

June 16, 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.

1. Consent Agenda

Upon motion by Commissioner Swanson, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried the following Consent Agenda items approved:

- A. Approval of minutes of Regular meeting held on May 19, 2003.
- B. Approval of Tax Collectors Report for the period May 1, 2003 through May 31, 2003.
- C. Approval of Tax Releases and Refunds for the period May 1, 2003 through May 31, 2003.

1. Public Hearing – Proposed FY 2003-2004 Budget

Proper notice having been given this is the time and place set for a public hearing to receive comments on the proposed FY 2003-2004 Budget.

Chairman Foy declared the public hearing open and called for comments.

Ann Marie DellaMorte, 80 Fiddlers Drive, Youngsville

- if the Federal Government, which is larger than Franklin County, can give its citizens a tax cut, why can't Franklin County
- with increases of taxes also comes the increase in poverty and crime
- businesses come into a county and analyze the demographics, infrastructure and labor force - most of Franklin County's citizens leave the County to work in neighboring counties
- businesses also look at how proactive government is as regards to growth

Joe Swanson, 1364 White Level Road, Louisburg

- read The Franklin Times article in regards to the County Manager asking for \$50,000 for additional staff - feels this could be better spent on a Deputy Sheriff due to the Sheriff's Department being understaffed

Mr. Swarey, 91 Swarey Way, Franklinton

- purchased property 20 years ago that did not have a house and property tax was \$80 and still does not have a house but property tax is now \$1,000
- feels Franklin County is taxed to death

- past Presidents have given tax breaks - the money from these tax breaks are suppose to be given back to the citizens not government

Carrie MacPhail, 133 Dear Run Drive, Franklinton

- feels should not raise taxes – instead of padding pockets should be concerned about schools

Gilbert Silva, 78 Walter Grissom Road, Kittrell

- due to property tax increases people are selling their homes and leaving Franklin County
- Future Land Use Plan has not been updated

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Mary Jane Jennings, Library Board member, 566 Jones Chapel Road, Louisburg

- concerned about the Library budget – only approving half of the requested money for a new book mobile and the four new positions

Bob Winters, 110 Palmetto Court

- feels Commissioners should support the proposed budget with the salary increases due to Franklin County government being one of the largest employer in the County

Ralph Knott, 310 Edwards Lane, Louisburg

- Franklin County is the fastest growing county in North Carolina. Water and Sewer is needed – need to move forward
- cost of living goes up every year
- have to have services and schools
- the tax rate is not a true picture
- need to look at overall picture of what is going on in the county

Henry Swary, 51 Swary Way, Franklinton

- wants taxes cut

Paul Palumbo, 507 Sicamore

- is from New York and paid \$4,400 a year in property taxes - is here because of what was going on there

Chairman Foy called for further comments.

Commissioner Stone read a statement released earlier.

Motion was made by Commissioner Swanson, seconded by Vice-Chairman Gupton, to pass the base budget as presented, taking the \$50,000 out of the proposed budget and giving it to the schools.

Commissioner Stone stated that the base and growth budget needed to be looked at carefully. May need to make cuts from both to fund needed services. Felt the Board needed to meet again.

Commissioner Swanson stated the Board has already received recommendations from the County Manager.

Chairman Foy stated he had visited each Commissioner that day to see how each felt. All said not to raise taxes. There are two weeks left to make a decision on the budget.

Commissioner Ball stated that in looking at the budget he feels several items need to be looked at closely and the Board needs to meet again. He stated he would not vote for the budget at this meeting.

Commissioner Swanson stated that he met with Chairman Foy earlier and that Chairman Foy stated he would vote to pass the base budget and this is why he made the motion.

Chairman Foy called for a vote on the proposed budget, with Commissioner Stone, Commissioner Ball, and Chairman Foy voting "NO", Commissioner Swanson and Vice-Chairman Gupton voting "AYE", motioned failed.

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1. Petitions for Road Additions and Petition for Road Abandonment to the State Maintained Road System

A. Justin Lane and Jared Way in Summerfield Subdivision (Additions). Located two plus miles west of the intersection of 401N and SR 1103. The application meets state requirements.

Upon motion by Vice-Chairman Gupton, seconded by Commissioner Stone, with all present voting "AYE", duly carried to approve the petition.

B. Winston Street [State Road 1207] (Abandonment). This is a dirt road just off US #1 that serves only the property owner. Property on one side of the road belongs to the petitioner; property on the other side of the road is the railroad, the petitioner has documentation that the railroad property reverts to the petitioner if it is abandoned. Since the statutes require abandoned right of ways to be split between property owners, it appears that the entire property would revert to the petitioner.

County Manager Richard Self asked the Board to consider adopting a resolution declaring the Board=s intent to close the public road and call for a public hearing on the question. Public notification is required once a week for three successive weeks before the hearing, a copy of the resolution must be sent by

registered or certified mail to each owner as shown on the county tax records of property adjoining the public road, and a notice of the closing must be posted at each end of the road. Cost to be paid by the petitioner.

Upon motion by Commissioner Ball, seconded by Commissioner Stone, with all present voting "AYE", duly carried to hold a public hearing and all cost associated with the closing to be paid by the petitioner.

1. Public Hearings

A. Map Amendment: Robert Jones

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 map amendment request by Robert Jones to change the zoning classification of approximately of 19.01 Acres, U.S. 401 and State Road 1103 (Flat Rock Church Road), Harris Township, from Agricultural-Residential to Highway Business.

Matthew Winslow, Interim Planning Director, presented the Planning Board's Findings of Fact:

- The Land Use Plan indicates that the intersection of US 401 and State Road 1103 (Flat Rock Church Road) should be zoned to a commercial district.
- Water and sewer is or will be available in the near future.
- The property is located along two major thoroughfares, a minor arterial (Hwy 401) and a minor collector (Flat Rock Church Road).
- According to the Franklin County Thoroughfare Plan, the average daily traffic (ADT) of Hwy 401 is 9,400 vehicles per day.
- There are two (2) commercial properties located directly adjacent to the property. Also, in December 2001, the Board of Commissioners approved a 2.57 acre tract for HB located approximately 650 feet north along Hwy 401.

The Planning Board unanimously recommended approval.

Chairman Foy declared the public hearing open.

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Susie Wagoner, 102 Cedar Creek Road, Wake Forest

- asked what the rezoning would bring – area does not need another business in the area, especially a grocery store

Robert Jones, P.O. Box 1108, Wake Forest (Petitioner)

- stated he owns the land and has future plans for a 56 lot subdivision
- he is asking for the 19 acres located at the front of the property be rezoned Highway Business due to the location

Chairman Foy asked Mr. Jones what he was going to do with the property. Mr. Jones responded he planned to put a business there.

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

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

A. Map Amendment: William C. Shutt

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 William C. Shutt to change the zoning classification of approximately 24.5 Acres, located at the intersection of N.C. 58 and Vaiden Road (SR 1442), Gold Mine Township, from Light Industrial to Agricultural-Residential.

Matthew Winslow presented the Planning Board's Findings of Fact:

- The land Use Plan designates the applicant's property as LI, but in general indicates the area as Agricultural Residential (AR).
- There are no other properties located within a practical distance that are zoned LI.
- Water and sewer is not available, and will not be available in the near future.
- Hwy 58 is designated as a major collector with the Average Daily Traffic (ADT) of 900 vehicles per day.

The Planning Board unanimously recommended approval.

Chairman Foy declared the public hearing open.

William Shutt, 4006 Highway 58 North, Louisburg

- stated he had tried to sell the property but it did not work out

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

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with all present voting "AYE", duly carried approval of the rezoning request.

A. Text Amendment

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 Proposed Text Amendment to the Franklin County Unified Development ordinance (UDO) to amend the Minor Subdivision Procedure [Section 28-3(J)].

Matthew Winslow reviewed the current wording concerning the limit on minor subdivisions. He explained the purpose of the limit on minor subdivisions was to

keep developers from circumventing the major subdivision requirement of the UDO, but the Planning Department has found that the amendment is restrictive

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for individuals. The proposed additional wording will allow three lots to be created or subdivided within a three-year period.

The Planning Board unanimously recommended approval.

Chairman Foy declared the public hearing open.

Commissioner Ball stated that by spreading out the number of lots developed over three years, would you still have the same number of curb cuts? Mr. Winslow responded yes.

Gilbert Silva, 78 Walter Grissom Road, Kittrell

- is this change geared towards family owned property only? Mr. Winslow responded no.

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

Upon motion by Commissioner Gupton, seconded by Commissioner Swanson, with all present voting "AYE", duly carried approval of the Text Amendment.

A. Text Amendment

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 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

Matthew Winslow stated 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.

Chairman Foy declared the public hearing open.

Commissioner Gupton asked if there would be mandatory to apply for this Special Use Permit if a person were clearing a lot of debris on their property. Mr. Winslow responded only if it was to be used as a business.

Commissioner Swanson asked if this meant he could take his debris to someone's property for disposal. Mr. Winslow responded yes, if that person has the Special Use Permit.

Grady Macon, 1825 Tarboro Road, Youngsville

- feels should be for debris only on property – no others should be able to bring onto property – would be like a landfill

Gilbert Silva, 78 Walter Grissom Road, Kittrell

- are there any guidelines in the amendment as to how high debris can be piled before it has to be removed?

Mr. Winslow responded that the State has guidelines on height.

Commissioner Ball suggested adding height provisions if not in State provision.

County Attorney Darnell Batton stated special conditions could be put in place when someone applies for the permit. Commissioner Ball stated that this should be added to the amendment.

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Mr. Silva spoke again stating that when it involves the State we lack protection ourselves.

Paul Palumbo, 507 Sigamore

- what if hazard waste is included in debris?

Mr. Winslow responded that the site would have 24-hour monitoring.

Commissioner Stone asked who would pay the fee for the monitoring. Mr. Winslow stated the property owner.

Commissioner Swanson asked if a person could charge for the debris disposal. Mr. Winslow responded yes.

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

Motion was made by Commissioner Swanson to table the proposed Text Amendment until the next meeting, seconded by Commissioner Gupton, with all present voting "AYE".

1. Appointments

Added to the agenda was the appointment to the Franklin County Planning Department.

Motion was made by Commissioner Swanson to appoint Ronnie Pierce as a member, seconded by Commissioner Stone, with all present voting "AYE".

A. Board of Adjustment: Appointments were made at the May 19, 2003 Regular meeting with a request for recommendations on staggered terms to be provided to Commissioners for approval.

John Sledge	Reappointed	One Year Term (6/04)
Chuck Griffin	Reappointed	Two Year Term (6/05)
Stuart May	Appointed	Two Year Term (6/05)
Joseph Alley	Appointed	Three Year Term (6/06)
Shane Brantley	Alternate	Three Year Term (6/06)
Dale Albright	Alternate	Three Year Term (6/06)

Upon motion by Commissioner Stone, seconded by Commissioner Ball, with all present voting "AYE", duly carried approval of the terms.

B. Research Triangle Regional Partnership: Don Lancaster's appointment to the Board of Directors expires on June 30, 2003.

Upon motion by Commissioner Swanson, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried re-appointing Mr. Lancaster to a two-year term, expiring June 30, 2005.

C. Library Board: The Youngsville Board of Commissioners recommended Ms. Wanda Hinnant and Mr. Gerald White to fill the unexpired term of Nancy LaPonzina who has resigned and Ellen Woodlief whose term expires July, 2003.

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 appoint Ms. Wanda Hinnant and Mr. Gerald White to the Library Board. Commissioner Ball abstained from voting due to being related to one of the recommended appointees.

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D. Jury Commission: Mr. Odell Arnold, who served as a member since 1985, passed away recently. A new member needed to be appointed prior to July 1, 2003.

Chairman Foy asked for recommendations from the Board.

County Attorney Darnell Batton recommended James B. Alford as did Clerk of Court Alice Faye Hunter.

Upon motion by Commissioner Ball, seconded by Commissioner Swanson, with all present voting "AYE", duly carried to appoint James B. Alford to the Jury Commission.

2. Presentation – North Carolina Department of Transportation – Franklin County Maintenance and Construction Operations

Mr. Jonathan Tyndall, County Maintenance Engineer for NC DOT, was in attendance to present the Maintenance and Construction Operations in Franklin County to the Board. He outlined the Maintenance Operations, which includes

patching, ditch and shoulder maintenance, litter control, dead animal control, mowing operations, snow and ice control, and contractual services. The Construction Operations includes secondary road construction, widening, and resurfacing, installation of median guard rails along US#1, turn lanes and median crossover improvements between Franklinton and Youngsville, and College Street connector in Youngsville. Intersection improvements are planned for the Royal school area to include a traffic signal and turn lanes.

Mr. Tyndall also reported that the DOT Customer Service Department offers an on-line Citizen Action Request System (CARS), which allows you to send an e-mail to the DOT to report any road problems, and the Travelers Information Management System (TIMS), which enables the DOT to send out e-mails regarding road conditions to those who have signed up for the service.

3. Home and Community Care Block Grant – County Aging Funding Plan

At the March 17, 2003 Board of Commissioners meeting, the Board appointed members to a committee to serve as a Block Grant Advisory Committee to the agency with the responsibility of the development of the County Aging Funding Plan. The committee met on June 4th and has come to a consensus on a funding Plan. The block grant is authorized under NCGS 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. The amount of funding in the HCCBG is \$345,313 [Access - \$14,000; In-Home - \$186,993; and Other - \$144,320] with a County match of \$38,000.

Upon motion by Commissioner Swanson, seconded by Commissioner Stone, with all present voting “AYE”, duly carried the approval of the plan as presented by the Advisory Committee.

4. Voluntary Agricultural Districts

At the March 17, 2003 Board of Commissioners meeting, the Board instructed the appointed study committee of the Agricultural Advisory Board to establish the terms for an ordinance and present it to the County Manager for review.

Mr. Self reported to the Board that discussions have been held with the study committee and the proposed ordinance addresses the concerns of the board and of the staff. The proposed ordinance and the suggested appointments with terms were provided to the Commissioners.

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Upon motion by Commissioner Swanson, seconded by Commissioner Stone, with all present voting “AYE”, duly carried to approve the ordinance concept and appointments.

The next step is the scheduling of a public hearing.

5. Water Extension to Spectrum Products, Inc. and Southern Lithoplate

Ronnie Goswick, Economic Development Director, was present to discuss a request related to a need for a water line. Spectrum Products, Inc. and Southern Lithoplate have requested assistance for a water extension to their property lines. Based on their projections and on Franklin County's tax assessor's estimate, the annual increase in taxes for Southern Lithoplate will be \$16,277, and the new taxes generated by Spectrum Projects, Inc. will be \$6,172; for a total of \$22,449.

Based on Franklin County's water and sewer extension policy, a total of \$157,143 could be spent to provide water and sewer to these sites. However, based on Hobbs, Upchurch's estimate, the cost will be \$92,147. This includes contingencies, engineering and inspections. A copy of Hobbs, Upchurch's preliminary construction cost estimate was provided to the Board for review.

A contract will be in place with Southern Lithoplate and Spectrum Products, Inc. that will require repayment of any of the cost of the extension that is not reimbursed by taxes paid over the seven-year period.

Commissioner Swanson asked how many employees did each company have. Mr. Goswick replied that Spectrum Products has twenty to thirty employees and Southern Lithoplate will not be adding additional employees, just additional production.

Upon motion by Commissioner Ball, seconded by Commissioner Stone, with all present voting "AYE", duly carried approval of the applications from Spectrum Products, Inc. and Southern Lithoplate for assistance for a water extension contingent upon the contract being signed.

6. Resolution Adopting Required Policies for the County's FY 2003-2004 Community Development Block Grant – Concentrated Needs (CDBG-CN) Program

Mr. Pat Young of Holland Consulting Planners, reported to the Board that the Division of Community Assistance (DCA) requires the adoption of certain local policies and procedures related to the CDBG-CN program. A copy of each policy was provided to the Board for review. He stated these are the same policies the Board has adopted on previous occasions. They are required to be readopted for each grant.

Chairman Foy asked if of the sixteen sites to be renovated, are they all owned or is there any rental property. Mr. Young stated there are three rental properties and the tenants will be relocated. Holland Consulting will offer the owner the opportunity to demolish the property, paid for by Federal Funds, and not rebuild.

Upon motion by Commissioner Ball, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried adoption of the Resolution. (Signed copies of the policies and Resolution on file in the County Clerk's office.)

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7. Solid Waste Ten-Year Plan

Mr. John Faulkner, Solid Waste Director, was in attendance to present the updated Solid Waste Management Plan for the ten-year period ending 2010. This plan and subsequent updates are required by the State in accordance with NC General Statute 130A-309.09A and provides directions for the disposal and collection of solid waste, recycling and litter prevention to protect public health and the environment.

Commissioner Stone asked if the ten-year plan committed County funding. Mr. Faulkner responded no.

Commissioner Ball asked if commercial waste was the biggest percentage. Mr. Faulkner responded yes.

Upon motion by Commissioner Swanson, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried to adopt the following Resolution:

Resolution Accepting and Endorsing The Solid Waste Management Plan of 2002/2003 For Franklin County

WHEREAS, it is a priority of this community to protect human health and the environment through safe and effective management of municipal solid waste;

WHEREAS, the reduction of the amount and the toxicity of the local waste stream is a goal of this community;

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristics of the local solid waste management system;

WHEREAS, it is a goal of the community to maintain and improve its physical appearance and to reduce the adverse of effects of illegal disposal and littering;

WHEREAS, Franklin County recognizes it role in the encouragement of recycling markets by purchasing recycled products;

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program;

WHEREAS, The State of North Carolina has placed planning responsibility on local government for the management of solid waste;

WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local

government, to update the Ten Year Comprehensive Solid Waste Management at least every three years;

WHEREAS, the Franklin County Solid Waste Management Department, the Solid Waste Task Force, and Keep America Beautiful have undertaken and completed a long range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively;

NOW, THEREFORE, BE IT RESOLVED BY THE FRANKLIN COUNTY BOARD OF COMMISSIONERS:

That Franklin County's 2002/2003 Ten Year Comprehensive Solid Waste Management Plan is accepted and endorsed and placed on file to the Clerk to the Board on this day, Monday, June 16, 2003.

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8. Parks and Recreation July 4th Fireworks Display

Mr. Dave Munden, Parks and Recreation Director, was present to address the Board on the upcoming July 4th fireworks display. The events will be held at Louisburg High School starting at 4:00 p.m. with the fireworks beginning at 9:15 p.m. He stated this year will be similar to last year and he anticipates a good turn out of Franklin County citizens for the daylong festivities. Permission is needed to have a fireworks display. In addition, if any other groups petition the County prior to the next regular Board meeting. The Board is also requested to authorize the Chairman to sign approval and report to the Board at the next regular meeting of any permits granted.

Upon motion by Commissioner Swanson, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried approval of the fireworks display and authorize the Chairman to sign approvals for other requests that may be presented to the County.

9. Budget Amendment #13

Mr. Chuck Murray, Finance Director, reported on the amendments to the budget: Expenditures for professional services in the Tax Department for foreclosure fees - \$30,000; Rural Operating Assistance Program - \$25,264; EMS Incentive - \$55,000; Franklin County Schools - \$55,000 and CP&L Project Share - \$1,201. Revenue from Delinquent Tax Collection - \$30,000; ROAP - \$25,264; EMS Incentive Collection - \$55,000; Sales Tax - \$55,000; CP&L - \$1,201.

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

10. Comments from the Public

Ralph Knott, 310 Edward Lane, Louisburg

- the Board needs to get past hardships and do what is best for the County
- thought the base budget was good
- programs the Board takes out of the budget can hurt people – do not take out programs just to save a little money – example, KARTS buses – people pay to ride and meals – people pay for own meals
- things that do not look important to some people take away a lot from other people

Gilbert Silva, 78 Walter Grissom Road, Kittrell

- hopes the Board makes the right decisions

Mary Jane Jennings, 566 Jones Chapel Road, Louisburg

- suggested a detailed justification of the budget be made available to citizens well in advance

1. Board Committee Reports and Comments

Chairman Foy recognized Commissioner Ball for his service to the Board as Chair and presented him with a plaque.

Commissioner Stone

- attended Mental Health Board meeting – working through the changes in delivering services from in-house to contractor

Commissioner Ball

- attended Council of Governments (COG) meeting – they have been invited to participate as a pilot program to provide services to existing industries in the County – does not know what form will take

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Vice-Chairman Gupton and Commissioner Swanson

- no committee reports

Chairman Foy

- a budget workshop will be held Thursday, June 19th at 7:00 P.M. – the County Manager is to trim the base budget and make a presentation to the Board

Commissioner Stone stated he would like for the Pilot, Justice and White Level Volunteer Fire Departments to make presentations to the Board on June 19th

Chairman Foy also reported to the Board that County Attorney Darnell Batton has requested that the Board authorize, advertise, and conduct a public hearing at the July 21, 2003 meeting on the redistricting plan proposed for the Board of Commissioners for the 2004 Elections and thereafter. The plan submitted as the Community Precinct 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.

The proposed plan, as currently under consideration, will be presented to the Board by his office along with a proposed consent order executed by the Plaintiff in a pending civil action. Upon approval by the Board, the Consent Order would then be tendered to the State Court for approval. The Court's approval would still be subject to preclearance by the Justice department prior to the new plan taking effect.

Although a public hearing is not required, this public hearing would allow an opportunity for public input favoring or opposing the plan and would be especially important in gauging minority support or opposition to the plan and provide documentation thereof for submission to the Department of Justice.

Upon motion by Commissioner Swanson, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried to hold a public hearing.

1. Manager's Report

- no report

The meeting was recessed until 7:00 P.M. Thursday, June 19, 2003. Recess recorded at 9:50 P.M.

HARRY L. FOY, JR., CHAIRMAN

RICHARD B. SELF, CLERK