

**December 15, 2003**

The Board of Commissioners of Franklin County, North Carolina, met in Regular Session at 7:00 P.M. in the Commissioner's Meeting room located in the County Administration Building with the following Commissioners present: Chairman Harry L. Foy, Jr., Vice-Chairman Jimmy R. Gupton, Commissioner Robert L. Swanson, Commissioner John R. Ball, and Commissioner Raymond A. Stone.

### **1. Election of Chair and Vice Chair**

County Manager Richard Self acted as the presiding officer for the purpose of conducting the election of the Chairman and Vice-Chairman of the Board for the next year.

County Manager Self called for nominations for Chairman of the Board.

Commissioner Ball nominated Commissioner Stone to serve as Chairman for the next year. Nomination was seconded by Chairman Foy.

Vice-Chairman Gupton nominated Commissioner Swanson to serve as Chairman for the next year. Nomination was seconded by Commissioner Swanson.

No other nominations for Chairman were made.

Voting "AYE" for the nomination of Commissioner Swanson to serve as Chairman for the next year; Vice-Chairman Gupton, Commissioner Swanson.

Voting "AYE" for the nomination of Commissioner Stone to serve as Chairman for the next year; Commissioner Stone, Commissioner Ball, and Chairman Foy. Commissioner Stone was elected.

County Manager Self called for nominations for Vice-Chairman of the Board.

Commissioner Swanson nominated Vice-Chairman Gupton to serve as Vice-Chairman for the next year.

Chairman Stone nominated Commissioner Foy to serve as Vice-Chairman for the next year. Nomination was seconded by Commissioner Ball.

No other nominations for Vice-Chairman were made.

Voting "AYE" for the nomination of Commissioner Foy to serve as Vice-Chairman for the next year; Chairman Stone, Commissioner Ball, and Commissioner Foy. Commissioner Foy was elected.

Voting "AYE" for the nomination of Vice-Chairman Gupton to serve as Vice-Chairman for the next year; Commissioner Swanson, Vice-Chairman Gupton.

Chairman Stone then assumed Chairmanship of the meeting. He expressed appreciation to the Board for his election as Chair, and pledged that all Commissioners would be included in decision making with fairness prevailing.

### **2. Consent Agenda**

Upon motion by Commissioner Ball, seconded by Commissioner Swanson, with all present voting "AYE", duly carried approval of the following consent agenda items:

A. Approval of minutes of meeting held on November 17, 2003.

B. Approval of Tax Collectors Report for the period November 1, 2003 through November 30, 2003.

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C. Approval of Tax Releases and Refunds for the period November 1, 2003 through November 30, 2003.

Commissioner Ball requested a copy of the final approved minutes of the October 20, 2003 Board meeting be provided to the Commissioners since corrections had been made to the draft minutes. He further requested that final approved minutes be provided to the Board.

### **3. Certificate for Achievement for Excellence in Financial Reporting Award**

Franklin County Finance Department has attained the Certificate for Achievement for Excellence in Financial Reporting for the fourth consecutive year. This award signifies that the financial records of the County met U.S. and Canada standards for accuracy. Mr. Kenneth Chavious, Past President of the North Carolina Government Finance Officers Association, was in attendance to present the award to Mr. Charles Murray, Finance Director, and his staff.

### **4. Public Hearings**

A. Text Amendment

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a proposed text amendment to the Franklin County Unified Development Ordinance (UDO), Article 19, Flood Damage Prevention Ordinance.

The Planning Board unanimously recommended approval of the proposed text amendment. The North Carolina Flood plain Mapping Division (NCFMD) has released the final copy of the new Flood plain maps and a model ordinance to be adopted by the local jurisdictions. The revised ordinance satisfies all current State and Federal requirements for remaining in "good standing" with the National Flood Insurance Program with respect to Flood plain management regulations. The major changes to the flood prevention ordinance include clarification for additions and improvements to structures, duties of the Flood plain administrator, requirements for Flood plain development applications, permits and certification, and simplified manufactured home requirements.

Mr. Matthew Winslow, Planning Director, was present to answer questions from the Board.

Commissioner Ball asked if the changes to the ordinance met State standards. Mr. Winslow responded yes, the changes made to the ordinance were from the State.

Chairman Stone declared the public hearing open.

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

Upon motion by Commissioner Ball, seconded by Commissioner Gupton, with all present voting "AYE", duly carried approval of the text amendment.

#### B. Text Amendment

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a proposed text amendment to the Franklin County Unified Development Ordinance (UDO) to add utility building sales as a permitted use in the Highway Business District, and as a Conditional Use in the Rural Business and Neighborhood Business Districts.

The Planning Board unanimously recommended approval of the proposed text amendment. The Franklin County Unified Development Ordinance (UDO) does

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not currently permit utility building sales as a use in any district. The Planning Board finds that the addition of utility building sales will increase the flexibility of the Unified Development Ordinance. The Planning Board finds that the addition of utility building sales will not be detrimental to the health, safety, and welfare of the general public.

Mr. Matthew Winslow, Planning Director, was present to answer questions from the Board.

Chairman Stone declared the public hearing open.

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

Upon motion by Vice-Chairman Foy, seconded by Commissioner Swanson, with all present voting "AYE", duly carried approval of the text amendment.

#### C. Text Amendment

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a proposed text amendment to the Franklin County Unified Development Ordinance (UDO), Article 27, Family Exception Regulation.

The Planning board unanimously recommended approval of the proposed text amendment. Family exception regulations allow linear family members to subdivide property. Linear family members consist of parents, their children, and their grandchildren. This does not include siblings of the parents, aunts, uncles, and cousins of the parents. The subdivision must meet the current subdivision and zoning regulations, with the exception of the road standards. Lots created off a State maintained road must meet certain requirements. The Planning Board recognizes the need for special provisions for families. The proposed text amendment will hopefully address safety concerns while at the same time provide an alternative type of development that meets the needs of the community.

Mr. Matthew Winslow, Planning Director, was present to answer questions from the Board.

Mr. Winslow read from the ordinance Article 27, Section 27-4: Exclusions and Exceptions:

1. Three (3) to five (5) lots must meet the access requirements of a Type II road, with the exception of gravel surfacing.
2. Six (6) to nine (9) lots must meet the access requirements of a Type II road.
3. Ten (10) lots or more must meet the access requirements of a Type III road.
4. With the exception of surfacing requirements, road standards must meet Article 29-5: Streets, (NC Department of Transportation maintained road standards).
5. All family exceptions shall be required to have a family exception certificate. The following certificate shall be placed on the plat:

We hereby certify that the grantee of each lot shown hereon is the parent, child, or grandchild of the owner of said land; that no consideration shall be paid for any of the lots, that the purpose of this family exception is not to circumvent the provisions of the Franklin County Unified Development Ordinance, and that none of the lots shown hereon shall be conveyed to third parties for a period of not less than three (3) years.

6. The owner and grantee certify that no consideration shall be paid for any of the lots.
7. The owner and grantee certify that the purpose of the exception is not to circumvent the provisions of the Franklin County Unified Development Ordinance, and that none of the lots shall be conveyed to third parties for a

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period of not less than three (3) years, and that the recorded plat shall indicate same.

8. All roads must have a recorded road maintenance agreement signed by all property owners.

Chairman Stone declared the public hearing open.

Ann Marie DellaMorte, 80 Fiddlers Court, Youngsville

- asked what happens when parents sell their property

Mr. Winslow responded the parents have already given the land to their children and the road maintenance agreement is tied to the land no matter who has ownership.

County Attorney Darnell Batton stated that if the land is recorded the regulations are attached as burden to the property. If not recorded, the person buying the land does not necessarily have to adhere to the regulations.

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

Upon motion by Commissioner Ball, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried approval of the text amendment with provisions.

#### D. Text Amendment

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a proposed text amendment to the Franklin County Unified Development Ordinance (UDO), Article 17, Signs.

The Planning Board unanimously recommended approval of the proposed text amendment. The Planning Board finds that the current sign requirements are restrictive. This revision will include off-premise directional signs and non-profit organizational signs as a conditional use, and on-premise and seasonal off-premise agricultural signs as a permitted use. To meet the needs of the development community, revisions need to be made to the sign ordinance that promote commercial growth while at the same time protecting the aesthetic features of the County.

Mr. Matthew Winslow, Planning Director, was present to answer questions from the Board.

Mr. Winslow read from the ordinance Article 17, Section 17-5: Permanent Signs That Require A Permit:

#### F. Off-Premise Directional Advertisement Signs

1. Maximum size shall be 32 square feet
2. Shall be allowed in all districts with a conditional use permit
3. A limit of four (4) signs per business
4. Signs must be located within a ten-mile radius of the business
5. A part of the sign must be used to provide directions to the business it is advertising

#### F. Non-Profit Organizational Signs

1. Maximum size shall be 32 square feet
2. Shall be allowed in all districts with a conditional use permit
3. Unless a sign is located more than twenty-five (25) feet from the road right-of-way, there must be landscaping around the base of the sign

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#### F. On-Premise Agricultural Signs

1. Maximum size shall be 32 square feet
2. Shall be allowed in all districts as a permitted use

Section 17-6: Temporary Signs That Require A Permit

#### A. (3) Seasonal Off-Premise Agricultural Sign

- a. Maximum size shall be 32 square feet
- b. Limit to four (4) per business
- c. Shall be permitted for no more than four (4) months

- d. Shall be allowed in the AR and R-30 Districts
- e. Shall be permitted by the Planning Department

Commissioner Swanson asked if someone wanting to obtain a sign permit had to go before the Board of Adjustment. Mr. Winslow responded no, the Planning Department would issue the permit.

Chairman Stone asked Mr. Winslow if the maintenance of signs was included in the ordinance. Mr. Winslow responded yes, if a sign is not properly maintained or removed if a business goes out-of-business, the ordinance is violated.

Commissioner Gupton stated he felt that a business needs more than four signs. He feels they need six signs.

Mr. Winslow responded the reason four signs was suggested was North, South, East and West directions. He stated that if someone has the need for more than four signs, they could go before the Board of Adjustment and request more.

Commissioner Swanson asked if the ordinance should state four or more signs.

Commissioner Gupton suggested changing the number in the amendment instead of someone having to go before the Board of Adjustment if they need additional signs.

Mr. Winslow stated the number of signs could be eliminated from the ordinance.

Motion was made by Commissioner Gupton, seconded by Vice-Chairman Foy, with all present voting "AYE", to amend the ordinance to state a maximum of six (6) signs per business rather than four (4) signs.

Commissioner Ball asked if Section (G) (3) referencing landscaping around the base of the sign applies for all signs. Mr. Winslow responded yes.

Chairman Stone declared the public hearing open.

Mr. Joe Alley, 1654 Sid Mitchell Road, Youngsville

- asked for clarification on the section of the ordinance that requires the property owner give written permission for someone to place a sign on their property

Mr. Winslow stated the petitioner must get written permission from the property owner prior to the placement of a sign. County Attorney Darnell Batton stated it was better for the property owner to give the written permission as part of the permit process.

Motion was made by Chairman Stone, seconded by Commissioner Gupton, with all present voting "AYE", to amend the ordinance to state that written permission from the property owner is needed by the petitioner as part of the permit issuance process.

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

Upon motion by Commissioner Ball, seconded by Commissioner Gupton, with all present voting "AYE", duly carried approval of the text amendment.

#### E. Text Amendment

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a proposed text amendment to the Franklin County Unified Development Ordinance (UDO), Article 15A, Amateur Radio Tower Regulations.

The Planning Board unanimously recommended approval of the proposed text amendment. Ham radio operators provide a service for the County during emergencies and inclement weather. The Planning Board finds that the current Unified Development Ordinance creates an undue hardship for amateur radio towers. This ordinance addresses regulations which shall include private, non-commercial radio and television reception and private citizen's bands, amateur radio and other similar non-commercial telecommunications where the height of the facility is above thirty-five (35) feet in height.

Mr. Matthew Winslow, Planning Director, was present to answer questions from the Board.

Mr. Winslow stated when the original ordinance was done Amateur Radio Operators and Wireless Internet for schools were left out.

Mr. Winslow read from the ordinance Section 15A-2: Height of Communication Towers

(A) The maximum height of any tower without a conditional use permit shall be one-hundred (100) feet in height. Any tower over one-hundred (100) feet in height with a maximum height of two-hundred (200) feet will require an approved conditional use permit.

(B) The tower height shall be defined as the highest antenna attachment point.

Mr. Winslow read Section 15A-3: Number of Towers

The maximum number of towers located on any parcel of property, located adjacent to a parcel or located directly across a street, easement, road, or right-of-way from property owned by the same owner shall be limited to one (1), without a conditional use permit. A maximum of three (3) towers on any parcel of property, located adjacent to a parcel or located directly across a street, easement, road, or right-of-way from property owned by the same owner may be allowed with an approved conditional use permit.

Mr. Winslow read Section 15A-4: Set-Backs

Towers or any part thereof shall be placed in the rear yard only on corner lots, and in the rear or side yard of other lots. Set-backs shall be determined by the height of the tower. All towers shall be set-back from all property lines and power lines at a distance of eighty (80) percent of the height of the tower or the set-back for the zoning district whichever is greater. Guide wires for guided towers must maintain a minimum set-back of ten (10) feet or greater.

Mr. Winslow also referred to Section 15A-5: Adherence to State and/or Federal Rules and Regulations. He stated this section allows the County to enforce the ordinance.

Chairman Stone asked if the ordinance was in line with other counties. Mr. Winslow responded yes, Nash County and Granville County have similar ordinances.

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Chairman Stone declared the public hearing open.

Duane Tetterton, 2660 NC Highway 98 West, Louisburg (Ham Radio Operator)

- presented a handout to the Board showing changes he wants made to the ordinance

Chairman Stone suggested Mr. Winslow refer any changes to the ordinance to the Planning Board and report back to the Board of Commissioners in January.

Commissioner Swanson stated he felt if Mr. Winslow goes back to the Planning Board with changes, it will take too long to pass the ordinance amendment.

Commissioner Ball asked Mr. Tetterton why he presented a substitute draft to the Board of Commissioners when he had ample time to meet with the Planning Department staff.

Vice-Chairman Foy asked Mr. Tetterton if Section 4: Setbacks was his issue. Mr. Tetterton stated setbacks does not require conditional use permits.

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

Upon motion by Commissioner Gupton, seconded by Commissioner Ball, with all present voting "AYE", duly carried to refer proposed text amendment to the Planning staff and Planning Board for further study.

F. Map Amendment (tabled from November 17, 2003 meeting)

A public hearing was held on November 17, 2003 to receive comments on a map amendment request from Clearwater Group LTD to change the zoning classification of approximately 4 acres on NC 96 in Youngsville Township from R-40 to Neighborhood Business (NB).

The Planning Board unanimously recommended approval of the rezoning request. The Land Use Plan indicates that the area should remain as Agricultural-Residential, but as the characteristics of the community change so does the land use patterns. When Ballymore Plantation subdivision develops, then the new entrance will significantly change the traffic and land use patterns. In February 2002, the Board of Commissioners approved a 5-acre tract for NB located across the street from the petitioner's property. The property is located along a major thoroughfare with an average daily traffic count of 6,300 vehicles. Neighborhood Business is specifically designed to accommodate the low impact commercial needs of a residential community.

The Board of Commissioners tabled their decision on the request in order to allow more time to look at all the information presented.

Mr. Matthew Winslow, Planning Director, was present to answer questions from the Board.

Mr. Winslow presented a map showing the location of the entrance to Ballymore Plantation from Highway 96.

Commissioner Ball stated the Planning Boards Findings of Fact regarding the characteristics of the community changing were deceptive. Commissioner Ball referenced the statement that only two changes have taken place – 5.1 acres across the road from Ballymore Plantation and a golf cart sales down the road. He questioned why this was not rezoned when Ballymore plantation was proposed. Mr. Winslow responded it was based on the watershed and proposed golf course. Commissioner Ball stated that the rezoning could create a "strip mall" at the entrance to a gated community. He suggested waiting on the

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rezoning and see what changes take place and then decide on what is needed. Mr. Winslow gave an overview of the history of the rezoning request. Commissioner Ball stated that he does not understand commercial zoning at the entrance to a gated community.

Chairman Stone declared the public hearing open.

John Toomey, Clearwater Group, LTD, 9205 Baileywick Road, Suite 101, Raleigh (Petitioner)

- provided a handout to the Board showing subject property
- stated Ballymore is not a gated community and gave Falls Village in Northern Wake County as an example of what type of residential neighbor with businesses at the entrance Ballymore would be
- has met with residents of Aberdeen Subdivision, which is across the road from the entrance to Ballymore on Highway 96

Commissioner Ball asked Mr. Toomey to give the Board of summary of what he presented to the residents of Aberdeen Subdivision to specify the use of the property. Mr. Toomey stated the property fits surrounding architectural features. Commissioner Ball asked if it included any gas stations. Mr. Toomey stated no, and referred again to Falls Village. He stated he would be the landlord of the commercial businesses and would have control as to what goes there. Commissioner Ball asked Mr. Toomey where he was in the development of Ballymore. Mr. Toomey replied Ballymore is moving on

as planned. He has paid for two miles of sewer to the subdivision.

Rene McCormick, 15 Riders Court, Franklinton

- stated she supports Mr. Toomey's request

Judy Mitchell, 6814 NC Highway 96, West, Youngsville

- stated she supports the rezoning – she owns adjoining property and wants to see the community prosper

Joe Alley, 1654 Sid Mitchell Road, Youngsville

- stated the Board of Commissioners is rewriting the zoning ordinance
- no families live in Ballymore at present and there are no compelling needs now

Ralph Knott, 310 Edward Lane, Louisburg

- feels Mr. Toomey has a major investment in the County
- feels Mr. Toomey needs the support if he is to do what he is trying to do with this community

Vice-Chairman Foy stated there is commercial zoning in residential subdivisions. Go to Raleigh and look at the entrances to any subdivision there. He stated commercial tax base is what is needed in the County. He stated he agrees with Mr. Knott as to the fact that the developer has invested money to put in sewer and is willing to invest money in the entrance to the subdivision. Commissioner Foy stated that the UDO is not concrete and that is why we have petitions to allow for change.

Chairman Stone stated he visited the site and feels it is appropriate for the rezoning.

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

Upon motion by Vice-Chairman Foy, seconded by Commissioner Gupton, with all present voting "AYE", duly carried approval of the map amendment.

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G. Map Amendment (tabled from November 17, 2003 meeting)

A public hearing was held on November 17, 2003 to receive comments on a map amendment request from Clearwater Group LTD to change the zoning classification of approximately 1.4 acres on NC 96 West of US 1 in Youngsville Township from R-40 to Neighborhood Business (NB).

The Planning Board by a majority voted recommended approval of the rezoning request. The Land Use Plan indicates that the area should remain as Agricultural-Residential, but as the characteristics of the community change so does the land use patterns. When Ballymore Plantation subdivision develops, then the new entrance will significantly change the traffic and land use patterns. In February 2002, the Board of Commissioners approved a 5-acre tract for NB located across the street from the petitioner's property. The property is located along a major thoroughfare with an average daily traffic count of 6,300 vehicles. Neighborhood Business is specifically designed to accommodate the low impact commercial needs of a residential community.

Mr. Matthew Winslow, Planning Director, was present to answer questions from the Board. He stated the Planning Board had one vote against the rezoning due to the location of the property being in a curve.

Chairman Stone declared the public hearing open.

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

Upon motion by Commissioner Gupton, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried approval of the map amendment.

## **5. Inert Debris**

Planning Director Matthew Winslow and Finance Director Charles Murray have researched the performance bond issue as requested by the Board. The rewrite of this section provides an option to the above ground inert debris operator of securing a performance bond or a binding letter of credit. The letter of credit often is less expensive on a small site than a performance bond. The amount of the performance bond or letter of credit will be directly related to the size of the above ground inert debris operations.

Mr. Murray stated a letter of credit was less costly than a performance bond.

Mr. Winslow added that anyone considering opening an inert debris operation will incur a lot of cost to operate it, such as having to purchase a \$200,000 grinder. He feels that person will be glad to secure a performance bond or letter of credit.

As for the five-mile radius limit between sites that was questioned by Vice-Chairman Foy at the October 20<sup>th</sup> meeting, Mr. Winslow stated that in checking with surrounding counties, there are no local or state requirements on the distance and he felt he could not comment on the pros and cons.

Vice-Chairman Foy suggested striking to five-mile radius limit from the requirements of the ordinance since each inert debris developer must come before the Board for approval. He feels that the Board should look at each site individually and make decisions based on that particular site.

Upon motion by Vice-Chairman Foy, seconded by Commissioner Swanson, with all present voting "AYE", duly carried to remove the five-mile radius between sites requirement from the ordinance.

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Vice-Chairman Foy asked Mr. Murray what is the cost of a letter of credit. Mr. Murray responded 1% fee, no set fee, and it could be renewable.

Upon motion by Commissioner Ball, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to amend the ordinance to include a letter of credit.

Upon motion by Commissioner Ball, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried to approve the ordinance as amended.

**6. Resolution – Pilot Volunteer Fire and Rescue Department**

The Pilot Volunteer Fire and Rescue Department has requested the Board approve a resolution for a tax-exempt loan from First Citizen's Bank and Trust Company in the principal amount of \$48,000 for the purchase of an equipment truck.

Commissioner Ball asked what was the purpose of an equipment truck. Mr. Johnny Gilliam, Franklin County EMS, responded the equipment truck would transport equipment

Upon motion by Commissioner Swanson, seconded by Chairman Stone, with all present voting "AYE", duly carried approval of the resolution.

**7. Register of Deeds Resolution Project**

Due to the recent solicitation of bids for financing the E-911 project, Mr. Charles Murray, Finance Director, has contacted First Citizens Bank to see if it could provide the same rate for the Register of Deeds "resolution project" as it provided for the E-911 project. Mr. Don Lancaster of First Citizens Bank has agreed to finance this project for 30 months at the rate of 1.99% with a \$200 closing fee.

The monthly payment amount is budgeted in the current Register of Deeds budget. The monthly payment amount will be \$5,710.90, which will be paid from the automation fund. The Summary of Payments is a fixed 30 month agreement with First Citizens Bank for total payments of \$171,327.

Mr. Murray is recommending we finance \$167,000 for this project with First Citizens Bank. The project is estimated to be \$167,337.

Upon motion by Commissioner Ball, seconded by Commissioner Gupton, with all present voting "AYE", duly carried approval of the proposal from First Citizens Bank.

**8. Parks and Recreation Advisory Board Grant-In-Aid Program**

In July 2000, the Board of Commissioners began funding a Recreation Matching Grant-in-aid Program to assist local communities in the development of recreational facilities and programs for the general good of the citizens of the County. During the past three years the Board has provided matching funds for twelve projects. These twelve projects have been funded for \$37,492 by the Board and have resulted in recreational development in the amount of more than \$74,984 for the County; effectively doubling the initial investment with citizen led fund raising efforts.

This fiscal year \$10,000 has been appropriated in the Parks and Recreation Department budget to again provide matching funds for this popular grant program.

Five applicants applied for project funding this year. Once again, requested funding has exceeded available funds. After a thorough review of the project

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applications, the Parks and Recreation Advisory Board recommends the following allocation of matching funds for the fiscal year:

	Bunn High School Soccer Field Lighting System \$4,000
Booster Club	
	Bunn Residents Goal Padding/Signs \$ 750
	Organized Against Drugs Trash Can Stand
Stencil Kit	
	Bunn Youth Recreation Baseball/Softball/Football \$1,000
	League Equipment
	Optimist Club of Baseball

Youngsville Concession Stand Roofing,

Electrical, Plumbing and  
Equipment

Total: \$10,000

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with all present voting "AYE", duly carried approval of the Parks and Recreation Advisory Board recommendations in the amount of \$10,000.

Chairman Stone asked Mr. Munden if the recipients of the funds report back to the County as to how the funds are spent. Mr. Munden replied yes, they have the turn in receipts.

#### **9. Petition for Road Addition to the State Maintained Road System**

Will Woods Way in Will Woods Acres Subdivision, Phase I (Franklinton Township). Located four miles East of the intersection of US 1 and Route NC 56. There are a total of 8 occupied homes having street frontage. The application meets State requirements.

Upon motion by Commissioner Ball, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried approval of the petition.

#### **10. Lake Royale**

Mr. Paul Hershey, General Manager of Lake Royale Property Owners Association, and the County Manager have been working together to address the ability of the County to sell the foreclosed lots in Lake Royale without encumbrances associated with the POA. Once resolved, the County will be able to proceed with selling the lots and placing them back on the tax books. The POA has met and discussed the issue and Mr. Hershey presented to the Board the POA's proposal to resolve this issue.

Mr. Hershey reported the POA Board of Directors will set aside dues and the County can ask a fair price through the tax department. The property can be sold in April or May and what property is not sold may be purchased by the POA for its use as greenways and open space through a negotiated offer-upset bid process.

County Attorney Darnell Batton stated this will resolve a continuing issue on the lots currently owned by the County regarding dues. Mr. Hershey stated there will be a provision stating dues are no longer owed on the property. Mr. Batton stated future lots not yet going through foreclosure may still be subject to the POA's claim for dues. Mr. Batton stated Mr. Jim Wrenn, County Tax Administrator, should sell the lots, not Lake Royale POA. Mr. Wrenn stated he

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could sell the lots before April and Mr. Hershey stated he suggested April in order to have time to advertise.

Upon motion by Commissioner Gupton, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried to direct the County Attorney to work with Lake Royale POA and the County Tax Office to develop a proposal to bring before the Board in January as to the procedure that will be followed to sell the foreclosed lots in Lake Royale.

The Board thanked Mr. Hershey for his work in solving this issue and Chairman Stone asked Mr. Hershey to thank Lake Royale.

#### **11. Planning and Inspections Review Officer**

The new Subdivision Administrator, Katie Ertmer, has completed her initial training to review subdivision plats for the County. For Mrs. Ertmer to completely perform her job duties, the Board needs to approve her as a Review Officer. Also, since Matt Livingston is no longer employed with the County he needs to be removed from the Review Officer list.

Upon motion by Vice-Chairman Foy, seconded by Commissioner Ball, with all present voting "AYE", duly carried approval of Mrs. Ertmer as a Review Officer and approval to add her to the Review Officer list replacing Mr. Livingston.

#### **12. Youngsville Water Agreement**

Mr. David Guin, Attorney, was present to discuss the proposed Water Settlement with Youngsville. He stated this would resolve the lawsuit.

Vice-Chairman Foy asked what was the amount of the initial water bill. Mr. Guin responded it was in excess of \$150,000 that Youngsville owed Franklin County. Youngsville will pay no less than \$83,000 plus interest plus the increased rate.

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

#### **12-A. Purchase of Airport Property**



Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to amend the agenda to include discussion on Airport property with Attorney David Guin.

Mr. Guin also reported to the Board the status of the Joe Webb property in the vicinity of the airport. He stated the County could purchase approximately 50 acres for a total of \$625,000. 10% of the purchase would be at cost to the County and 90% would be paid from allocated grants which expire at the end of the year. The current property owner can live in one of the dwellings for three years after which time it will be turned over to the County. There are a number of dwellings on the property which will be removed.

Vice-Chairman Foy asked Mr. Charles Murray if the \$62,000 County match was already budgeted and Mr. Murray responded yes, it was already appropriated over the years in the project budget. Vice-Chairman Foy asked Mr. Murray if the money was appropriated from the airport budget or other subsidized fund. Mr. Murray responded it was from the airport operation.

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

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carried approval to purchase the property subject to approval by NC Department of Transportation, Division of Aviation.

### **13. Appointment – Planning Board**

Chairman Stone has recommended the appointment of Mr. Richard Hoyle to the Planning Board representing the Hayesville Township. The term is for three years.

Upon motion by Chairman Stone, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried approval of the appointment of Mr. Hoyle.

### **14. Comments from the Public**

Henry Swarey 51, Swarey Way, Franklinton

- spoke on tax revaluation – asked what revenue neutral meant – Chairman Stone stated revenue neutral tax rate is the tax rate that will produce the same revenue as the current tax rate plus growth.

Ezra Swarey, 91 Swarey Way, Franklinton

- spoke on tax revaluation – bought a house that was built 100 years ago and feels the tax appraisal should have gone down, not up – the structure is in decay. Mr. Jim Wrenn, Franklin County Tax Collector suggested Mr. Swarey take pictures of the inside of the house and provide them to the tax office.

Joe Swanson, 1364 White Level Road, Louisburg

- spoke on tax revaluation and the convenience centers

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### **15. Board Committee Reports and Comments**

Vice-Chairman Foy:

- attended the Health Board meeting December 4<sup>th</sup> - Ms. Sandra Wood, Interim Health Director, will present the Community Health Assessment report at the January Board of Commissioner's meeting – this report will cover important issues

Commissioner Gupton:

- attended the Firemen's Association December 2<sup>nd</sup> - they have completed their budget for next year
- attended the K.A.R.T.S. meeting December 9<sup>th</sup> - they are working on their final budget – they are trying to purchase three additional wheelchair assessable vans

Commissioner Ball:

- reminded the Board of the January 22<sup>nd</sup> COG (Council of Governments) meeting
- attended the Economic Development Commission meeting – discussed the need to justify the County building shell buildings

Commissioner Ball asked about the status of flu shots in the County. Ms. Sandra Wood reported that there have not been a lot of reports of the flu and the Health Department to date has administered 1,500 flu shots. The Health Department received an additional 100 doses which are allotted for high risk children. To date they have 75 left.

MINUTES OF MEETING OF DECEMBER 15, 2003---cont.

Chairman Stone stated there are several items to be discussed at the January Board meeting:

- Clerk to the Board position
- Airport Authority
- School construction
- how to attract business and industry to the County
- Budget
- Board of Equalization and Review

There being no further business to come before the Board, the meeting was adjourned at 10:10 P.M.

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RAYMOND A. STONE, CHAIRMAN RICHARD B. SELF, CLERK

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