

February 3, 2003

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 Commissioner Swanson, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried the following Consent Agenda Items approved:

- A. Approval of minutes of Regular and Special meetings held on January 21, 2003.
- B. Acceptance of Tax Collector's Report for December 15, 2002 - January 15, 2003.
- C. Approval of Releases and Refunds for December 15, 2002 - January 15, 2003.
- D. Advertisement of Tax Liens
NCGS 105-369(a) requires the Board to direct the Tax Administrator to advertise the tax liens on or after March 1, 2003.

1. Public Hearing – Sewer Use Ordinance

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 Sewer Use Ordinance Amendment.

Chairman Ball reported that the NC Department of Environmental and Natural Resources, Division of Water Quality is requiring changes to the Franklin County Sewer Ordinance – Pretreatment Program to remain in compliance with the NPDES permit. The State has requested that these changes be implemented by February 15, 2003. The amendments to the Ordinance are bolded as follows:

1. Reduces the definition of significant user from 50,000 gallons to **25,000** gallons.
2. Technical Review Criteria Violations changed the measurements from "more than" to "**equal or exceed**".
2. Civil penalties will be increased from \$10,000 to **\$25,000**.
3. Change "and" to "**or**" – action to take to protect the public health.

Chairman Ball declared the public hearing open. He asked if there were any questions or comments, and hearing none, declared the public hearing closed.

Upon motion by Commissioner Stone, seconded by Commissioner Gupton, with all present voting "AYE", duly carried amending the Franklin County Sewer Use Ordinance – Pretreatment Program as required by the State. (Signed Ordinance on file in the County Clerk's office.)

3. CDBG – Scattered Site Housing Program

Chairman Ball reported that Mr. Pat Young with Holland Planning Consultants was in attendance to present to the Board recommendations and requests associated with this \$400,000.00 grant. The Community Development Block Grant (CDBG) for the Scattered Site Housing Program was approved by the Board on October 21, 2002.

Chairman Ball reported on the first of three requests:

A. Legal Services. Bids were received for legal services associated with the Scattered Site Housing Program. Seven firms in Franklin County were solicited as well as advertisements in The Franklin Times and The Wake Weekly newspapers and two firms responded: Norman & Gardner and McFarlane Law Offices, P.A.

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Mr. Young stated that the proposal from Norman and Gardner was recommended by HCP for acceptance by the County based on experience in real estate law, timeliness of Title Opinions, and cost effectiveness.

Motion was made by Vice-Chairman Foy, seconded by Commissioner Swanson, with all present voting "AYE", to award legal services to the firm of Norman and Gardner.

Chairman Ball reported on the second of three requests:

B. Lead Based Paint. Bids were received for Lead Based Paint Inspection and Abatement Services associated with the Scattered Site Housing Program. Eight firms were solicited in addition to the advertisements in The Franklin Times and The Wake Weekly newspapers and two firms responded. Froehling & Robertson, Inc. and Titan Atlantic Group.

Mr. Young reported the CDBG-SSH program requires that lead based paint inspection and risk assessments be performed on each home to be rehabilitated or replaced under the CDBG-SSH program. If lead based paint is found, the County is required to complete a clearance test to ensure that lead based hazards have been properly reduced/abated after treatment. The County requires that assistance of a qualified firm to assist HCP in developing the required scope of each lead reduction activity and safe work practice related to home rehabilitation.

Mr. Young stated that the proposal from Titan Atlantic Group was recommended by HCP for acceptance by the County based on expertise, cost effectiveness, staff availability and current workload, firm qualifications, reputation and references.

Motion was made by Commissioner Gupton, seconded by Commissioner Stone, with all present voting "AYE", to award the Lead Based Paint Inspection and Abatement to Titan Atlantic Group.

Chairman Ball reported on the third of three requests:

C. Participant List. Over 70 persons on the Holland Consulting Planners and the County's waiting list were contacted. In addition, notices were placed in Town and County buildings and ads were placed in The Franklin Times and The Wake Weekly. From these sources, 50 applications were generated. The Project Advisory Committee met on January 22, 2003 and reviewed the list of applications and narrowed the list to nine (9) for consideration by the Board of Commissioners.

Mr. Young stated that the nine applicants who scored the highest on the scoring system established by the CDBG-SSH Housing Assistance Policy adopted by the Board in October of 2002 could have their homes treated under the CDBG-SSH program. The nine applicants are:

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Unit Number	Applicant Last Name	Applicant First Name	Physical Address	City/State/Zip (Physical)
32	Perry	Doris	32 Bridges Way	Zebulon, NC 27597
35	Person	Sharon M.	4 Mangum's Way	Franklinton, NC 27525
6	Bridges	Harry Lee	5111 Old Highway 64	Zebulon, NC 27597
27	McGhee, Sr.	William Lewis	225 North Hillsboro Street	Franklinton, NC 27525
40	Teasley	Willie	1823 Long Mill Road	Youngsville, NC 27596
41	Tetteh	Mary	227 Hawkins Street	Franklinton, NC 27525
10	Burt	Samuel	1634 Schloss Road	Louisburg, NC 27549
30	Parker	Earlean Wright	193 Vaiden Road	Louisburg, NC 27549
47	Wortham	Patricia	15 Holmes Way	Louisburg, NC 27549

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Vice-Chairman Foy commented that he was glad to see that none of the applicants recommended were rental properties and that all nine applicants earned \$10,000 or below. He feels this is serving the truly needy citizens and the applicants are evenly distributed throughout the County.

Motion was made by Vice-Chairman Foy, seconded by Commissioner Swanson, with all present voting "AYE", to approve the nine (9) applicants recommended by the Committee and the consultants, pending compliance with all CDBG program rules.

1. Taxpayer Appeal

Chairman Ball reported that P&R Environmental, Inc. is appealing the Late Listing Penalties in the amount of \$8,616.86. This penalty was created by the previous owners' failure to properly list business personal property. An analysis of the appeal and copies of the General Statutes were provided to the Board.

Mr. Jim Wrenn, Franklin County Tax Administrator, reported to the Board that approximately one year ago P&R Environmental Inc. underwent a change in ownership. The new owners listed their business personal property in a timely manner. Upon review of that listing, tax office staff discovered property that had not been listed in previous years and was therefore required by G.S. 105-312 to process a discovery action resulting in the creation of tax bills for the preceding five (5) years including penalties. As the appeal letter provided by the taxpayer (dated November 26, 2002 from Marvin F. Poer & Company) indicates, the taxpayers' basis for appeal states, "As the previous owner did not file the returns, the new owner should not be penalized for their error". The relief sought is for late listing penalties for Tax Years 1997-2001. Mr. Wrenn stated that North Carolina General Statute 105-312 (k) which covers Discovered property, states, "the Board of County Commissioners, upon the petition of the taxpayer, may compromise, settle, or adjust the County's claim for taxes arising there from".

County Attorney Batton stated that the Board must consider all factors and weigh all facts.

Motion was made by Commissioner Swanson to delay decision until the next scheduled Board meeting and requested the County Manager and Tax Administrator prepare a recommendation, seconded by Vice-Chairman Foy, with Commissioner Swanson, Vice-Chairman Foy, Chairman Ball, and Commissioner Gupton voting "AYE", and Commissioner Stone voting "NO". Motion carried to delay the Board's decision.

County Manager Self asked what would be helpful to the Board in making a decision. Commissioner Swanson suggested checking with other counties as to how they have handled this situation.

2. Board Meeting Schedule

Chairman Ball reported the Board has discussed the scheduled meeting times of the Board of Commissioners at their Annual Retreat. The first meeting each month has been predominantly business items and the second meeting each month has been for public hearings. A review of the past six months shows a pattern of short meetings at the first meeting and more lengthy meetings at the second. Quarterly work sessions were also discussed to allow for in-depth discussion of various county policies without the need to vote on issues.

Upon motion by Commissioner Gupton, seconded by Commissioner Stone, with all present voting "AYE", duly carried the Franklin County Board of Commissioners to combine both meetings to be held on the 3rd Monday of each month beginning at 7:00 P.M., supplemented with quarterly work sessions. The amendment for the Procedures for Meetings of the Franklin County Board of Commissioners will be placed on the next agenda for action.

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3. Comments from the Public

Mr. Bob Winters, 211 Lake Royale, Louisburg, NC

Mr. Winters spoke to the Board in regards to Ordinances specific to Lake Royale. He provided copies of Nuisance, Offence Miscellaneous, and Animal Ordinances:

Motion was made by Vice-Chairman Foy, seconded by Chairman Ball, to extend Mr. Winters an additional minute (past the three minute time limit set by the Board) to make his comment. All present voted "AYE". Chairman Ball granted the additional time.

Chairman Ball asked County Attorney Batton to meet with County Manager Self and look at the proposed Ordinances for the Lake Royale area.

Vice-Chairman Foy advised Mr. Winters and Mr. Paul Hershey they could contact the Manager's Office to be put on the Agenda for the next Board Meeting for further discussion of the Ordinances.

4. Board Committee Reports and Comments

Commissioner Stone:

- attended the Mental Health meeting
- met at Louisburg Elementary School for District meeting with Congressman Etheridge
- attended a meeting along with Chairman Ball and County Manager Self to hear the Vice President of Federal Reserve Bank
- met with volunteers who wish the County to create an Agricultural District

Commissioner Stone addressed the Board referencing two proposals:

1. "To keep the Board of Commissioners and the citizens of Franklin County well informed about activities to enhance the economic development of the County, I propose that the Board of Commissioners request the Director of Economic

Development and a representative of the Economic Development Commission to report quarterly to the Board. Further, I propose that the Board invite one or more representatives from the Committee of 100 to appear jointly with the other two parties.”

Chairman Ball gave the Board the opportunity to hear motions on Commissioner Stone’s first proposal.

Upon motion by Commissioner Stone, seconded by Commissioner Swanson, with all present voting “AYE”, duly carried approval of the first proposal.

2. “A second proposal would request the County Manager to schedule a brief report from one of the several major departments of the County government at least monthly to the Board of Commissioners to the end that each department head will have reported annually to the Board and more frequently if events and actions require.”

Chairman Ball gave the Board the opportunity to hear motions on Commissioner Stone’s second proposal.

Upon motion by Commissioner Stone, seconded by Chairman Ball, with all present voting “AYE”, duly carried approval of the second proposal.

Commissioner Gupton:

- attended agriculture meeting – discussed proposals for sound/odor ordinance; will schedule agriculture presentation at next Board meeting

Vice-Chairman Foy:

- no committee reports

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Commissioner Swanson:

- attended Social Services Board meeting
- Franklin, Vance, Warren Opportunities Board – Commissioner Gupton appointed to that Board and should be receiving the data

Chairman Ball:

- has been invited to attend a workshop sponsored by the NCACC on the Mental Health Business Plan – Commissioner Stone was also encouraged to attend

1. Manager’s Report

County Manager Self reported the following to the Board:

- Kerr-Tar Regional Council of Government (COG) held a meeting on January 11, 2003 to discuss the Mini-Hub Project and to explore the interest of our member governments. At the conclusion of the meeting with Dr. Lugar (Office of Economic Development, UNC-CH on Regional Mini-Hubs), it was agreed that all interested member governments designate an appointment by February 12, 2003 to further explore the concept.

At this time the Board appointed Commissioner Gupton to serve on the Regional Mini-Hub Exploratory Committee, with Commissioner Stone as an alternate. Staff support to be provided by Ronnie Goswick, Economic Development Director and Richard Self, County Manager.

- On January 5, 2003 the Board requested that staff explore requiring identifying information be required on dogs. This matter was referred to the Franklin County Board of Health, which has been charged with the responsibility of animal control in the county. The Board of Health was not in favor of implementing an ordinance stricter than what the state currently mandates. Concerns stated by the Health Board were: A rabies tag is currently required by law and is already difficult to enforce; concerns over the type of penalty; concerns over enforcement; and concern over the lack of staff to address the issue.

Commissioner Stone spoke regarding Mr. Self's report:

- disappointed in the report recommendation
- massive dog problem in the county and other counties
- something has got to be done – young calves and goats are being killed
- feels an ordinance is needed to require I.D. tag along with rabies tag on animal

Vice-Chairman Foy commented:

- there was no interest from the seven members of the Board of Health
- dogs already have rabies tag and information from that can be traced to owner

Commissioner Gupton commented:

- 95% of the dogs running wild do not belong to anyone
- the three animal control officers cannot cover 500 square miles of the county for stray dogs
- he showed pictures of a calf and a herd of goats killed by wild dogs

Chairman Ball stated that it is the responsibility of the Health Department. Ms. Sandra Wood, Interim Health Director, spoke stating:

- most stray dogs involved are not domestic animals
- dogs running wild in the County are a problem and she is seeking a solution
- animal control officers are out everyday picking up stray animals and very few have rabies tag on a collar
- they encourage adoption of these animals

Chairman Ball asked Ms. Wood what other counties are doing to control the problem. Ms. Wood stated they were focusing on rabies control and education of citizens.

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County Manager Self continued his report to the Board:

- the Sheriff's office and the Health Department are working together to provide medical services to the jail
- a joint meeting with the Board of Education was discussed at the retreat – he requested from the Board dates they have available during the month of February so the date can be coordinated with the School Board
- the minutes from the Board Retreat of January 25, 2003 were provided for the Board

9. Closed Session

The purpose of the Closed Session is to consult with the County Attorney on potential litigation.

Upon motion by Commissioner Stone, seconded by Commissioner Gupton, with Commissioner Stone, Commissioner Gupton, Chairman Ball, and Commissioner Swanson voting "AYE", Vice-Chairman Foy voting "NO", motion carried, the Board went into Closed Session pursuant to North Carolina General Statute 143-318.11.

Upon motion by Commissioner Swanson, seconded by Commissioner Stone, the Closed Session was adjourned.

There being no further business to come before the Board, motion was made by Commissioner Swanson to adjourn the Regular Session, seconded by Commissioner Stone.

JOHN R. BALL, CHAIRMAN

RICHARD B. SELF, CLERK