

**March 17, 2003**

The Board convened at 5:15 at the Cooperative Extension Offices for dinner and the departmental presentation.

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 Harry L. Foy, Jr., Commissioner Robert L. Swanson, Commissioner Jimmie R. Gupton, and Commissioner Raymond A. Stone.

### **1. Consent Agenda**

Upon motion by Chairman Ball, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried the following Consent Agenda Item approved:

Approval of minutes of Regular meeting held on March 3, 2003.

### **2. Public Hearings**

A. Rezoning Petition – J.D. Goldston

Proper notice having been given and the Board having received the information, this is the time advertised for a public hearing to receive comments on a Rezoning request by J. D. Goldston to change the zoning classification of approximately 2.59 acres at the intersection of NC 39 and Pearces Road (SR 1001) in Harris Township from Agricultural-Residential (AR) to Rural Business (RB). Planning Board unanimously recommended approval.

NC 39 is classified as a major collector with an average traffic count of 4,700 vehicles; applicant applied for Highway Business, Planning Board felt Rural Business more appropriate for the area; future Land Use Plan reflects this area as low-density residential.

Matthew Winslow, Interim Planning Director, presented the Planning Board's Summary of Evidence:

- unanimously recommended approval of the rezoning request for Rural Business (RB)
- petitioner had requested zoning change to Highway Business, but the Planning Board and staff felt that based on the factor that the area is primarily residential, Rural Business would be a more appropriate zoning

Chairman Ball declared the public hearing open.

Ed Shearin, Shearin Realty, Inc., 7020 Zebulon Road, Wake Forest  
(representing Petitioner)

- no specific use for property - possible convenience store
- high traffic area, school nearby, not good location for residential

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

Chairman Ball reviewed the Procedures for Rezoning with the Board prior to their voting decision.

Land Use:

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 this district?
3. If there is a need for additional land to be zoned to this district, should it be in this area, or would the public interest be better served if the zoning were done in another area of the county?

Impacts:

4. The granting of the rezoning request will not impose serious hardships on adjacent property owners in the form of noise, odors, signs, and/or other similar nuisances?
5. The request does not raise any legal questions such as "spot zoning", "violation of precedents", and the rule of reasonableness?
6. The granting of the rezoning request is of benefit to the general public and not solely for a private individual?
7. The request will not result in lessening the enjoyment or use of adjacent properties.
8. The request would not have a serious impact on existing public facilities, such as schools, fire & rescue, etc.?

Upon motion by Vice-Chairman Foy, seconded by Commissioner Stone, with all present voting "AYE", duly carried the approval of the request for Rezoning Petition, and the adoption of the ordinance amending the Franklin County Unified Development Ordinance (map). (Signed ordinance on file in the County Clerk's office.)

A. Special Use Permit – Clement L. McDaniel, Jr.

Proper notice having been given and the Board having received the information, this is the time advertised for a public hearing to receive comments on a Special Use Permit request by Clement L. McDaniel, Jr. for a baseball field (grounds and facilities for open air games and sporting events) on approximately one (1) acre located off NC 98 in Harris Township in the Agricultural-Residential District. Planning Board unanimously recommended approval with conditions.

Planning Board found little adverse affect on surrounding property. A number of Special Conditions were recommended with the approval: Limitation on use of the field for practice and games to three (3) days per week; no lights except

security lights; two trash cans; no concession stand; no scoreboard; no alcohol; no tournaments; and restrict use of 20 feet easement, require that 60 foot easement be used to access the field.

Matthew Winslow, Interim Planning Director, presented the Planning Board's Summary of Evidence:

- unanimously recommended approval of a special use permit request for a baseball field
- recommended special conditions

Chairman Ball declared the public hearing open and stated the hearing would be handled as a quasi-judicial public hearing.

Clement L. (Mac) McDaniel, Jr., 3544 NC Hwy 98 West, Youngsville (Petitioner)

- ballfield was a gift to his two sons to play with friends and practice with their dad
- he has started an AAU league for children age nine and under
- presented a petition with 200 signatures in favor of the ballfield

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- in his opinion the county is in desperate need for more ballfields, Franklin County Parks and Recreation has no fields available and all other fields are at capacity
- wants hours of operation between 9:00 a.m. until 8:30 p.m. on weekdays and Saturdays and 1:00 p.m. until 8:30 p.m. on Sundays
- wants lights for the batting cages – stated the closest home to the ballfield is 250 feet
- the entrance to the ballfield would be from Tarboro Road
- there is approximately 188 feet to the left of the field and 200 feet to the right of the field and the field itself has been fenced in

Commissioner Stone asked why did the Planning Department limit use of the field to three days per week. Mr. Winslow stated the team activities were the only thing limited. Chairman Ball asked about the scoreboard. Mr. Winslow stated it could create an adverse impact on adjoining property.

Following are those who spoke in favor of the Special Use Permit. Each were sworn in by the Clerk to the Board:

Eddie Scarboro, 4325 Jonesville Road, Rolesville

- his eight-year-old son plays ball with Mr. McDaniel
- there are no other fields available, his daughter has to go to Fuquay Varina to play ball

Lyn Newman, 4509 Sandy Woods Drive, Wake Forest

- Mr. McDaniel has worked hard on the ballfield

Karen Brown, 8709 Reindeer Moss Drive, Wake Forest

- a ballfield will work in a residential area
- it is a supervised field
- no after hours allowed
- adequate easement

- for children's benefit

James Weston, Highway 98, Youngsville

- his son plays ball at Mr. McDaniel's field
- the other homes are not close to the field
- this is a field for youth only

Mrs. Newcomb (Petitioner's mother)

- the ballfield is good for children and why can't they play there

Bruce Bowden, Wake Forest

- his son plays ball at Mr. McDaniel's field
- good wholesome ball, discipline enforced
- children need practice
- Mr. McDaniels wants to give to the community and he is a good person
- we need to get back to American roots and our children

Joe Wilson, 6236 Jones Farm Road, Wake Forest

- has a son who loves baseball
- in the two tournaments he's played in his team got beat but they never wanted to quit
- they need somewhere to practice and plan ball

Scott Lewis, 3121 Countryman Court, Wake Forest

- has played ball with Mr. McDaniel and helps him coach
- the children deserve a place to play
- there is discipline, no baby sitting

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Following are those who spoke against the Special Use Permit. Each were sworn in by the Clerk to the Board:

Patsy Bailey, 3550 NC Highway 98 West, Youngsville

- she is not against kids and baseball but does not want in her backyard
- Mr. McDaniel not following rules
- using her driveway to access ballfield
- no permit has been issued and Mr. McDaniel is still working on field and playing ball on field
- has not shown friendliness towards neighbors

Everette Hicks, 3574 NC Highway 98 West, Youngsville

- has been living in home since 1960
- concerned with noise and traffic
- is tired of putting up with situation

Jon Bailey, 3550 NC Highway 98 West, Youngsville

- 20 foot right-of-way is not Mr. McDaniels property
- a majority of the children using the field are from Wake Forest, not local community

Jackie Wylie, 3560 NC 98 Highway, West, Youngsville

- people who signed petition supporting the ballfield are not neighbors
- recommends Planning Board's recommendations for field

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

Chairman Ball reviewed the Procedures for Rezoning with the Board prior to their voting decision.

Land Use:

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 this district?
3. If there is a need for additional land to be zoned to this district, should it be in this area, or would the public interest be better served if the zoning were done in another area of the county?

Impacts:

4. The granting of the rezoning request will not impose serious hardships on adjacent property owners in the form of noise, odors, signs, and/or other similar nuisances?
5. The request does not raise any legal questions such as "spot zoning", "violation of precedents", and the rule of reasonableness?
6. The granting of the rezoning request is of benefit to the general public and not solely for a private individual?]
7. The request will not result in lessening the enjoyment or use of adjacent properties.
8. The request would not have a serious impact on existing public facilities, such as schools, fire & rescue, etc.?

Commissioner Gupton asked Mr. McDaniel if he had any thoughts regarding a scoreboard and the size of it. Mr. McDaniel replied that he did not need a scoreboard but if he ever did, a 4' by 4' would be sufficient.

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Commissioner Gupton asked Mr. McDaniel who had use of the road easement. Mr. McDaniel presented a deed for the easement. County Attorney Darnell Batton stated that during the Planning Board hearing Mr. McDaniel had stated he would not use the 20' easement and it was enforceable. Mr. McDaniel stated the easement would not be used for traffic to and from the ballfield. County Attorney Batton also stated that Mr. McDaniel stated during the Planning Board hearing that the ballfield would only be used for ball practice and scrimmage games.

Vice-Chairman Foy asked Mr. McDaniel again what the restrictions he was asking for were. Mr. McDaniels stated he wanted the use of the field six days a week up until dark and after 1:00 p.m. on Sundays until dark. Chairman Ball asked why he wanted different restrictions than recommended by the Planning

Board. Mr. McDaniels replied that he was not aware of the impact of the Planning Board recommendations. Chairman Ball asked Mr. Winslow to state once again the restrictions the Planning Board recommended and Mr. Winslow responded limited use of field for practice to three (3) days per week, 3-1/2 hours two days during the week, and five (5) hours one day per weekend, starting at 1:00 p.m. on Sunday, and no lights except for a security light. Chairman Ball then asked Mr. Winslow to state once again the changes to the restrictions Mr. McDaniel was asking for. Mr. Winslow stated use of the ballfield Monday through Saturday, 9:00 a.m. until 8:30 p.m. and Sunday, 1:00 p.m. until 8:30 p.m. He also wants enough light to light the batting cages, two with at least 1000 watts on each pole with on/off switch and a security light for safety with an on/off. County Manager Self recommended that any lights used be downward directed lights to limit light pollution.

Upon motion by Vice-Chairman Foy, seconded by Commissioner Stone, with all present voting "AYE", duly carried the approval of the request for Special Use Permit Petition and the approval of the changes to the restrictions recommended by the Planning Board.

#### A. Rezoning Petition – Brenda and Fred Ellington

Proper notice having been given and the Board having received the information, this is the time advertised for a public hearing to receive comments on a Rezoning request by Brenda and Fred Ellington to change the zoning classification of approximately five (5) acres at the intersection of State Road 1720 (Old Halifax Road) and State Road 1715 (Bob Richards Road) in Harris Township, Agricultural-Residential (AR) to Highway Business (HB). Planning Board gave no recommendation.

The area has neither water nor sewer; the Land Use Plan indicates low density residential; there is one piece of property zoned Rural Business located approximately one mile west of this location on Old Halifax Road. The Planning Board vote was four (4) in favor and four (4) against with no finding of facts.

Matthew Winslow, Interim Planning Director, presented the Planning Board's Summary of Evidence:

- Planning staff recommends denial of the proposed Highway Business (HB) due to 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 also recommends denial due to the opinion that Rural Business or Neighborhood Business would be a more appropriate zoning designation than Highway Business

Chairman Ball declared the public hearing open.

David Ellington, 1329 Old Halifax Road, Zebulon (Petitioner)

- the five acres involved is family land

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- a small business is proposed for an office for a plumbing business with all work performed off-site
- building has bathrooms, small storage area, and administrative area

Chairman Ball asked Mr. Ellington how he planned to use the entire five acres and under what conditions. Mr. Ellington responded that he will not use the entire five acres. He will put in a tree buffer, have a 100 x 100 building, and a one-acre storage/parking area to accommodate his general construction business.

Chairman Ball asked what type of general contractor he proposed. Mr. Ellington responded that he is a utility contractor. Chairman Ball asked what type of material he would be storing on the property. Mr. Ellington responded storage of material would be utility pipes. Chairman Ball asked if he would be storing inventory and Mr. Ellington responded no.

Commissioner Stone asked if there is going to be restrooms and water. Mr. Winslow replied yes.

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

Chairman Ball reviewed the Procedures for Rezoning with the Board prior to their voting decision.

Land Use:

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 this district?
3. If there is a need for additional land to be zoned to this district, should it be in this area, or would the public interest be better served if the zoning were done in another area of the county?

Impacts:

4. The granting of the rezoning request will not impose serious hardships on adjacent property owners in the form of noise, odors, signs, and/or other similar nuisances?
5. The request does not raise any legal questions such as "spot zoning", "violation of precedents", and the rule of reasonableness?
6. The granting of the rezoning request is of benefit to the general public and not solely for a private individual?
7. The request will not result in lessening the enjoyment or use of adjacent properties.
8. The request would not have a serious impact on existing public facilities, such as schools, fire & rescue, etc.?

Upon motion by Vice-Chairman Foy, seconded by Commissioner Swanson, with Vice-Chairman Foy and Commissioner Swanson voting "AYE", Commissioner Gupton, Commissioner Stone, and Chairman Ball voting "NO",

motion failed and the Rezoning Petition was denied.

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A. Financing Agreement and Deed of Trust: Water and Sewer Treatment Plant Expansion

Proper notice having been given and the Board having received the information, this is the time advertised for a public hearing to address a certain installment financing agreement proposed for the financing, pursuant to North Carolina General Statute 160A-20, of (i) the expansion of the County's Water and Sewer Treatment Plant from one (1) million gallons per day to three (3) million gallons per day and to install additional sewer lines to promote economic development and better serve its citizens and (ii) the securing thereof by a deed of trust on such facilities and the sites thereof. The Board has previously endorsed this action and awarded bids on the project.

The cost of the Project is estimated to be in an amount not to exceed \$9,500,000, including provisions of approximately \$30,000 for cost of issuance.

Drafts of the proposed Installment Financing Agreement and Deed of Trust were made available to the public on March 13, 2003 for inspection at the Office of the County Manager.

Chairman Ball declared the public hearing open.

Chuck Murray, Finance Director, reported the County had received very favorable financing proposals ranging from 3.49% to 5.02%. After reviewing the proposals, Wachovia Bank has provided the County with the best option.

County Manager Self stated this project is in the final stages. This is the same project that allowed Flextronics to locate in the County and by doing so added to the tax base and jobs.

Commissioner Stone asked what is the cost in taxes to citizens. Mr. Murray replied a 2-1/2¢ increase would be the worse case scenario.

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

Upon motion by Chairman Ball, seconded by Commissioner Gupton, with all present voting "AYE", duly approved the Financing Agreement and Resolution.

RESOLUTION APPROVING THE FINANCING OF AN AMOUNT NOT TO EXCEED \$6,500,000 AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20, FOR THE EXPANSION OF THE COUNTY'S SEWER TREATMENT PLANT AND INSTALLATION OF ADDITIONAL SEWER LINES

WHEREAS, the County of Franklin, North Carolina has decided to expand the County's Sewer Treatment Plant's capacity from one million gallons per day to three million gallons per day, install additional sewer lines needed to promote economic development, and to better serve the citizens of the County of Franklin:

WHEREAS, The County of Franklin desires to finance the Project by the use of



an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; not to exceed \$6.5 million dollars:

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Franklin County, North Carolina, meeting in regular session on the 17th day of March, 2003, make the following findings of fact:

1. The proposed contract is necessary or expedient because the County is at 80

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percent of its current sewer treatment capacity, a major industry is expanding creating an additional 1,500 jobs and needs additional capacity, and additional infrastructure is needed to enhance industrial and commercial growth.

2. The proposed plan of financing, under all the circumstances, is preferable to a general obligation or revenue bond issue for the same purpose. The County has no meaningful capacity to issue additional general obligation bonds in the 2002-2003 fiscal year without obtaining referendum approval, and the project will not produce any revenues that could be used to support a self-liquidating bond issue. In addition, the project will directly benefit only particular portions of the County. For these reasons, and because of the Board's general evaluation of the electorate's predisposition toward bond issues, the Board considers that it would be impractical to ask the County voters to approve general obligation bonds for this project.
3. The cost of financing under the proposed contract compares reasonably, with an estimate of similar costs for general obligation bond financing for the same undertaking.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the County has acquired competitive quotes and has selected the one most favorable.
5. The County of Franklin's debt management policies have been carried out in strict compliance with law, as indicated in the County's most recent audited net financial statements.
6. The increase in taxes necessary to meet the sums to fall due under the proposed contract is anticipated be 2.5 cents per \$100 valuation and is not deemed to be excessive.
7. The County of Franklin is not in default in any of its debt service obligations.
8. The attorney for the County of Franklin has rendered an opinion that the proposed Project is authorized by law and is for a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Finance Director is hereby authorized to act on behalf of the County of Franklin in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions

not inconsistent with this resolution.

This resolution is effective upon its adoption this 17th day of March, 2003. (Signed copy of Resolution on file in the County Clerk's office.)

**3. Offer to Amend Financial Assistance Award Agreement by U.S. Department of Commerce**

During the presentation on the Wastewater Treatment Facility, one of the items the County was waiting on was the agreement from the U.S. Department of Commerce. The document arrived March 7<sup>th</sup> and needed the Board's concurrence.

Upon motion by Chairman Ball, seconded by Commissioner Stone, with all present voting "AYE", duly carried the approval of the offer and authorized the Chair and County Manager to execute the necessary documents.

**4. Airport Property Acquisition**

**A. Freeman Land Condemnation**

County Attorney Darnell Batton and Attorney David Guin presented to the Board the Freeman land condemnation regarding airport property. The court ordered

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mediation, which was held Monday, March 3, 2003, has been settled at an amount of \$106,500.

Mr. Guin stated that the land was purchased at a fair price with only 10% of County funding and 90% Federal/State funding.

Vice-Chairman Foy asked if the funding from the County was from airport revenues and Mr. Guin responded no.

Commissioner Stone asked how many acres were purchased. Mr. Guin responded 16.94 acres. Mr. Guin reported that the county's appraisal and offer was \$67,760 and the property owner was asking \$209,000.

Commissioner Stone asked the Board to excuse him from voting on this matter noting that a family member might be related to the property owner. Motion was made by Vice-Chairman Foy, seconded by Commissioner Swanson, with all eligible voting "AYE", duly carried to excuse Commissioner Stone from voting on this matter.

Upon motion by Chairman Ball, seconded by Commissioner Gupton, with Chairman Ball, Commissioner Swanson, Commissioner Gupton voting "AYE", Vice-Chairman Foy voting "NO", Commissioner Stone abstained, motion carried approval of the settlement agreement.

**B. Draft Legislation**

The County has been attempting to obtain several properties for the grant-funded addition to the airport. The proposed legislation will allow the county to proceed with meeting the grant deadlines while any land being acquired

through eminent domain is taking place. The legislation cannot be submitted unless the Board of Commissioners has requested it formally.

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with Commissioner Swanson, Commissioner Gupton, Chairman Ball voting "AYE", Vice-Chairman Foy voting "NO", motion carried the approval of the draft legislation for submission to the General Assembly.

#### **5. Budget Ordinance Amendment #8**

Amend the General Fund to reflect the acceptance of various grants and donations received: Aging Department – Special Needs - \$1,379 from contributions; Cooperative Extension Department – Goat Marketing Grant - \$23,000; \$2,000 Cooperative Extension Grant - Capital Outlay - \$1,700, Supplies - \$300; Social Services Department reimbursements \$7,106 – Wake Electric Round Up - \$6,000, CP&L Project Share - \$1,106. No local funds are required for match and the acceptance of the funds does not create a future obligation for the county.

Upon motion by Chairman Ball, seconded by Commissioner Swanson, with all present voting "AYE", duly carried approval of Budget Ordinance Amendment #8.

#### **6. Child Abuse Prevention Month in Franklin County**

Nicki Griffin, Social Services Director, was present to address the Proclamation for Child Abuse Prevention Month for the month of April to the Board.

Ms. Griffin reported there were 309 reports of child abuse and neglect, 157 reports investigated for abuse and neglect and 51 reports substantiated for abuse or neglect in Franklin County from July 2002 to January 2003. She stated that Franklin County is one of ten model programs in the State.

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Upon motion by Chairman Ball, seconded by Commissioner Gupton, with all present voting "AYE", duly carried the approval of the Proclamation and appointment of Board members. (Signed copy of Proclamation on file in the County Clerk's office.)

#### **7. Home and Community Care Block Grant Designation**

The County receives annual funding allocations under the Home and Community Care Block Grant for Older Adults Program. The Block Grant is authorized in General Statutes 143B 181.1(a) (11) and is designed to improve the planning and coordination of in-home and community based services provided to older adults. In addition, it is intended to promote the visibility of aging programs at the local level by giving counties increased flexibility with respect to funding aging services available through the Block Grant. The County Commissioners are required to designate a lead agency and appoint members of the Block Grant Advisory Committee who will make recommendations on the allocation and use of funds under this program. The Board was provided a copy of a Resolution, which reflects the designation of the Aging Department as the lead agency and confirms the appointment of the

Advisory Committee members, which were suggested to the Board.

Upon motion by Commissioner Swanson, seconded by Commissioner Stone with all present voting "AYE", duly carried the adoption of the Resolution and designation of the Advisory Committee.

RESOLUTION  
HOME AND COMMUNITY CARE BLOCK GRANT FOR OLDER ADULTS

WHEREAS, the North Carolina General Assembly enacted Senate Bill 165: AN ACT TO PROVIDE FOR THE DEPARTMENT OF HUMAN RESOURCES, DIVISION OF AGING TO ADMINISTER A HOME AND COMMUNITY CARE BLOCK GRANT FOR OLDER ADULTS; and,

WHEREAS, North Carolina General Statute 143B-181.1(c) gives the Division of Aging authority to establish policies and procedures for programs administered by the Division; and,

WHEREAS, the Division of Aging has established policies and procedures for the Home and Community Care Block Grant which were effective July 1, 1992; and,

WHEREAS, these policies and procedures call for the development of a County Home and Community Care Block Grant Aging Funding Plan in each county in North Carolina; and,

WHEREAS, these policies and procedures call for the County Board of Commissioners to designate an agency or office with lead responsibility for planning and coordination in the development of the County Aging Funding Plan; and,

WHEREAS, these policies and procedures also call for the County Board of Commissioners to appoint a committee to serve as a Block Grant Advisory

Committee to the lead agency for planning and coordination in the development of the County Aging Funding Plan.

NOW, THEREFORE, BE IT RESOLVED THAT: Franklin County Board of Commissioners do hereby designate the Franklin County Department of Aging to have lead responsibility for planning and coordination in the development of the County Aging Funding Plan for a period of two years.

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BE IT FURTHER RESOLVED THAT the Franklin County Board of Commissioners appoints the following committee to serve as a Block Grant Advisory Committee to the agency with lead responsibility for the development of the County Aging Funding Plan for a period of two years.

Steve Norwood  
Chuck Murray  
Larry Tetterton  
Tommas Wade

Roxanne Bragg-Cash  
Robert Perry  
Walter McDonald  
Patrick Woods

Mattie Woodard  
Nikki Griffin  
Janice Kelly

Adopted this 17<sup>th</sup> day of March, 2003. (Signed copy of Resolution on file in the County Clerk's office.)

### **8. Area Mental Health Business Plan**

Mr. Foster Norman, Area Director, was in attendance to present the Area Mental Health Business Plan. State law requires that Mental Health Agencies throughout North Carolina change from being a service provider to being a Local Management Entity (LME). A LME is similar to an HMO in that it coordinates services and monitors the progress of clients and the quality of service. The Area Authority will still be providing emergency services and several other key areas of counseling. This transition has been a topic of discussion statewide by County Commissioners, County Managers, Area Mental Health Directors and mental health advocates. The State did not allow local choice in this matter except in reference to the effective date. Mr. Norman and his staff, in consultation with their consultant, have prepared an adequate plan which addresses most of the concerns related to this mandated change in service. Commissioner Stone, the County's representative to the Mental Health Area Authority, has been to a work session on the plan.

Mr. Norman stated the 2000 NC General Assembly created a committee directed to develop a Plan for Mental Health system reform with the intent that the Plan be fully implemented by January 1, 2005. This resulted in the reform of NC General Statutes Chapter 122c "Mental Health, Developmental Disabilities and Substance Abuse Act of 1985". The new statutes were approved and enacted into law by Governor Easley in October 2001 with an effective date of July 1, 2002. As a result of this, every county must provide an approved business plan for the management and delivery of mental health, developmental disabilities and substance abuse services. The majority of the plan was due by January 1, 2003 with the remainder due April 1, 2003.

Commissioner Swanson reiterated that services will be contracted out and citizens will use an HMO type provider and not be able to go where they choose. Mr. Norman replied that the local Mental Health agency will act similar to an HMO and will have a provider choice in the network.

Commissioner Gupton stated that we have no choice but to approve.

Commissioner Stone stated as a representative on the Mental Health Board, this is a radical change.

Upon motion by Commissioner Stone, seconded by Commissioner Swanson, with all present voting "AYE", duly approved the plan. Commissioner Swanson asked that it be noted that he only voted for the plan because it is mandated by the State.

### **9. Presentation on Township Maps**

Renee McCormick made a presentation on the Townships as they relate to election of Commissioners. She stated she made the same presentation before MINUTES OF MEETING OF MARCH 17, 2003---cont.

the Board a year ago. She provided maps and information from the 2000 Census showing population in each current residence district and the number of

registered voters in each current residence district.

Phillip Strach, Attorney with Maupin, Taylor and Ellis, was in attendance representing Ms. McCormick and a "group" of Franklin County citizens. He stated he would facilitate a dialogue between the Board of Commissioners and the citizens of Franklin County that he represents to insure the maps he prepared met Section 2 of the Voting Rights Act. He stated he would sue if needed and he has citizens who will volunteer to be plaintiff in a lawsuit. County Attorney Batton stated that Mr. Strach offering to provide services to the County sounded like a threat. Mr. Strach stated his firm was ready to assist the County. Attorney Batton asked who was going to pay for the services. Mr. Strach replied his client. Chairman Ball asked that if the Board accepts one of the plans, is his client going to pay the legal fees. Mr. Strach stated he would work with the County. Vice-Chairman Foy asked Mr. Strach who were his clients. Mr. Strach replied Ms. McCormick, but stated he could not give the names of the potential plaintiffs. Vice-Chairman Foy stated that Mr. Hardy, who is a minority, served on the Board of County Commissioners for eight years. He thought we were supposed to look at people as people, not color. Commissioner Swanson stated that voting for Commissioners was held Countywide and each citizen was represented by and voted for all five commissioners. Commissioner Stone asked what was the rationale for developing the plan. Vice-Chairman Foy asked what the time limit was before suing the County. Mr. Strach replied he was not giving the Board an ultimatum, but a reasonable amount of time would be needed before the 2004 election.

#### **10. Voluntary Agricultural Districts**

Tom Gulley and Dot Wester were present to speak on the concept of establishing a Voluntary Agricultural District and study committee.

Mr. Gulley stated that Agricultural District programs allow farmers to form special areas where commercial agriculture is protected. These programs are authorized by the state legislatures and implemented at the local level. Enrollment is voluntary. He stated farmland preservation is needed.

NC General Statute 106-735 through 106-743, Article 61, Preservation of Farmland, is the Enabling Act. It sets the requirements for establishing the program. The program can vary from county to county to meet the individual county needs and abilities of the county.

In order to establish the ordinance, an Agricultural Advisory Board must be established by and for the County Commissioners. Along with Voluntary Agricultural District work, the Board advises the County Commissioners on projects, programs and issues affecting Agriculture.

Suggested Board members for the Franklin County Agricultural Advisory Board are as listed:

- Mike DeVaughn, beef cattle and forage producer
- Tom Gulley, timber producer
- John Harris, beef cattle, forage crops and timber
- Grady Inscoe, timber and goat producer
- Steve Mobley, crop and livestock producer; horse interests

- John Ray, poultry producer
- Alton Richardson, beef cattle
- Ingrid Volk, beef cattle and forage producer
- Dot Wester, tobacco, crop and cattle producer
- Ed Wheeler, crop producer

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Commissioner Stone suggested appointing the Board and have them establish a study committee, serve rotating terms and establish by-laws.

Upon motion by Commissioner Swanson, seconded by Commissioner Stone, with all present voting "AYE", duly carried the approval to appoint the study committee as listed.

Once the committee establishes the terms for an ordinance, they will be presented to the County Manager for review and then to the Board.

**6. Comments from the Public**

Bruce Lee Youngbar, 655 Collins Mill Road, Castalia

- volunteer for the Franklin County Humane Society
- in regards to the local animal shelter, the problems are brought on by the lack of responsibility of the citizens of the County, not the government, not the animal control officers
- is in favor of changing the mapping of voting districts for Commissioners

Joe Alley, Sid Mitchell Road, Youngsville

- signed up to address the Board but chose not to comment

Ed Strickland, 65 E.F. Cottrell Road, Louisburg

- read about the prayer issue in The Franklin Times and the possible discontinuation of prayer at the Board of Commissioner's meetings
- Congress and government in North Carolina use prayer
- suggested having a guest preacher rather than a Commissioner do the invocation

Mr Strickland's allotted three minutes were up and requested the Board to allow more time.

Upon motion by Vice-Chairman Foy, seconded by Commissioner Stone, with all present voting "AYE", duly carried to extend the time for Mr. Strickland to address the Board.

- spoke of a court case in which the Nebraska Legislative sued a chaplain over a prayer and it was upheld in Supreme Court in 1983

Chairman Ball commented that the Board did not initiate this issue.

**6. Board Committee Reports and Comments**

Vice-Chairman Foy, Commissioner Stone, and Commissioner Swanson:

- no committee reports

Commissioner Gupton:

- attended Kerr-Tar Regional Council of Governments Mini-Hub meeting – went well; over fifty attended representing five counties – will meet March 31<sup>st</sup> to appoint committees

Chairman Ball:

- NC Association of County Commissioners has asked him to serve on a task force for Home Rule Authorities for local government – will look at Medicaid relief, charge fee for environmental sanitarians, and putting a ceiling on the number of charter schools

MINUTES OF MEETING OF MARCH 17, 2003---cont.

## **6. Manager's Report**

County Manager Self reported the following to the Board:

- The joint meeting with the Board of Education is set for Monday, March 31, 2003 at 5:00 P.M. at the Franklinton High School
- An offer has been extended to top applicant for Human Resources Director. A handout was provided to the Board outlining the interview process
- Update on Holland Consulting Planners, Inc.:
  - 2002 CDBG Scattered Site Housing: Title opinions for the nine (9) homeowners approved for rehabilitation or replacement have been completed. Detailed write-ups are being developed on each dwelling. It appears that seven (7) of the nine (9) will be demolished and two (2) rehabilitated.
  - 2002 Concentrated Needs: Application has been approved by NC Department of Community Assistance.
- 2003 NACo Annual Conference is scheduled for July 11<sup>th</sup> – 15<sup>th</sup> - Board was asked to let manager know if they plan to attend
- An update was held on the E911 communication system – the tower is up and the antenna brackets are being attached

County Attorney Batton asked if the Board would consider approving an Electric Line Right of Way Easement for underground distribution lines by Wake Electric Membership Corporation.

Upon motion by Chairman Ball, seconded by Commissioner Stone, with all present voting "AYE", duly carried the approval of the distribution line right-of-way.

## **6. Closed Session**

Upon motion by Chairman Ball, seconded by Commissioner Swanson, with all present voting "AYE", duly carried the Board went into Closed Session with the County Attorney to discuss potential litigation issue.

There being no further business to come before the Board, motion was made by Vice-Chairman Foy to adjourn the Regular Session, seconded by



Commissioner Gupton. Adjournment recorded at 11:00 P.M.

Upon motion by Vice-Chairman Foy, seconded by Commissioner Gupton, with all present voting "AYE", duly carried the Board to break out of the Closed Session. No action was taken.

Upon motion by Commissioner Stone, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to adjourn the Closed Session. Adjournment recorded at 11:15 P.M.

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JOHN R. BALL, CHAIRMAN

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RICHARD B. SELF, CLERK