

November 18, 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 Commissioner Wynne, seconded by Commissioner Strickland, with all present voting "AYE", duly carried the following Consent Agenda item approved:

Approval of minutes of the Regular meeting held on November 4, 2002.

2. Public Hearing – Request for Rezoning

Proper notice having been given this is the time advertised for a public hearing to receive comments on a rezoning request by **Sandra Masters** to change the zoning classification of approximately 56 acres on US 401 in Harris Township from R-40 Residential (WS II Watershed) to Highway Business (HB). The Planning Board unanimously recommended denial.

Chairman Ball declared the public hearing open. Chairman Ball stated that there were six reasons that the Planning Board recommended denial. He then recognized Planning Department Planner Matthew Winslow. Mr. Winslow stated that the Planning Board's Findings of Fact were as follows: The Franklin County Land Use Plan recommends that highway business districts be created at intersections in a nodal fashion rather than along corridors. The Highway Business designation is the broadest, most inclusive district in the county, and all uses of the district must be considered. Given the rural character of the surrounding community, many of the allowable uses under the HB district are not compatible. Water and sewer is not readily available to this property. The property is located in the WS II Watershed, which restricts the impervious surface ratio. The county has adopted a special intensity allocation low-density option, which will allow 10 percent of watersheds in the county to be developed at a 70 percent impervious surface ratio. There is a benefit to reserving the low-density option for areas where commercial development will happen relatively soon such as US 1 as opposed to a rural area along US 401. The Franklin County Economic Development Director has indicated a preference for the special allocation low-density option to be reserved for the US 1 corridor area, which is already zoned for commercial and industrial development.

Chairman Ball called for further comments.

Commissioner Foy asked if the applicant was present at the hearing. Mr. Winslow responded no, the petitioner had called the Planning Department earlier in the day and said they could not attend. Commissioner Foy asked who decides where in the county Highway Business is designated. Mr. Winslow responded it was a first come, first serve basis. Commissioner Foy stated that there were other areas in the

county where there were water and sewer issues. Commissioner Strickland asked if the property was separate from the land locked parcel. Mr. Winslow responded yes. Commissioner Foy stated that in his opinion, US 401 is a good place to have a business.

Chairman Ball asked if there were any further comments and hearing none, declared the public hearing closed. He reviewed the key elements in rezoning with the Board prior to their voting decision:

1. Does the proposed zoning classification conform to the County Land Use Plan?

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2. Is there a public need for additional land to be zoned for this use in the district?
3. Will the granting of the rezoning request impose serious hardships on adjacent property owners in the form of noise, odors, signs, and/or similar nuisances?
4. Does the request raise any legal questions such as "spot zoning", "violation of precedents", and the rule of reasonableness?
5. Will the granting of the rezoning request be of benefit to the general public and not solely for a private individual or individuals?
6. Will granting the request result in lessening the enjoyment or use of adjacent properties?
7. Will granting the request have a serious impact on existing public facilities, such as schools, fire and rescue, etc.?

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne, with all present voting "AYE", duly carried the denial of the request for rezoning.

8. Public Hearing – Unified Development Ordinance Amendments

Proper notice having been given this is the time advertised for a public hearing to receive comments on various text amendments to the Unified Development Ordinance. The Planning Board has recommended several text amendments, which are technical, including spelling and removing conflicting statements.

Chairman Ball declared the public hearing open and recognized Planning Department employee Matthew Winslow. Mr. Winslow stated that there were only two changes in the wording of the ordinance, Article 26., PART I. The Board of Commissioners shall also appoint **three (3)** alternate members to serve in the absence of regular members. (This recommends that the number of alternate Board of Adjustment members be increased from 2 to 3.), and Section 28-4: Major Subdivision Procedure, (B) Preliminary Plat, (7) "The first final plat shall be submitted within **twenty-four (24)** months after approval of the preliminary plat; otherwise, the preliminary plat shall become null and void, unless an extension of time is applied for and granted by the Planning Board." (This recommends that a preliminary plan will expire in twenty-four (24) months rather than the current twelve (12) months.) Mr. Winslow stated that this change was made after comparisons with other counties. Chairman Ball asked if this change was also necessary due to larger subdivisions being developed and Mr. Winslow responded, yes, and also the increase in development. Chairman Ball stated that this change would not only be an advantage to the developer but also the county. Chairman Ball asked Mr.

Winslow why there was a conflict with the section on permitted uses for telecommunication towers. Mr. Winslow responded there was a consultant's error.

Chairman Ball called for public comments and the following individual spoke:

Betty Conklan, (address not given)

Ms. Conklan was concerned as to why Mr. Winslow was bringing a paper before the Board for clean up. Chairman Ball responded that the Board was approving conflicting statements to an existing ordinance. Mr. Winslow showed Ms. Conklan the text amendments being made to the ordinance.

Chairman Ball asked if there were any further comments and hearing none, declared the public hearing closed.

Upon motion by Chairman Ball, seconded by Commissioner Swanson, with all present voting "AYE", duly carried the approval of the technical amendments to the Unified Development Ordinance. (Signed ordinance on file in the County Clerk's office.)

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4. Employee of the Quarter

The Employee of the Quarter for the period ending September is Ms. Janet VanJaarsveld. Ms. VanJaarsveld was unable to attend the meeting due to illness. The Board will recognize her at a later meeting.

5. Presentation – Lucy Allen

Ms. Lucy Allen, newly elected House Representative to the General Assembly, spoke to the Board on coordination of efforts between the County and the General Assembly. Ms. Allen stated that she would be available to the Board to coordinate the needs of the county. She asked that the Board consider a Legislative Agenda. She stated she hopes to continue working with the County Manager in the most efficient way to receive and provide information. She stated she would push with the Legislature for the widening of US 401 and she will make a coordinated effort with Economic Development on raising the profile for the county. Ms. Allen stated her representation in the Legislature would be on a district and state level and asked for the Board to guide her on how specific Legislative decisions affect local government. She stated she would continue to attend Board meetings to stay informed and she will represent the county as a bi-partisan and wants to offer the best representation she can. As far as future cuts, she will ask the Board what effect cuts would have on the County.

Chairman Ball thanked Ms. Allen and stated that the Board will be cooperative.

6. Industrial Park Force Main Project Bid Award

Chairman Ball reported that the Industrial Park Force Main Project is a portion of the overall Flextronics/Franklin County Sewer Expansion Project. Hobbs and Upchurch have recommended that this portion of the project be constructed now to save approximately \$80,000 in County funds. The total bid amount is \$138,514 for the 12" force main. Charles McGougan of Hobbs and Upchurch was present to

address the Board.

Mr. McGougan reported that originally the County had planned to install a 12" force main from the existing Industrial Park force main along Hwy 1A and Hwy 1 to the proposed Brandy Creek Interceptor. Following initial surveying it was determined that the force main needed to be extended to Bert Winston Road to feed a gravity sewer down Cedar Creek to the WWTP. During this same period the new 12" force main from the Ballymore Subdivision was installed from Bert Winston Road down Hwy 1 and across 1A to within 3000 feet of the Industrial Park Pump Station.

It was determined that the new 12" Ballymore force main could be used for the Industrial Park force main if 3000 l.f. of additional force main was installed at this time. Three contractors were contacted to quote the job and Underground Construction gave a quote of \$138,514. This quote is \$80,958 less than the original budget of \$219,472 for the 12" force main from Industrial Park Pump Station to the Brandy Creek gravity sewer. Mr. McGougan recommended that this be awarded and the contractor given notice to proceed. This part of the project will be funded by the County matching funds for the overall project. The grant funds will be applied to the remaining segments of the project for the Cedar Creek Outfall and WWTP.

A copy of Hobbs and Upchurch's previously submitted recommendations and cost summary was provided to the Board (copy on file in the County Clerk's office). Mr. McGougan stated that the contract documents for execution were previously forwarded to the Public Utilities Department.

Mr. McGougan stated that they are ready to bid the Hunter's Place force main extension from the existing force main across Hwy 96 to Wolfpack Lane to Hampton Avenue pending receipt of the easements from Mr. Carrington, Mr. Hurt, the Town of Youngsville and DOT encroachments. All the permits for this
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segment have been received and all the easements and encroachments applied for. He asked that the Board advise when Hobbs and Upchurch can proceed with the bidding of this project. He stated they can bid this project with or without the CDBG documents. He advised the Board that they bid per CDBG in order to meet their begin construction dates of March 2003. He stated that he had hoped they would bid this segment of the project early this fall however, the potential to work out the easement with Mr. Hurt and accommodate a gravity system for the development along Wolfpack Lane justified re-designing and negotiating re-alignment of the sewer along Wolfpack Lane. He stated that it is his understanding that these easements are being pursued by the County attorney and he anticipates being able to bid this shortly.

Commissioner Swanson asked if the money for this project was in the county budget. Mr. McGougan responded yes, the original amount of \$220,000 was budgeted. The remaining amount will come from county matching funds. The developer has already installed part of the pipe needed.

Chairman Ball asked why there was only one bid. Mr. McGougan responded that they had expected a bid from Ralph Hodge, the developer who did the school

project, but never heard from him. Mr. McGougan stated that the bids were solicited in an informal manner. The question was asked how do we know that this is a good bid and Mr. McGougan responded that the bid was very close to what Hobbs and Upchurch had estimated.

Chairman Ball asked about the rock excavation needed for this project. It was originally estimated to cost \$67,000 and the revised cost is \$39,000. Mr. McGougan responded that he does not feel that much rock excavation will be needed.

Commissioner Foy asked why the contractor did not include the \$4,544 for clearing and grubbing in his bid as recommended by Hobbs and Upchurch in the original and revised cost estimate. Mr. McGougan responded that once the plans were completed it was determined it was not needed, the road shoulder is already cleared.

Commissioner Swanson asked County Manager Richard Self if he had any concerns as to only one bidder. Mr. Self responded that he thought Ralph Hodge was going to bid. Commissioner Strickland asked if there had been a timetable for the bidding and Mr. McGougan responded no. The bidder, Underground Construction, was the bidder for the Ballymore project and did a good job.

Chairman Ball asked if there were further comments.

Rene McCormick, 15 Riders Court, Franklinton, NC

Ms. McCormick questioned the Board regarding the reimbursement policy to developers on an existing water and sewer line. County Manager Self responded that the county has received additional information from other counties on their policy and a meeting with Olver has been scheduled for a final review.

Upon motion by Commissioner Wynne, seconded by Commissioner Swanson, with all present voting "AYE", duly carried the approval for the request to award the contract to Underground Construction in the amount of \$138,514.

7. Award of Badge and Sidearm

Chairman Ball reported that pursuant to NC General Statute 20-187.2, the badge and sidearm of Sheriff Robert G. Redmond, Lieutenant Deputy Nelson Ross, and CCBI Director Ernest Robertson have been requested. Each of these three individuals is retiring and qualifies. The County has been charging \$1 in the past. The manufacturer and serial numbers are as follows: Redmond – Colt Mark 4
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pistol, serial # 17246E; Ross – Sig-Sauer P-232, serial # S226978; and Robertson – Springfield Model 1911, serial # NM162857. The required Pistol Permits were provided from the Sheriff and will be filed accordingly.

Chairman Ball thanked Sheriff Redmond, Lieutenant Deputy Ross, and CCBI Director Robertson for their service to the County and wished them good health in

their retirement.

Upon motion by Chairman Ball, seconded by Commissioner Strickland, with all present voting "AYE", duly carried the approval for the request to assign a Badge and sell the issued sidearm to Sheriff Robert G. Redmond, Lieutenant Deputy Nelson Ross, and CCBI Director Ernest Robertson.

8. Recognition of Commissioners Tommy Wynne and Edward Strickland

Chairman Ball reported that this is the last full official meeting for the current term of office for Commissioners Tommy Wynne and Edward Strickland who have served the citizens of Franklin County for a number of years as County Commissioners.

A motion was made by Chairman Ball that the service of Commissioner Tommy Wynne and Commissioner Edward Strickland be recognized by a resolution adopted by the Franklin County Board of Commissioners spread among these minutes:

WHEREAS, George Thomas Wynne has served this community well for many years in numerous capacities, including sixteen years as a member of the County Commissioners; and

WHEREAS, these years of service have been marked by dedication to the best interests of the community as he has worked constantly for the betterment of its economic, cultural and aesthetic development; and

WHEREAS, through the performance of his duties and responsibilities as a member of the County Commissioners he has made excellent and constructive contributions to county government; and

WHEREAS, he has earned the admiration and high regard of those with who he has come into contact and the affection of his fellow public servants, who are proud to call him "friend";

NOW, THEREFORE, BE IT RESOLVED that the County Commissioners for the County of Franklin does hereby express our sincere appreciation and thanks, as well as that of our citizens, to George Thomas Wynne for his distinguished service to the community;

BE IT FURTHER RESOLVED that a copy of this resolution shall be spread upon the pages of this proceeding and a copy shall be forwarded to George Thomas Wynne with sincere best wishes for continued success and many happy years ahead.

ADOPTED by unanimous vote of the County Commissioners on the 18th day of November, 2002.

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WHEREAS, Edward G. Strickland has served this community well for many years in numerous capacities, including four years as a member of the County Commissioners; and

WHEREAS, these years of service have been marked by dedication to the best interests of the community as he has worked constantly for the betterment of its economic, cultural and aesthetic development; and

WHEREAS, through the performance of his duties and responsibilities as a member of the County Commissioners he has made excellent and constructive contributions to county government; and

WHEREAS, he has earned the admiration and high regard of those with who he has come into contact and the affection of his fellow public servants, who are proud to call him "friend";

NOW, THEREFORE, BE IT RESOLVED that the County Commissioners for the County of Franklin does hereby express our sincere appreciation and thanks, as well as that of our citizens, to Edward G. Strickland for his distinguished service to the community;

BE IT FURTHER RESOLVED that a copy of this resolution shall be spread upon the pages of this proceeding and a copy shall be forwarded to Edward G. Strickland with sincere best wishes for continued success and many happy years ahead.

ADOPTED by unanimous vote of the County Commissioners on the 18th day of November, 2002.

Vice-Chairman Swanson presented Commissioner Wynne with a pewter bowl and thanked him for his sixteen years of service to the citizens of Franklin County.

Chairman Ball presented Commissioner Strickland with a pewter plate and thanked him for his four years of service to the citizens of Franklin County.

9. Public Comments

The following individual made public comments:

Anne Marie Della Morte, P.O. Box 217, Youngsville, NC

Ms. Della Morte spoke regarding the ½ cent sales tax and asked if the Board would consider using the funds to reimburse citizens the \$50.00 fee imposed by Mr. Donnie Rudd during his employment as the County Tax Collector. County Manager Self responded that if the sales tax money was budgeted to

be used to fund a pay and classification study for employees, fund a 1.5% cost of living increase, staff one telecommunicator, and renovate office space in the Human Services building. He reported that three counties will implement the ½ cent sales tax increase January 1, 2003. Eighty-three counties will implement the tax increase December 1, 2002.

10. Commissioner Comments and Committee Reports

Commissioner Strickland reported that he attended the K.A.R.T.S. meeting. They are in the process of adopting a budget. They do not anticipate an increase in the van fees. The vans are still available for rent. Nineteen vans have been sold for \$2,500 to \$3,000, and nine vans will be up for sale soon. Some of the vans have lifts.

Commissioner Wynne, Commissioner Swanson, Commissioner Foy, and Chairman Ball did not have any comments or committee reports.

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11. Manager's Comments and Report

County Manager Self reported that the bids have been opened on the transporting solid waste and recycling from the convenience centers. The bids were very competitive and will be brought to the Board at the next meeting.

Mr. Self reported that the Adequate Public Facilities Task Force meeting previously planned for November 21st has been cancelled. The next meeting will be at the School Board's presentation of "Planning For Growth 2002-2007".

Mr. Self reported that the Kerr Tar COG meeting is Thursday, November 21st.

The Board was updated on Holland Consulting Planners, Inc.:

- North Carolina Housing Finance Agency Single Family Rehabilitation Program – all houses are complete and the lead based paint inspection has been awarded to Titan Atlantic of Raleigh and should be completed this month.
- Hurricane Floyd Crisis Housing Assistance Program – work is complete on 9 of the 10 repair/rehabilitation units and all 14 replacement homes. Work on the final house should be completed this month.
- CDBG Scattered Site Housing – 26 applications have been received with a deadline of Friday, November 22nd. Inspections of all applicants housing will commence November 25th and end December 30th. The Advisory Committee will convene in early January to make final funding recommendations.
- Lead based paint and legal services procurement will start on December 1st.

Mr. Self reported that the swearing in ceremony will take place December 2, 2002 in the Old Courthouse Superior Court Room at 12:00 Noon.

There being no further business to come before the Board, motion was made by Commissioner Swanson to adjourn, seconded by Chairman Ball, recorded at 8:45

P.M.

JOHN R. BALL, CHAIRMAN

RICHARD B. SELF, CLERK