

MAY 6, 2002

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 John R. Ball, Vice Chairman Robert L. Swanson; Commissioner Harry L. Foy, Jr., and Commissioner Edward G. Strickland. Commissioner George T. Wynne was absent.

1. Consent Agenda

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

- A. Minutes of meeting held on April 15, 2002
- B. Acceptance of Tax Collector's Report for the month of March, 2002
- C. Approval of Releases and Refunds for the month of March, 2002
- D. Approval of Budget Ordinance Amendment Number 12
 - Receipt of additional funding designated by the provider for specific projects – Senior Games, Boost Program, Goat Marketing Grant and EMS Safe Kids Grant. No local match required.
- E. Approval of Resolution "Establishing Check, Purchase Order and Disbursement Voucher Signing Procedure"

2. Public Comment

The following individuals made public comments:

Renee McCormick, 15 Riders Court, Franklinton, NC

Questioned Chairman Ball's statement on how public comments are conducted and why the public is only allowed three minutes to speak, says she has never heard this statement before, spoke on her concerns of the Franklin County Humane Society, finds gas chamber and other methods used to euthanize animals deplorable, these animals do not die instantly, up to 14 minutes to be killed, is utterly disgusted at the Board of County Commissioners

Rebecca Rodgers, 105 Mill Creek Dr., Youngsville, NC

President of Franklin County Humane Society, wanted to play audio clip of animals being put to sleep for everyone, but unable to do so because of three minute time limit rule, because Humane Society is a non-profit organization, the Humane Society paid for signs at Animal Shelter, County should be able to afford signs in County, over 2,700 companion animals have been put to sleep by carbon monoxide method, County Commissioners have power to change this, implored Board to take this into consideration

Dorothe Orr, (she did not write down her address on form)

Quoted Ghandi, "Society will be judged by the treatment of its animals", animals are not being treated humanely in Franklin County

Grady Macon, 1825 Tarboro Rd., Youngsville, NC

He lives in high growth area of Youngsville, for every 400 homes approved, there will be a need for a new school, extra law enforcement and fire protection, asked Board to

consider dealing with the burden this impact places on taxpayers in the 2002-2003 budget, Commissioner Ball stated that this issue was being dealt with daily and encouraged Mr. Macon to speak to the Adequate Public Facilities Task Force, which meets every third Thursday at 5:30 pm.

Gilbert Silva, 78 Walter Grissom Rd., Kittrell, NC

Concerned about taxes and related issues, there are many things that relate to how much taxes we pay by living in Franklin County, everything Board does while holding the position of Commissioner has some kind of impact on all citizens in County, County Commissioner Wynne has been accused of being involved in some sort of land debacle, asked that Board make a motion that a timely investigation to resolve this matter commence, and if alleged indiscretion is

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shown to be true, that the immediate expulsion of Mr. Tommy Wynne from office be brought about by this body

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

Mr. Silva asked for a motion, Mr. Foy seconded, wants a decision right now, should give more than three minutes to speak, does not care about general statute, let people say what they want to, wants Commissioner Wynne issue to be resolved once and for all

Ann Marie Della Morte, 80 Fiddlers Dr., Youngsville, NC

Concerned about Donnie Rudd issue, if he was convicted, then what about \$50 he collected from taxpayers, would this money come back to taxpayer or just disappear

Raymond Strickland, Hwy. 56, Box 252, Louisburg, NC

Mr. Strickland signed up for public comments, but was not present when called

3. NC Department of Transportation Secondary Road Construction Program

Proper notice having been given this is the time and place set for a public hearing to receive comments on the proposed Secondary Road Construction Program for the Fiscal Year 2002-2003. The total funds available for work in Franklin County during the fiscal year is \$840,000.

Chairman Ball declared the public hearing open and recognized Mr. Ty Cox. Mr. Cox is a Board Member of N.C. Department of Transportation for Division 5, which is comprised of Durham, Person, Wake, Warren, Vance, Granville and Franklin counties. Mr. Cox mentioned that Nina Szlosberg, who is a federal board member, was present and is active in a lot of areas and is sensitive to environmental issues. Mr. Cox noted that John Nance, Wally Bowman, Ricky Green, Steve Winstead and Scott Capps were in attendance also. At this time, Mr. Cox asked Scott Capps, Division Engineer, to present the proposed secondary road program. Mr. Capps pointed out that a total of \$840,000 in funds is available. This includes \$105,000 for maintenance operations; \$125,000 is reserved for contingencies and \$610,000 is for paving of unpaved roads in priority order. Mr. Capps discussed the rural road paving priority list, and commented that this list was re-rated last year and the DOT was able to finish with priority one. Commissioner Foy questioned the funding for SR1210, Montgomery Road and why there was a current funding of \$5,000, but no previous funding. Mr. Capps stated that the DOT has not been able to obtain the right-of-way, but if they do obtain, funds will be reverted back to SR1210.

Ann Marie Della Morte asked about SR1104, Satterwhite Road, and was this road off of Moore's Pond Road and exactly where does it go and why was it being paved? Mr. Capps stated that the way that the DOT rates roads for paving is number of homes on road, number of school buses traveling down road, churches, and average daily traffic. SR1104 is 2/10 of a mile long, with one home and averages 66 cars a day.

Astor Bowden commented that \$610,000 worth of paving being done in Franklin County, but \$450,000 to pave a bicycle trail in Louisburg. Mr. Capps stated that the \$450,000 was a different "pot" of money and does not come from his department. This is a "rails to trails" program.

Commissioner Strickland asked if the General Assembly tapped into the highway trust fund money, if so, would this have an impact on these programs. Ty Cox commented that this could have an impact and that all money is subject to current funding.

Commissioner Foy asked about the makeup of the DOT Board and how members are appointed. Mr. Cox stated that each board member is appointed by the Governor.

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

Upon motion by Commissioner Foy, seconded by Commissioner Strickland, with all present voting "AYE" duly carried the proposed Secondary Road Construction Program for the Fiscal Year 2002-2003 as recommended by the Department of Transportation.

4. Franklin County Volunteer Recognition

Recently, the Franklin County Volunteer Center celebrated "National Volunteer Week". The following volunteers dedicated time and effort for community service. They are recognized as outstanding volunteers in our community. They are as follows: Bill and Marian Newbill, Marie Terry Kincaid, Pete and Kay Gillis, Charlotte Thomas, Tracy Hicks-Johnson, Monica Lawhorne, Franklinton Garden Club, Wanda Metzinger, Karen Perry, Tom Walden, Hazel Collier, Audrey Lockhart, and Renee Ring. Alitha Palich, Executive Director from the Volunteer Center of Franklin County, was in attendance to present these volunteers with their certificates, along with Commissioner Ball.

5. Change Order – South Central Sewer Project

Charles McGougan of Hobbs Upchurch & Associates was in attendance to review change order No. 1 for the South Central School Sewer Project. This change order covers the elimination of Pump Station No. 2 from the project and upgrade to Pump Station No. 1. Property that had been surveyed for the location of Pump Station No. 2 is no longer available. By upgrading Pump Station No. 1 pump motor horsepower from 30 to 75; increase the standby generator from 60 KW to 150 KW; and upgrade of associated electrical switchgear and appurtenances, the one station will be capable of handling the system demands. The net cost of this change is a reduction in the amount of \$65,981.50. Mr. McGougan stated that two crews are on the project at this time, and are progressing towards Hill Road. He estimates approximately 14,500 ft. of 8"

force main has been installed, which is approximately 40% of the line being installed at this time. If the weather holds up, the project should be completed by the time the new school opens. Mr. McGougan has spoken with Dr. Carl Harris, Superintendent of the Franklin County Schools, and has obtained dates on when staff and students will be arriving and everything seems to be progressing in accordance.

Upon motion by Commissioner Swanson, seconded by Commissioner Foy, with all present voting "AYE" duly carried the acceptance of the Change Order 1 and reduction of the contract in the amount of \$65,981.50.

6. Zoning Compliance Extension – Gerald Wrenn

On February 4, 2002, the Board granted an extension of time to Gerald Wrenn to hold an auction and remove the farm implements from his property. This was extended on March 4, 2002 to allow additional time for him to arrange an auctioneer. The Board approved on May 11, 2002, with the understanding that he would be allowed until May 25, 2002, to have items removed. Mr. Wrenn has submitted a letter from Godwin's Auction Gallery stating that George Godwin has suffered some health problems and cannot hold the auction until some time in June. Mr. Wrenn is requesting an extension to allow for this delay. Mr. J. D. Medlin, associate of Mr. Wrenn, was in attendance to answer questions from the Board. Mr. Medlin stated that it was not actually Mr. Godwin who had the heart attack, but his partner. Commissioner Foy asked if the extension was granted, what date would be needed. Mr. Medlin stated June 15th would be adequate.

Upon motion by Commissioner Foy, seconded by Commissioner Swanson, with all present voting "AYE" duly carried the extension of June 15, 2002 for Mr. Gerald Wrenn, with there being a stipulation that this would be the final extension granted and that Mr. Wrenn provide a certified letter to the Board by Thursday, May 9, 2002 with this indicated. Commissioner Ball also asked that Matt Livingston, Planning Director, perform an inspection of Mr. Wrenn's property no later than June 30, 2002 and report back his findings to the Board.

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7. Ball field Lighting – Franklin County Park

Bids were received on April 15, 2002 for lighting the Franklinton Park Ballfields, six formal bids were received and opened in an advertised public forum. The bids include complete maintenance for a period of seven years, including light bulb replacement as spelled out in the attached warranty. Funding is provided in the capital improvements budget. Dave Munden, Parks & Recreation Director, was in attendance to answer questions. Mr. Munden stated that the County agreed to provide ballfield lighting at Franklinton Area County Park as a part of the Parks and Recreation Trust Fund matching grant project. The ballfield lighting aspect was one of the park development elements that was separated from the general construction contract that the Commissioners recently awarded. At the time staff separated this element of the project from the general contract, it was felt that it might be appropriate to lease/purchase the lights. Upon a review of interest charges for lease/purchase after receipt of bids and in consideration of finances, the staff determined that it was in the County's best interest to recommend a lump sum purchase of the lighting system.

Upon motion by Commissioner Swanson, seconded by Commissioner Strickland, with all present voting "AYE" duly carried the awarding of bid on the lighting of Franklinton Park

Ballfields to Walter Homes Electric, Inc. in the amount of \$169,849.00.

8. July 4th Celebration and Fire Works

Dave Munden stated that in past years, there had been a July 4th celebration with fireworks at the Louisburg Moose Lodge. Last year, this was not offered, and the main reason was that the burden of preparing for this event was falling on one person. Last April, volunteer firemen contacted the Parks and Recreation Department, asking if they would be willing to take over this event. Mr. Munden stated that due to the lack of funds and time constraints that his department was unable to prepare for this event at that time. However, Mr. Munden feels that we could offer the event this year, if we can find enough donations. Mr. Munden has obtained commitments from area businesses, which amounts to approximately \$7,000. This would cover fireworks, three music groups, sky divers, patriotic events and the honoring of people in Franklin County, such as EMS, police, and firemen. Commissioner Swanson asked what the entire cost would be and Mr. Munden stated approximately \$8,000. Commissioner Foy asked where the event be held. Mr. Munden stated that the Moose Lodge had been considered, but parking has been a problem in the past and was dangerous also. A central place in the County would need to be chosen, and one of the high schools would be best. Mr. Munden has spoken with the Board of Education and the Principal and Athletic Director at Louisburg High School. They are all in agreement that this event could be held at Louisburg High School, with no charge. Commissioner Ball agreed that there is a great need for this event and thanked Mr. Munden for his report.

9. Royal Elementary Capital Outlay Budget Amendment

The Board of Education has provided a listing of equipment needed to prepare Royal Elementary School for this fall. Total capital needs will require \$671,186 in non-recurring costs. \$300,000 of this is being paid from State Bond Funds, with the balance coming from the County in the amount of \$317,186, which can be provided from the Capital Reserve Fund.

Upon motion by Commissioner Swanson, seconded by Commissioner Strickland, with all present voting "AYE" duly carried the approval of the Budget Amendment transferring funds from Capital Reserve to South Central Start-Up Materials.

10. Cell Tower Presentation

The Board granted a 90-day moratorium on the construction of wireless communication towers to allow staff an opportunity to draft an effective ordinance that would strive to coordinate the construction of cell towers in Franklin County utilizing co-location to the greatest extent possible. Atlantic Technology will review with the Board the legal requirements placed on the County prior to approving new cell towers. In addition, they will review items which should be included in an ordinance. Staff plans to have a draft of

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the ordinance provided to the Planning board by May 14th and to the Commissioners by June 3rd.

Mr. George Condyles of Atlantic Technology presented the Board with a PowerPoint presentation and entertained any questions that the Board may have. Commissioner Ball questioned how close the towers have to be. Jim Whitaker, Electrical Engineer, stated that a lot of factors are involved, such as how high the antenna is, how much power is involved, what's

around it, and the type of trees make a difference also. The information is processed through an expensive computer program in order to come up with the numbers and it is not unusual to have a tower every 4-5 miles. Commissioner Ball asked about the revenue possibility. Mr. Condyles said that a tower could easily pull in 2-3 million in revenue per month. He stated that he had reviewed the County's ordinance and he believes that the County has done a good job, and only needs a few minor changes to the ordinance.

Chairman Ball with concurrence from the Board omitted Committee Reports.

11. Manager's Report

County Manager Self gave the Board the Manager's update. Mr. Self said that there would be a Legislative Briefing on May 29th from 9:00 a.m. to 2:00 p.m. at the Shearton in Raleigh. He asked the Board Members who would attend, so that he could register them.

A request for support was received from the Granville County Board of Commissioners on maintaining operations at the John Umstead Hospital, including centralization of services from Dorothea Dix Hospital be built at Umstead. Mr. Self said that there are citizens of Franklin County who work at John Umstead Hospital and support is needed to keep the hospital in Granville County. Upon motion by Commissioner Swanson, seconded by Commissioner Strickland, with all present voting "AYE" duly carried that a resolution of support be sent to the Granville County Commissioners.

A requested was received from the N.C. Association of County Commissioners on legislation to protect local revenues today. They, along with the N.C. League of Municipalities, will be seeking legislation that will restrict the authority of the Governor to withhold local revenues that the General Assembly has provided to the units of local government by statute or annual appropriation acts or otherwise. The Association is asking for two things: (1.) That the Board talk to our legislation delegation and urge their support, and (2.) That the Board consider adopting the included sample resolution and forward it to the legislation delegation. Commissioner Swanson made a motion to support the resolution and to forward to Jim Blackburn, counsel to the NCACC. Commissioner Strickland stated that information from the Association needed to be reviewed further because it had just been received today. Mr. Self said that the Board does have another meeting before May 29th and this item could be discussed at that meeting. The motion failed for lack of a second motion. Mr. Self informed the Board that there is a call for nominations for the N.C. Intergovernmental Relations Award, and he has those forms if any member of the Board desires to make a nomination. These awards honor a current local government elected or appointed official who has made significant contributions to promote, develop and foster intergovernmental relations and cooperation in North Carolina. Mr. Self reported that the Franklinton Area County Park has been petitioned to be annexed into the Town of Franklinton. Tuesday, May 14th at 7:00 p.m., the Local Governments Meeting will be held in the Louisburg Training Center. This is an opportune time for the local governments in Franklin County to work together to provide for the citizens. Mr. Self said that the Insurance Services Office (ISO) has reviewed the Franklin County Building Code Enforcement operations and upgraded it a Building Code Effectiveness Grading Classification of 3. This increase in our rating can result in lower insurance ratings for the residents of the County. Matt Livingston, Planning Director, commented that we were previously a 6 or 7.

12. Other Business

In other business, Commissioner Foy asked that the Board do whatever possible to clear the air concerning Commissioner Wynne and his land dealing at Lake Royale.

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The Board discussed the Board's position with the County Attorney, Darnell Batton, who advised the Board of the separation of duties between District Attorney and the Board of Commissioners. Upon the motion of Commissioner Foy, seconded by Commissioner Strickland, Commissioner Ball voting "AYE", voting "NO" Commissioner Swanson duly carried that the County Attorney approach the District Attorney on the issue of Commissioner Tommy Wynne and inquire of the District Attorney if in his opinion, charges needed to be brought against Commissioner Wynne or if there is any reason to further investigate this matter.

There being no further business to come before the Board, adjournment recorded at 10:45 P.M.

JOHN R. BALL, CHAIRMAN RICHARD B. SELF, CLERK