AYE" duly carried the Board reconvened into regular session.

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

Chairman Swanson recessed the meeting until Tuesday, March 27, 2001, at 7:30 P. M. in the Commissioners' Meeting Room located in the County Administration Building.

ROBERT L. SWANSON, CHAIRMAN JEAN GORDON, CLERK