

September 16, 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 Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried the following Consent Agenda Items approved:

- A. Approval of minutes of meeting held on September 3, 2002
- B. Budget Ordinance Amendment #2
Recognition and acceptance of \$92,818 of additional revenues received by the County for specific expenditures. \$18,000 Insurance proceeds for lightning damage at the Detention Center; \$7,500 Insurance proceeds for vehicle repairs; \$20,726 Crisis Intervention funds; \$30,000 Special Children Adoption funds; and \$16,592 Local Law Enforcement Block Grant.

Mr. Chuck Murray, Finance Director, gave a brief description of each expenditure.

1. Public Hearing – Rezoning Requests

Proper notice having been given this is the time advertised for a public hearing to receive comments on a rezoning request by **Carlton Craig Wynne** to change the zoning classification of approximately one (1) acre off US 401 in Louisburg Township from Agriculture Residential (AR) to Highway Business (HB). The Planning Board unanimously recommended denial.

Chairman Ball declared the public hearing open and recognized Planning Director, Matt Livingston. Mr. Livingston stated that the Planning Board's Findings of Fact are as follows: The Franklin County Land Use Plan maintains the current residential character of the area. The 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. Given the rural character of the surrounding community, many of the allowable uses under the HB district are not compatible. The property does not have road frontage on US 401. Property that is zoned HB needs road frontage for accessibility, exposure and development feasibility. Community benefit is not derived from rezoning.

Mr. Livingston stated that notices were sent to adjoining property owners and their response to the rezoning request was to deny.

Commissioner Foy asked if the property was land locked and what was the intended use. Mr. Livingston stated that Mr. Wynne claims to have legal easement access to the one acre on the property, but this is not identified on any map. Mr. Livingston stated that the intended use of the property by Mr. Wynne is to operate an automobile repair shop.

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

Carlton Craig Wynne, 3940 US 401 Highway North, Louisburg, NC (Petitioner)

Mr. Wynne stated that the purpose of his request for rezoning was to obtain his auto dealer's license in order to restore vehicles and resell them. He stated he was not going to set up a car lot on the property. He stated that the property has to be zoned HB in order for the State to grant him the license.

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Commissioner Swanson asked Mr. Wynne if he was operating his business now and Mr. Wynne responded that he has been restoring automobiles as a hobby for nine years.

Commissioner Foy asked Mr. Livingston if the UDO (Unified Development Ordinance) Conditional Uses for one particular use, in this case, highway business, was being worked on by the Planning Department. Mr. Livingston replied it was not being worked on at this time. Chairman Ball stated that the HB zoning included forty plus uses.

County Attorney Darnell Batton stated that Commissioner Foy was correct in asking this. All uses have to be met on the property. It is not allowed to be used for just one use.

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

Ms. Jennings stated that she would not be in favor of the HB uses allowed for this property. She stated that if Mr. Wynne is already working on vehicles at this location do we (the County) have any way to monitor that Mr. Wynne is adequately taking precautions on disposal of motor oil and other fluids coming out of the vehicles. Is the surrounding water quality being protected?

Lauren Wynne, 3940 US 401 Highway North, Louisburg, NC

Ms. Wynne agreed that the County needs control over people who are doing business in their back yard. She stated that her husband wants the rezoning so that he can make a living. She stated that the Planning Board forces regulations that push people not to do the right thing. She stated that North Carolina has regulations on issuing dealer licenses.

Mr. Livingston stated that Mr. Wynne has never obtained a building permit for the building he is operating his business from. Mr. Wynne spoke again stating that the building was originally a farm shelter. Commissioner Strickland stated that no permit is needed for a farm shelter. Mr. Wynne stated that the shelter

had previously been for pigs and that his father had deeded him the land and he had enclosed the shelter.

Commissioner Swanson stated that he did not feel that the business of cleaning up cars was as bad as having pigs on the property. Commissioner Strickland asked should the Board investigate other options to this type of rezoning. He questioned should Mr. Wynne wait on his rezoning request and present it to the Board at a later time. What are the legal ramifications? Mr. Livingston stated that Mr. Wynne would have to withdraw his petition since the Board rejected, he would have to wait twelve months before he could petition the Board again. Chairman Ball offered Mr. Wynne the option to withdraw his petition. Commissioner Wynne stated that he felt the Board would not want to make a decision at this time until they knew the ramifications if the petition was withdrawn.

Chairman Ball asked Mr. Livingston for further comments on Conditional Uses. Mr. Livingston stated that there has been a history of abuse. He is not opposed to this but feels more research needs to be conducted. He suggested a joint session between the Board of Commissioners and the Planning Board to discuss the pros and cons. He stated he is reluctant due to code enforcement. Commissioner Swanson asked Mr. Livingston if at the time Mr. Wynne submitted his rezoning petition is this when it was realized that there was no building permit. Mr. Livingston replied yes. Commissioner Foy stated that Mr. Wynne is already using the property for hobby purposes and the Board's action was not going to stop him, he only wants the rezoning to get his dealer's license. Mr. Livingston stated that if the property is rezoned that Mr. Wynne would be able to use the property for other uses.

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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?
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 Wynne, seconded by Commissioner Foy, and

with Commissioner Swanson each voting "AYE", Commissioner Strickland, Chairman Ball voting "NO" duly carried the approval of the request for rezoning ordinance. (Signed ordinance on file in the County Clerk's office.)

Proper notice having been given this is the time advertised for a public hearing to receive comments on a rezoning request by **Iris C. Hill** to change the zoning classification of approximately one (1) acre on NC 98 in Harris Township from Agricultural Residential (AR) to Highway Business (HB). The vote on the recommendation by the Planning Board was tied five (5) to five (5).

Chairman Ball declared the public hearing open and recognized Planning Director, Matt Livingston. Mr. Livingston stated that the Planning Board's Findings of Fact are as follows: The Franklin County Land Use Plan designates the property as Agricultural Residential. Several Planning Board members stated that NC 98 is a major road, and there are existing businesses to the east and west of this property along NC 98. This property has been used in the past as a tractor repair business, which is a non-conforming use. The Planning Staff recommended that given the rural character of the area, the wide range of permitted uses in the HB district, the lack of conformance to the land use plan and the potential of spot zoning, Planning staff recommends denial of the proposed HB District, and is of the opinion that Rural Business or Neighborhood Business would be a more appropriate zoning designation than Highway Business. However, neither rural or neighborhood business zoning allows for used car sales which is what the petitioner wishes to be able to use the property for.

Mr. Livingston also stated that this is a low-density area for highway business. The building is on a rise if going towards the East. He stated that this road would be widened at a later time. He also stated that parking on the property would be on the right-of-way.

Commissioner Foy stated that the previous rezoning request was recommended denial from the Planning Board due to the property being too far off the highway and this one was in question by the Planning Board due to being too close to the highway.

Commissioner Swanson asked how long the business has been in the area and Mr. Livingston stated five years. He also stated that the existing businesses in the area were considered rural business and neighbor business.
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Chairman Ball called for public comments and the following individuals spoke:

Iris C. Hill, 1617 NC 98 Highway West, Louisburg, NC (Petitioner)

Ms. Hill stated that this business has been a tractor repair shop for twenty-seven years. There have been no major wrecks there and that there are other businesses up and down the road. She has owned other businesses on this road.

Ellis C. Medlin, 239 Dead Road, Bunn, NC

Mr. Medlin stated that all he wants to do on the property is buy and sell cars.

Chairman Ball asked if there were any further comments and none being heard closed the public hearing. 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?
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 Foy, seconded by Commissioner Swanson with all present voting “AYE” duly carried the approval of the request for rezoning ordinance. (Signed ordinance on file in the County Clerk’s office.)

Proper notice having been given this is the time advertised for a public hearing to receive comments on a rezoning request by **Tri and Tammy Doan** to change the zoning classification of approximately 8.01 acres on US 1 in Youngsville Township from Agricultural Residential (AR) to Office-Institutional (O-I). The Planning Board unanimously recommended approval of the rezoning request.

Chairman Ball declared the public hearing open and recognized Planning Director, Matt Livingston. Mr. Livingston stated that the Planning Board’s Findings of Fact are as follows: The request would be in harmony with the surrounding area as most of the area is commercial or will be developing in a commercial/retail or industrial fashion. The land use plan designates this property as Light Industrial, however, there is a need for Office Institutional zoning on US 1, and there is very little O-I zoning in the county and currently along US 1. The rezoning will create needed Office-Institutional zoning on US 1, and the proposal is in keeping with the Land Use Plan vision for commercial/office development along said corridor. Adjoining property is zoned Light Industrial. The O-I district will be a mixed-use district allowing medical offices and a business park, which will serve as a buffer for Light Industrial zoning. There is water and future sewer along this location.

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

Tri Doan, 3809 Mitchell Mill Road, Raleigh, NC (Petitioner)

Mr. Doan stated that the proposed property would be used for an Urgent Care Clinic and other medical offices. He said he hopes the Board accepts his request because the area needed more doctors. He stated he has two children studying medicine and it is his dream to have the medical facilities. He stated he would do his best for the community.

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

Ms. Jennings stated that she was in favor of this project. A twenty-four hour urgent care facility is needed for the area. She said it fits the land use plan and she is honored to speak in favor of the rezoning.

Chairman Ball asked if there were any further comments and none being heard closed the public hearing. 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?
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 Foy with all present voting "AYE" duly carried the approval of the request for rezoning ordinance. (Signed ordinance on file in the County Clerk's office.)

Proper notice having been given this is the time advertised for a public hearing to receive comments on a rezoning request by **Renee McCormick** to change the zoning classification of approximately 71 acres on State Road 1134 (Long Mill Road) in Franklinton Township from Heavy Industrial to R-15 Residential (62 acres) and Neighborhood Business (9 acres). The Planning Board recommended approval by a vote of 7 – 3 on the rezoning request.

Chairman Ball declared the public hearing open and recognized Planning Director, Matt Livingston. Mr. Livingston stated that the Planning Board's Findings of Fact are as follows: The area has become a residential corridor. Given the nature of the rezoning request, character of surrounding use, impacts on traffic, availability of services and range of permitted uses, the Planning Board feels the request is appropriate. Intense industrial development could negatively impact established residential neighborhoods. The Planning Staff recommendations are that there is a need to maintain heavy industrial zoning along the US 1 corridor, particularly since significant utility investments have been made in the area. The county has approved the installation of an 18" outfall line to serve future commercial growth.

Mr. Livingston also stated that R-15 allows higher density development and this developer will only have medium density areas and this does not conform to property use plan.

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Commissioner Swanson asked how many times has the Planning Board recommended this rezoning request to the Board. Mr. Livingston answered three times including this request.

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

Renee McCormick, 15 Riders Court, Franklinton, NC (Petitioner)

Ms. McCormick presented a map from Holland Consulting Planners showing Franklin County's existing land use. She stated that the map shows most Heavy Industrial zoned away from residential areas. She stated that the property is on a rural road and there are no industrial proposals along Long Mill Road. She stated that others feel there is not enough land zoned for heavy industrial in Franklin County. She stated there are only nine parcels being used for heavy industrial out of 100 zoned for industrial use and, in her opinion, too much land is zoned for heavy industrial. She stated the land she is requesting to be rezoned does not show HI on the map (existing land uses). She stated that the County having water and sewer on the property does nothing for the site.

Kevin Martin, 249 Autumn Drive, Franklinton, NC (Mr. Martin is a consultant with Soil and Environmental Consultants, PA, in Raleigh, NC)

Mr. Martin stated that he has looked at the tract of land and in his opinion it would be significantly limited due to the presence of water features subject to the Tar River buffer rules. This land has a number of ponds and streams which would require a 50 foot undisturbed buffer on each side. If this land remains zoned HI it would require massive grading. Mitigation cost for wetlands and buffers, and to provide on site stormwater treatment, would be costly to an industrial developer. Residential development can design around the water features. These 71 acres have 9½ acres of streams that go through the property, not border the property, so it would need to have at least 100 foot buffer.

Mr. Livingston stated that the map that Ms. McCormick presented to the Board

showed existing land use and is not a zoning or planned land use map accepted by the Board.

Commissioner Swanson asked if in 1999 when Holland Consulting Planners did the map survey did they recommend AR (Agricultural Residential). Mr. Livingston answered no, they recommended HI.

Commissioner Foy commented that the County had a lot more changes to come in the future regarding zoning issues.

Mr. Ronnie Goswick spoke stating that a lot of the land in the area of Long Mill Road is not zoned Industrial. Industrial projects are beneficial to the County and industry will look at sites where there is water and sewer available. The County is already losing 1000 acres along Highway 56 due to the railroad. He stated that the property does have buffer problems. He feels many aspects of this property being zoned HI are the County has expended a lot of funds for water and sewer (and natural gas by private funds) to attract industry in the area of Long Mill Road and US 1. The County has to take advantage of infrastructure for industry purposes.

Commissioner Swanson asked Mr. Goswick if anyone has shown interest in this property. Mr. Goswick answered the property has not been made available by the owner for marketing.

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

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1. Does the proposed zoning classification conform to the County Land Use Plan?
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 Foy, seconded by Commissioner Strickland, and with Commissioner Swanson each voting "AYE", Commissioner Wynne and Chairman Ball voting "NO" duly carried the approval of the request for rezoning ordinance. (Signed ordinance on file in the County Clerk's office.)

Commissioner Swanson stated the other two times this rezoning petition has come before the Board his vote was "NO". His "YES" vote is based on a different zoning request being presented which contains some business.

8. Public Hearing – Bunn ETJ Planning Board Appointment

Proper notice having been given this is the time advertised for a public hearing to receive comments on the appointment of a representative from the extraterritorial jurisdiction of the Town of Bunn to the Town's Planning Board to serve as a regular member of the Board. The Town of Bunn has recommended Mr. Elmer Gene Mullen be appointed.

Chairman Ball declared the public hearing open and asked if there were any comments. None being heard, Chairman Ball closed the public hearing.

Upon motion by Chairman Ball, seconded by Commissioner Foy with all present voting "AYE", duly carried the approval of the appointment of Mr. Elmer Gene Mullen to the Bunn ETJ Planning Board to fill the un-expired term of Mr. Randy Roy.

9. Communications Bid

Bids for the VHF Communications System Improvement Project were received and opened on July 30, 2002 at 1:30 P.M. Three bids were received of which one was disqualified. The two bids, which were evaluated, were:

Wireless Communications, Inc -	\$740,220
Radio Communications Company -	\$512,541

Both bidders were well qualified and the base bids included the same basic items. Add alternates are listed for inclusion and none of the alternates included in the base bid.

Members of the E-911 Committee have been included throughout the process and played an integral role in formulating the system design. The committee met last on September 4th when they discussed any remaining concerns with O2Wireless representative Jim Davey, P.E. and Bill Saunders, President of Radio Communications Company. The Committee stated they were satisfied with the recommended bid. A letter from the Fire and Rescue organizations was provided to the Board with their endorsement. One exception to the letter, the final testing must have concurrences that the 95/95 has been met, not
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unanimous agreement. The answers to the written questions from the last Board meeting were provided to the Board.

Several Add Alternates are recommended for inclusion in the final product:

1. Re-channel the rescue mobile and portable radios and the pagers (not to exceed \$16,000, if needed, the Fire and Rescue representatives

indicated they would pay this cost).

2. Replace the existing dispatcher consoles (\$131,923).
3. Reconfigure all back up consoles (fire stations, etc) (not to exceed \$10,000 if needed, the Fire and Rescue representatives indicated they would pay this cost).
4. Remove the tower at the landfill (not to exceed \$36,500). The actual amount to be negotiated at a later date.
5. Relocate non-911 users - Home Health, SHP, etc (not to exceed \$17,510).
6. Savings generated from #1 and #3 will be available if additional repeaters are needed to increase the level of pager performance in specific areas of the County after the 95/95 is reached.

After careful analysis of the proposals and follow up on questions raised by the E-911 Committee and engineers, O2Wireless Solutions has recommended the Radio Communications Company.

The firm must achieve a 95/95 (95% coverage, 95% of the time) throughout the County. If any additional equipment is needed beyond that which was bid, the Company is obligated to provide the equipment within the bid amount.

The Board was asked to 1) Consider approval of the bid award to Radio Communications Company in the amount not to exceed \$724,474; 2) approve the Project Ordinance and authorization to finance up to \$500,000 of the amount for a period not to exceed 30 months. The revenue sources to repay the funds will be generated from the 911 surcharge currently in effect; 3) authorize the County Manager to negotiate and sign the necessary documents on the County's behalf.

County Manager Richard Self clarified to the Board that the Fire and Rescue do have to concur to meet 95/95 coverage. Commissioner Strickland asked about the testing. Mr. Self stated that all testing of equipment would be conducted at the same time, weather dependent, jointly between the bidder, Fire and Rescue personnel. Mr. Self stated that he felt positive after the meeting of September 4th with the Fire and Rescue personnel. Mr. Self also stated that specifications would be drawn up for the dispatcher consoles.

Commissioner Foy asked if 95% coverage is guaranteed for the White Level Community no matter where a person was located there. County Manager Self responded that 95% coverage is available at certain levels of quality. In low spots, which are scattered throughout the County, you will not get coverage. If White Level is considered a low spot then an additional repeater can be obtained if there are sufficient funds available. Commissioner Foy commented that he travels around the White Level area and cannot get reception on his cell phone. Mr. Self stated that pagers are low wattage and scanners have to be recharged daily. Commissioner Foy asked if Rescue is being overpowered by neighboring counties, such as Halifax, and Mr. Self responded, yes. Commissioner Swanson asked if White Level has a problem with 95/95 coverage, will the problem be addressed. Mr. Self answered yes. Commissioner Wynne asked if the 95/95 coverage was for transmitting and receiving. Mr. Self

answered yes. Commissioner Wynne also asked if the dispatcher consoles will be compatible to future improvements in the County and Mr. Self responded they would be. Research will be done to see if they can be upgraded prior to purchase.

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Commissioner Wynne asked if any of the E-911 Committee members present wanted to comment.

Darrell Chalk, Chairman, Fire Chief's Association, 3311 US 1 Highway, Franklinton, NC

Mr. Chalk stated he felt the County was in good shape with the contract with the bidder. He stated the funds in the Fire and Rescue squads were available to reprogram radios. He asked that the E-911 committee have input along the way with Mr. Self and his staff regarding upgrading the system, etc.

Mr. Self responded that he would use the committee. He values the use of volunteers and they have been helpful.

Commissioner Wynne asked if Mr. Swain Stallings, telecommunicator for Franklin County, had any comments. Mr. Stallings stated he was neutral with the two bidders. He asked if the Board had gone over all facts with both bidders. He does not want any problems; he wants the system to work 10 to 15 years from now. The County has to look at life and property, not money.

Commissioner Wynne stated that he knew the Fire and Rescue personnel had questions and wanted to be sure they had been answered. Chairman Ball stated that, in his opinion, their specific concerns have been addressed.

Commissioner Foy asked if the communications project was going to be paid for with the 911 surcharge from telephone bills and how much money would be held from the final payment to the bidder until they could prove guaranteed performance in the system.

Mr. Self replied that the money from 911 surcharge would pay for the project and a substantial amount of money would be held from the final payment to the bidder until the system is tested and pending the performance outcome of the test.

Commissioner Foy asked Mr. Self a ballpark figure of the substantial amount. Mr. Self responded that it would be at least half of the base payment.

Upon motion by Commissioner Swanson, seconded by Commissioner Foy with all present voting "AYE", duly carried the approval to accept the recommendation from the E-911 committee to award the communications bid to Radio Communications Company.

2. Certificate for Achievement for Excellence in Financial Reporting

Award

Franklin County Finance Department has attained the Certificate for Achievement for Excellence in Financial Report for the third straight year. This award signifies that the financial records of the County meet national standards for accuracy. County Manager Self read a letter from Mr. Kenneth Chavious, President of the North Carolina Government Finance Officers Association, recognizing Charles Murray, Finance Director, and the Finance Department Staff for the monumental accomplishment in receiving the Certificate. He noted this year marks the third consecutive year that the County has received the Certificate of Achievement, and such a record reflects the professionalism and commitment of the Finance Department Staff, and also reflects a high degree of dedication and leadership on the part of the Franklin County Commissioners.

Mr. Murray introduced his staff – Lisa Medlin, Kelly Faulkner, Debbie Vaughan, and Mattie May. He congratulated them on their accomplishment. He stated that the stability of the staff and input from other county departments had a lot to do with winning the award three straight years.

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Chairman Ball presented the Finance Department Staff the award.

3. Resolution – Adelphia Cable TV Bankruptcy

Adelphia Cable TV has filed for bankruptcy to allow time to either reorganize or sell the company. To protect the subscribers in Franklin County, the following Resolution allows the County to join other local governments in seeking an appointment from the United States Trustee to protect NC local government interest. The County is not obligated to expend funds. The Piedmont Triad Council of Governments is coordinating the effort on behalf of local governments.

County Manager Self stated that the intent of this resolution is to protect the citizens of Franklin County and to ensure quality service, and to have a “seat at the table” when the bankruptcy proceeds. He also stated that a representative from the Piedmont Triad Council of Governments would be available to protect the County’s interest.

Upon motion by Chairman Ball, seconded by Commissioner Swanson with all present voting “AYE”, duly carried the approval of the following Resolution:
(Signed)

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, EXPRESSING SUPPORT FOR AND PARTICIPATING IN A COALITION OF LOCAL GOVERNMENT ENTITIES THAT ARE LOCAL FRANCHISING AUTHORITIES IN COMMUNITIES WHERE ADELPHIA COMMUNICATIONS IS A CABLE TELEVISION FRANCHISEE, WHICH COALITION WILL DEVELOP AND IMPLEMENT A STRATEGY FOR PROTECTING THE INTERESTS OF LOCAL GOVERNMENT, ITS RESIDENTS, AND ALL ADELPHIA CABLE TELEVISION SUBSCRIBERS IMPACTED BY THE ADELPHIA BANKRUPTCY

WHEREAS, Adelphia Communications, hereinafter referred to as Adelphia, has a cable television franchise agreement with our community; and

WHEREAS, in recent months, Adelphia has undergone well-publicized financial difficulties, including the disclosure of approximately \$3.1 billion in previously undisclosed off-balance sheet obligations, the commencement of a Securities and Exchange Commission and two federal grand jury investigations, allegations of widespread corporate fraud, substantial defaults on bondholder debts, numerous shareholder lawsuits against Adelphia, and the arrest of five former Adelphia corporate executives; and

WHEREAS, on June 25, 2002, Adelphia, and more than two hundred (200) of its subsidiaries, filed for bankruptcy protection; and

WHEREAS, recent press reports and other information indicate that Adelphia attempted to sell many of its franchises to third-parties within the two weeks prior to the bankruptcy filing, but those negotiations failed; and

WHEREAS, recent press reports and other information indicate that Adelphia has obtained \$1.5 billion in debtor-in-possession financing to sustain its operations while the bankruptcy is proceeding; and

WHEREAS, in the context of a bankruptcy, Adelphia will be required to assume, assign, or reject the current franchise agreement with our community, and during that process, the County of Franklin should play an active and important role so as to ensure that all franchise obligations are satisfied and local cable television subscribers receive the highest quality, uninterrupted, cable television service; and

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WHEREAS, complicated legal and practical issues will arise during the course of the bankruptcy, which will require: (i) extensive analysis of local government's rights and obligations; (ii) preparation of financial documents and correspondence explaining the practical ramifications of the various proposals, including debt and equity restructurings that may arise; and (iii) a careful attention to the protection of the public health, safety, and welfare, the quality and range of cable television services, and the financial and performance based rights of local government; and

WHEREAS, the anticipated bankruptcy may result in tension between local government's authority to control its public rights-of-way and duty to protect subscribers, Adelphia's creditors' desire to obtain maximum value from the Adelphia franchises with minimum delay, potential asset purchasers' desire to pay the lowest possible price and incur the minimum possible obligation when seeking to buy cable franchises from the bankruptcy estate, and the bankruptcy court's desire to quickly administer the case and confirm a bankruptcy plan; and

WHEREAS, by forming a coalition, local government can present a united front

in the anticipated bankruptcy case, which will likely allow local government to assert more influence over the ultimate conditions under which Adelphia or some other cable operator will provide services to cable subscribers on a going-forward basis; and

WHEREAS, bankruptcy law provides, in some circumstances, for the formation of "committees" of parties sharing like interests in a bankruptcy proceeding; and

WHEREAS, press reports and other information indicate that Adelphia's management, as well as Adelphia's major creditors, are currently mapping out their respective bankruptcy strategies and committee formations, which are not likely to align with the fundamental objectives of local government with respect to cable television franchises; and

WHEREAS, if an official committee of local government entities were appointed by the United States Trustee, the professional fees incurred by the committee would be paid by the bankruptcy estate; and

WHEREAS, on July 12, 2002, the Executive Director of the National Association of Telecommunications Officers and Advisors (hereinafter referred to as NATOA) and the President of the States of California and Nevada Chapter of NATOA (hereinafter referred to as SCAN NATOA) sent a letter to Adelphia's General Counsel soliciting Adelphia's support before the United States Trustee to appoint a local government committee; and

WHEREAS, on July 31, 2002, the County of St. Port Lucie, Florida, filed a motion in the United States Bankruptcy Court for the Southern District of New York for the creation of an official committee of local franchise authorities and a hearing date has been set for September 17, 2002; and

WHEREAS, on August 15, 2002, Adelphia responded to the NATOA/SCAN NATOA letter and indicated that Adelphia would remain neutral (neither support nor oppose) on the formation of a local government committee;

NOW, THEREFORE, the County of Franklin does hereby resolve as follows:

1. The Recitals above are believed to be true and correct.
2. Based upon and through the actions described in the above Recitals it is hereby determined that County of Franklin will benefit from participating in a coalition of cities, counties, and special districts that act as the local government committee, which would strive to protect local government, its
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residents, and all Adelphia cable television subscribers impacted by the Adelphia bankruptcy.

3. The County of Franklin hereby expresses support for the appointment of an official committee of local government entities by the United States Trustee.

4. The County of Franklin approves participation of the County of Franklin in the event such an official committee of local government entities is appointed by the United States Trustee and recommends that a representative from the Piedmont Triad Council of Governments, 2216 West Meadowview Road, Suite 201, Greensboro, NC 27407, telephone 336-294-4950 be appointed to such an official committee to represent our interests in this matter.

Adopted this sixteenth day of September 2002.

7. Presentation of Certificate

County Manager Self presented Matthew Livingston with a certificate from The School of Government (Institute of Government) for his completion of the Effective Management Program. The Program, which provides supervisory training, includes principles of management, human behavior, leadership, transactional analysis, motivation, communication and conflict management, problem solving and interviewing. This course is one which many of our department heads and supervisors would derive benefit. Mr. Livingston thanked the County for his participation in the program.

8. E-Communities Champion

Ms. Lucy Allen has resigned as the E-Communities Champion for Franklin County. Mr. Holt Kornegay has agreed to assume the responsibilities on behalf of the County.

Upon motion by Commissioner Swanson, seconded by Commissioner Foy with all present voting "AYE" duly carried the appointment of Mr. Holt Kornegay as E-Communities Champion for Franklin County.

9. Resolution – Franklin County Goat Producers Cooperative, Inc.

County Manager Self requested the Board approve a Resolution supporting a grant from the Golden Leaf Foundation to the Franklin County Goat Producers Cooperative, Inc. to assist in its efforts to develop a profitable market for new products necessitated by the decline in tobacco production.

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

RESOLUTION OF SUPPORT – FRANKLIN COUNTY GOAT PRODUCERS COOPERATIVE, INC.

WHEREAS, the Franklin County Goat Producers Cooperative, Inc., with assistance from the Franklin County Extension Services, has submitted a grant application to the Golden Leaf Foundation through North Carolina State University – Department of Crop Science entitled "Marketing, Production and Educational Program Development for the Expansion of the Franklin county Goat Producers Cooperative"; and

WHEREAS, these grant funds would be used to develop an alternative

agricultural market for Franklin County farmers in addition to farmers in 48 North Carolina counties where their membership extends utilizing goat production to lessen the economic impact of changes in the tobacco economy; and

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WHEREAS, the Franklin County Goat Producers Cooperative, Inc. goals are education and market development for goat meat targeting the State's expanding ethnic population and to that goal it as conducted seminars and developed a marketing strategy wherein it is a vendor of high quality, fresh goat meat to area retail grocery stores and convenience centers;

NOW, THEREFORE BE IT RESOLVED that the Franklin County Board of Commissioners does hereby continue to support the efforts of the Franklin County Goat Producers Cooperative in its attempt to succeed at farming with alternative options in a growing and dynamic agricultural enterprise;

BE IT FURTHER RESOLVED that the Franklin County Board of Commissioners requests that the Golden Leaf Foundation give every consideration to the grant application submitted by the Franklin County Goat Producers Cooperative to assist in its efforts to develop a profitable market for new products necessitated by the decline in tobacco production.

Adopted this sixteenth day of September 2002.

10. Public Comments

No one from the public signed up to make a comment.

11. Board Committee Reports and Comments

Commissioner Foy reported that he attended the Bunn Town Meeting. A Food Lion will be built in Bunn. This will help to keep sales tax in the County.

Chairman Ball, Commissioner Wynne, Commissioner Strickland, and Commission Swanson reported that they did not attend any committee meetings.

12. Manager's Report

County Manager Self reported that the Public Comment Meetings on the Draft 2004-2010 TIP are scheduled for October 9, 2002 in Roxboro at the Person County Office Building Auditorium, 304 South Morgan Street.

Mr. Self reported that the General Assembly is still in session – the sales tax is in jeopardy and there is concern that it will be removed from the budget and not voted on. The County Commissioners Association is requesting that all Commissioners join for a rally at the General Assembly. Date and time will be provided as soon as possible.

The Board was updated on Holland Consulting Planners, Inc.

- NC Housing Finance Agency Single Family Rehabilitation Program - all five houses have been completed. Lead base paint inspections still remain.
- Hurricane Floyd Crisis Housing Assistance Program - 9 or 10 rehabs completed; 13 of 14 replacement houses completed. Final completion date is October 30, 2002.

Mr. Self reported that work has begun on the water and sewer study.

As Mr. Self reported at the last meeting, the sewer back up (third one) at the administration building has left mold under the carpet. Staff is pricing replacement carpet to be installed as soon as possible as well as finding a way to inject fresh outside air into the building. The air conditioning system is still not working in the main area. In an effort to keep cost as low as possible, county maintenance employees will be removing the existing carpet and spraying the chemical to kill the mold throughout the main floor. The repair to the stormwater system is complete and worked well this past weekend during the heavy rains. Staff does not anticipate sewer back ups in the future.

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There being no further business to come before the Board, the meeting was adjourned and recorded at 9:30 P.M.

JOHN R. BALL, CHAIRMAN

RICHARD B. SELF, CLERK