

July 1, 2002

The Board of Commissioners of Franklin County, North Carolina, met in Regular Session at 7:30 P.M. in the Commissioner's Meeting Room located in the County Administration Building with the following Commissioners present: Chairman John R. Ball, Vice Chairman Robert L. Swanson, Commissioner Harry L. Foy, Jr., Commissioner Edward G. Strickland, and Commissioner George T. Wynne.

**1. Consent Agenda**

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

- A. Approval of minutes of meeting held on May 31, 2002, June 17 2002, Recessed and Regular Meeting
- B. Acceptance of Tax Collector's Report for the month of May
- C. Approval of Releases & Refunds for the months of May and June
- D. Home and Community Care Block Grant for Older Adults  
The funding was approved in the FY 2002-03 Budget, this item is acceptance of the committee report

Amendment to the Minutes of June 17, 2002:

Item 2 – FY 2002 – 2003 Budget, Section 16 of the Budget Ordinance to include Bunn. This section authorizes the Tax Administrator to collect their property taxes.

Upon motion by Chairman Ball, seconded by Commissioner Foy with all present voting "AYE" duly carried to add the Town of Bunn to Section 16 of the 2002 – 2003 Budget Ordinance.

**2. Public Hearing – 2002 Franklin County Community Development Block Grant Concentrated Needs project Application.**

Proper notice having been given this is the time and place set for a public hearing to obtain the views and proposals of the citizens of Franklin County with regard to the determination of priorities for the community development and housing needs of the County.

The County is eligible to apply for \$700,000 in State funds through the NC Department of Commerce, Division of Community Assistance program. The grant is intended to provide housing rehabilitation and/or replacement and to address critical housing needs for approximately 12 owner occupied homes in a concentrated area. This is the first of two public hearings which must be held prior to September 23, 2002. This hearing is intended to give a broad, general overview of the CDBG-CN program. The second hearing will be more detailed.

Chairman Ball declared the public hearing opened.

Ms. Tracy Tayloe of Holland Consulting Planners presented the following general overview:

- Description of the CDBG Program:
  - The North Carolina program has been designed to insure that at least 51% of the CDBG funds will be used for activities to benefit low- and moderate-income persons.
  - Housing activities must benefit 100% low- to moderate-income persons or meet the slum and blight national objective.

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- Application Rating:

SELECTION CRITERIA	SCORE
Severity of Needs	300
Meeting a National Objective	300
Local Commitment	200
Treatment of Needs	100
Appropriateness and Feasibility	100
TOTAL POINTS	1000

- Housing Needs are given a higher priority; this includes substandard housing and water and sewer needs.
  - Neighborhood needs, including streets and drainage, are given a lower priority.
- Description of the Eligibility Requirements to receive CDBG funds:
    - Concentrated Needs is a subcategory under the Community Revitalization Category. Its purpose is to use CDBG-funded activities to revitalize, by preservation or development, a residential area.
    - To be eligible, a local government must choose a project area that has at least two needs and must treat at least two needs.
    - A project area in the county must be predominately residential regardless of tract size; have any conditions which qualify it as blighted and must have ten units.
    - All housing activities (acquisition, disposition, clearance, relocation, rehabilitation), street improvements, drainage improvements, public water and public sewer are eligible activities in the primary target area.
    - Water and sewer lines must be 6 to 8 inches in diameter. The local government would be required to pay for oversized lines.
    - CDBG funds may not be used to fund lines through vacant property more than .25 mile. Funds other than CDBG must be used to finance lines over .25 vacant mile.
  - Description of the Award Amount and State funding cycle:
    - Maximum award for a concentrated needs project is \$700,000.
    - Applications are due on September 23, 2002 for the 2003-2004 funding cycle.
  - Description of project timeline and process:
    - Two public hearings must be held prior to the September 23, 2002 application deadline.

Ms. Tayloe stated that Franklin County has never applied for application for concentrated needs funding.

Commissioner Swanson asked if any sites have been looked at and Ms. Tayloe responded yes, several sites. The County has received scattered sites CDBG funding in the past.

Commissioner Foy asked what was meant by moderate income. Ms. Tayloe responded that a household of four with approximately \$50,000 a year income was considered moderate income. For senior citizens it is \$6,000 a year income. It is the State's priority to help the lowest income. County Manager Self responded that Franklin County has a high median income due to being included in the Metropolitan statistical area and also considered a Tier 5 County as determined by the Department of Commerce. Commissioner Foy also asked

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about eligibility of rental homes. Ms. Tayloe responded that the owner would have to submit the application.

Chairman Ball asked if Holland Consulting Planners will let the Board know who they are helping and Ms. Tayloe said that information would be provided on each household.

Chairman Ball then called for public comments and hearing none declared the public hearing closed. No other action is required at this time.

### **3. Public Hearing - Amendment to the Franklin County UDO Article 15 – Telecommunications Tower Regulations**

Proper notice having been given this is the time and place set for a public hearing to obtain input on the amendment to the Unified Development Ordinance Article 15 which addresses Telecommunications Tower Regulations.

Chairman Ball declared the public hearing opened.

Matt Livingston, Planning Director, updated the Board on the actions of the Planning Board. At a previous meeting, the Board was presented with the details relating to this change.

He stated that outside professional expertise was utilized in developing the ordinance and that suggestions from the Planning Department be implemented into the ordinance.

Chairman Ball asked if any questions from the Board. Commissioner Foy asked why are guy-wired towers not allowed. Mr. Livingston responded that studies have shown that monopole towers hold up better in wind and ice loads and they are safer. County Manager Richard Self also responded that towers that could possibly fall due to ice load have to have a safety zone around them. Commissioner Strickland referred to Page 2, Item E of the proposed Ordinance amendment, asking how safe is this? (referring to facilities being grounded and bonded to protect persons and property) Mr. Livingston stated that the grounding and bonding would have to be FCC approved. Commissioner Strickland referred to Page 3, Item I, asking who decides? (referring to maximizing the use of building materials, colors and textures designed to blend with the structure) Mr. Livingston stated that the Board of Adjustment would make the decisions.

Mr. Livingston also reported that the Contract for the consultant is for one year and after one year can be rebid.

Chairman Ball stated that the Planning staff will have the responsibility of reviewing applicants and there will be a lot of towers and the County will be in a new area of responsibility. He did not want the purpose of the ordinance to restrict the number of towers built.

Commissioner Strickland asked if an applicant wanted to co-locate to an existing tower would the majority of the ordinance be waived. Mr. Livingston responded, yes. Commissioner Strickland also asked if anything added to an existing tower does applicant have to obtain a permit and what would the fee cost. Mr. Livingston responded that the applicant would have to obtain a permit and the fee would be \$225.

Matthew Winslow from the Planning Department commented on the fees and cost for the studies Consultants are charging \$4,500 for studies. Commissioner Strickland asked of the \$4,500 how much of this is required by the FCC and how much did we add to the study. Mr. Winslow responded that the FCC does not have the manpower to perform required studies for each tower. The \$225 is the Board of Adjustment fee and the \$4,500 is the consultant fee for FCC

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compliance. He also stated that the reason the County hired a consultant was the concern over the location of towers. Commissioner Strickland asked how many towers are currently under construction. Mr. Winslow responded that there are no towers under construction at this time.

Chairman Ball asked if there were any further comments.

Patricia Hart, P.O. Box 1, Youngsville, NC

Ms. Hart asked if the towers would be protected from lightening strikes and Mr. Winslow responded that the towers are grounded with appropriate surge protectors. Matt Livingston also reported that the safety liability of the towers was the responsibility of the builder not the County. Ms. Hart also asked the Board if they could guarantee that any future cost of telecommunication towers would not be a burden to taxpayers. Chairman Ball responded that no, this could not be guaranteed.

Joe DeSantis, Managing Editor, The Franklin Times, Louisburg, NC

Mr. DeSantis asked if the Public School System would benefit from the towers. Matt Livingston responded that they are under the current ordinance and any new schools would connect to the current system. He also reported that other cellular companies would be co-locating on the towers. Tower can have five antennas.

Chairman Ball called for further comments and hearing none declared the public hearing closed.

Upon motion by Chairman Ball, seconded by Commissioner Wynne with Commissioner Swanson, Commissioner Strickland, Commissioner Wynne, and Chairman Ball voting "AYE", Commissioner Foy voting "No" duly carried the approval of the following ordinance:

**AN ORDINANCE AMENDING THE FRANKLIN COUNTY UNIFIED DEVELOPMENT ORDINANCE (TEXT) TO REVISE ARTICLE 15 TELECOMMUNICATION TOWER REGULATIONS**

WHEREAS, the Franklin County Board Of Commissioners has reviewed said petition and favorable recommends amendment per the requirements of the Franklin County Unified Development Ordinance; and,

WHEREAS, a public hearing of the Board Of Commissioners has been scheduled, duly advertised, per the requirement of G.S. 153A, and conducted on July 1, 2002, and,

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

SECTION I That Chapter Two, Article 15. Telecommunication Tower Regulations be amended in accordance

with Attachment A.

**SECTION II** That Chapter One, Article 2. Basic Definitions and Interpretations be amended to include definitions as listed in Attachment B.

**SECTION III** That this ordinance shall become effective upon its adoption.

Adopted this the 1<sup>st</sup> day of July, 2002.

(Amended Ordinance on file in the County Clerk's office)

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**4. Public Comment**

The following individual made public comments:

Mary Jane Jennings, 566 Jones Chapel Road, Louisburg, NC

Ms. Jennings spoke regarding the Adequate Facilities Task Force. She stated that the Land Plan was hard work for the committee; where there's smoke there's fire and we (the committee) are burning; departments within the county are having to make cuts; other municipalities enforcing water restrictions; tax cuts; lay-offs; need to raise teacher's pay to keep them; the Task Force has to think about all these services needed in the county. Ms. Jennings suggested that the Task Force meet twice a month due to overwhelming problems having to face.

Commissioner Strickland moved to amend the Board of Commissioner's meeting process starting with the next Board meeting. He suggested moving the Public Comment section prior to the Committee Reports. County Attorney Darnell Batton responded that this could not be voted on during present meeting, vote would have to wait until the next meeting according to the Commissioner's guidelines. It was also suggested that the Public Comment Sign-In Sheet be available to the public up to the time of the Public Comments section so people would have the opportunity to sign-up during the meeting. He also stated that moving the Public Comments to the end of the meeting would be less disruptive to the purpose of the meeting, which is to conduct business. Chairman Ball will put this issue on the agenda for the next meeting.

**5. Tax Settlement**

Jim Wrenn, Tax Administrator, presented the annual tax settlement pursuant to NC General Statute 105-373 for the Board's review. This settlement represents all sums collected by the Tax Collector's Office during the previous fiscal year.

2001 Annual Tax Settlement:

The annual settlement as of the close of business June 30, 2002 is as follows:

Total 2001-2002 Levy: \$21,421,596.83

Levy by Property Class:

	Levy	Collected	Balance (Unpaid)	Percent Collected
Real Estate	\$16,421,858.57	\$16,072,288.95	\$349,569.62	97.87%
Personal Property	\$ 2,014,113.33	\$ 1,904,570.26	\$109,543.07	94.56%
Registered Motor Vehicles	<u>\$ 2,985,624.93</u>	<u>\$ 2,535,686.03</u>	<u>\$449,938.90</u>	84.93%
Totals 2001-2002	\$21,421,596.83	\$20,512,545.24	\$909,051.59	95.76%

Fees Collected (Beer) \$1,206.75

Privilege -

License	(Wine)	<u>\$1,676.75</u>
	Total	<u>\$2,883.50</u>

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Last year's collection rate was 95.14%. Therefore we have a .62 or 5/8 of 1 point increase in the collection rate for this year.

Real estate represents 76.66% of the total levy, personal property represents 9.40% of the total levy, and registered motor vehicles represent 13.94% of the total levy for 2001.

The total levy increased 13.4% over last year's levy. The tax office collected \$2,547,068.61 more than last year due to an increase of 24.9% in the personal property levy, an increase in the number of registered vehicles resulting in a 16.06% increase, and the continued increase in real estate development resulting in an increase of 11.7%.

The county attorney's office has 265 accounts for foreclosure and thus far 72 complaints have been filed. Activity in this process has increased over this past year.

As in previous years Franklin County continues to experience substantial growth and consequently the number of tax records and bills to process increased significantly.

Mr. Wrenn stated that he is pleased that our collection rate is up this year despite tough economic times. He thinks we can credit this to a number of things.

- Last year the Board made the difficult decision to advance the foreclosure date. This has resulted in the tax office and the county attorney's office processing and filing more foreclosures.
- The Board made another difficult but significant decision to hire an additional collection clerk. Almost immediately the number of garnishments and attachments we were able to process per month doubled.
- Final demand letters were sent out earlier than in previous years.
- The fact that our collection staff has worked very hard cannot be ignored.

Mr. Wrenn stated that he realizes that we cannot rest just because our collection rate is up this year. There is still room for improvement and his staff remains committed to continue to improve.

He stated we now have several additional tools we can utilize in future collection efforts.

- People can now pay their tax bill by credit card, either by phone or on-line.
- A night deposit box has been installed by the front entrance to our building.
- We will be participating this year in the debt set off program, which allows counties to attach individual state income tax refunds for the payment of delinquent tax bills.

He expressed some concern over the coming year due to an increase in unemployment levels in the triangle area, which of course has a major impact on the taxpayers ability to pay.

He thanked the Board for its continued support of enforced collections.

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Mr. Wrenn presented to the Board the computer-generated reports for the closing accounting journal as of June 30, 2002. The collection report for prior year's taxes was also given to the Board.

He requested the Franklin County Board of Commissioners approve this settlement and give him the charge to collect the 2002 taxes.

Upon motion by Commissioner Swanson, seconded by Commissioner Strickland with all present voting "AYE" duly carried the approval of the Tax Settlement.

Upon Motion by Commissioner Swanson, seconded by Commissioner Strickland with all voting "AYE" duly

carried approval for Jim Wrenn, Tax Administrator to be formally charged to collect the taxes due Franklin County.

#### **6. Employee Retirement**

William Daniel House retired on June 28, 2002 after 29 years with Franklin County Solid Waste Department as a Heavy Equipment Operator. Mr. House has been a dedicated employee of the County and he will be missed. Chairman Ball and John Faulkner, Director of the Solid Waste Department, presented Mr. House with a certificate and a letter opener. Mr. Faulkner commented that thirty years of experience and dedication cannot be replaced.

#### **7. Adequate Facilities Task Force Update**

Matt Livingston, Director, Franklin County Planning Department, updated the Board on the progress of the Adequate Facilities Task Force.

The update is as follows:

The Adequate Public Facilities Taskforce was created October 15, 2001 by County Commissioner decree. To date the taskforce has met seven times. Their task according to the BOCC Resolution was to evaluate current infrastructure needs and advise policy makers on how to provide for future infrastructure needs in order to better manage growth. To this end the taskforce was charged with exploring options and devising remedies on how to pay for growth. This is and remains a daunting task; nevertheless, progress is being made albeit slowly.

The goal of the taskforce is to prepare and present a countywide adequate public facilities ordinance for both municipal and county governing board adoption. One certain challenge that the county faces is gaining group consensus, not just with the municipalities but with the school board as well. As the taskforce began exploring the issue of growth management it became apparent that there were other items that were problematic to accomplishing the groups overall objective of drafting an APFO. One such issue was the lack of a detailed Capital Improvement Plan.

Based on the presentation and information provided by Richard Ducker it became obvious that the county's plan or lack thereof for water and sewer was not nearly detailed enough to develop an Adequate Public Facilities Plan. Consequently, the taskforce did recommend that the County Commissioners fund such a study. The taskforce also agreed that the number one priority for any draft APFO should focus on schools as schools remain over capacity with no end in site. The taskforce also recommended that we go ahead with a draft APFO that focused solely on schools. This was based on need schools already over capacity and the fact that the School Board was doing a detailed long range plan was also the county's opportunity to develop a APFO based on projected school infrastructure needs. Therefore the taskforce requested that Tommy Piper insure that the draft long range facility plan was written in such a way that the county could use the projections for the development of an APFO for

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schools. It took over four months for the taskforce to identify all the issues relevant to growth in Franklin County. The taskforce identified 12 key issues. The issues were, build on existing infrastructure, similar land use ordinances between Towns and County, intergovernmental cooperation, long term planning, adequate economic development, review of county zoning, preservation of open space, denser development vs. sprawl, subdivision design/type/construction standards, i.e. mobile homes, hiring of consultant, borrowing money and development of APFO. In April these issues were broken down into three categories then ranked. The (3) categories were immediate, mid-range and long term. Long term being defined in excess of 24 months, mid range 6-24 months and immediate 1-6 months. The taskforce felt that there was an immediate need for most of these issues with the exception of borrowing money and developing an APFO. Their general opinion was that if necessary the county could borrow money down the road and that the development of an APFO should not be done until due consideration has been given to the immediate objectives: build on existing infrastructure, similar land use ordinances between Towns and County, intergovernmental cooperation, long term planning, adequate economic development, review of county zoning, preservation of open space, denser development vs. sprawl, subdivision design/type/construction standards, i.e. mobile homes. The taskforce was of the opinion that a consultant may be needed during the mid-range phase (6-24 months) as the taskforce was not confident that all the immediate objectives could be addressed within the six month time period due to the complexity of the issues.

The top three immediate issues were to:

- 1). Review zoning (implement a new county wide zoning coverage similar to the Future Land Use Plan.
- 2). Build on existing or where infrastructure is planned.

- 3). Develop similar land use ordinances between counties and towns.

The immediate goals, types of subdivision and subdivision design, were again discussed in the June meeting. The taskforce recognized the need for higher quality subdivisions within Franklin County and has advocated the following standards for mobile homes coming into Franklin County:

- 4/12 roof pitch
- Masonry foundation
- Age limitation of seven years
- Changing the zoning designation in certain area to protect the value of existing neighborhoods

Commissioner Swanson asked Mr. Livingston if any regulations were recommended during the last meeting. Mr. Livingston replied no.

Commissioner Foy asked Mr. Livingston what did he mean when he said the taskforce recognized the need to change zoning designation to protect landowners' property values. Mr. Livingston explained that restrictions were needed on the placement of mobile homes so not to depreciate surrounding property. Commissioner Foy asked why couldn't each subdivision decide the standards for mobile homes. Commissioner Foy also questioned why should the county regulate the roof pitch on a mobile home.

Commissioner Strickland commented that it was extremely important to get all information from both sides and he hopes that each municipality adopts the same ordinance. He mentioned that area mobile home dealers were invited to the last taskforce meeting. The Board received a lot of information from the public on

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this issue. This will not be a quick fix; there are a lot of issues to address before ordinance can be implemented.

#### **8. Resolution – Mental Health**

The Area Mental Health Authority has requested the counties adopt a resolution allowing County Commissioners to appoint members to the Area Board in a manner other than that required by NCGS 122C-118.1. The General Assembly adopted the Mental Health Reform Act, which provides this new discretion to the County Commissioners. Foster Norman, Area Director, has had the issue researched and received an opinion from Gann Watson, an attorney with the General Assembly.

Upon motion by Chairman Ball, seconded by Commissioner Strickland with all present voting "AYE" duly carried the approval of the following resolution: (Signed)

#### **RESOLUTION BY THE FRANKLIN COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the North Carolina General Assembly has ratified a bill entitled "Mental Health Reform"; and

WHEREAS, the Mental Health Reform legislation allows the Boards of County Commissioners in a multi-county area authority, the option of appointing the members of the area board in a manner other than as required by 122C-118.1;

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

- 1) The Area Board of the Vance, Granville, Franklin, Warren Area Authority shall be appointed as allowed in G.S. 122C-118.1 and which is consistent with past practice.
- 2) The Board of Commissioners shall appoint one County Commissioner as a member of the Area Board and this County Commissioner shall appoint the other members to fill the slots allotted to his/her county.
- 3) Appointments to the Area Board shall include an individual with financial expertise, an individual with expertise in management or business, and an individual representing the interests of children. Appointments shall also take into account diversity, sufficient citizen participation, equitable representation of the disability groups and equitable representation of the participating counties.
- 4) The appointed County Commissioner is a voting member of the Area Board and any voting member of the Area Board may serve as chair.
- 5) Area Board members, other than County Commissioners, shall not serve for more than two consecutive terms.

Adopted this the 1<sup>st</sup> day of July, 2002.

**9. Board Committee Reports and Comments**

Commissioner Foy reported that he attended the Health Board meeting June 20, 2002. Members of the Humane Society were in attendance and discussed euthanasia of animals in Franklin County. They have more concerns and Ms. Rebecca Rodgers, President of Franklin County Humane Society, is to compile a list of all issues and submit it to the Health Board at another meeting. He also reported that Kevin Martin resigned from the Health Board and that position will need to be filled. He announced that the senior citizens were holding a "Fun in the Park Day", July 23, 2002, from 10:00 a.m. until 2:00 p.m.

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Commissioner Swanson reported that there was no action with the Social Services' Board.

Commissioner Strickland attended the K.A.R.T.S. meeting. Reported that the K.A.R.T.S. vans should be used for more activities to generate additional revenue. They are using the vans after hours. The public can contact K.A.R.T.S. for a price quote for the use of a van. He also attended the Adequate Facilities Task Force Meeting.

Commissioner Wynne reported that he did not attend any committee meetings.

**10. Manager's Comments**

County Manager Self reported on the County sponsored fireworks to be held July 4, 2002 at 9:15 p.m. at Louisburg High School. The area has been checked by several different fire personnel, forestry service, as well as key staff. A brush truck and tanker will be on site. Personnel will remain at the site until 30 minutes after the fireworks to ensure no sparks are detected. Coordinating with Sheriff and Police to enforce a no parking area on Allen Lane from North Main Street to Edgewood Drive to allow access by emergency vehicles.

He said the public should be encouraged to attend the fireworks display and avoid setting off any fireworks that could cause a fire. Pine straw, leaves, etc. are prime for fires right now.

He also mentioned the concern about the ground water table and encouraged conservation for well users.

Mr. Self announced that there would be no weekly departmental update this week due to the holiday and that it will resume next week.

He reported that there was a good turn out for the Pre-Bid for the VHF Communication System (911 tower).

He informed the Board that the General Assembly is still in session and encouraged them to rally for County reimbursables.

There being no further business to come before the Board, adjournment recorded at 9:15 P.M.

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JOHN R. BALL, CHAIRMAN

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RICHARD B. SELF, CLERK