

**May 19, 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 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 Closed meeting held on April 21, 2003.
- B.** Acceptance of Tax Collector's Report for the period April 1<sup>st</sup> through April 30<sup>th</sup>.
- C.** Approval of Tax Releases and Refunds for the period April 1<sup>st</sup> through April 30<sup>th</sup>.

**1. Public Hearings**

**A. Secondary Roads Program**

Proper notice having been given this is the time and place set for a public hearing to receive comments on the proposed Secondary Road Construction Program for the Fiscal Year 2003-2004. The total funds available for work in Franklin County during the fiscal year is \$850,000.

Chairman Ball declared the public hearing open and recognized Mr. Scott Capps, District Engineer, North Carolina Department of Transportation, Division of Highways. Mr. Capps gave a brief overview of the proposed program. Commissioner Swanson asked about the Earlie Collins Road listed on the unpaved secondary roads priority list from 2002-2003. Mr. Capps stated any roads still on the list as unpaved from last year would be priority. Vice-Chairman Foy asked about Mutt Winstead Road listed as having partial funding. Mr. Capps stated that they would complete as much as they could, secure right-of-way, surveys, etc., but not pave. Commissioner Stone asked about the four roads listed under rural road paving. Mr. Capps stated they were waiting to get right-of-ways from the property owners.

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

Upon motion by Commissioner Stone, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried approval of the proposed Secondary Road Construction Program for the Fiscal Year 2003-2004 as recommended by the Department of Transportation.

**Due to the number of people in attendance and the meeting room exceeding fire code capacity, Chairman Ball made a motion, seconded by Commissioner Swanson, with all present voting "AYE", to recess the meeting and reconvened at the Courthouse Annex.**

**Courthouse Annex – Chairman Ball called the meeting to order.**

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**B. Map Amendment – James A. Sandling, III**

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 from James A. Sandling, III, to change the zoning classification of approximately .92 Acre located on N.C. Highway 96 in the Youngsville Township from R-40 Residential to Rural Business (RB). The Planning Board unanimously recommended approval of the rezoning request.

The property is located approximately one mile east of Sid Mitchell Road (SR 1139) on NC 96. The character of the area surrounding the Sandling property is primarily residential and agricultural. The Future Land Use Plan designates this area to continue as an Agricultural-Residential use. The Sandlings have used the property for several years as a commercial sales lot (golf carts and utility trailers); they have never applied for a permit from the Planning office. The property is located along a major thoroughfare with an average daily traffic of 6,300 vehicles.

Chairman Ball declared the public hearing open.

Mr. Sandling spoke stating he just wanted to continue selling golf carts and utility trailers.

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

Chairman Ball reminded the Board of the Procedures for Rezoning.

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

Upon motion by Vice-Chairman Foy, seconded by Commissioner Stone, with all present voting "AYE", duly carried the approval of the rezoning request (map amendment),

**3. A. RESOLUTION B FY03 CDBG PROGRAM FINANCIAL MANAGEMENT**

**AND PROJECT ORDINANCE B FY03 COMMUNITY DEVELOPMENT BLOCK GRANT COMMUNITY REVITALIZATION PROJECT**

Chairman Ball reported to the Board that the DCA requires that the County adopt a Financial Management Resolution and Project Ordinance for the CDBG-CN project for the first \$400,000, which specifies information required by statute and regulation regarding financial management. An additional \$300,000 in Community Development Block Grant (CDBG) Concentrated Needs (CN) funds will be awarded to the County for this project in Federal fiscal year 2004.

Upon motion by Commissioner Gupton, seconded by Commissioner Swanson, with all present voting "AYE", duly carried the approval of the Financial Management Resolution and the Project Ordinance. (Signed copies of the Resolution and Ordinance on file in the County Clerk's office.)

**B. AWARD OF ADMINISTRATIVE CDBG ADMINISTRATIVE SERVICES CONTRACT FOR CONCENTRATED NEEDS GRANT.**

Chairman Ball reported to the Board that in March 2003, Franklin County was awarded a CDBG-Concentrated Needs Grant to provide decent, safe and sanitary housing for very low-income persons in the Pilot Community. Bids were solicited from firms with experience in administering CDBG grants and two bids were received B Holland Consulting Planners, Inc and Hobbs, Upchurch & Associates, P.A. The bids were evaluated on the following criteria: Technical Approach, Project Schedule; Experience of Proposed Personnel; prior Related Experience; Responsiveness to Client Needs; and Fee Proposal. Holland Consulting Planners, Inc. was recommended by a review committee.

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Upon motion by Vice-Chairman Foy, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to award the contract to Holland Consulting Planners, Inc. and authorize the County Manager to sign all appropriate documents.

**4. RESOLUTION B HAZARD MITIGATION PLANNING GRANT**

Chairman Ball reported to the Board that the North Carolina Division of Emergency Management (NCDEM) requires the Designation of Applicant's Agent (DA) form (FEMA Form 90-63) be submitted prior to Hazard Mitigation Grant Program (HMGP) funding approval by FEMA. The DA form requires a resolution. The signature of the DA form and adoption of the resolution simply designates a local official to apply for FEMA funds on behalf of the County and does not obligate the County.

Upon motion by Commissioner Swanson, seconded by Commissioner Stone, with all present voting "AYE", duly carried the approval of the DA form and the adoption of the Resolution. (Signed copy of the Resolution on file in the County Clerk's office).

**5. LAKE ROYALE ORDINANCE REQUEST**

At the April 21, 2003 Regular Board Meeting, a series of ordinances applicable to Lake Royale POA (Property Owners Association) were discussed. At the conclusion of the discussion, the Board requested the POA's attorney and the

County Attorney review the enforceability. At the May 12, 2003 Commissioner's Work Session, it was agreed to place the item on the agenda.

County Attorney Darnell Batton reported to the Board that he has heard from the POA's attorney and they will be coordinating to submit a draft ordinance.

Chairman Ball asked Mr. Batton that once he and the POA's attorney come up with the draft ordinance and present it to the County Manager for review.

**6. PROCLAMATION B AEMERGENCY MEDICAL SERVICES WEEK@**

Ms. Angie Callihan, Director of Franklin County Emergency Medical Services, was present and requested the Board consider approving a proclamation designating the week of May 18-24, 2003 as AEmergency Medical Services Week@ in Franklin County. This special period is to recognize the value and accomplishments of the Emergency Medical Services team and to set aside a special period to observe the contributions of these men and women to our County and Country.

Chairman Ball read the Proclamation:

WHEREAS, Franklin County's Emergency Medical Services system is a vital public service; and

WHEREAS, the members of the Emergency Medical Services team are ready to provide life sustaining care to those in need twenty-four hours a day, seven days a week; and

WHEREAS, over the years, the quality of emergency care has dramatically improved the survival and recovery rate of those who experience sudden illness or injury; and

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WHEREAS, Franklin County citizens benefit daily from the dedicated efforts, knowledge and skills of the emergency medical team; technicians, paramedics, emergency nurses, emergency physicians, rescue squads workers, firefighters; public safety telecommunicators; public information, education and relations specialists, emergency vehicle maintenance technicians, administrators, educators and others who received specialized training and continuing education to enhance and maintain their lifesaving skills, and

WHEREAS, injury prevention, public education and the appropriate use of the Emergency Medical Services system will help reduce health care costs; and

WHEREAS, to recognize the value and accomplishments of the Emergency Medical Services team, we set aside a special period to observe the contributions of these men and women to our people and County;

NOW, THEREFORE, I, John Ball, Chairman of the Franklin County Commissioners, do hereby proclaim May 18-24, 2003, as "**EMERGENCY MEDICAL SERVICES WEEK**" in Franklin County, and call upon all citizens to observe this period with appropriate programs, activities and support.

Upon motion by Vice-Chairman Foy, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to approve the Proclamation. (Signed copy of the Proclamation on file in the County Clerk's office).

#### **7. EMERGENCY MEDICAL SERVICES PLAN**

Angie Callihan, EMS Director, presented the Emergency Medical Services Plan and answered questions. NC General Statutes 143 Article 56 has been amended and requires the County to have an Emergency Medical Services Plan in place. The plan includes an overview of the current operational levels of service, methods of communication with the Enhanced 911 system, Medical Oversight of the program, equipment use and operation, personnel and their qualifications, data collection, and education. The plan has been unanimously approved by the Franklin County EMS Advisory Committee and the Franklin County EMS Planning Committee. Both Committees recommend approval of the plan by the Board of Commissioners. A summary of the plan was provided to the Board.

Upon motion by Commissioner Stone, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried the approval of the Emergency Medical Services Plan.

#### **8. APPOINTMENT OF TAX ADMINISTRATOR (ASSESSOR/COLLECTOR) AND DEPUTY TAX COLLECTOR**

Chairman Ball stated that NC General Statutes 105-349 requires the Commissioners to appoint the Tax Collector/Assessor (Administrator) and Deputy Tax Collector to a two or four year term. The terms of Jim Wrenn and Bobbie Gravitt expire in June and need to be reappointed.

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with all present voting "AYE", duly approved to reappoint Jim Wrenn to a four year term as Tax Administrator (Assessor/Collector) and reappoint Bobbie Gravitt to a four year term as Deputy Tax Collector. Both terms will begin July 1, 2003 and end June 30, 2007.

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#### **9. RESOLUTION OF SUPPORT HOUSE BILL 749**

Chairman Ball stated to the Board that House Bill 749 provides additional revenue options to local governments in North Carolina with all but one provision requiring voter approval. Impact fees would not require voter approval but does require a public hearing and a detailed plan to provide the necessary

services to the area impacted by the fees.

Chairman Ball read the Resolution:

WHEREAS, Local governments throughout North Carolina are facing increasing financial crisis; and

WHEREAS, Local governments are have to pay more of the cost of State programs while still using a limited menu of revenue resources; and

WHEREAS, Increases and decreases in population add a significant burden to the property tax burden of the citizens of the various counties and municipalities; and

WHEREAS, House Bill 749 allows the voters of North Carolina local governments the discretion of adding new revenue sources; and

WHEREAS, House Bill 749 also allows for the local governments to initiate an Impact Fee which must be directly tied to the service demand by new construction.

NOW THEREFORE BE IT RESOLVED, that the Franklin County Board of Commissioners supports House Bill 749 as a resources which will allow the citizens of Franklin County additional options of paying for needed infrastructure, including schools, throughout the County. (Signed copy of Resolution on file in the County Clerk's office).

Bernard Hall, Chairman, Franklin County Board of Education and John May, Board of Education member, spoke to the Board and encouraged them to support the Resolution. The Board of Education approved a similar Resolution supporting House Bill 749 in order to help with school facility needs.

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

#### **10. APPOINTMENTS - BOARD OF ADJUSTMENT**

Chairman Ball reported to the Board that the Board of Adjustment member=s terms have expired in all but one case. In addition, counting the alternate members, the five members required for a meeting cannot be met; therefore the Board cannot transact business.

Vice-Chairman Foy made a motion to nominate Shane Brantley to replace a vacant position and Stewart May to be changed from alternate status to regular status. Commissioner Swanson seconded, with all present voting "AYE".

Chairman Ball made a motion to nominate Joseph Alley and Dale Albright as regular members. Commissioner Stone seconded, with all present voting "AYE".

Commissioner Swanson made a motion to re-appoint Chuck Griffin.

Commissioner Stone seconded, with all present voting "AYE".

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Commissioner Gupton made a motion to re-appoint John Sledge. Vice-Chairman Foy seconded, with all present voting "AYE".

Interim Planning Director Matthew Winslow spoke stating that the Board of Adjustment has been made up of five regular members and two alternates. With Shane Brantley, Stewart May, Joseph Alley and Dale Albright as newly appointed members and the reappointment of Chuck Griffin and John Sledge along with regular member Scott Lerew, whose term does not expire until July, 2004, this makes seven regular members and no alternates.

Upon motion by Vice-Chairman Foy, seconded by Commissioner Stone, with all present voting "AYE", duly carried to appoint Shane Brantley as an alternate member rather than a regular member.

Upon motion by Chairman Ball, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried to appoint Dale Albright as an alternate member rather than a regular member.

#### **11. SURPLUS EQUIPMENT**

Chairman Ball reported that the County has an accumulation of items deemed surplus by various County departments. Once the items are declared surplus, the staff will coordinate an auction. Some of the items will need to be disposed of individually due to their unique nature and limited market. The Automated Weather Observing System (AWOS) is the only item that immediately fits this category.

Upon motion by Commissioner Gupton, seconded by Commissioner Stone, with all present voting "AYE", duly carried to declare the items surplus and authorize the disposition of the items at auction except the Automated Weather Observing System at the Franklin County Airport which will be by separate advertisement.

#### **12. BUDGET ORDINANCE AMENDMENT #11 and #12**

Chairman Ball reported that Budget Ordinance Amendment #11 recognizes an increase in water sales and water purchases in the amount of \$250,000 in the Utility Fund. Budget Ordinance Amendment # 12 recognizes revenue in the Health Department from State Public Health Funds (\$26,266), Healthy Carolinians (\$7,500), Child Health Grant (\$3,246), Komen Breast Cancer Fund (\$15,000), Jail Contract Reimbursement (\$25,000), Health Contributions (\$73), and WIC Grant (\$5,529) to be expended in General Health (\$26,266) and Clinic Health (\$56,348). The acceptance of these funds does not obligate the County in future years and does not require a match.

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with all present voting "AYE", duly carried approval of Budget Ordinance Amendment #11 and # 12.

### **13. ELECTION OF CHAIRMAN**

County Manager Self stated that Chairman Ball is stepping down from the position as Chair and the Board will need to elect a new Chair. If the position of Vice Chair becomes vacant, the Board will need to elect that position at the same time. Mr. Self conducted the election.

Commissioner Gupton nominated Commissioner Swanson as Chair, seconded by Commissioner Swanson.

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Commissioner Stone nominated Vice-Chairman Foy as Chair, seconded by Chairman Ball, with Commissioner Stone, Chairman Ball and Vice-Chairman Foy voting "AYE". Motion carried that Vice-Chairman Foy be Chair of the Franklin County Board of Commissioners effective June 1, 2003.

Vice-Chairman Foy nominated Commissioner Gupton as Vice-Chair, seconded by Commissioner Ball.

Commissioner Gupton nominated Commissioner Swanson as Vice-Chair. No second to the motion was made.

Motion was made by Commissioner Ball, seconded by Commissioner Swanson, to elect Commissioner Gupton by acclamation as Vice-Chair of the Franklin County Board of Commissioners effective June 1, 2003.

### **14. COMMENTS FROM THE PUBLIC**

Several citizens spoke in regards to the action taken by the Board at the Regular meeting of the Board of Commissioners held on April 21, 2003. The following citizens spoke against that action taken to abolish the position of the Assistant County Manager:

- Ralph Knott, 310 Edward Lane, Louisburg
- Reverend Sidney Dunston, Louisburg
- Doug Berger, 225 Hunters Place, Youngsville
- Linna Hunt, 2446 Old Hwy. 64, Spring Hope
- Jean Bumgarner, 171 Best View Drive, Louisburg
- Joseph Gupton
- Penny House, 1042 Lake Royale, Louisburg
  - Novette Bunn, 115 Cadillac Lane, Louisburg

Upon motion by Commissioner Stone, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to extend the Public Comments portion of the agenda an additional ten minutes.



Others who made comments:

- Joe Alley, 2462 Sid Mitchell Road, Youngsville – spoke on honesty in government
- Margaret Bishop, 104, Person Street, Louisburg – spoke on wanting clarification on codes in regards to abandoned cars and debris piles inside Louisburg
- Bobbie Richardson, 7309 N.C. Hwy. 561, Louisburg – spoke as Chair of the Democrat Party on her disappointment in the Democrats who voted to put a Republican in the Chair position. She also requested the Board appoint women and minorities to County Boards.

## **15. BOARD COMMITTEE REPORTS AND COMMENTS**

Chairman Ball and Vice-Chairman Foy:

- No committee reports

Commissioner Gupton:

- attended Kerr-Tar Regional Council of Governments meeting – discussion on Mini-Hub

Commissioner Stone:

- attended Legislative meeting arranged by the NCACC
- attended Mental Health meeting – discussion on changes in four county area

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Motion was made by Commissioner Swanson that a Resolution in support of funding the Assistant County Manager position in the 2003-2004 budget be included in these minutes. Commissioner Gupton seconded the motion, with Commissioner Swanson and Commissioner Gupton voting "AYE", Chairman Ball, Commissioner Stone, and Vice-Chairman Foy voting "NO". Motion failed.

Motion was made by Commissioner Swanson to rescind the action taken at the April 21, 2003 Board of Commissioner's meeting to abolish the position of Assistant County Manager effective July 1, 2003. Commissioner Gupton seconded the motion, with Commissioner Swanson and Commissioner Gupton, voting "AYE", Commissioner Stone, Vice-Chairman Foy and Chairman Ball voting "NO". Motion failed.

## **16. MANAGER'S REPORT**

County Manager Richard Self reported the following to the Board:

- he received a fax from County Attorney Batton for the Board to consider adopting the following Resolution:

### **Resolution Appointing Directors Of Franklin County Public Facilities Corporation**

*Whereas –*

The County has provided for the formation of Franklin County Public Facilities Corporation to assist the County in the financing of certain public improvements. The County is now in the process of financing certain improvements to the County's wastewater treatment plant, and the installation of additional sewer lines. The County will call on the Corporation to assist in this financing.

The Corporation's Bylaws call for the Franklin County Board of Commissioners to appoint the Directors of the Corporation, and it is at this time appropriate for the County Commissioners to appoint Directors. The Corporation's Bylaws currently call for Directors to serve terms that end in different years.

**Therefore, be it resolved by the Board of Commissioners of Franklin County, North Carolina, as follows –**

1. The Board appoints the following three persons as Directors of Franklin County Public Facilities Corporation for terms ending January 1 in the following years:

Richard B. Self	2006
Charles F. Murray, Jr.	2005
Tony L. King	2004

2. All prior actions of the Board in conflict with this resolution are hereby repealed, to the extent of such conflict. Any other persons that may have at any time been appointed as Directors of the Corporation are hereby removed.
3. This resolution takes effect immediately.

I certify that the foregoing resolution was duly adopted at a meeting of the Board of Commissioners of Franklin County, North Carolina, duly called and held on May 19, 2003, and that a quorum was present and acting throughout such meeting. Such resolution remains in full effect as of today.

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

Commissioner Stone spoke again regarding his request for the Board's review of the County Noise Ordinance. This was discussed at the May 12, 2003 Board's Work Session. County Attorney Batton and Sheriff Jerry Jones are to coordinate and discuss the current ordinance. Commissioner Stone is asking that the Board consider twenty-four hour enforcement.

Vice-Chairman Foy asked for discussion on the matter. He stated that if a school age child is inside his home practicing a band instrument would the

ordinance prevent him/her from practicing. Sheriff Jerry Jones stated the child would be able to practice. There would be only minor changes to the ordinance.

Commissioner Swanson spoke again stating his disappointment in the action taken during this meeting in reference to the Assistant County Manager's position. He stated he wanted to go on record as to his opposing the action taken by the Board.

Commissioner Stone spoke stating that he disagrees with comments made about him in reference to the actions taken by the Board on April 21<sup>st</sup>.

Upon motion by Commissioner Gupton, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried to adjourn the meeting. Adjournment recorded at 9:15 P.M.

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JOHN R. BALL, CHAIRMAN

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RICHARD B. SELF, CLERK