

July 21, 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 Jimmie R. Gupton, Commissioner Robert L. Swanson, Commissioner John R. Ball, and Commissioner Raymond A. Stone.

Consent Agenda

Upon motion by Commissioner Ball, seconded by Commissioner Stone, with all present voting "AYE", duly carried the following Consent Agenda items approved:

Approval of minutes of Regular Meeting held on June 16, 2003.

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

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

Petitions for Road Additions to the State Maintained Road System

Cedarhurst Lane, Meadowfield Lane, Westbrook Lane, and Coral Ridge Circle in Cedar Creek West Subdivision (Youngsville Township). Located .10 of a mile southwest of the intersection of Hill Road and Mays Cross Road. There are 33 occupied homes having street frontage. The application meets state requirements.

Windsor Court and Oxford Court in Farmington Oaks Subdivision (Youngsville Township). Located 500 feet northeast of the intersection of Hill Road and Cedar Creek Road. There are 10 occupied homes having street frontage. The application meets state requirements.

Martindale Drive in Phase I of Martindale of Youngsville Subdivision. Located .5 miles east of the intersection of SR 1100 and SR 1116. There are 18 occupied homes having street frontage. The application meets state requirements.

Upon motion by Commissioner Swanson, seconded by Commissioner Stone, with all present voting "AYE", duly carried to approve the petitions.

Public Hearing – Redistricting Plan

Proper notice having been given this is the time and place set for a public hearing to receive comments on the proposed redistricting plan.

The public hearing was held to allow public input on the Community Precinct Plan that was previously presented. The plan divides the County into four districts along existing township and precinct lines and in conjunction with three at-large seats, provides for the election of a seven member board for staggered four year terms.

In that a federal suit has been filed challenging the constitutionality of the Community Precinct Plan under Section 2 of the Voting Rights Act, the Board will need to consult with the County Attorney prior to approval of any redistricting plan.

Chairman Foy declared the public hearing open and called for comments. The following people spoke in favor of the Community Precinct Plan:

Bobbie Richardson, 7309 NC Highway 561, Louisburg
Ralph Knott, 310 Edward Lane, Louisburg
Sidney Dunston, 129 George Leonard Road, Louisburg

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Ralph Edwards (speaking for himself and wife, Jenny), 803 East Mason Street, Franklinton
Armenta Eaton, 1844 Mays Crossroads, Louisburg
Rosanell Eaton, 1844 Mays Crossroads, Louisburg
Leland Woodlief, Franklin Street
Alton Richardson, 942 Reed Road, Castalia
Sam Soloman, 680 Massenberg-Baker Road, Louisburg
Jim Moss, 217 North College Street, Youngsville
Doug Berger, 225 Hunters Place, Youngsville
Evelyn Blackwell, 106 East Ridge Apts. Drive, Louisburg
Annie Berger, 225 Hunters Place, Youngsville
T.O. Anderson, 1305 East River Road,

The following people spoke against the Community Precinct Plan:

Renee McCormick, 15 Riders Court, Franklinton
Maurice White, Dykes Way, Kittrell
Minnie White, 3497 NC 581 Highway, Louisburg
Reginald White, Dykes Way, Kittrell
Anthony Dockery, Louisburg

The following people spoke not for or against the Community Precinct Plan:

Bruce Youngbar, 655 Collins Mill Road, Castalia
Avery Perry,

Chairman Foy closed the public hearing.

Commissioner Swanson stated the Board had already voted and endorsed the CPP and is waiting to hear concerns from the County Attorney. County Attorney Darnell Batton asked the Board to consider holding a closed session in order to hear from him and an elections law expert.

Upon motion by Commissioner Stone seconded by Commissioner Ball, with all present voting "AYE", duly carried to authorize the County Attorney to utilize election law experts at a Closed Session.

A VERBATIM COPY OF THE PUBLIC HEARING IS ON FILE IN THE COUNTY ATTORNEY'S OFFICE AND WITH THE UNITED STATES DEPARTMENT OF JUSTICE.

Text Amendment – Franklin County Unified Development Ordinance

This item was discussed after a Public Hearing at the June 16th Regular Meeting and the Board requested additional information related to the height of the inert mulched debris pile. Proposed Text Amendment to the Franklin County Unified Development Ordinance (UDO) to Allow Inert Debris Reclamation as a Special Use in the Agricultural-Residential District, Light Industrial, and Heavy Industrial District.

The proposed text amendment would allow for above ground grinding only for inert debris. A Special Use permit would be required and would only be eligible in Agricultural-Residential, Light Industry and Heavy Industrial zoned areas. This item was tabled at the June 16th Regular Meeting to allow for further discussion.

Matthew Winslow was present and stated that at the June 16th meeting, there were several items the Commissioners were concerned with regarding the debris pile – State permitting and height of debris pile. Mr. Winslow stated the State does not have any guidelines as to how often a site is inspected. The height of the debris pile would be the same height that the State Building Code allows.

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The Planning Department will inform the fire department of a new site and the fire department can conduct an inspection. Mr. Winslow also stated that due to the cost to close such a site, the County will require a 125% Bond to insure clean up of the site.

Commissioner Gupton stated that to rotate a pile every fourteen days would get expensive and was there some way to vent the pile to keep cost down for the operator and for the people using the site. Mr. Winslow responded that the Building Code states the temperature has to be watched and if the operator can show an alternate way to control the temperature without having to rotate every fourteen days they can.

Commissioner Ball asked if it is a State standard to rotate every fourteen days. Mr. Winslow responded no, it is the opinion of the Planning Staff to rotate every fourteen days. Commissioner Ball asked if the staff had heard any other issues or concerns from the public. Mr. Winslow stated yes, concerns of noise, odor, nuisance abatement, and if the road was adequate for heavy trucks.

Chairman Foy asked if each potential operator comes before the Board to request a Special Use Permit. Mr. Winslow replied yes.

Commissioner Ball stated that how well a site is monitored is a concern of his.

Vice-Chairman Gupton stated that the location of each site should be such that they are not all located in the same vicinity.

Commissioner Stone asked how many additional conditions were going to be incorporated into the ordinance. Mr. Winslow stated three – rotation of mulch, height of pile, and 125% Bond for cost of project.

Commissioner Swanson asked if the issue should go back before the Planning Board for review before the Board of Commissioners voted. Mr. Winslow responded no, but if the Commissioners wanted, it could.

Chairman Foy stated, in his opinion, it should be up to the operator of the business as to when to move a pile.

Upon motion by Commissioner Ball, seconded by Commissioner Swanson, with all present voting “AYE”, duly carried to send the Text Amendment request back to the Planning Board for review.

5. APPOINTMENTS

Library Board: The Town of Bunn’s Board of Commissioners has recommended Ms. Audrey Hartsfield to fill the vacancy as the Bunn Municipality representative. The Library Board approved their recommendation. The term is for three years, expiring July, 2006.

Upon motion by Commissioner Swanson, seconded by Vice-Chairman Gupton, with all present voting “AYE”, duly carried the approval of the appointment of Ms. Hartsfield to a three-year term, expiring July, 2006.

Dr. Donnie Tharrington’s term has expired as a County at-large representative on the Library Board. The term is for three years, expiring July, 2006.

Upon motion by Commissioner Stone, seconded by Commissioner Ball, with all present voting “AYE”, duly carried the approval of the re-appointment of Dr. Tharrington to a three-year term, expiring July, 2006.

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The Town of Franklinton has recommended Ms. Wendy Gilliam to fill the vacancy as the Franklinton Municipality representative. The Library Board approved their recommendation. The term is for three years, expiring July, 2006.

Upon motion by Vice-Chairman Gupton, seconded by Commissioner Stone, with all present voting “AYE”, duly carried the approval of the appointment of Ms. Gilliam to a three-year term, expiring July, 2006.

At the June 16th meeting, the Board appointed Mr. Gerald White to fill a vacant position on the Library Board. His appointment should have been for a three-year term rather than a one-year term.

Upon motion by Vice-Chairman Gupton, seconded by Commissioner Stone, with Vice-Chairman Gupton, Commissioner Stone, Commissioner Swanson, and Chairman Foy voting “AYE”, duly carried to extend Mr. White’s term to three-

years, expiring July, 2006. Commissioner Ball abstained from voting due to being related to Mr. White.

B. Juvenile Crime Prevention Council: The Board of Commissioners can appoint up to twenty-five members on this council. The following representative's terms have expired and need to be re-appointed to a two-year term, expiring July, 2005:

Garey M. Balance, Chief District Court Judge
T. Allen (Buzzy) Gardner, Jr., Juvenile Defense Attorney
Nancy Hall, Public Representative
Jim Harris, Substance Abuse Professional
Alice Faye Hunter, Public Representative
Cedric Jones, Non-profit Organization
Matthew Little, Bunn Chief of Police
David Munden, Franklin County Parks and Recreation
Charles Murray, County Manager's office
Marla Peoples, Local School Superintendent's office
Ronnie Ray Parrot, Area Mental Health
Terry Satterwhite, Chief Court Counselor
Robert Lee Swanson, County Commissioner (Ex-Officio)

Upon motion by Vice-Chairman Gupton, seconded by Commissioner Ball, with all present voting "AYE", duly carried the approval of the re-appointment of the above-noted representatives to a two-year term, expiring July, 2005.

The following are recommended to fill vacant representation on the council. They need to be appointed to a two-year term, expiring July, 2005:

Marisol Garcia, Person under 21
Mary Green Johnson, Public Representative
Joe Lynch, Sheriff's Office
Luis F. Reinoso, Faith Community
Becky Leonard, Franklin County Health Department
Alisa Grant, Department of Social Services
Reginald (Reggie) White, Public Representative
Bill Williamson, District Attorney
Margaret Nelms, Public Representative
Cindy Holmes, Area JCPC Consultant
Cathy Busam, Public Representative
Penny Young, Business Community

Upon motion by Commissioner Swanson, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried the approval of the appointment of the above-noted representatives to a two-year term, expiring July, 2005.

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Added to the agenda were appointments to the Franklin County Planning Board.

Motion was made by Commissioner Ball, seconded by Commissioner Stone, with all present voting "AYE", duly carried to appoint Lynwood (Lyn) Buffaloe to

a three-year, expiring July, 2006.

Motion was made by Chairman Foy, seconded by Commissioner Swanson, with all present voting "AYE", duly carried to re-appoint Phillip Jeffreys to a three-year term, expiring July 2006.

Motion was made by Vice-Chairman Gupton, seconded by Chairman Foy, with all present voting "AYE", duly carried to re-appoint William (Bill) Wallace to a three-year term, expiring July, 2006.

Motion was made by Commissioner Ball, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried to advertise board and commission vacancies in the newspaper.

Recognition of Employee of the Quarter

Mr. Glenn Bullock, Franklin County Maintenance Department, was in attendance in order for the Board to recognize and congratulate him on his selection as the Employee of the Quarter for the quarter ending June, 2003. Mr. Bullock has been employed with the County since February, 1999, and selected for this recognition by a committee of his peers, which was appointed at random.

Chairman Foy presented Mr. Bullock with a certificate and a U.S. Savings Bond and commended him on being selected Employee of the Quarter

7. Revaluation Proposed Schedule of Values

One of the final steps in the Revaluation Project is for the Board to adopt a schedule of values. Jim Wrenn, Tax Administrator, Jimmy Tanner, Assistant Assessor, and Archie Davis, Pearson Appraisal Service, were in attendance to present the "proposed" Rules and Schedule of Values for the Board's review and consideration. A copy of this document is now on file in the Assessor's office and the Public Libraries and is available for public inspection. NC General Statute 105-317 (2), states that upon receipt of the proposed schedules, standards, and rules, the Board of Commissioners shall publish a statement in the newspaper indicating that the Proposed schedules, Standards and Rules to be used in appraising real property in the county have been submitted to the Commissioners and are available for public inspection in the assessor's office. The notice should also give the time and place for a public hearing on the Proposed Schedule of Values, which shall be held by the Board of Commissioners at least seven days before adopting the final Schedule of Values.

Upon motion by Commissioner Stone, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried approval of August 18, 2003 as the date for the public hearing on the Proposed Schedule of Values.

8. Tax Settlement

Jim Wrenn presented the annual tax settlement pursuant to NC General Statute 105-373 for the Board's review. This settlement represents all sums collected by the Tax Collector's office during the previous fiscal year.

Jim Wrenn, Tax Administrator, should be formally charged to collect the taxes due Franklin County for FY 2003 – 2004.

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Upon motion by Commissioner Ball, seconded by Commissioner Stone, with all present voting "AYE", duly carried to approve the Tax Settlement and charge the Tax Administrator with the responsibility of collecting taxes due to Franklin County, and hold a work session to clarify foreclosure procedures.

9. Legal Services for the County's FY 2003 Community Development Block Grant (CDBG) – Concentrated Needs (CN) Program

On June 6, 2003, Holland Consulting Planners (HCP), our contract administrative consultants for the CDBG-CN Program, solicited proposals for legal services from seven (7) local legal firms for contract legal services related to the CDBG-CN program.

The CDBG-CN Program requires preparation of a thirty (30) year preliminary opinion of title for each unit to be rehabilitated and/or replaced (approximately 16), recordation of deeds of trust on each property rehabilitated or replaced (approximately 16) and provision of minimal general legal advice needed to perfect title.

Three local law firms submitted proposals to provide the above referenced services to the County. HPC evaluated these proposals based on experience in real estate law and the speed of anticipated completion of the necessary preliminary title opinions.

Three proposals from the following firms were received:

Norman and Gardner, Attorneys at Law, Louisburg, NC
McFarlane Law Office, P.A., Attorneys and Counselor at Law, Louisburg, NC
Jolly, Williamson & Williamson, Attorneys at Law, Louisburg, NC

While all three proposals were excellent, the proposal from Jolly, Williamson & Williamson, Attorneys at Law was recommended by HCP for acceptance by the County based cost. Mr. Pat Young of Holland Consulting Planners was present to answer questions the Board might have regarding the recommendation.

Upon motion by Commissioner Swanson, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried authorizing the County Manager to sign necessary contracts for HCP to issue a notice to proceed and contract for services to Jolly, Williamson and Williamson, Attorneys-at-Law to complete the necessary legal services work for the County's CDBG-CN Project.

10. Engineering Services for the County's FY 2003 Community Development Block Grant (CDBG) – Concentrated Needs (CN) Program

On June 6, 2003, Holland Consulting Planners (HCP), our contract

administrative consultants for the CDBG-CN Program, solicited proposals for engineering services from four (4) local (i.e. Raleigh area) engineering firms for contract engineering services related to the CDBG-CN Program.

The CDBG-CN program anticipates the installation of a community water well system in an area of the Pilot Community and the installation of approximately 1,100 linear feet of 8" C-900 PVC water main pipe in the same area. Additionally 2" to 4" lateral water line extensions will be installed along side roads off of Old US 64 in the project area.

In order to complete the above-described improvements, the County requires engineering services which include the following: preliminary survey and design, final design drawings and specifications, permitting management, construction bidding and supervision, construction inspections, final inspections and certification and preparation of "as-built" drawings.

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Four engineering firms submitted proposals to provide the above referenced services to the County. HCP evaluated these proposals based on seven evaluation factors.

Proposals from the following firms:

Pierson & Whitman, Architects and Engineers, P.A., Raleigh, NC (PW)

Hobbs, Upchurch & Associates, P.A., Southern Pines, NC (HUA)

Municipal Engineering Services, P.A., Garner, NC (MES)

WK Dickson & Company, Inc., Raleigh, NC (WKD)

While all four proposals were excellent, the proposal from WK Dickson & Company, Inc. was recommended by HCP for acceptance by the County. Mr. Pat Young of Holland Consulting Planners was present to answer questions the Board might have regarding the recommendation.

Upon motion by Commissioner Ball, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried authorizing the County Manager, through HCP, to negotiate a price with WK Dickson & Company, Inc. and come back before the Board with a final cost for the engineering services required for the CDBG-CN Project.

11. Housing Rehabilitation Services for the County's FY 2002 Community Development Block Grant (CDBG) – Scattered Site Housing (SSH) Program

On June 17, 2003, the County's contract consultants, Holland Consulting Planners, Inc. (HCP), directly solicited bids for housing rehabilitation services from eight (8) qualified, experienced housing rehabilitation contractors through instructions to bidders for housing rehabilitation services.

The purpose of this solicitation was to obtain bids for the rehabilitation of a home in Franklinton, NC located at 413 Mangum's Way (formerly 4 Mangum's Way) and owned by Sharon M. Person, et al.

Bids were opened by HCP on July 7, 2003 and only one bid was received by the

time bids were due. Under NC Division of Community Assistance (DCA) procurement requirements, more than one bid must be received for housing rehabilitation work under most circumstances.

Therefore, the bid received on July 7th was rejected and a new bid solicitation was sent out on July 8th, which required bids to be submitted on Friday, July 11th. This second solicitation generated three (3) responsive and responsible bids, from the following firms:

S & J Contractors, Lumberton, NC
J.J. Repair, Erwin, NC
Colonial Construction, Louisburg, NC

All bidders submitted all required bid documents. J.J. Repair submitted the lowest responsive, responsible bid and is willing to start the required work within the month. Therefore, HCP has recommended awarding the rehabilitation contract to the low bidder, J.J. Repair.

All CDBG-SSH costs will be paid from the CDBG-SSH grant, at no cost to the County. The selected rehabilitation services firm will be supervised by HCP as part of their duties in administering the CDBG-SSH for the County.

Upon motion by Commissioner Swanson, seconded by Commissioner Stone, with all present voting "AYE", duly carried authorizing the County Manager to execute a housing rehabilitation services contract in the amount of \$29,305 with MINUTES OF MEETING OF JULY 21, 2003---cont.

J.J. Repair of Erwin, NC for the rehabilitation of a home located at 413 Mangum's Way in Franklinton, NC under the County's CDBG-SSH program.

12. Aging Center Certification

Roxanne Cash-Bragg, Aging Director, was present to update the Board on the Certification of the Senior Centers in Franklin County. She stated that the Franklinton Senior Center and the Louisburg Senior Center were both certified by the State Division of Aging as "Centers of Excellence". The State Division of Aging has set high standards for Senior Centers of Excellence and Franklin County has met those standards. The certification last three years, at which time, they will apply for re-certification.

13. Lake Royale

Darnell Batton, County Attorney, was present to update the Board on the progress of the legal review relative to the Lake Royale ordinances. He presented letters from the Attorney General's Office and the POA's attorney with the POA's draft of the ordinance. He stated that he offered no assurance of the validity or the enforceability on private property.

Mr. Batton stated that anything in the ordinance referencing enforcement by the Franklin County Sheriff's Department was removed. He stated a provision was added that the Lake Royale Property Owner's Association (POA) would pay all

costs associated with the enforcement of the ordinance. Mr. Batton stated he does not know as to what extent the District Attorney would be willing to prosecute someone who has violated the ordinance, and he does not know if the County's Insurance Company will defend the County based on the ordinance.

Paul Hershey, General Manager at Lake Royale, stated the District Attorney has already prosecuted.

County Manager Self asked to what extent Franklin County Animal Control would be involved. Mr. Batton stated only to enforce State laws pertaining to rabies and dangerous dogs.

Commissioner Swanson asked Mr. Hershey if the POA was comfortable with the changes made to the ordinance by the County Attorney. Mr. Hershey replied yes.

Vice-Chairman Gupton asked if the County were ever held liable would the POA have to pay. Mr. Batton replied yes.

Mr. Batton stated the sunset provision was taken out.

Commissioner Stone asked if there were any cases in North Carolina where a County was held liable in a suite where this type of ordinance was enforced. Mr. Batton replied he was not aware of any. Commissioner Stone also stated he felt there should be a clause added to the ordinance that it be reviewed in three years.

Upon motion by Vice-Chairman Gupton, seconded by Commissioner Stone, with all present voting "AYE", duly carried to adopt the ordinance as presented by the County Attorney.

14. Kittrell Volunteer Fire Department

Kittrell VFD is requesting the Board consider increasing the amount of its mutual aid contribution to at least \$1000 per year. Their current annual contribution from

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the County is \$380. This additional appropriation will help defray the cost of acquiring, operating, and maintaining emergency vehicles and equipment.

Commissioner Swanson stated there are other fire departments that extend into other counties and asked if they get money from Franklin County. He feels it is only fair that if the County gives money to Kittrell VFD that other fire departments should get a contribution from Franklin County.

Chairman Foy asked if a fire department has to tell what money they get from other counties. County Manger Richard Self replied no.

Upon motion by Commissioner Stone, seconded by Commissioner Ball, with all present voting "AYE", duly carried to approve the requested increase.

15. Appointment of Deputy Clerk

County Manager Richard Self requested the Board consider appointing Ms. Kathy Moore as Deputy Clerk.

Upon motion by Vice-Chairman Gupton, seconded by Commissioner Swanson, with all present voting "AYE", duly carried the appointment of Ms. Moore as Deputy Clerk.

16. Comments from the Public

Clement McDaniel, Jr., 3544 NC Hwy 98 West, Youngsville

- he is experiencing a noise problem with his neighbor and feels current noise ordinance is not effective or not being enforced
- Article III of the ordinance states excessive sound in a residential area is a serious hazard to the public health and welfare
- Article V of the ordinance states it is unlawful for any person to cause or allow any unreasonably loud noise within a residential area

Ann Marie DellaMorte, P.O. Box 217, Youngsville

- asked the Board to consider having the Public Comments at the beginning and end of the meeting

17. Board Committee Reports and Comments

Commissioner Ball:

- NCACC is discussing Mental Health offering services if they are not available in the private sector.

Commissioner Stone:

- VFGW Mental Health Area Authority – State gave initial approval of the business plan with the exception of consumer point of view and population served.

Vice-Chairman Gupton:

- attended K.A.R.T.S. meeting – their budget has been completed.

Chairman Foy:

- concerned with having only one meeting a month – feels the Board needs to be open to looking at it again.

18. Manager's Report

County Manager Self reported the following to the Board:

- the Board needs to designate a voting delegate to the NCACC Annual Conference.

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Upon motion by Vice-Chairman Gupton, seconded by Commissioner Swanson, with all present voting "AYE", duly carried to designate Commissioner Swanson as the voting delegate for Franklin County.

- Discharge of Firearms – several examples of ordinances from other counties were provided to the Board for review. There has been concern expressed as to the proximity to residential housing that a firearm can be fired. Ms. Colleen Paepflow was in attendance and addressed the Board as to her concerns regarding Franklin County needing to adopt a Firearms Ordinance addressing this concern.
- Noise Ordinance – still working on the cost to enforce – equipment needed, training, maintenance of equipment, etc.
- Mini-Hub Exploratory Committee has met and the process is moving forward. The web site for the Kerr-Tar hub is www.kerrtarhub.org.
- NACo meeting – reported on issues discussed.
- Sewer-Line Change – need authorization for the County Attorney and the County Manager to use the County’s Power of Eminent Domain to acquire the necessary easement for the waste water line in the project.

Upon motion by Commissioner Ball, seconded by Commissioner Stone, with all present voting “AYE”, duly carried to approve the authorization.

Chairman Foy asked if there were any further items to report.

Upon motion by Commissioner Ball, seconded by Vice-Chairman Gupton, with all present voting “AYE”, duly carried to put on the next regular meeting agenda for the Board to consider changing the cut-off time for agenda items to be submitted to the Clerk.

Chairman Foy reported there would be a Commissioner’s workshop held on Monday, August 4, 2003 at 7:00 P.M.

19. Closed Session

Board redistricting lawsuit.

Due to the regular meeting extending late, the meeting was recessed until Monday, July 28, 2003 at 7:00 P.M. Recess recorded at 12:06 A.M.

HARRY L. FOY, JR., CHAIRMAN

RICHARD B. SELF, CLERK